UNITED STATES ENVIRONMENTAL )
PROTECTION AGENCY PUBLIC )
COMMENT HEARING ON THE )
PROPOSED PREVENTION OF )
SIGNIFICANT DETERIORATION )
AND TITLE V GREENHOUSE GAS )
TAILORING RULE )
IN THE ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PUBLIC
COMMENT HEARING ON THE PROPOSED PREVENTION OF SIGNIFICANT DETERIORATION AND TITLE V GREENHOUSE GAS TAILORING RULE

Hyatt Regency Crystal City
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TRANSCRIPT OF PROCEEDINGS held in the above-entitled hearing on the 18th day of November A.D. 2009, at the Hyatt Regency Crystal City, Crystal City, VA at 10 a.m.

U.S. ENVIRONMENTAL PROTECTION AGENCY:

MICHAEL LING, Associate Director, Air Quality Policy Division, Office of Air Quality, Planning and Standards;
JUAN SANTIAGO, Group Leader, Operating Permits Group, Air Quality Policy Division, Office of Air Quality, Planning and Standards;
HOWARD HOFFMAN, Office of General Counsel.

REPORTED BY: GARY MILLSTEIN, Court Reporter

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MR. LING:  Good morning.

ALL:  Good morning.

MR. LING:  Thank you for attending the first
of two public hearings to comment on EPA's proposed
Prevention of Significant Deterioration and Title V
Greenhouse Gas Tailoring Rule. That's a mouthful. We
will be holding a second hearing tomorrow in the
Chicago area.

My name is Michael Ling. I work for EPA's
Office of Air Quality, Planning and Standards. I'll
be chairing today's hearing. With me on my left is
Juan Santiago, who's the leader of the Operating
Permits Group also at the Office of Air Quality,
Planning and Standards. And on my right is Howard
Hoffman with our Office of General Counsel.

We are here today to listen to your comments
on EPA's rule proposing greenhouse gas emissions
thresholds that would define when Clean Air Act
permits under the New Source Review and Title V
programs would be required for new or existing
industrial facilities. This is an opportunity for the
public to comment on EPA's proposed rule. The panel
members may answer questions that seek to clarify what
we have proposed, but the purpose of the hearing is to
listen to your comments, not to discuss or debate the
proposal.

Before we move to the comment period, I
would like to just briefly describe the proposed rule
that is the subject of today's hearing and it was
published in the Federal Register on October 27. The
proposed thresholds would "tailor" the permit programs
to limit which facilities would be required to obtain
New Source Review and Title V permits, and the
proposed thresholds would ensure that the permit
programs will apply to sources that emit nearly 70
percent of the national stationary source greenhouse
gas emissions totals, including those from the
nation's largest greenhouse gas emitters, sources like
power plants, refineries and cement production
facilities.

But under the proposal, numerous small
farms, restaurants and many other types of facilities
would not be subject to these permitting programs.
The proposal addresses emissions of greenhouse gases
for six gases that may be covered by an EPA future
regulation controlling or limiting their emissions.
The six gases are carbon dioxide, methane, nitrous
oxide, hydrofluorocarbons, perfluorocarbons and sulfur
hexafluoride. We are proposing under this rule that the carbon dioxide equivalent total be used as the preferred metric for determining the GHG emissions rate for the gases, but we are requesting comment on that issue.

Under the operating permits program, what we're proposing is a major source applicability threshold of 25,000 tons per year of CO$_2$ equivalent for existing industrial facilities. Facilities with emissions below that threshold would not need to obtain an operating permit.

Under the Prevention of Significant Deterioration program, which is one component of the Clean Air Act's New Source Review Program, we're also proposing a major stationary source threshold of 25,000 tons of CO$_2$ equivalent. This threshold would be used to determine if a new facility is a major source or if an existing facility is a major source that would trigger PSD requirements for modifications. We are also proposing to establish a significance level for the modifications between 10,000 and 25,000 tons of CO$_2$ equivalent. So existing major sources that make increases that result in increases above the significance level would be required to get a PSD permit for their modification. We are requesting
comment on these values and on a range of values for modifications in the proposal with the intent of selecting a final value when we issue the final rule.

Under these proposed thresholds, we estimate that about 400 new sources and modifications each year would be subject to PSD permitting. We expect that fewer than 100 of those would be newly subject. In other words, more than 300 of those have traditionally, per year, had to get PSD permits anyway. In total, approximately 14,000 large sources would need to get operating permits for greenhouse gas emissions. And again, since most of these sources already have operating permits, we expect that fewer than 3,000 of these sources would be newly subject to the Clean Air Act permit programs for their GHG emissions.

These proposed thresholds would preserve the ability of the PSD, that's Prevention of Significant Deterioration, and Title V operating permit programs to achieve and maintain public health environmental protection goals while avoiding an administrative burden that would prevent the State and Local permitting authorities from processing such large numbers of permits efficiently. Under the approach laid out in the proposal, we would reevaluate the
final GHG emission thresholds after an initial phase. And during that first phase, PSD and Title V permitting authorities will gain experience in issuing PSD and Title V permits for greenhouse gases to the sources that are covered. And by the end of the first phase, which is proposed to last for five years, we are proposing to complete a study to evaluate whether it's administratively feasible to lower the thresholds at that time for PSD and Title V permitting authorities who can adequately administer their program at lower levels.

After reviewing the results of that study, we would then do a follow-on regulatory action within a year from that, which would either confirm the need to retain the thresholds at the current levels that we would finalize in this rule or possibly establish different greenhouse gas thresholds that more accurately reflect the administrative capabilities of permitting authorities to address the programs five years from now.

We also plan to develop supporting information to assist permitting authorities with greenhouse gas permitting as they begin to address this for the first time. The guidance would initially focus on source categories where permits will be
needed soonest, which are the sources who have greenhouse gases at levels that are above the thresholds that we're going to establish in this rule. A key topic addressed by this effort, which is being done separately from the rulemaking being discussed today, is how to do a Best Available Control Technology determination for greenhouse gases. But we do invite specific comment on any elements of the tailoring rule proposal that I described as well as any other issues raised by that proposal.

Finally, let me describe how this hearing will operate and how you can comment. Today we will be accepting oral comments on our proposal and then we will be preparing a written transcript of the hearing. The transcript will be available as part of the official record for this rule, and we will consider it as we move forward. We are also accepting written comments on the proposed rule until December 28. We have a Facts Sheet available in the registration area that contains detailed information on how to file written comments.

For those of you who will be providing oral comments today, I will call the scheduled speakers to the microphone in pairs. When it's your turn to speak, please state your name and your affiliation,
and it will help our court reporter if you also spell your name. In order to be fair to everyone, we are asking that you limit your testimony to five minutes each, we have a very full docket for today, and that you remain at the microphone until both speakers in your pair have finished. After you finish your testimony, one of us on the panel may ask clarifying questions. And if, in addition to the transcript, you would like us to put the full text of your written comments in the docket, please be sure to give us a copy of any written comments. You can give it to us here before your presentation if you'd like us to be able to read along, or you can give it to the staff outside at the table.

We have a timekeeping system consisting of red, yellow and green lights. Unfortunately, we discovered this morning that the front side of the display does not work. We will be installing a new one as soon as it arrives. But in the meantime, we've augmented our electronic technology with state-of-the-art note card technology. So when you begin speaking, we will start the timer, and you will get five minutes to speak. When two minutes are up, the yellow light will come on and Juan will raise a yellow card. That's your sum up signal, and you'll have two minutes
left. And then when the time is up, a red light will come on and Juan will hold up the red card, at which point we'll ask you to conclude your remarks. We'll continue with this system until the new timer arrives.

We do intend to stay into the evening until everyone has had an opportunity to comment that would like one. If you would like to testify but haven't registered to do so, you can sign up at the registration table outside. And for those who have already registered to speak, we've tried to accommodate your time preferences. We ask for your patience as we proceed through the list, and we may need to make adjustments to the schedule as time progresses throughout the day.

So that's all I have. I'd like to thank everyone for participating today, and why don't we get started with the first two speakers. I have Howard Feldman and Carl Pope. And, Mr. Feldman, you'll be first, so begin whenever you're ready.

MR. FELDMAN: Okay. Thank you. I'd like to thank EPA for the opportunity to speak today. Good morning. I'm Howard J. Feldman, Director of Regulatory and Scientific Affairs at the American Petroleum Institute. API represents nearly 400 member companies involved in all aspects of the oil and
natural gas industry. And as you know, we've been very active in the Clear Air Act issues over the course of the last couple of decades.

I want to make three points today, please. First, API along with many other groups does not believe that the Clean Air Act was designed to address the emissions of greenhouse gases, GHGs as we call them. Second, we question -- I didn't really do this to music. Second, we question whether EPA has the legal authority to modify the statutory thresholds in the Clean Air Act to regulate pollutants or in this case GHG emissions. And EPA's only reaching this by relying on its "absurd results" logic. Third, contrary to Executive Branch requirements, EPA has failed to provide any Regulatory Impact Analysis to support the totality of its claims to regulate the greenhouse gases under the Clean Air Act.

Regarding the first point, API believes that climate change is a serious issue demanding focus and effective action that is best taken with legislation dedicated to the problem rather than through the existing structure of the Clean Air Act, which is clearly not designed to address greenhouse gas emissions. EPA should not proceed with this rule or related greenhouse gas rules that EPA has proposed.
Furthermore, there is no fixed deadline for EPA to regulate greenhouse gases under the Clean Air Act. The best way to avoid the circumstances giving rise to EPA's "absurd results" and alleged "administrative necessity" outlined in the proposal is to rely instead on the corresponding National Highway Traffic and Safety Administration proposal to strengthen the CAFÉ' standards, which will achieve virtually all the benefits of the EPA proposed GHG tailpipe rules. Meanwhile, Congress has the opportunity to develop a meaningful, bipartisan energy and climate policy that addresses the challenges at hand without holding back our nation's economic recovery. EPA does not need to proceed with this regulation now.

