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Public Comment Period and Public Hearing

THE CAPITOL POWER PLANT

Draft Permit No. EPA-RE-PAL-001

5:00 to 7:00 p.m.

Monday, October 1, 2012

Washington Council of Governments

777 North Capitol Street, N.E.

Suite 300

Washington, D.C. 20002

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1 BOARD MEMBERS PRESENT:

2 DIANA ESHER

3 MICHAEL GORDON

4 KATHLEEN COX

5

6 PUBLIC SPEAKERS:

7 MARK KRESOWIK

8 IRV SHEFFEY

9 JIM DOUGHERTY

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1 P R O C E E D I N G S

2 MS. ESHER: Thank you, everyone, for
3 attending today's hearing. My name is Diana
4 Esher, and I am the Director of the Air
5 Protection Division in the Region III Mid-
6 Atlantic Offices of the Environment Protection
7 Agency, which is located in Philadelphia.

8 We are holding this hearing because we
9 want to take comment on the proposed action
10 relating to a permit application submitted by the
11 Architect of the Capitol for a plantwide
12 applicability limit at the Capitol Power Plant.

13 EPA is issuing a proposed permit that
14 would grant approval in accordance with the
15 regulations, 40 CFR 52.21(aa) for establishing
16 plantwide applicability limits to address
17 emissions of particulate matter less than 10
18 micrometers (PM₁₀), nitrogen dioxide (NO₂), and
19 greenhouse gases. The location of the Capitol
20 Power Plant is 25 E Street, S.E., Washington,
21 D.C. 20003.

22 Joining me on the panel is Kathleen Cox,

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1 Associate Director in the Office of Permits and
2 Air Toxics in EPA's Region III Mid-Atlantic
3 Regional Office. To my left is Mike Gordon, who
4 is an environmental engineer and also works in
5 the Office of Permits and Air Toxics in Region
6 III.

7 We are here today to listen to your
8 comments on EPA's proposed permit, which
9 establishes plantwide applicability limits for
10 PM₁₀ at 42.8 tons per year, nitrogen dioxide at
11 248.1 tons per year, and greenhouse gases at
12 203,816 tons per year carbon dioxide equivalent.

13 The public comment period began on August
14 29, 2012, and will end at midnight on October 1,
15 2012.

16 A plantwide applicability limit is a
17 flexible permit that reduces the permitting
18 burden for facilities when they make changes and
19 ensures that emissions will not increase above
20 the significant emissions level. A facility may
21 modify or add new emission units without
22 triggering the requirements for a major

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1 preconstruction permit, so long as they maintain
2 emissions below the plantwide applicability
3 limit.

4 A plantwide applicability limit does not
5 relieve a facility from complying with any other
6 Federal or District regulations.

7 EPA is the permitting authority in the
8 District for all pollutants for which the EPA has
9 promulgated a National Ambient Air Quality
10 Standard and for which the District is attaining
11 that standard.

12 EPA is also the permitting authority for
13 other pollutants regulated under the Clean Air
14 Act, such as greenhouse gas.

15 For today, we'll accept oral comments on
16 all aspects of our proposal. There will be a
17 written transcript prepared for this hearing,
18 which will then be available as part of the
19 record for our rule, and we'll consider them as
20 we move forward.

21 There is a handout available on the table
22 that you all passed on the way in. It gives you

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1 detailed information if you want to submit
2 written comments in addition to or instead of
3 oral comments today.

4 Let me just describe a little bit of
5 detail about how the hearing will work. I am
6 going to call speakers who have signed up outside
7 of this conference room. I'll call them to the
8 microphone in pairs. You may sit in the front
9 row that's been reserved.

10 When it's your turn to speak, please
11 state your name and your affiliation before you
12 start your testimony. It will help our court
13 reporter greatly if you spell your name, and it
14 will also help him greatly if you speak into the
15 microphone. In order to be fair to everyone, we
16 are limiting testimony to 5 minutes, and after
17 the testimony is finished, the panel may ask you
18 some clarifying questions.

