

Bush Administration Mercury Proposal

EPA Proposal Language

Page 4661: "While section 112(d) mandates regulation of all HAP emissions based on the emissions limitations achieved by similar sources, section 112(n) calls for regulation of Utility Unit HAP emissions as EPA determines is "appropriate and necessary after considering the results of the study" of public health hazards reasonably anticipated to occur from those Utility Unit HAP emissions."

Page 4661: "Congress provided EPA with distinct regulatory authority to address HAP emissions from Utility Units "because of the logic of basing any decision to regulate on the results of scientific study and because of the emission reductions that will be achieved and the extremely high costs that electric generators will face under other provisions of the new Clean Air Act Amendments." 136 Cong. Rec. E3670,E3671 (November 2, 1990) Statement of Cong. Oxley.

Page 4661: "Congress authorized EPA to consider a wider range of control alternatives for the utility sector than the source-by-source approach EPA has prescribed in standards for other source categories under the traditional section 112(d) MACT approach."

Industry Memo Language

Page 3, 9/4/2003: "While section 112(d) calls for regulation of all major sources of HAPs based on the emissions limitation achieved by similar sources, section 112(n) calls for regulation of power plant HAP emissions only insofar as it is "appropriate and necessary after considering the results of the study [of health risk] required by this subparagraph, even though virtually all power plants are major sources."

Page 3, 9/4/2003: "Congress provided EPA with distinct regulatory mandate for power plant HAPS "because of the logic of basing any decision to regulate on the results of scientific study and because of the emission reductions that will be achieved and the extremely high costs that electric generators will face under other provisions of the new Clean Air Act amendments." A&P Cong. Record E3670,E3671.

Page 4, 9/4/2003: "(Rather,) section 112(n) confers discretion on EPA by permitting it to develop alternative control strategies for emissions from electric utility steam generating units rather than forcing power plant HAP regulation into the rigid, technology-based framework of section 112(d)."