

Explanation of Earthjustice/Sierra Club March 1, 2011 letter to EPA

- The permit fails to set appropriate limits on Hazardous Air Pollutants (HAPs), such as mercury and acid gases, which are the most harmful to human health – even in small amounts. Lower limits for mercury, acid gases, and other HAPs are achievable and should be included in the permit. Mercury is highly toxic and especially harmful to pregnant women and children, and other HAPs also pose serious health risks. KDHE excused the project from more stringent emissions limitations on the grounds that it would not be a “major source” of hazardous air pollutants, but never fully and publicly analyzed the potential emissions from the new plant. This leaves the implication that Sunflower and KDHE relied on the Parkinson/Sunflower Settlement Agreement’s estimate of the new plant’s HAPs emissions, or some other unexplained factor, without any in-depth analysis based on the coal plant’s design and capacity.
- KDHE is not even requiring the most efficient form of coal combustion plant, the ultra-supercritical coal plant, which would result in lower emissions of many pollutants, including carbon. Other coal plants are required by their permits to use the ultra-supercritical technology, such as the Turk plant in Arkansas. The failure to utilize, or even consider in this case, an ultra-supercritical coal plant also contradicts claims that the coal plant will be a “state-of-the-art” project.
- The permit does not include any limits on short-term emissions of nitrogen oxides and sulfur oxides; instead, the permit includes limits on 30-day averages of these pollutants. However, the EPA has found that short-term increases in these pollutants are very harmful to human health, and accordingly has enacted rules containing 1-hour standards for nitrogen dioxide and sulfur dioxide. EPA announced the first of these rules in January 2010, and on numerous occasions EPA advised KDHE that compliance with the new standards would be expected, but KDHE ignored EPA and issued a permit that does not comply with the applicable 1-hour standards.
- Throughout the course of the public hearings for the project, coal plant supporters consistently claimed the project would be “the cleanest coal plant in the country,” which is dramatically inaccurate. The fact of the matter is if KDHE would have properly considered input from the public and the EPA, the permit could have been significantly strengthened to better protect public health.