19 If you would like to have a written
20 transcript of your testimony entered into the
21 record, you can do that too. Just give it to the
22 person at the registration table, and we'll be

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1 sure to put that into the record.

2 We do have a timekeeping system today.

3 We have a system of green, yellow, and red signs.

4 When you begin speaking, a green sign will go up,

5 and then you will have 5 minutes to speak. And

6 then the yellow sign will signal when there are 2

7 and 1 minute left, and then when the red sign

8 goes up, the 5 minutes have passed, and I'll ask

9 you to wrap up your testimony.

10 Today's hearing is scheduled to start at

11 5 p.m., and it will continue until 7 p.m. tonight

12 or later, if necessary, depending on the number

13 of speakers. If you would like to testify,

14 please sign up at the table outside.

15 [Pause.]

16 MS. ESHER: So whenever you are ready.

17 MR. KRESOWIK: Great. I got to entertain

18 somebody here, right?

19 [Laughter.]

20 MR. KRESOWIK: Thank you.

21 So my name is Mark Kresowik. I am the

22 Deputy Director for the Sierra Club's Beyond Coal

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1 Campaign in the Eastern Region of the United
2 States, so I'm familiar with some of the folks up
3 here. Nice to see so many wonderful faces
4 turning out for this clearly invigorating and
5 exciting moment.

6 I'm going to speak on behalf of the
7 Sierra Club here for a moment. We've also filed
8 formal legal comments with the Region III as well
9 as forwarded them over to the District Department
10 of the Environment. So everything I say here
11 should not in any way reflect on those comments,
12 but I will try to add a little color and context
13 to what we have said formally.

14 I think, as many of you know -- let me
15 start. Actually, many of you don't know this.
16 So I'll start with some personal stuff first.

17 I work here, just a few blocks away. I
18 bike to work. I run in Rock Creek. I live in
19 Adams Morgan. I play Ultimate Frisbee down on
20 the polo fields in Anacostia Park. Needless to
21 say, I breathe a heck of a lot of D.C. air, and
22 I'm sure many of you do here as well. Folks down

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1 from Pennsylvania may not breathe their air, but
2 I think you know how polluted it is.

3 D.C. has been a nonattainment area for
4 ozone and fine particulate matter, two
5 devastating air quality issues for asthma and
6 respiratory diseases in the area. We remain a
7 nonattainment and have been for years.

8 This is clearly a major issue for many
9 D.C. residents. More than 200 have already
10 commented on this proposed planned applicability
11 limit, including more than 30 who really took the
12 time to articulate their own stories about
13 struggling with asthma and other respiratory
14 diseases.

15 I think because so many people suffer
16 from respiratory diseases and bad air quality in
17 this district, this is a very important issue
18 that needs to go through the proper process. We
19 need to get this one right.

20 Unfortunately, that's not what we're
21 faced with here today. The EPA cannot issue the
22 proposed limits and go through a plan

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1 applicability limit process without the District
2 Department of the Environment's approval of
3 limits, particularly for those pollutants that we
4 are nonattainment for and those pollutants that
5 are precursors to the nonattainment areas in the
6 District.

7 The District Department of the
8 Environment needs to go through their
9 nonattainment new source review process before we
10 even have this discussion about what to do with
11 the EPA's proposal in this case.

12 After going through that process here in
13 the District, the DDOE and the Environmental
14 Protection Agency should set limits that are
15 protective of public health, that are protective
16 of people who are struggling with asthma and
17 other respiratory diseases, when you ensure that
18 the limits set for the Capitol Power Plant are
19 consistent and sufficient to meet the National
20 Ambient Air Quality Standards.

21 The Capitol Power Plant has made some
22 steps to reduce pollution over the last 3 years.

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1 We don't know exactly how much because of a lack
2 of data in this application and other areas, but
3 we know pollution has been reduced. So why are
4 we proposing to set a planned applicability limit
5 that uses data from more than 3 years ago or even
6 in some cases nearly a decade ago when the plant
7 was emitting far more pollution?