Second, the Clean Air Act is quite clear regarding the thresholds that should be relevant for compounds regulated under the Act. EPA cannot justify the proposed "tailoring" rule under the "absurd results" or "administrative necessity" doctrine. The narrow and limited doctrine of "administrative necessity" cannot justify the massive "tailoring" proposed by EPA. The broad departure from the plain language of the statute that is necessary to sustain EPA's proposed threshold increase is patently inconsistent with the statute and cannot be saved by
the "administrative necessity" doctrine. EPA cannot
resort to judge-made exceptions to the law such as
"absurd results" and "administrative necessity" when
the agency can lawfully avoid creating such
circumstances in the first instance. Furthermore,
even if EPA could properly assert "absurd results"
necessarily exist, EPA is still obligated under the
narrow and limited "administrative necessity" doctrine
to the least intrusive means effective to avoid them.
Here, EPA has alternative approaches to "tailoring"
that do not involve a clear violation of the statute.
For example, EPA could use a simple extension of PSD
applicability date for all sources or EPA could
interpret the phrase "pollutants subject to
regulation" to exclude GHGs. Accordingly, the
"administrative necessity" doctrine cannot justify
EPA's clearly unlawful attempt to change the
statutorily mandated PSD threshold.

Third, EPA has avoided providing information
on the costs and impacts on the economy of its
regulatory scheme. EPA should be providing a
Regulatory Impact Analysis that describes the cost of
its planned regulatory scheme, which includes not just
this proposed rule but also the proposed car rule and
the proposed endangerment finding. It is not
acceptable for EPA to simply point out the incremental costs and benefits of this absurd "tailoring" rule. Furthermore, this costly ill-suited regulatory approach stands to be preempted by legislation in Congress. Clearly, EPA must provide a full analysis before moving forward with the unnecessary regulatory scheme.

In closing, we are asking here, and we will in our subsequent written comments, we're asking that EPA withdraw this flawed unsupported rule. We encourage EPA to exercise its substantial discretion to allow the legislative process to consider the best approach for controlling greenhouse gases. Thank you.

MR. LING: Thank you very much. I'll ask the panel, do we want to ask questions of each witness in turn or do we want to go wait for both?

MR. HOFFMAN: Probably wait.

MR. LING: Okay. I think we'll go ahead and do Mr. Pope, and then we'll ask questions of both. So Mr. Pope?

MR. POPE: Thank you very much. It's a pleasure to be here. My first encounter with these issues was my first professional environmental activity was lobbying on the Clean Air Act of 1970, and my first formal job for the Sierra Club was
dealing with EPA's first Prevention of Significant Deterioration rule which the agency only promulgated after the Sierra Club had sued it and taken --

MR. LING: Hold on one second, please. The timer needs to restart. Thank you. Sorry.

MR. POPE: So I have a long experience with these issues. I want to thank the agency for proposing these rules. I want to cheat slightly and say that I would like to have my testimony extended by taking each and every sentence Mr. Feldman said and saying I demur. I think every sentence he said I explicitly disagree with.

It's wonderful to see the agency carrying out one of the President's major campaign promises by promulgating this rule. It is unfortunate that the President, whose campaign promise you're carrying out, is no longer in office. Using the well-established authority of the Clean Air Act to deal with greenhouse gases was George Bush's major environmental pledge when he ran for public office as President in 2000. Once he was elected, the President unfortunately changed his mind. The United States and the world lost a critical eight years in dealing with the climate crisis. The Sierra Club and various States and environmental organizations were forced to take
the Bush Administration all the way to the United States Supreme Court to resolve exactly the issue Mr. Feldman just raised, which is whether or not, in fact, the plain and simple language of the Clean Air Act requires EPA to regulate greenhouse pollutants as pollutants, and the Supreme Court ruled that it does. And it is a very good thing that the Agency is now moving forward to follow the mandate which the Supreme Court has given you.

It is also surprising to me to listen to Mr. Feldman discuss the desirability of letting Congress act because I think it is a reasonably safe bet that when the United States Senate attempts to take up comprehensive climate legislation, the American Petroleum Institute will ask members not to allow it to proceed. I will be very surprised if when the moment comes to vote on cloture, API is in favor of actually invoking cloture and proceeding. But I will be delighted to be wrong.

But while the Congress is proceeding -- and Congress should proceed and I agree with Mr. Feldman we do need legislation, comprehensive legislation on greenhouse pollution -- the fact is that taking the stationary sources which are the source of a very, very large fraction, more than half I believe,
America's total greenhouse pollution and regulating them using the tools which the Clean Air Act provides the agency is a prudent, simple, straightforward, low cost approach. It has a number of very simple advantages which people in the business community have been asking for. It gives the emitters certainty. The emitter knows what the emission standard is. The emitter knows by what date the emission standard must be met. The agency will subsequently proceed to determine what is the best available technology for each category of sources, and it gives the public certainty. It tells us we are going to move forward. It's easily calculable, and it gives those who are making investment decisions adequate time to make the choice of what pathway they wish to use for any given facility which is going to be subject to these rules, what technology they use to clean it up, whether or not they want to use a different facility. So I think that the use of Clean Air Act authority is probably the most predictable and the simplest tool we have available to us to deal with stationary source emissions of greenhouse gases.

Now, it is not a very good tool, as the agency has recognized in its "tailoring rule", for small sources. So I want to commend the agency for
offering the "tailoring rule" for public comment. It may be that after public comment you will want to make some changes in it. But the fact that the Clean Air Act permitting authority is not a particularly good way for dealing with my backyard barbecue, and it is not -- I do not have a permit on my backyard barbecue -- does not mean that we should not have a Clean Air Act permit on PG&E's major fossil fuel power stations, and we do. And in proposing the "tailoring rule" for greenhouse pollution, EPA has simply applied the 35 years of experience we have with Clean Air Act authority and applied it, I think, sensibly, appropriately, and in a straightforward fashion.

The American people want to clean up greenhouse pollution. The Clean Air Act specifies that pollutants which damage the climate must be regulated under the Clean Air Act. The Supreme Court has ruled that EPA has a binding obligation as an agency to exercise that authority, and we commend the agency for doing so.

MR. LING: Thank you very much. Any questions? No questions here, very clear. Thank you both.

MR. POPE: Thanks.

MR. LING: Okay, the next two speakers,
David Friedman and Mary Anne Hitt.

MR. FRIEDMAN: I left my comments up front.

MR. LING: Okay. Thank you. Looking for Mary Anne Hitt. Hey, Jan, when she comes in, will you just send her to the table? Thank you. Okay. Oh, here we go. All right, timer ready? All right, Mr. Friedman, you can begin. Thank you.

MR. FRIEDMAN: Good morning. I'm David Friedman, Director of Environmental Affairs for National Petrochemical and Refiners Association. We are a national trade association comprised of more than 450 companies, including virtually all the U.S. refiners and petrochemical manufacturers, and we supply consumers with a wide variety of products and services.

The proposed greenhouse gas "tailoring rule" will have a significant impact on our members, and we appreciate the opportunity to express our views today. While NPRA always values the agency's efforts to streamline regulations and reduce permitting burdens, we have major concerns with this rulemaking. We'd like to address the following key concerns regarding the rule, namely that it is unnecessary and violates the statutory authority of the Clean Air Act. It is not a relief rule and does not account for all sources...
of greenhouse gases. It does not adequately assess
the cost and benefits, and it will not preclude States
from permitting smaller sources, and creates
regulatory uncertainty. The "tailoring rule," which
does not have a statutory basis in the Clean Air Act
and which rests entirely on uncodified administrative
law doctrines, is being proposed since EPA has decided
to promulgate final greenhouse gas regulations for
light duty vehicles under Section 202. NPRA believes
that there is a straightforward way to avoid the
fundamentally flawed legal position that EPA has put
forward in the "tailoring rule" still while obtaining
95 percent of the greenhouse gas reduction benefits
projected for the 202 rule.

EPA should delay promulgation of the light
duty rule while the National Highway Traffic Safety
Administration finalizes its portion of the rule early
next year. This result would avoid reliance on EPA's
erroneous conclusion that PSD is automatically
triggered for all sources upon the effective date of
the Section 202 light duty vehicle rule. The Clean
Air Act stipulates unequivocally that the threshold to
permit major stationary sources is 250 tons. EPA
lacks the legal authority to categorically exempt
sources that exceed the Clean Air Act's major source
threshold from permitting requirements, and taking such action would create a troubling precedent for other agency actions in the future. The agency's streamlining techniques outlined in the "tailoring rule" are also inconsistent with longstanding federal policies on implementing the requirements of the PSD and Title V programs. This would result in continuing regulatory uncertainty. Therefore, altogether the proposal highlights the perils of forcing greenhouse gas regulations into the Clean Air Act. You shouldn't try to put a square peg into a round hole.

The "tailoring rule" is also not a relief rule. Currently, there are approximately 300 to 400 PSD applications annually under the Clean Air Act. So the overall effect of the "tailoring rule" would increase PSD nearly 40 fold to more than 13,000 -- I guess it was mentioned, 14,000 facilities. EPA's broad interpretation of pollutants subject to regulation greatly expands the PSD program and is done without a proper assessment of the cost and benefits of such a regulatory expansion. According to the EPA, a PSD permit costs $125,000 and 866 hours to complete. This means the cost to the industry for the more than 14,000 facilities to file PSD permits will be more than $1.6 billion. These costs were not considered as
costs but rather as cost savings in the rule's
cost/benefit analysis. In addition, it's not as if
smaller GHG sources will be exempted from these
significant filing cost impacts. EPA makes clear in
the proposed rulemaking that it intends to eventually
phase smaller sources into the permitting process.
Huge costs will reach smaller facilities just a few
years after our facilities pay these costs. We're
simply kicking the can down the road and paying later.
This program does not save the $54 billion as
calculated in the cost/benefit analysis. At most, it
simply delays the $54 billion that the U.S. economy
will have to pay to comply with the PSD program.

The proposal also would generate a great
deal of uncertainty as state GHG permitting thresholds
in some cases are below the 25,000 ton limit.
Additionally, the preamble discussion leaves many
unanswered questions as to how EPA can achieve a
transition for those States with fully approved PSD
and Title V permit programs. The adjustments for the
new applicability thresholds under the "tailoring
rule" could be delayed as the States have to go
through notice and comment rulemaking in order to
incorporate new Federal requirements and policies in
the State programs and raise their permitting
thresholds to match the Federal programs. Instead of streamlining the permitting program, these factors will mean that the "tailoring rule" only provide an additional level of uncertainty for facilities operating throughout the nation.

