

EPA Extends Public Comment Period for Proposed Utility MACT

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Yesterday, the EPA extended the public comment period by 30 days for its proposed Mercury and Air Toxics Rule for utilities (a.k.a., the Utility MACT). The current 60-day comment period on the rule was set to expire on July 5. EPA has come under increasing pressure from both sides of the aisle to either extend the comment period or to delay a final rule altogether. While much of that pressure has come from Republicans, 27 House Democrats—led by former House Energy and Commerce Committee Chairman John Dingell (D-Mich.)—urged EPA Administrator Jackson in a June 10 letter to seek another 60 days for public comments. Both sides cite the complexity of a rule as a significant factor in allowing more time for public comment. Further, on June 15, Administrator Jackson testified before Senate Environment and Public Works Committee. One of key topics she addressed was whether EPA would delay the final air toxics rule. Testifying that she had yet to make a decision on any such delay, Administrator Jackson told Senators that EPA would be “responding shortly.” While EPA has elected to extend the comment period by 30 days (in lieu of the 60 proposed in the letter), today’s announcement by the EPA made clear that the extension will not delay the court imposed timeline for issuing the final standards by November 2011.

EPA’s proposed Utility MACT, issued on May 3, 2011, intends to curb mercury and acid gas emissions by an estimated 91 percent and sulfur dioxide by and estimated 53 percent from new and modified power plants. EPA is apparently keen to stay on track during the comment period since the agency is currently required by court order to issue the final rule by November.

Other groups have applied pressure on Administrator Jackson to resist calls for delaying the Utility MACT. These groups, widely divergent in their interests, include environmentalists, health organizations and members of the Clean Energy Group and they cite to a number of health policy and/or economic considerations as justification for EPA to move forward with the final rule. Addressing these interests in general, Administrator Jackson told the Senate committee on June 15 that the final rule would be the first to create “national standards” for reducing toxic air pollutant emissions from power plants. Also, downplaying the perceived complexity and cost of the rule, Administrator Jackson noted that many power plants already meet the standards and that the rule, if finalized, will require new and modified power plants to install “widely available, proven pollution control technologies.”

View the proposed air toxics standards [here](#).

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