8 A, it's contrary to the law that,
9 certainly, you know, even DDOEs, proposed State
10 Implementation Plan, which doesn't include yet
11 the approved SIP, it does not yet include a
12 provision to set plan applicability limits, and
13 even if it did, it requires the use of the last 2
14 years, the last 24 months of monitoring data from
15 the plant, not from more than 3 years ago and
16 more than nearly a decade ago.

17 The Sierra Club is very supportive of
18 reliable and affordable power supply for our
19 iconic and critical Federal buildings and very
20 supportive of the efforts to increase energy
21 efficiency, like cogeneration that the Capitol
22 Power Plant is considering, but this cannot be at

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1 the expense of the health of D.C. residents, as
2 the EPA is proposing to do, by proposing to
3 increase pollution and allow, enable limits that
4 continue to leave D.C. residents unable to
5 breathe clean air.

6 No finding has been made that the
7 proposed limits are sufficient to meet the
8 National Ambient Air Quality Standards, and the
9 process has to continue with the DDOE to set
10 limits according to a nonattainment NSR
11 proceeding before considering any kind of plan
12 applicability limit.

13 Thank you very much.

14 MS. ESHER: Any questions from the panel?

15 MR. GORDON: You had referenced emissions
16 data from greater than 10 years ago?

17 MR. KRESOWIK: Sorry. Nearly a decade, I
18 said.

19 MR. GORDON: Oh, okay.

20 MR. KRESOWIK: Yeah. So I was referring
21 to the 2004-2006 data that was considered for
22 setting at least one of the pollutants. I know

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1 you used 2007-2009 for some of them and some
2 older data for some of the other limits. So, you
3 know, clearly, you know, pollution has gone down
4 in the last 3 years. Why aren't we taking -- why
5 aren't we setting limits? Clearly, we can meet
6 those lower limits. Clearly, the Capitol Power
7 Plant has that ability. Why aren't we being
8 sufficiently protected of public health and using
9 that data rather than outdated data from many
10 years ago, I think, would be the question. But
11 you're right, not greater than 10 years, but
12 nearly a decade.

13 MR. GORDON: Okay, thanks.

14 [Pause.]

15 MR. KRESOWIK: Just one small thing I
16 forgot, I apologize for that.

17 It actually did have a lot to do,
18 Michael, with your question. I wanted to respond
19 to one other thing, because we talked a little
20 bit about using the last 24 months rather than
21 the 2007 to 2009 data or even earlier data, and
22 there was some discussion in the application

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1 about the number of heating degree days that
2 somehow made the last few years not
3 representative, just a couple of points I wanted
4 to make on that, kind of near and dear to my own
5 heart.

6 First off, just, you know, that it also
7 didn't include any discussion of cooling days.
8 Certainly, the Capitol Power Plant is used for
9 cooling as well as heating, as I understand it,
10 and, you know, I think probably if you did that
11 same analysis for cooling days, degree days, you
12 would see, you know, quite a few more, even if
13 there are less heating degree days. I think
14 there's some very simple reasons for that, many
15 of which are probably well understood by climate
16 scientists more than some of us, which is, you
17 know, the last few years have been some of the
18 hottest years on record.

19 But that's not non-representative of the
20 situation going forward. In fact, that is the
21 new normal. We are certainly seeing an increase
22 in global temperatures, and that has implications

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1 at local and regional levels.

2 So to say that the weather was warmer the
3 last few years and is not consistent with the
4 last 30 years may be true, but it doesn't imply
5 anything about what the weather is going to be
6 like going forward. And I think certainly -- so
7 both, I think it's important to include the
8 cooling degree days in that analysis of what's
9 truly representative and consider the impacts of
10 global warming and climate change on what is
11 actually the new normal and what we can expect
12 going forward.

13 So just as you think about what is
14 actually representative of typical operations at
15 that plant as the world gets warmer, we will see
16 less heating degree days and more cooling days.
17 So I just want to throw that in.