Also, we'd like to add a point about timing. This rulemaking along with the tailpipe rule, the endangerment rule, and the "GHG Reporting Rule" are among some of the most important and far reaching rules that EPA addressed in the past few years. These rules are complex, often interrelated and we believe that the comment periods have been far too brief for affected parties to fully ascertain their impacts and to provide complete and meaningful comments, including suggestions for improvement. Industry's efforts to extend comment periods in these rules have been uniformly rejected. We strongly believe that it's more important that these rules be done right and not that they fit into an artificial deadline. These rules are too important to be rushed only to find flaws and unintended consequences. We're only seeking these short comment extensions in order to produce a useful and meaningful end product that benefits both industry and society as a whole. And thank you for the opportunity to speak this morning.
MR. LING: Thank you. Ms. Hitt?

MS. HITT: My name is Mary Anne Hitt. I am with the Sierra Club as Deputy Director of our Beyond Coal Campaign, and that's M-A-R-Y, A-N-N-E, H-I-T-T. On behalf of the Sierra Club, I am pleased to offer our official support at this public hearing for the EPA's proposal to require the nation's biggest sources of greenhouse gas pollution to address their emissions when they build or modify a facility. The Sierra Club is the nation's largest grass roots environmental organization with over one million supporters nationwide. Our members are deeply committed to stopping global warming, moving beyond coal and putting this nation on a path to a clean energy future. We believe the EPA's proposal to target the largest sources first is an important common sense step that is essential to move this nation in the right direction and to ensure the safety and prosperity of future generations of Americans.

In their 2007 decision in *Massachusetts v. EPA*, the Supreme Court ruled that the EPA has the authority to regulate global warming pollution under the Clean Air Act. The Bush Administration did everything it could to ignore that finding. The Obama Administration has thankfully changed course and has
finally begun moving forward to act on the findings of
the Supreme Court and the consensus of the scientific
community both here in the U.S. and around the world.
Having issued a draft finding earlier this year that
global warming does indeed endanger public health and
welfare, the EPA has taken the essential and logical
next step -- preventing increased emissions from our
largest sources of global warming pollution.

The Sierra Club supports requiring large new
sources of global warming pollution to install the
best available pollution controls and to require large
existing sources to update their pollution controls
when they increase their emissions. The New Source
Review provisions of the Clean Air Act have proven
successful in reducing other forms of pollution by
requiring that new sources install the Best Available
Control Technology for specific pollutants. Given the
severe and imminent danger that global warming
pollution poses to current and future generations of
Americans, it is only reasonable that EPA would seek
to address this new pollution threat using such time
tested methods.

It is also eminently reasonable that the EPA
is starting with the largest sources which emit 25,000
tons or more of global warming pollution annually.
These large sources account for over half of global warming pollution, and they should be the first to clean up. It is important to recognize that the Prevention of Significant Deterioration or PSD program targets increases in pollution from today's levels. It applies only to new sources of pollution or existing facilities that increase their emissions. The level of greenhouse gases in our atmosphere is already too high, and we need to do everything we can to reduce those levels. This first step that EPA is taking is modest in that it simply is designed to limit increases in greenhouse gas pollution, not to reduce existing levels.

Moreover, the PSD program is not unduly burdensome to businesses. It requires improved controls that are economically feasible only when new facilities are built or existing facilities are modified, allowing businesses to plan for appropriate pollution controls as part of their larger planning processes when they build or modify their facilities.

In conclusion, on behalf of the Sierra Club, it is my pleasure to offer our support for the EPA's proposed "tailoring rule". Every day the steady drumbeat of increasingly alarming information about global warming grows louder. Every day our window of
opportunity to avert a climate crisis closes a little bit more. The time for leadership and action is long overdue. This proposed rule marks a welcome return to science and the rule of law, and it is an important step towards creating a clean energy future for this country. So thank you for the opportunity to speak.

MR. LING: Thank you very much. Any questions? No questions? I have one question for Mr. Feldman. I think you described the "tailoring rule" -- I'm sorry, Mr. Feldman - Mr. Friedman, you described the "tailoring rule" as unnecessary, and I think I interpreted your comment as unnecessary because if we didn't do the light duty vehicle rule, it would not be necessary.

MR. FRIEDMAN: That's correct.

MR. LING: But I'm wondering if you've considered whether it would be necessary in the context of down the road future regulation, not just the light duty vehicle rule, but if some other regulation were to occur under the Clean Air Act, wouldn't the "tailoring rule" be necessary then?

MR. FRIEDMAN: Well, but again we have to go back to the 250 number and how important that number is. So I guess there's some concerns that again we have to be within the statutory confines, and I think
that is as important to this as anything is that 250 still means 250.

MR. LING: Okay. Thank you. No further questions. Thank you all very much. Let me just check with our court reporter. Let us know when you need a break. You're good? All right, and you guys, too. The next two witnesses, Emily Figdor and Bob Pearson. Ms. Figdor, you can start whenever you're ready.

MS. FIGDOR: Great. Thank you very much. My name is Emily Figdor, and I am here today on behalf of Environment Virginia and Environment America. I am the Federal Global Warming Program Director for these organizations. Environment Virginia is a citizen based nonprofit environmental advocacy organization. It's part of Environment America which is a federation of State-based environmental advocacy organizations with more than 750,000 members across the country.

We worked for many years to cut pollution from dirty coal plants and other big smoke stack industries and to move America to clean energy. I appreciate the opportunity to testify today. We support the proposed rule and really applaud EPA for focusing first and foremost on the nation's big polluters. To successfully fight global warming and
move America to clean energy, we must finally require America's big polluters to meet modern standards for global warming pollution and this proposal is an important first step.

My testimony today will focus on the threat of global warming, the promise of a clean energy future and the common sense nature of this proposal. The impacts of global warming on human and natural systems are now being observed nearly everywhere. In 2007, the Nobel prize winning U.N. Intergovernmental Panel on Climate Change, the IPCC, predicted serious risks and damages to livelihoods, human infrastructure, societies, species, ecosystems unless future warming is substantially reduced. However, emissions, warming and impacts such as ice melt and sea level rise are all currently at the upper end of the IPCC's projections.

To meet the challenge of global warming, we must transform the way that America and the rest of the world produce and use energy achieving dramatic improvements in the efficiency with which we use energy in our vehicles, homes and businesses and moving to clean renewable energy such as wind and solar power.

The challenge also brings great opportunity.
Vastly improving the efficiency of our economy and moving to renewable energy will make America more energy independent, help rebuild our economy on a sound foundation and create millions of clean energy jobs. A relatively small number of high polluting smoke stacks are responsible for vast amounts of America's global warming pollution. In particular, big power plants and especially coal plants are the worse offenders. They're the single largest source of global warming pollution in the nation responsible for 40 percent of U.S. carbon dioxide emissions from energy consumption in 2007.

Many of the nation's coal plants are old, inefficient, and rely on outdated technology. In addition to the global warming emissions, coal plants are responsible for disproportionate amounts of smog, soot and mercury pollution which further threaten our health and the environment. The National Academy of Sciences recently found that coal plants cost the U.S. economy tens of billions of dollars each year in public health damages.

America should be doing everything we can to clean up or retire these old polluting coal plants and replace them with clean technologies like wind and solar power. At the very least, coal plants, both
young and old, must meet modern standards for global warming pollution. Just as emissions standards for automobiles help ensure that the dirtiest clunkers on the highway are replaced with newer models, standards for coal plants will prevent clunker plants, many of them 40 to 50 years old, from running on efficient decades old technology. This is a common sense proposal since it targets big polluters and requires these polluters to meet modern pollution standards. It's long past time for coal plants and other big smoke stacks to meet global warming pollution standards.

The proposed thresholds would cover the nation's largest polluters such as coal plants, oil refineries and iron and steel mills. Most of the sources that will be affected already comply with similar requirements for other pollutants. The 25,000 tons per year threshold is equivalent to the emissions from the annual and energy use of about 23,000 homes or 4,600 passenger vehicles. According to the Nicholas Institute, only 1.3 percent of facilities across the manufacturing sector fall above the threshold. Yet the 25,000 tons per year threshold will capture approximately 68 percent of global warming emissions from stationary sources and 87
percent of carbon dioxide emissions from stationary sources.

Big polluters can take simple proven methods to reduce their global warming pollution including using energy more efficiently, replacing old equipment or burning cleaner fuels. In fact, according to a report that Environment America released last week, global warming pollution declined in one-third of the States since 2004, long before the onset of the economic downturn.

States are reducing pollution in part by using cleaner energy that keeps money and jobs in local economies. For example, four States, Connecticut, Delaware, Massachusetts and New York, emitted less carbon dioxide from fossil fuel consumption in 2007 than they did in 1990. The biggest factor in all four states was a shift to cleaner forms of electricity. Notably, these States cut their pollution levels by five percent since 1997 while increasing their gross State product by 65 percent.

In closing, to successfully fight global warming and build a clean energy future, America's big polluters must meet modern pollution standards. We commend you for this proposal and urge you to finalize
a strong rule. We'll provide more-detailed recommendations in our written comments. Thank you for the opportunity to participate today.

MR. LING: And thank you. Mr. Pearson?

MR. PEARSON: Thank you very much. I am Bob Pearson, a private citizen, and I'm here to thank the EPA for taking the lead on promulgating this new rule, and I think it makes a lot of sense just as a layman. I'm not a scientist. I'm not a lawyer. Nobody has paid me to be here. But I, like many other Americans, think the time has long passed to take action to limit our greenhouse gases and to do something about climate change.

I mean, we owe this to our kids and to our grandkids. And I urge the EPA and the Administration not to listen to the lawyers and the lobbyists that are there to protect the big polluters. We should not be polluting the air. We decided that, with the Clean Air Act that was signed by President Richard Nixon, and the EPA has been progressing ever since to try to clean up our air. We still have a lot of problems with mercury and sulfur. But we now know that carbon dioxide and the quantities that we are now emitting is a direct threat to our health. Vector borne diseases are spreading throughout the world because of the
entire change of the ecosystem. And if we continue
down this road, we're facing one calamity after
another.

So I'll be very brief. You know, we are not
the nation that should be protecting old technology
and dirty practices. We should be cleaning up our act
and showing the world as a true leader that we can
innovate, that we can do best practices to become more
energy efficient and to start with green jobs, good
jobs that can lead us to the future. Our future is
with this rule and with the new technology and the new
best practices that we can limit carbon dioxide
emissions.

