



November 13, 2009

The Honorable Michael Ragan, Administrator

U.S. Environmental Protection Agency

William J. Clinton Building

1200 Pennsylvania Avenue, NW

Washington, DC 20460

www.epa.gov

Re: Review of Final Rule Reclassification of Major Sources as Area Sources Under

Docket ID No. EPA-

If EPA chooses the maximum achievable reduction of 7 pollutants specified under current levels each must be followed.

EPA should also revisit the interim guidance that removed "federally" from

Below are more details on source categories and source identification:

The Once-In Always-In policy was successful at improving air quality.

The 188 toxic pollutants are regulated by EPA as required by the Clean Air Act. These pollutants, known as hazardous air pollutants (HAPs), include carcinogens like asbestos, benzene and formaldehyde, acid gases like hydrochloric acid, and

Our organizations have long advocated for preventive measures to reduce these emissions because of the many health harms they bring to the patients and populations we serve. Actions taken by EPA in 1995 successfully kept millions of tons of this pollution out of the air.

In 1995, EPA revised the definition of a major source. The revised definition of a major source required that a source must be a major source and thus subject to regulation if it has world lower emissions, and required sources to continue operating those pollution

major sources. Essentially, once a source is identified as a major source, it is always identified as a major source. This revision to the definition of a major source under the Clean Air Act, it has the potential to be a major source.

source as any stationary source or group of stationary sources that emits or has the potential to emit 10 tons per year or more of any of the new 188 hazardous air pollutants or 25 tons per year or more of any combination of hazardous air pollutants. An EPA rule in 1995 (60 FR 6616) implemented the Once-In Always-In policy cut an estimated 1.5 million tons per year of hazardous air pollutants from stationary

businesses would save than with the health impacts of potential increases in toxic pollutants.

Reducing environmental health risks is still a high priority - health care requires clean-

These highly toxic chemicals that threaten human health can include corrosive inorganic acids like sulfuric acid, organic solvents such as benzene, formaldehyde, benzene and toluene; organic compounds such as dioxins - the HAP that was of great concern after the East Palestine derailment in early 2023; metals such as arsenic and neurotoxins like mercury and lead. The health impacts of HAPs are significant like lung disease, cancer, and reproductive effects. In addition, they can also affect the environment and contribute to global warming.

Some HAPs such as acid gases, mercury, and sulfur dioxide have immediate impacts on individuals. In addition, pollutants such as dioxins and metals, can travel much farther from the pollution source.

Toxic air pollutants are both near and far.

account the

According to the American Lung Association's 2023 "State of the Air" report, 64 million people live in counties that failed at least one of the three pollution grades. Over 13 million people of color live in counties that failed all 3 pollution grades, tracked in the report.³ In 2019, National Tribal Air Association (NTAA) estimated that over 100 million people live within a 35-mile radius of a coal or gas power plant.⁴ NTAA has urged the EPA to adequately confer with Tribes and to analyze the impacts a reversal of the Once-In Always-In policy would have on Tribal communities.⁵

Communities of color and Tribal communities need a full reversal of the MMSA rule combined with additional steps to reduce their neighborhoods for far too long. A full reversal is an opportunity for the Biden administration to demonstrate its stated commitment to righting environmental injustices.

Strengthening the proposal will provide more safeguards and assurances health work in both sectors. It will also begin to ease the system.

The concern with reclassification from a major to area source is that polluters running pollution controls to achieve a reclassification could stop running those controls soon after if they were not required to, thereby increasing emissions levels. As long as those levels stayed just under the threshold between an area and major source, the source could stay classified as an area source. This would reduce the burden on the source from requiring pollution controls.

We appreciate that the proposal includes defined "safeguards" that would require a source to maintain its status as an area source. There are opportunities to strengthen the proposal to even further protect and health.

EPA is seeking comment on whether to prevent any source subject to a major source MMSA from being reclassified as an area source. This would be a return to the Once-In Always-In policy, which would signal a return to the Once-In Always-In policy.

³ American Lung Association

entirety, EPA should explicitly prevent, the sources of 7 specific toxics ~~repealing the 2020 MMDA in its~~ avoiding