18 MR. GORDON: Thank you.

19 MS. ESHER: Thank you.

20 MR. SHEFFEY: Good evening. My name is
21 Irv Sheffey. I'm a community organizer with the
22 Sierra Club working here in Washington, D.C., for

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1 the Environmental Justice and Community
2 Partnerships Program, and I felt compelled to
3 speak, even though I hadn't planned on speaking
4 this evening.

5 My colleague, Mark, spoke technically
6 about the issue concerning the power plant. I
7 want to just kind of reflect some of the comments
8 of people in the community that I've talked to
9 about the presence of that plant and other plants
10 of similar nature and their concerns that
11 probably are concerns for this plant as well.

12 It's a long history of coal-fired power
13 plants having impact upon the health and well-
14 being of residents in the surrounding area and
15 beyond in terms of emphysema, asthma, things of
16 that nature. Even though this plant hasn't been
17 principally a coal-fired power plant and the
18 process of this permit is to convert it to
19 natural gas, which is a good thing, I am still
20 alarmed at the fact that the levels that are
21 being proposed in terms of releases and emissions
22 are going to be going back to the old emissions

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1 that were when it was fired by coal fire.

2 It is still going to impact the health of
3 people in the surrounding area, especially
4 Southwest and Southeast D.C., due to prevailing
5 winds and things of that nature.

6 I think it's important that we be
7 concerned about any of these power plants,
8 especially in the midst of a fairly dense place
9 like Washington, D.C., and its impact on
10 community.

11 People have tolerated it over the years,
12 but they have been affected over the years as
13 well. And I talked to people who couldn't be
14 here tonight, and in some cases, a couple of them
15 couldn't be here because of ill. And three of
16 the people I spoke to had respiratory problems.
17 Now, that could be attributed to the fact it's
18 change of season, it's cold season, things of
19 that nature, but I'd like to also think that, you
20 know, their health might be impaired enough,
21 their immune systems might be impaired enough by
22 the fact that they are breathing in this kind of

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1 air consistently and having an impact on them.

2 I can't tie it to them scientifically,
3 but anecdotally, there is concern about those
4 things.

5 I've been involved in a couple other
6 power plant issues in the region. One is the
7 GenOn plant over in Alexandria, Virginia, which
8 is closing, which the Sierra Club was able to
9 show had a direct impact on Ward 8 in our
10 Southeast section of the city in terms of asthma
11 rates. There was definitely a plume of SO₂ and
12 asthma rates being reported.

13 Now, that's not this plant, because we
14 didn't do the study for this plant. There was a
15 similar one that we looked at over on Benning
16 Road, this plant operated by Pepco, and its
17 impact on local community. And we're doing a
18 study right now to try to discern where people
19 were at risk. Now that plant has stopped
20 operations, but the legacy still is there.

21 And I'm assured that there is still a
22 legacy associated with this plant as well from

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1 its operation when boilers went into operating on
2 coal, as they currently are apparently, and even
3 with the transfer and conversion to natural gas,
4 it's my understanding that all of those boilers
5 still will be able to burn coal. And if I'm
6 wrong, I'm wrong, but it's my understanding from
7 the reading of the materials provided that
8 ultimately those things can be converted back to
9 coal and have an impact.

10 So, as we look at the technical aspects
11 of the request, of the permit request, let's not
12 forget the fact that there's a human impact here
13 as well. It's just not just numbers. It's
14 people as well, and it's probably less objective,
15 difficult to actually codify into the law, but
16 those folks are impacted.

17 And as a protector of the people, EPA as
18 well as the Department of the Environment, I
19 really think people need to keep that in mind as
20 we move forward on this particular project. I
21 just wanted to share that.

22 MS. ESHER: Thank you.

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1 MR. SHEFFEY: Thank you.

2 [Pause.]

3 MR. DOUGHERTY: Just stand up there?

4 MS. ESHER: Yes. When you're ready just
5 go to the mic and say your name and your
6 affiliation. That would be great. Thanks.

7 MR. DOUGHERTY: Hi. My name is Jim
8 Dougherty, and my affiliation, if it's not clear
9 already is the D.C. Chapter of the Sierra Club.