So, again I applaud your efforts. As EPA
staff, I hope the Administration proceeds as
aggressively as possible to clean up this pollution.
I'll just close with a quote. "The significant
problems we have cannot be solved at the same level of
thinking with which we created them." That was said
many years ago by Albert Einstein, and I think we
should listen to him. Thank you.

MR. LING: Thank you very much. Any
questions? All right, thank you both. Okay, I have
Mike Fusco and Joelle Novey.

MR. HOFFMAN: Just as a reminder, if folks
did bring extra copies of your written testimony, we
wouldn't mind seeing those before you speak. But if
you didn't bring them, that's okay. Let's start with
Mr. Fusco.

MR. FUSCO: Yes, hi. I did drop a copy of
my comments off in the box outside there, and it's
Mike Fusco, M-I-K-E, F-U-S-C-O.

Good morning. My name is Mike Fusco, and I
represent Safety Clean Systems, Inc. I'm here to
provide comments on the EPA's proposed rule Prevention
of Significant Deterioration and Title V Greenhouse
Gas Tailoring Rule. I'd like to thank EPA for holding
this public meeting and providing the opportunity for
stakeholders like Safety Clean to give comments on
this proposed rule. My company believes that
regulation of greenhouse gas emissions is a major
issue that will dominate the environmental regulatory
and legislative strategy for years to come and will
have a significant impact on industry, our economy and
society in general.

We're here to highlight the importance of
life cycle analysis in achieving national GHG
management objectives. In many cases, a focus on
facility level emissions may serve to inhibit much
larger scale emission reduction achievements. Our
industry, the recycling business, serves as a model case in point where an increase in facility level emissions may realistically represent a net decrease in national level emissions. Safety Clean is principally involved in the recycling of used oil and various petroleum based chemicals generally used as cleaning solvents. We are the largest used oil re-refiner and one of the largest solvent recyclers in North America. During 2008, our East Chicago, Indiana facility re-refined or produced approximately 109 million gallons of used oil into base oil. This base oil is then enhanced to make lube crank case oils, hydraulic oils and oils for other industrial applications. The products of this re-refining meet the very same standards as the identical products derived from virgin crude oil. In addition, the company has five recycle centers, recycled approximately 13 million gallons of used mineral spirit solvent into a recycled solvent product in 2008.

It's likely that our East Chicago re-refinery may be regulated under a final "tailoring rule" as a stationary source since its GHG emissions from stationary sources will likely exceed 25,000 tons of CO₂ equivalent annually. Safety Clean understands
the rationale for regulating this site for its GHG emissions. However, we want to make sure that as the EPA reviews and considers comments on this proposal, the total GHG mitigation benefits of re-refining and recycling businesses be considered. Let me explain this further.

Earlier this year, Safety Clean hired ENVIRON Corporation, a consulting firm with extensive experience in conducting GHG studies to complete a full life cycle analysis of our re-refining and solvent recycled product operations. This LCA was conducted in peer review in conformance with ISO standards, the first LCA on re-refining in the United States to meet these standards, to the best of my knowledge.

They concluded that re-refining resulted in 81 percent fewer GHG emissions than refining lube oil from crude and combusting resulting used oil. The total GHG emission savings from Safety Clean's re-refinery operations was calculated to be over a million metric tons of CO\textsubscript{2} equivalent per year, the equivalent of the annual emissions of 190,000 vehicles or the consumption of more than 100 million gallons of diesel.

Our concern is the companies that burn
significant volumes of used oil as a fuel source may not burn enough at any one location to trigger the reporting and New Source Review or PSD requirements in the proposed tailoring rule. Also since burning is a secondary end use of lube oil, it will not be included in emissions charged to the refiners that produce the oil in the first place. If so, the burning of used oil which accounts for over 57 percent of all end uses of recovered used oil in the form of recycled fuel oil, will not be subject to the tailoring rule. If only those companies that re-refine used oil are subject to the tailoring rule, there's a potential to create a significant disincentive for what numerous governmental studies have shown to be the environmentally preferable choice.

The agency is on record many times supporting recycling. We are concerned for our industry that this proposal will have the opposite effect. Regulating GHG emissions at our facilities, without giving those facilities credit for other GHG emission reductions, and taking into consideration other environmental benefits, may actually discourage re-refining and recycling and result in higher GHG emissions nationwide. It will certainly present barriers for Safety Clean when considering expansion.
of our facilities to increase re-refining used oil capacity.

In order to incent increased used oil re-refining and spent solvent recycling along with our GHG emission reduction effect, we advocate that (a) combustion of used oil be subject to the "tailoring rule" by allocating the emissions from used oil burning to the refiner of the oil from virgin crude and (b) requiring that emissions from the recycling process sector consider the net environmental benefit in the agency's regulatory structure. There are a number of methods of doing this, one of which is to exempt recycling facilities which reduce GHG emissions on a life cycle basis from the rule, and another is to allow the recycler to capture its life cycle carbon credits when calculating emissions at the site.

Finally, there's one other issue I'd like to address very briefly. The proposed "tailoring rule" accounts for GHG emissions differently than the GHG Reporting Rule. Safety Clean believes this will confuse the field and add unnecessary complexity to an already complicated regulatory regime. We recommend that the agency reconcile these differences and finalize a uniform accounting standard for GHG emissions. Thank you very much.
MR. LING: Thank you. Ms. Novey?

MS. NOVEY: I'm Joelle Novey, J-O-E-L-L-E, N-O-V-E-Y. I'm here today on behalf of over 350 congregations of all faiths across the D.C. area who are finding their own religious response to climate change. There are interfaith power and light programs working in 29 States with over 10,000 congregations. And I'm here today to speak in support of the EPA's big polluters rule which will regulate emissions from the huge factories and power plants that emit over half of all U.S. global warming pollution. The EPA can get to work on reducing emissions without waiting for the political legislative climate action process.

For us, reducing our country's GHG emissions is a matter of moral urgency. I'm not here to comment on the specifics of the regulation or the rule. I'm here to just underscore that for many, many Americans, regulating GHG emissions is a matter of moral urgency. Public health experts estimate that human deaths around the world directly attributable to climate change caused by our emissions this year is already 300,000 deaths a year today. Our traditions teach us to love our neighbors. So we feel compelled to ask the EPA to act now to reduce emissions.

Unprecedented food insecurity and the human
suffering that goes along with hunger would be caused by unchecked climate change. Our traditions call on us to feed the hungry. So we feel compelled to ask the EPA to act now to regulate emissions. Many caring people are praying today that the EPA will do the right thing. Thank you.

MR. LING: Thank you. Questions?

MR. SANTIAGO: Yes, I do have a question for Mr. Fusco. You mentioned in your comments the difference in emissions, in the greenhouse gas emissions of re-refined fuel oil as opposed to refined for the first time oil. Are you planning to provide some information on that for the written comment part of the rule?

MR. FUSCO: We can. We are going to expand on the verbal comments here in our written comments, and we do have the life cycle analysis which we would be happy to share with the EPA. There are certain items in there which we consider to be CBI, and we would ask for that type of protection. But we'd be more than happy to share that information with you directly.

MR. SANTIAGO: Okay, thanks.

MR. LING: Thank you very much. For those of you, were you guys in the front row able to see
the -- no?

MR. SANTIAGO: I'll continue to use the cards.

MR. LING: It's just hard to see. Okay. All right. I have Linda Burchfield and Julian Levy. We do have our new timer installed. I'm not sure how visible the light is going to be, but you will see a yellow light come on when it's time to sum up with two minutes left and the red light when it's time to stop. Juan is going to continue holding up the cards just in case. Right, a little easier to see. Thank you. Let's begin with Ms. Burchfield. Start whenever you're ready.

MS. BURCHFIELD: My name is Linda Burchfield. I also am a private citizen not paid to be here, but I love my country and want what's best. I congratulate the EPA for developing this rule and holding this hearing. It's a common sense approach to limit the increase of greenhouse gases in the United States. This rule would give the EPA a very effective and reliable tool to limit greenhouse emissions from all new major emitting sources and also any existing sources that make big physical changes to their plants. Within the decade, most major sources could be subject to the big polluter rule. It's a time
tested rule that requires the EPA to consider the energy, environmental, and economic impacts before deciding on the right control for a plant. It has been used in the past by these same industries to reduce other forms of pollution. So the principles are familiar. Their engineers know the drill.

The control technologies are also familiar to these industries. These are technologies and applications that have already worked in the field. They're not theoretical designs. In fact, in many cases, the Best Available Control Technology to reduce greenhouse gases simply requires retiring old equipment, burning cleaner fuels or installing more efficient designs. And the very modification or technology that reduces greenhouse gases, in many cases, also reduces other pollutants such as those that cause smog and lung disease.

Big polluters, especially many power plants, refineries and cement plants, are very concerned about additional cost. They will, however, be protected by investment tax credits. We really need to think about the costs of inaction. Here in this conference room, it's hard to imagine the costs of global warming. But in Norfolk last Wednesday, the harsh impact of global warming was suddenly easier to imagine. We all know
the glaciers are melting and sea levels will rise, and we know the Hampton Roads area is especially vulnerable.

Last week in Norfolk, many roads were closed, schools were closed, power was out. My sister's a dental hygienist, couldn't get to work. My mother lives in a senior center and much of the staff couldn't get to work. Many small businesses and industries with no tax protection suffered huge losses, and two people died. Last week's flooding were caused by heavy rains. But as sea levels rise within our lifetimes, flooding will be caused by high seas from a storm. This was just one day in one town. But it did begin to make the price of global warming more real and the cost to the big polluter rule not so drastic.

I urge you to pass the big polluter rule for the good of America. Thank you.

MR. LING: Thank you.

MR. LEVY: Your lights work.

MR. LING: You can see them? Okay, great.

MR. LEVY: Although I'm not sure why you have two of them up there.

MR. LING: Right. Well, this is the old broken one.
MR. LEVY: Ah, good. I won't press that one.

MR. LING: And it's no longer even being used to keep time. So okay, good. You can begin whenever you're ready.

MR. LEVY: Okay. My name is Julian Levy, and that's J-U-L-I-A-N, last name is L-E-V as in Victor, Y, and I thank you for this opportunity to speak. I've got one specific issue to talk about.

I started my career with EPA. I've been in the air pollution business for about 35 years now, and I worked --

MR. LING: I'm sorry. I need to ask you to stop for just one second. It looks like the new timer is not moving. Ah, there we go. Sorry.

