

# Blue Ridge Environmental Defense League

www.BREDL.org PO Box 88 Glendale Springs, North Carolina 28629 BREDL@skybest.com (336) 982-2691

March 8, 2009

Marion Deerhake, Chair  
Air Quality Committee  
Environmental Management Commission  
1617 Mail Service Center  
Raleigh, NC 27699-1617  
Fax: (919) 807-6492

## **Re: Request for Denial of Combustion Source Exemption in NC Air Toxics Rules**

Dear Commissioner Deerhake:

I write to share with you my deep and growing concerns about the adverse health impacts on North Carolina's communities from the potential exemption of more than 1400 industrial boilers. After more than a decade of intensive work on this issue, our organization believes now more than ever that the NC Environmental Management Commission can save the state's health-based toxic air pollutant rules. A decision to exempt a whole class of smokestacks will gut the Southeast's most protective standard. Up front, we ask that you to recommend against the proposed industrial boiler exemption; failing that, we ask you to take more time to receive and evaluate specific information about these coal-fired utilities, paper mills, wood-burners and asphalt plants before making a recommendation.

On February 26<sup>th</sup> Lou Zeller and I were able, after some delay, to access the toxic air pollution models for more than two dozen facilities which the NC Division of Air Quality had zeroed in on. Our small staff has begun to evaluate and critique these models. We need more time to complete a thorough analysis. For example, the Marshall and Cliffside toxic air pollution models were still being reviewed by DAQ staff.

I know that the inclination of the Air Quality Committee is to trust the DAQ staff; that is our inclination also. However, there are specific points regarding the toxic air pollution modeling of these *selected* facilities which I wish to point out.

First, the industrial boiler facilities have been given the option to provide their own toxic air pollution modeling. This request falls within the usual parameters for facilities to demonstrate compliance with TAPs. There is absolutely no reason why these more than 1400 industrial boilers cannot conduct modeling to ensure compliance in the future. They should not need an exemption.

Second, I cannot count the number of DAQ staff who have said to me that these initial models which demonstrate failure to meet the limits for arsenic and other compounds then have an opportunity to use "a more refined model." In other words, the facilities can adjust the inputs to achieve different outcomes.

Third, over the years we have lobbied for more funding for DAQ for enforcement. Sadly, I report that no one at DAQ has been able to make site visits or conduct other activities which could confirm the TAPs models submitted by these selected industrial boilers. Historically, our organization has been helpful to DAQ in ferreting out duplicity. For example, Carolina Solite which operated a hazardous waste incinerator in Aquadale included a large property adjacent to the

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facility as their own for modeling purposes when it belonged to a private landowner. Carolina Solite was unable to demonstrate TAPs compliance without including their neighbor's land. Our local people blew the whistle. Also, the modeling submitted by Maymead Materials in Pineola was based on the distance from the main smokestack to the property boundary. Maymead reported 100 meters when the actual distance was 60 feet. Further, Tri-County Paving in Ashe County submitted modeling to DAQ and then proceeded to blast away more than half of the plant site, making the modeling completely inaccurate. Our chapter on the ground in all of these instances reported these anomalies to DAQ which resulted in effective state action. Without specific toxic air pollutant limits at property boundaries for all air pollution sources, no one has a measure of the true health impacts.

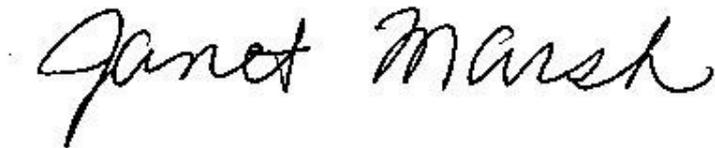
Marion, I relate these community level examples to stress the point that should a Director's Call approach to industrial boiler compliance with the state's toxic air pollution limits be implemented, it will place a huge burden on directly affected communities and our organization to challenge every permit which we believe to be unsafe. The state has an obligation to protect public health; the default should not be the level of resident opposition and community organizing.

In addition, as you may know, smokestack facilities use back-engineering beginning at 100% of all 105 air toxics limits. Our staff have clearly seen the use of this back-engineering in modeling notes from Jim Roller. If through political power these industrial boilers across North Carolina receive an exemption from pollution limits, what will prevent them from greater production totals, more dangerous so-called unadulterated fuel use and other machinations to exceed health limits without check?

Clearly, affected neighborhoods would not benefit from the exemption of industrial boilers on the site when the entire facility comes under TAPs. For asphalt plants the proposed exemption would make invisible the second largest smokestack source. For paper mills an industrial boiler exemption would underreport toxic emissions. The result is that industrial boilers could be shoehorned into neighborhoods where people would be exposed to invisible toxic pollution. The NC Environmental Management Commission must not exempt industrial boilers which are part of a larger regulated facility.

Finally, do we in North Carolina want to deregulate potentially regulated coal plants and other industrial boilers at the very time when these facilities are under the gun as major contributors to global warming? The NC Environmental Management Commission has an opportunity to reject deregulation and protect community health.

Sincerely,

A handwritten signature in black ink that reads "Janet Marsh". The signature is written in a cursive, flowing style.

Janet Marsh, Executive Director

cc: Steven D. Weber