10 I'm here to call for the ending of coal
11 burning at this power plant. The very idea of
12 burning coal to produce energy in the middle of a
13 large city is a throwback to London in the 1880s.
14 I mean, they realized then it was a ridiculous
15 idea, and they outlawed it, yet we're still doing
16 this here in Washington.

17 The problems with burning coal at this
18 plant are many. Let's start with the air
19 pollution. We know about all the conventional
20 pollutants that EPA regulates, the sulfur
21 dioxide, the oxides of nitrogen, particulates,
22 lead, et cetera, but coal creates this witch's

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1 brew of toxic outputs, including all the other
2 toxic heavy metals, the mercury, the cadmium,
3 beryllium, all of that stuff. Then they've got
4 carcinogens like arsenic, and then in addition,
5 they've got like the hyper exotics, like all the
6 radioactive isotopes that come out of coal.

7 I mean, basically, coal is dirt. You dig
8 it up, you filter it, and you burn it. So
9 everything you find in dirt, you'll find in air
10 pollution.

11 Now, most of the coal-fired power plants
12 in this country have tall stacks, 400, 500, 600
13 feet, which doesn't do a thing for greenhouse
14 gases, but in terms of localized health effects,
15 it tends to mix the pollutants in the airstream
16 and send them down range. Now, that doesn't do
17 much for us here in D.C. when all the power
18 plants are in Ohio and West Virginia, but for
19 power plants that are here, if we had tall
20 stacks, it would have the effect of sending a lot
21 of these health-risking air pollutants out to
22 sea. So that would make sense.

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1 But what we have here are stacks that are
2 -- these are the shortest smokestacks of any
3 coal-fired power plant probably in the world.
4 They are 85 feet. They are lower than the
5 Capitol Dome. So what that means is that the air
6 pollution that comes out of this thing is
7 basically rolling into Capitol Hill. The
8 prevailing wind direction is to the east and the
9 north. So these pollutants are coming into the
10 Hill. They're going across the Anacostia. It's
11 basically an environmental justice problem here.
12 It's not going up into white Ward 3. It's
13 rolling over into the east side of Washington.

14 Coal these days is twice as expensive as
15 natural gas. That's over the short term. Over
16 the longer term, it's going to be a lot more
17 expensive than the renewable alternatives where
18 there's wind or solar. So there's really no
19 reason to burn coal at this plant except for
20 politics. It's Senator McConnell and the coal
21 State. Before him, it was Senator Byrd. I'm
22 sure Speaker Boehner loves the idea of burning

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1 coal in this plant. So that's what we're really
2 stuck on is this sort of retrograde political
3 stance that we need to overcome.

4 It's more than just the air pollution.
5 It's the supply chain. The coal comes in these
6 railcars. You may remember a month ago, the rail
7 -- a train derailed up in Ellicott City, killing
8 two people. Perhaps you remember 5 years ago
9 when a rail -- a train carrying coal derailed on
10 the Anacostia River and dumped its load in the
11 river, resulting in substantial fines. These
12 trains roll through our neighborhoods, especially
13 on the east side. They emit basically a pound of
14 coal dust per mile, which goes into our
15 neighborhoods as air pollutants, and the noise
16 and the rest of it, it's just an assault. We
17 don't have these things when we burn gas. So
18 that's why we need to get off coal and get on to
19 gas.

20 The Sierra Club and the community in this
21 city fought Benning Road Power Plant for a lot of
22 years. It closed about 4 months ago. It was

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1 about 3 or 4 years ago that we took on the
2 campaign against the Potomac River Plant just in
3 Alexandria, and it closed yesterday. We've
4 marched on this plant. We'll continue to march
5 on this plant if we have to. We'll do what it
6 takes to stop the coal burning at this plant, and
7 anything you folks can do to support that, we'd
8 appreciate.

9 Thank you.

10 MS. ESHER: Thank you.

11 MR. GORDON: Thanks.

12 [Pause.]

13 MS. ESHER: It's seven o'clock, and this
14 hearing is now closed. Thank you all.

15 [Whereupon, at 7 p.m., the hearing
16 concluded.]

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