MR. LEVY: That's all right. All right. Anyway, I've been in the air pollution business for 35 years, and I started my career with EPA. I wrote the first PSD rule in the State of Florida, and I've been working with or around PSD and Title V ever since then. And my comment addresses process in this case.

This is a major rule with major environmental and economic impacts. It will change in many ways, the way not just the industrial folks live, but the way we all live, and it deserves major public
participation opportunities. Instead, in the proposal there was no hearing proposed. It was only if somebody requests a hearing, and you all knew that a hearing would be requested. So it would have been easy to schedule one.

The notice was provided, to my knowledge, for the first time, that a public hearing would be held was provided on the EPA website buried down in the website, and the only outreach notice that I received was less than 48 hours before the hearing began. It was issued by EPA to one of its LISTSERVs at about 2:30 the day before yesterday on Monday.

And I want to contrast that with other EPA rules. Let me read from a Federal Register the EPA published, and it says and I quote, "The administrator solicits widespread public involvement in all aspects of the significant deterioration issue, and interested individuals and groups are encouraged to actively participate in this rulemaking," and then it goes on to say all the different ways that EPA is doing that. Also in this proposed PSD rule, EPA listed two days of public hearings in Washington that would begin six weeks out from the proposal, and then there were four additional hearings held around the country, each two days in Atlanta, Dallas, Denver and San
Francisco. And my concern is that, in addition to that, there were also 90 days for written comments. For this rule, there are only 60 days and it ends, the comment period ends, on the 28th of December, which we know is always an exciting time to finish up your comments.

And my concern is this, that I read from is from the original PSD rule and it was proposed July 16, 1973. That was in the Nixon Administration, one of the most secretive, and to many, repressive administrations that we've ever had. The current administration came to power with the promise of an open and transparent government. And frankly, I'm offended by the way this has been a very closed and opaque process. I find, in a way, that the lack of outreach and the lack of stakeholder involvement and the lack of reaching around the country to be the administrative equivalent of a kangaroo court. Instead of really trying to get it right, it seems as though you're just trying to get it politically correct and those are two different things.

And I encourage you all on this critical rule that does affect the environment, will affect the economy, will affect every citizen in the United States, will result in a loss of jobs for some people,
that you all give the people a chance to speak more frequently and to reach out to them more. And with that, I appreciate this opportunity for me to speak out.

MR. LING: Thank you. Questions from the panel? Thank you both very much. Okay, we have Virginia Vennett and Glen Besa. All right, we'll begin with Ms. Vennett. Please, whenever you're ready.

MS. VENNETT: Could you clarify what this is doing, this?

MR. LING: Yes. Can we stop the timer? Sorry. So what this is saying, whenever you begin talking, the green light will come on and that means that your five minutes has started. And then when there are two minutes remaining, a yellow light will come on, which is the signal to begin concluding, summing up. And then when the red light comes on, it's time to stop, although I've been letting people go at least another 30 seconds or so. All right, thank you very much.

MS. VENNETT: Good morning. I'm Virginia Vennett, and I'm currently a resident of Reston, Virginia. Today I'm here as a concerned human being almost as everyone in this room is. As a former
science teacher, a mother and a grandmother, I urge you to go ahead with the proposal. I'm here today for all of the reasons I've stated, but most importantly, today as a native of Southwest Virginia. I'm not going to give you any numbers or scientific studies or results. You've already had enough of those or a lot of those today. Just this morning as we meet here, a very important new assessment is being presented to Congress. The Physicians for Social Responsibility are releasing the human health effects of coal burning power plants.

When I think of Southwest Virginia, I have very fond memories. I was born there and grew up until I was four. And when we moved north to my Yankee father's home in Upstate New York, I still felt like a southerner. We often traveled back, and I spent many, many happy times in Southwest Virginia. And I recalled as I started thinking about what I wanted to say today a very vivid memory. Back in those days, there weren't very many interstates. There weren't any. And as we would come to the top of the very last mountain and we would start down those scary switchbacks, I would notice this odor that to me meant home. It was that sicky, sweet odor. If you've ever been any place that burns soft coal, you know
what I'm talking about. It's indescribable, and it's unforgettable. But to me, it meant home.

So as we started down and I would smell that, I'd think, oh, I'm almost home. It hung constantly over the valley. It was a natural part of life to anyone living there, as normal as blue sky and sunshine. Thinking about this memory as I began to put together facts and memories I wanted to share with you today, something happened and I suddenly realized, and this is the first time in my life I put this together, that there are for me more concrete reminders. Incredibly, I had never ever connected them until now.

Starting at age ten, I had ongoing lung problems, asthma, bronchitis too numerous to count, and to date I've had pneumonia seven times. No sane person would knowingly inhale sulfuric acid, but in fact that's what I was doing in Pennington Gap in Lee County from birth to age four. Sulfur, which is a pollutant when soft coal is burned, combined with oxygen and hydrogen creates sulfuric acid. So I was having sulfuric acid in my lungs.

As you have heard and will continue to hear, only a small handful of sources, including coal power plants, are known to be responsible for more than half
of all the global warming in the U.S. It's unthinkable that we could knowingly allow dangerous pollutants to be spewed into the air for children to breathe.

I, as I said, I'm just blown away by the fact that I had never put the fact of what I was breathing as a child and my lung problems together. But I'm hoping that today you will certainly go ahead with your proposal so that in the future other children and other adults aren't going to have similar health problems.

MR. LING: Thank you very much. Mr. Besa.

MR. BESA: Thank you. My name is Glen Besa. I'm the Virginia Director for the Sierra Club, and we're very pleased that the EPA is here in Virginia with this hearing and I know our representatives will be in Chicago tomorrow as well. Again, thank you for this opportunity. I just want to relate to you that I appreciate the fact that the EPA proceeded with the endangerment proceeding and the findings that climate change is a threat to human health. I was just down in Hampton this Saturday actually and Sunday cleaning out my mother-in-law's home, which had been flooded for the second time in six years. Global warming is real, and it's having an effect on our climate.
we can't point to any particular incidence and say that global warming caused it, certainly the increased frequency of these storm events and a variety of other impacts are very real and very apparent. And so for that reason, it's very appropriate that the EPA is proceeding with these regulations that would control emissions from large emitters of CO$_2$. In Virginia, I'm engaged in regulatory proceedings related to two new coal plants that are proposed. At a time when the climate scientists from across this country and this world, in fact, are saying that we need to begin to reduce emissions, it's disconcerting that we would have emissions expanding and in the case of Virginia two new coal plants. So it's incredibly important that the EPA proceed with regulating new sources of pollution and begin to reduce those emissions if we're going to address the issues of climate change and address the issues with respect to human health and our well being that the EPA is attempting to do with these regulations. Thank you so much.

MR. LING: Thank you. Any questions? Thank you both. We have Lindsay Arends and Katherine Bowes. If you've got enough for all of us, that would be great. All right, welcome. We'll begin with Ms. Arends.
MS. ARENDS: Great. Thank you. Good morning. My name is Lindsay Arends, and I work for the Alliance for Climate Protections to Repower America Campaign here in Virginia. I would like to speak in support of the Environmental Protection Agency's new proposed permitting requirements for large sources of greenhouse gas emissions or the "tailoring rule". The greenhouse gas "tailoring rule" is yet another important step in Federal efforts to enact smart, sound policy to limit the harmful greenhouse gas emissions from the largest sources causing this climate crisis. And by taking the steps to shield small sources of emissions through this rule, the EPA is wisely utilizing a cost-effective approach focusing on the largest polluters who account for the most emissions.

Alongside enacting comprehensive clean energy and climate policies, enacting this rule and putting the Clean Air Act to work to cut pollution is a powerful tool for transitioning to a clean energy economy. Transitioning from dirty fossil fuels like coal, oil and gas to renewable energy sources like wind and solar reduce greenhouse gas emissions, the number one cause of climate crisis. Despite efforts by fossil fuel interests and their front groups to
weaken and undermine the Clean Air Act and block progress towards America's transition to clean energy, we know that the Act has protected the health and welfare of Americans, especially our most vulnerable from harmful pollutants for nearly four decades. We need to strengthen this commitment to enforce the Clean Air Act and supporting the "tailoring rule" is a critical component to these efforts.

Everything we love about America is affected by the climate crisis. And what we do in the next few years will determine everything about our country's future and the world our future generations will inherit. Coupled with the recent EPA decision to develop a first of its kind reporting system for greenhouse gas emissions and recent efforts to increase fuel efficiency standards and set pollution limits for cars, the EPA has stepped up to do what is necessary to protect the health of both the American people and the planet. Thank you.

MR. LING: Thank you.

MS. BOWES: Thank you. My name is Katherine Bowes, and I'm with the National Wildlife Federation. Thank you for holding this hearing and for the opportunity to testify on this issue of critical importance to the National Wildlife Federation and our
I'd like to start by applauding Administrator Jackson for directing the Environmental Protection Agency to fulfill its statutory obligations under the Clean Air Act to limit emissions of greenhouse gases. It is clear that the EPA has a renewed sense of duty to develop and implement regulations necessary to protect public health and the environment from the dangers of climate change, and it couldn't come at a more critical time. This new leadership from the Obama Administration to confront global warming is long overdue and very much welcomed.

The National Wildlife Federation strongly supports the proposed Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule at issue today. We believe that EPA has developed a common sense regulatory approach here for tackling the country's largest sources of greenhouse gas emissions. Clarifying the scope of coverage and regulating these sources provides both large and small businesses with much needed certainty in this challenging economy while ensuring that nearly 70 percent of U.S. global warming pollution from stationary sources is addressed.

NWF believes that focusing regulation at
this time on the sources most responsible for our
global warming pollution makes both economic and
environmental sense. The vast majority of sources
that would fall under this threshold are longstanding
members of the regulated community. The owners and
operators of these plants are very familiar with
emission regulations and in seeking cost-effective
reductions to comply with their permits. As history
has shown us time and again, American ingenuity and
innovation will lead to dramatic pollution reductions
and much lower costs than are initially projected.
Placing a firm limit on greenhouse gas emissions from
these large sources is essential for ushering in a
clean energy future for America. Companies across the
country will respond with substantial investments in
new energy and efficiency technologies that will
create jobs and drive our economic recovery. Quite
simply, Americans need a better way to power our
future and protect the planet. We must move swiftly
and effectively. It is not an exaggeration to call
what we are facing a climate crisis. This is the
defining challenge of the 21st century. For years,
commentators have framed climate changes such as the
melting of the Arctic ice and rising of the seas as
possible outcomes in the distant future. In fact,
these and other profound ecosystem changes and climate feedbacks are well under way and are occurring far more rapidly than scientists recently projected.

Of particular interest to the National Wildlife Federation, the fourth report from the Intergovernmental Panel on Climate Change warns that in the lifetime of a child born today, 20 to 30 percent of the world's plant and animal species will be on the brink of extinction if we don't take bold action now.

National regulation of greenhouse gas emissions in the U.S. is long overdue. For decades, scientists have been warning of significant catastrophic threats to human health and welfare from unchecked global warming. As clarified by the Supreme Court in 2007, EPA has the authority and the obligation to respond to this threat with appropriate regulatory action.

It is refreshing to see EPA finally step up and pursue sensible policies to make up for lost time. In particular, the National Wildlife Federation looks forward to the final issuance of a positive endangerment finding in order to truly kickstart a new era of national policy action to address global warming.
Conclusion: On behalf of the National Wildlife Federation and our 4 million members and supporters, I would again like to thank the Obama Administration for proposing this regulation and taking an essential step forward in crafting effective common sense policies to cut greenhouse gas emissions. It is clear that Administrator Jackson has brought a fundamentally different approach to the agency in responding to this urgent issue. The National Wildlife Federation looks forward to the opportunity to work together to advance our shared goal of solving the climate crisis. Thank you.

MR. LING: Thank you. Questions from the panel? Thank you both. Okay, I'll call the next two speakers. I have Brian Morrissey and Melinda Pierce. Also, just as a reminder to folks who missed the opening remarks, if you are here and would like to speak but have not yet signed up to do so, you do that outside at the registration table. Thanks. Do we have Melinda Pierce? It looks like you're by yourself.

MR. MORRISSEY: Okay.

MR. LING: But go ahead and start whenever you're ready, and then we'll have Melinda join you when she comes in. Thanks.
MR. MORRISSEY: Okay. My name is Brian Morrissey. I'm speaking essentially for myself, although I am a member of the Sierra Club and I am very interested in environmental education as part of my business. So if you take all of the fossil fuel deposits that are in the ground, extract them and convert them into energy, then the consequent accumulation as we all know of CO₂ in the upper atmosphere will raise the earth's temperature by a sufficient amount to exterminate ourselves and all life on the planet.

Until this is more widely understood and until Congress passes adequate caps on carbon emissions, EPA's job, your job, is to control and limit carbon emissions through your authority under the Clean Air Act to prevent the 400 parts per million level of carbon dioxide from being reached in conjunction with, of course, the international community. As human beings, we have evolved an economic system, capitalism, capable of motivating individuals sufficiently to pursue self interest to the point of accomplishing just that result. Because of the time involved between burning of fossil fuel and accumulation of CO₂ in the atmosphere and then the effect that this has in trapping like greenhouse the
infrared or heat portion of the sun's rays, the final effect in earth temperature rise resulting from greenhouse gas emission lags behind its cause.

Everybody in this room knows that the rate at which carbon emissions are entering the atmosphere is not slowing significantly even with the economic downturn, and of course, our efforts at conservation. What slowing that has occurred from the U.S. economic downturn is more than offset by the tremendous acceleration in carbon emissions taking place in China and India.

The awareness of parts per million levels of CO$_2$ in the atmosphere is new. It is a new parameter for the human psyche and human existence. It's new in our awareness. In the past, particularly in America, whatever anyone finds in the ground and exploits for human progress is theirs to keep. The use and processing of what the American entrepreneur finds in the ground has never been limited or constrained in the past. There's never been a need, scientific or otherwise.

So now the EPA, a U.S. government agency, must impose a limit on how a resource dug out of the ground is utilized for the reward and profit of those who found and extracted it. Now this way of doing
business has served this country very well in the past and moving from the original 13 colonies to the West. But right at this moment, we have a fundamental choice. We can either continue with the past and our beliefs about the past regarding our economic activity, or we can allow the awareness of the accumulating CO₂ in the atmosphere to be our motivating factor. And basically it is EPA's responsibility until Congress does pass and is persuaded to pass effective greenhouse control legislation, it is EPA's job to do everything they can to cut, stop and reverse the greenhouse gas emissions. Let's call them unnecessary so we keep efficiency as a prime criteria here, energy efficiency. But that's your job is to be strong because of people's vested self interest in our economic capitalistic system, there's going to be all this flack in the air to overcome. And consequently, we need a very strong EPA right now going forward, of course, with the Obama Administration, in this rule that you're proposing. So I support you in that.

MR. LING: Thank you very much. Questions?

Thank you. Do we have Melinda Pierce? Okay. All right, let's call up Alice Altusauer and Norman Hall.

MS. ALTUSAUER: My name is Alice Altusauer.

Heritage Reporting Corporation
(202) 628-4888
I run the Well Mind Association of Greater Washington, which is a holistic medicine information clearinghouse focusing on environmental and nutritional influences on mental and physical well-being. I'm also a member of the Sierra Club, and I also would like to applaud the EPA for this encouraging reversal in fulfilling its mandate to protect the public health and welfare from various types of pollutions. My concern is that the minimum 25,000 tons should be viewed as a beginning when something is known to be harmful. Ultimately, there really is no safe level of exposure.

I also want to talk about landfills. We have some wonderful up and coming planners, architects, engineers who are devising truly clean, renewable, innovative systems to manage all aspects of our solid waste, waste water. And UCLA and the National Building Museum had a forum just two days ago highlighting the top 20 submissions from around the world in one of their competitions, and the designs are wonderful. So I would encourage EPA to start looking at these innovations and begin to give them some publicity so we can become educated around the country as to how we can do better with what we have.

I also would encourage the EPA to look at chemical plants to see what is spewing out of those
plants in the context of the list of greenhouse gases that they've narrowed their focus to and consider not necessarily stationary, but at some point, looking at land use practices such as lawn mowers. In my area alone, six huge lawn mowers will go nonstop from seven in the morning until six in the evening in just one development spewing out truly enormous amounts of CO₂. So I would encourage the EPA to start thinking about promoting watershed friendly yards and backyards, and Northern Virginia has some wonderful watershed friendly campaigns that the EPA should consider integrating at some point.

And also looking at implementing a national precautionary principle so that we don't have to wait until there's evidence of harm, and people have been harmed and communities have been harmed, if not destroyed. That we, in fact, avert these kinds of sad situations and that certainly should be consistent with how the EPA will be protecting our public health and welfare. And stopping the mountain cap mining is also of enormous concern, 2,000 miles of streams destroyed, to say nothing of the ecosystems.

And then, one last area of encouragement for EPA to really focus on is Congress's resistance to reverse its 80/20 formula. They're still putting 80
percent of their funds into roads, 20 percent into clean transit systems. So in Maryland alone, we're destroying pristine resources that sequester the carbon. We're destroying hundreds of acres of trees, hundreds of acres of topsoil, building humongous roads, one highway intercounty connector between Baltimore County and Harford County has 16 on and off ramps, and we have just completed most of that construction, and it just seems, not just insane, but so irresponsible. And EPA is supposed to be issuing or refusing to issue permits for those kinds of projects, and I would encourage the EPA to be more rigorous in stopping that pattern. Thank you.

MR. LING: Thank you. Mr. Hall.

MR. HALL: Good morning. My name is Norman Hall, and I'm a parent, an educator and an avid follower of public policy issues thanks to the way I was raised by my parents. I'm here today because I've been taught and I try to teach to my students the importance of speaking your mind about what your values tell you matter. Today this means that I feel committed to connect lessons about science and public policy considering the effects of global warming.

Before making a final decision about coming here today, I sent my son Zac an email asking him
whether I should do this. Zac is a freshman at McAllister College and is, for now anyway, majoring in biology. Zac replied within minutes saying yes, you should testify. Now, if you've worked with young people the way I have, you're prepared for that kind of a short answer. But he elaborated on what I might say, adding that while he didn't have specific technical points I should stress, all his thinking about the environment recently has been about how poor air quality relates to health, contributing to an enormous number of chronic illnesses.

Let me mention that he, my daughter and my wife, Susan, they all have asthma. I have learned to be aware of asthma triggers and how outdoor trips can change quickly from moments of spontaneous wonder to, well, concern about whether and where we packed the inhaler just in case it's needed. I grew up with a strong interest and belief in the fields of science. Following a graduate degree and a career in public transportation, I've turned to a second career in education. I've maintained an interest in making sure that people of all ages have choices to live their lives in a way that is true to their personal nature and protects the earth for future generations.

And in my mind, the path to a bright global
future requires that everybody with the capacity to follow the issues related to global warming has the obligation to do so. I teach the importance of critical thinking. Today, it's time for me to practice what I teach.

When I started my transit career, a major issue I worked on before the Americans with Disabilities Act concerned the decision to buy wheelchair accessible buses or hold off for other choices. Today, nobody seriously considers this to be a legitimate choice. Around the same time that the Americans with Disabilities Act became law, there were Clean Air Act amendments, which were another means by which our nation made laws to protect the public. Unfortunately, this legislation has not been as complete in meeting its goal over objections of those who would say it would cost too much. Others say we should wait for a better time to impose reductions in greenhouse gas emissions.

I say a reasonable scientific approach should trump concerns over cost. It's not about who owns the industrial facilities that are the subject of today's rule. It's about who owns the air, the layers of the atmosphere whose chemistry is affected. That is to say, it's everybody's, everybody who breathes,
and that includes those with respiratory diseases and asthma. With that in mind, let's consider right now only a handful of sources, including coal power plants, are responsible for more than half of all global warming pollution in the United States. Older energy facilities like the older buses that related to my work 20 years ago need to be set up with current and future needs in mind. We cannot wait. We cannot justify inaction by these operators while smaller emission sources are held to higher standards. Under the proposed rule, 25,000 ton per year carbon dioxide equivalents is what would be known as the major statutory source threshold facing newer modified existing facilities. Facilities with a lower significance level somewhere between 10,000 and 25,000 tons per year carbon dioxide equivalent would also need a PSD permit should plant modifications be made. I'm no expert on what this value should be, but I'm sure that the testimony EPA seeks will include compelling arguments based on science for setting this number.

It's good to have the opportunity to discuss this issue today because science matters and numbers matter too for while we should consider every source of greenhouse gas emissions in the plans we make, it's
clear that the biggest impact we can have on cutting back emissions starts with those who make the most. Let's say I'm the manager responsible for running a large bus garage and I want to show my riders that I care about their service through a meet-and-greet campaign. I wouldn't go about doing this through small ridership bus runs. I would go where ridership statistics show most of my riders will be. As a teacher, I don't work with the students who are the easiest to find to give them extra homework help. I track down those who need the help most based on their underperformance.

I suggest that it's time that we encourage the EPA to do likewise when it comes to these proposed rules. It looks like they're off to a great start.

MR. LING: Thank you very much. Any questions from folks? Thank you. All right. The next speaker is Marlow Lewis, and according to my information, that's the only person remaining who has signed up to speak who is here. We have a few people signed up to speak who are not here and then several people who are not here who are not signed up to speak. So, if you do want to speak, you have the opportunity to sign up outside, and we will hear Mr. Lewis' talk. You may begin whenever you're ready.
MR. LEWIS: Okay, thank you. I'm Marlow Lewis. I'm with the Competitive Enterprise Institute here in Washington, D.C., and I want to thank you for the opportunity to speak, especially on immediate notice, if you will. I just went outside and asked to be put on because I only found out about this meeting just a few days ago.

But one of the things I wanted to say about the "tailoring rule" is that I think that it confirms in spades what a lot of us who are unhappy with Massachusetts v. EPA have been saying for some time, which is that the Supreme Court set the stage for an economic disaster and a constitutional crisis, and that's why you needed a "tailoring rule". I think the "tailoring rule" brought out better than the ANPR, than any of the comments that were submitted on the ANPR, the Advanced Notice of Proposed Rulemaking, the debacle that would be created if we literally apply the Clean Air Act to carbon dioxide under Prevention of Significant Deterioration, Title V, other EPA programs. A lot of people would say yes, if we literally apply the Clean Air Act, so let's not literally apply it, which is what the "tailoring act" is proposing.

But literal is just another way of saying
legal or lawful. If we lawfully apply the Clean Air Act to greenhouse gases, we get a disaster on many fronts. One of the things that will happen that the "tailoring rule" brought out which is nowhere in any of the comments that I'm aware of on the ANPR is that 6.1 million small entities would have to go through the Title V permitting process. This would be absurd because most of those 6.1 million sources would not have any other Clean Air Act requirements to report upon. Forty-one thousand small entities would have to go through the PSD process, and that's just mind-bogglingly large. I mean, your current load or the load that EPA shares with about 43 states, if I understand correctly, is about 300 permits a year. So, if we lawfully apply PSD to carbon dioxide, we get a workload of 41,000 permits. And as the "tailoring rule" points out, what this essentially does is cause the PSD and Title V programs to shut down. This cannot possibly be what Congress had intended when they created those programs.

So, as you point out in the rule, the literal, lawful application of the Clean Air Act to carbon dioxide produces "absurd results", results contrary to those Congress intended. And you have to ask yourself, is this because the Clean Air Act was
poorly written? I mean, back in 1970 and 1977 when Section 202 of the Clean Air Act was enacted and amended, did Congress insert the statutory equivalent of malicious code into the Clean Air Act or some kind of computer virus that suddenly went haywire? No. What happened was that the Supreme Court made a decision based on the premise that anything emitted into the air is an air pollutant. That was the lynchpin of the whole decision. But if anything emitted into the air is an air pollutant, then even totally pollution-free, absolutely clean air, if emitted into the air, is an air pollutant. From absurd premises comes absurd results. And now you have to rescue the country and the economy from what the Supreme Court did. But the way you're doing it is to basically act as the legislator. People are praising you for your common sense. Yes, it would be common sensical to do it this way. But that's not the way the law is written. It says 250 tons. No matter how you squint at the page, you can't see 25,000 tons there. In order to prevent an economic disaster, EPA is put in the position of violating the separation of powers. That's part of what I mean by a constitutional crisis. The bigger point, though, is that the "endangerment finding" will set the precedent
for another finding that triggers a NAAQS rulemaking under Section 108, and half the people in this room believe that 350 should be the new 450 that we have to set a max below current atmospheric concentrations. And believe me, there is no way we get there with known technologies except global economic collapse. So, you'd have to basically convince China and India and the rest of the developing world to stop developing. People talk about a moral high ground issue here. The only way you feed the hungry is if you let capitalism make the rest of the world as wealthy as we are. Thank you.

MR. LING: Thank you very much. Questions?

Thank you.

MR. LEWIS: Okay. I appreciate it very much.

MR. LING: All right. We will go with Pamela Liebowitz and Julian Carmona. So, Julian, we have you for the two o'clock slot, so you're going to just go early.

MR. CARMONA: Thank you.

MR. LING: Okay, terrific. But we'll start with Ms. Liebowitz.

MS. LIEBOWITZ: Thank you. My name's Pamela Liebowitz, and I'm from Baltimore, Maryland. Thank
you very much for this opportunity to speak today. I'm speaking basically as a public citizen on behalf of myself, and I'm here because I'm very concerned about global warming, specifically because I have done work before dealing with poverty and food insecurity on a worldwide scale.

And what really concerns me about global warming is that by making our climate conditions and weather conditions more extreme and more unpredictable, we're jeopardizing lots and lots of people's ability, people who are farmers and live off the land to be able to feed themselves and their families by being able to have the security of knowing that their crops are going to grow and be able to feed everyone. And so, as global warming becomes more and more of a problem, and these weather conditions do become more extreme, it really threatens basically the people who are the most vulnerable, already are going to be the ones most affected by further extreme climate conditions.

And that's why I very much support EPA's proposed rule and why I wanted to come speak today. Big coal-fired power plants are the single largest source of global warming pollution in the nation. Many coal plants are old, inefficient and rely on
outdated technology. I support EPA's proposed rule, which puts the Clean Air Act to work to cut global warming pollution from coal plants and other big smoke stack industries.

To successfully stop global warming and transition to clean energy like wind and solar power, EPA must hold coal plants and other big smoke stack industries to modern pollution standards. EPA's proposal is common sense since it targets only the biggest polluters and requires these polluters to meet modern pollution standards. It's long past time for coal plants and other big polluters to cut their global warming pollution. It's time for big polluters to clean up so that America can fight global warming and move to clean energy.

Thank you for this opportunity. I urge EPA to finalize this important rule to fight global warming and move America to clean energy.

MR. LING: Thank you very much. Mr. Carmona.

MR. CARMONA: Thank you. Thank you for allowing me to testify. My name is Julian Carmona. I am here as a concerned citizen and an employee of the Sierra Club. My position is unpaid, so technically, I am not paid to be here. I'm a recent graduate of UCLA.
and a 22-year resident of Los Angeles, California. I
am here because I want to see the biggest polluters
held accountable for their emissions, but I am also
here as a resident of California and a messenger from
those communities that are disproportionately affected
by the actions of big polluters.

A lot of people see Los Angeles, California
and California in general as a leader in cutting its
greenhouse gas emissions and on the forefront of the
clean energy economy. To a certain extent, that's
ture. But from Los Angeles, the biggest city in
California and one of the biggest cities in the United
States, it is a big contributor to greenhouse gases
from both mobile and non-mobile sources.

While we hear a lot of news about Los
Angeles leaders and California leaders cutting their
greenhouse gas emissions with successful policies, we
don't hear the stories from those who are affected by
the actions of local industry. In other words, we
don't see the ever present human effect of the big
polluters.

Just take the toxic tour of LA, and you'll
see communities like Southgate, Wilmington and other
areas of Southeast Los Angeles that have, just like
Middle America, huge smokestacks, oil refineries and
gas fires. But unlike the rest of Middle America, these industries are much closer to homes, playgrounds and schools. And the rate of asthma and other respiratory illnesses is much higher in these areas than it is in the rest of California and I would say in the rest of the United States.

What is more unsettling is that in these populations there is a high incidence of ethnic and racial minorities. This kind of environmental injustice must not be tolerated at any level. I am here to make sure that these big industries do not inundate these communities with these harmful greenhouse gases.

It is on that note that I support the EPA's "tailoring rule". These large polluters, like coal power plants, represent a small portion of sources but contribute to over half of the United States' greenhouse gas emissions. I've heard industries here give the same erroneous excuses about costs. These supposed costs they talk about are costs to regulate all forms of emissions and they apply this to this specific rule. These costs are both hyperbolized and overestimated. I hear a lot of talk about absurd rules and absurd numbers. I think their excuses are absurd. They should be held responsible for their
share, and this will only affect two percent of American businesses or those that emit over 25,000 tons of greenhouse gas emissions. Excuse me.

This will allow the U.S. to grow its economy, put funding into research and development for clean energy and cut its greenhouse gas emissions. I commend the EPA and the Administration for taking the necessary steps towards cutting our greenhouse gas emissions and taking us into a future with clean energy. Thank you.

MR. LING: Thank you very much. Questions for either? Thank you both.

MR. CARMONA: Thank you.

MR. LING: All right. We'll call up Tyson Slocum.

MR. SLOCUM: I just sit here?

MR. LING: Yes.

MR. SLOCUM: Great.

MR. LING: And were you here when I explained the lighting system?

MR. SLOCUM: I was not, unfortunately.

MR. LING: Okay. The yellow light comes on when you have two minutes left, and then the red light comes on when your five minutes is up. So you may begin whenever you're ready.
MR. SLOCUM: Great. Thank you. My name is Tyson Slocum. I direct the energy program for Public Citizen. Public Citizen is a national nonprofit nonpartisan organization. We are one of America's largest consumer advocacy groups, and we have a nearly 40-year track record of supporting strong, progressive, sustainable energy policies that protect the environment while also protecting household consumers.

And Public Citizen is thrilled that the EPA is beginning this process. It has already begun this process of getting the "tailoring rule" to consider regulating greenhouse gas emissions under the Clean Air Act. It's fitting that these hearings are occurring today. We're almost approaching the 40-year anniversary of the Clean Air Act, which is really one of the most important critical laws that the United States and our citizens have to protect our communities. And we strongly support the EPA using its authority under the Clean Air Act to tackle one of its biggest challenges yet, and that is global climate change.

Public Citizen strongly supports the development of science-based regulations to sharply reduce greenhouse gas emissions from power plants, oil
refineries and other smokestack emitters that are responsible for nearly 70 percent of our nation's emissions of pollutants that cause climate change. The EPA has really emerged as the only arm of the federal government with the credibility to solve climate change as Congress, thus far, has produced what we feel at Public Citizen, to be deeply flawed legislation that provides billions of dollars in financial giveaways to polluters while failing to change our corporate controlled energy system that has contributed to the unsustainable energy path that America finds itself on.

Using the Clean Air Act as the EPA has done over 40 years has shown that it can work with industry to make it more efficient, that there are glaring inefficiencies in the way that we produce energy, that we produce goods in this country, and that industry needs the guidance of science-based thoughtful regulations that the EPA can produce that will hold polluters accountable, while still implementing the strong aggressive targets and greenhouse gas emissions reductions that the U.S. and the world desperately needs to head off what many scientists believe to be catastrophic climate change catastrophies.

You know, we understand that there is a very
big push by a lot of folks in industry to avoid having
to comply with EPA regulations. We see in the
legislation passed by the House of Representatives
that it would eviscerate the ability of the EPA to
conduct rulemakings to regulate greenhouse gas
emissions under the Clean Air Act. Public Citizen
will oppose any legislation that takes away the
ability of the EPA to do its job to protect citizens
and the world from the effects of climate change.

We feel that under the leadership of the
EPA, that your agency is far more shielded from the
effects of lobbyists and special interests that have
proven to be so effective at getting what they want
out of legislation and we think out of regulation
where science rather than lobbyists will prevail.

It's also appropriate that you are holding
these hearings on the eve of the global climate change
talks in Copenhagen next month. There, the United
States along with most of the nations of the world are
going to be working together on how to solve climate
change, and I think that the eyes of the world will
not be on Congressional leaders but on the
Environmental Protection Agency and the pronouncements
that the Obama Administration makes and EPA officials
make on the progress that the EPA is planning on
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regulating greenhouse gas emissions under the Clean Air Act.

So thank you very much for the opportunity to make my remarks today, and Public Citizen looks forward to supporting the EPA authority under the Clean Air Act with all of our resources that we have available. Thank you so much for your time.

MR. LING: Thank you. Questions? All right, thanks. Okay. We are scheduled to break at 12:30. However, in the absence of any speakers scheduled to speak between now and then, I'm going to suspend the hearing for now and I'm going to take a break and give the court reporter a break. And then we'll return and see if there's anyone else who wants to speak before we officially adjourn for lunch.

(Whereupon, a short recess was taken.)

MR. LING: All right. Good morning, folks. We're going to reconvene briefly here. We have three speakers who would like to go before lunch, and so I will call them up two at a time. The first two are Lauren Glickman and Richard Krause. You guys can sit at the table together. If you weren't here when I explained the lighting system, basically you start speaking whenever you're ready. The timer will give you five minutes, and then the green light will come
on. When the yellow light comes on, you will have two
minutes to begin summing up, and then when the red
light comes on, the time is up. And I guess that's
pretty much it. So, Ms. Glickman, whenever you're
ready to begin, go ahead.

MS. GLICKMAN: All right, thank you. Again,
my name is Lauren Glickman. I am the Virginia
Campaign Coordinator with Chesapeake Climate Action
Network, and I'm here today as an ordinary citizen
just because this is really a huge opportunity we have
in front of us to really have a huge impact and take
on the largest offenders regarding climate change
pollution and hold them accountable. It is becoming
increasingly clear to me that the question is no
longer if we should address climate change but when
and how. And this rule that is under review today
provides a huge opportunity to answer the latter part
of that question by offering a solution that would
make the largest impact on the shortest timeframe.
And so, really briefly, I have chosen my current
profession, and to dedicate myself to what I do
because I do not believe that clean air and clean
water are to be seen as privileges entitled to people
based on where they live or how much money they make.
And it's clear that the pollution from the coal
industry is in fact suffocating parts of this country. We cannot designate areas safe for breathing and not safe for breathing. And it appears that those are the two roads that we have in front of us. Just this September, I was fortunate to be able to travel to Southwest Virginia to see firsthand the costs of this so-called cheap energy, and what I saw were leveled mountains. I saw streams that were running orange with heavy metals and even more so, I was able to step outside and the air was so thick it was hard to breathe. The worst part, though, the thing that struck me the most was, that as I was driving through Wise County to my friend's house, I drove past the construction site of Dominion's proposed -- it's actually not proposed now -- their current constructed coal-fired power plant in Wise County, and I had to stop and take stock that this, what was standing right in front of me, is the path that we're headed on. This new huge facility took up most of the landscape. And then, even more so, the part of it that's complete is that smokestack, so that part that is going to be dumping carbon dioxide and other global warming pollutants without prejudice and suffocating that local community and then being dispersed throughout the rest of the commonwealth and our country with
wind, was already finished.

And I had to take stock and think for a minute. And when I come back, it's again that it's not the question of if we should do something about that. It's when and how. And as all of these coal plants are, you know, in the race to be permitted right now and get themselves in as Congress is thinking about legislation, now is the time to take this on and make sure that all of these plants that are in the process of being permitted and constructed have the best technologies in place because they are the biggest polluters.

And so, I commend the agency for looking at this rule. I think it is hands down the most bang we can get for our buck regulating, you know, those that are emitting I believe it's over 25,000 tons of greenhouse gases each year. Those are the big guys. If we can start there, we can put ourselves on this path, this path to a just transition, to a sustainable future and really take it on. So, I support the rule and I commend the agency and really encourage its implementation. And thank you so much for having me here today, and I'll finish a little early.

MR. LING: Thank you very much. Mr. Krause.

MR. KRAUSE: Thank you very much. My name
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is Richard Krause. I'm Senior Director of
Congressional Relations for the American Farm Bureau
Federation. I appreciate your holding this hearing
today and providing us the opportunity to comment on
the proposed "tailoring rule".

The "tailoring rule" is an attempt to
mitigate the indisputable economic and regulatory
burdens of applying the New Source Review and
Prevention of Significant Deterioration and Title V
programs to the regulation of greenhouse gases under
the Clean Air Act. This mitigation would presumably
result by administratively raising statutorily
mandated thresholds of 100 or 250 tons of emissions
per year to 25,000 tons per year for a period of at
least five years. The rule does not replace the
statutory thresholds but seeks to delay implementation
of those thresholds until the highest level emitters
have been permitted.

Regulation of greenhouse gases under the
Clean Air Act, under the full weight of the Clean Air
Act, will have significant adverse consequences for
agriculture. Our analysis indicates that application
of Title V alone will significantly burden over 90
percent of the livestock production in the United
States. Application of NSR PSD will regulate many
dairy barns, greenhouses and other agricultural structures for the first time.

It's difficult to determine the precise impacts, because the Environmental Protection Agency had failed to conduct a proper regulatory analysis like the statute requires it to do. We agree with President Obama and Administrator Jackson that regulation of greenhouse gases by EPA is not the appropriate way to proceed. We oppose such regulation. Moreover, we have some significant concerns with how this "tailoring rule" could be implemented.

First, we have some fundamental doubts about the legality of an agency seeking to administratively raise statutorily mandated thresholds. The threshold levels of 100 and 250 tons are clearly set forth in the Clean Air Act. The agency's reliance on two very narrow and limited judicial exceptions such as the "absurd results" and "administrative necessity" that are not generally favored by the courts is further cause for concern.

Our doubts are further strengthened by the fact that while the rule cites some cases to define what is meant by "administrative necessity," none of these arguments or none of these cases found in favor
of those proponents of the "administrative necessity"

doctrine.

This is not a case in which Congressional
action caused the agency to invoke the doctrines in
question. In this case, EPA freely chooses to
regulate, a posture not adopted by the previous
administration, and it did so knowing full well the
statutory requirements. If regulation would produce
"absurd results" or create an administrative nightmare
as the agency seems to indicate, the answer is clear.
Defer the endangerment finding and don't regulate
until the agency receives policy guidance from
Congress. EPA clearly has that option but has
depended to pursue it.

But, even if this rule were to pass legal
muster, there are some other concerns that we have.
It would seem to have very limited effect on small
entities. While EPA approves State Implementation
Plans and Title V programs, they're largely
administered by State law. And the agency freely
acknowledges in the proposed rule that these entities
would still be subject to State law even if the
Federal requirements were raised. That leads to the
issue that they encourage States to raise their limits
to 25,000 tons in accordance with the "tailoring
rule". But in the event that they don't, these small entities that supposedly the "tailoring rule" is to address would not be impacted. The economic impacts would still be the same, and it would be of limited utility.

So, as now appears likely, the very catastrophic economic effects to small entities and the extreme administrative burdens faced by States in administering these programs would remain and wouldn't be fixed by the "tailoring rule" unless the State law question is satisfactorily addressed. It could result in millions of entities being subject to PSD and Title V. At best, it will only delay the inevitable regulatory nightmare that will come as a result of implementation. At the worst, it could be found illegal and still have these entities subject to state law.

Thank you very much, and we will submit more detailed comments.

MR. LING: Thank you. Questions for either of the speakers? I have one question for Mr. Krause. You gave a figure of about 90 percent of livestock production being covered by Title V.

MR. KRAUSE: Yes.

MR. LING: It wasn't clear. Was that under
the 250 threshold or 25,000?

MR. KRAUSE: That's under the 100 ton threshold for Title V.

MR. LING: Okay, thank you.

MR. KRAUSE: Yes. So yes.

MR. LING: There's no other questions?

Thank you both very much. And the last speaker before lunch is Ernest Lehman.

MR. LEHMAN: Which is the better microphone?

MR. LING: Sit closer to us.

MR. LEHMAN: I can sit next to you. Hi.

I'm Ernest Lehman. I'm a citizen of Alexandria, and I appreciate the opportunity to say a few words to you. It won't be very technical. I believe we should be looking at the focus and the balance.

My background is, seven years ago I moved to Alexandria just down the road from here, and it was my misfortune that my home is located less than half a mile from one of the oldest and certainly now active, continues to be active, coal-fired power plants in this area. It's called Potomac River Generating Station, otherwise known as the Mirant Plant, single source, highest source of pollution in this metropolitan area.

Well, you know what that means. There's
plenty of expert testimonies describing the pollutants emitted by this plant. In a few words, 2.6 million tons of carbon dioxide annually, and certainly how that affects the climate, and we endorse what you're doing to try to cut that down.

Now the focus is quite simple. It's clean up or close down. Either you clean up your act or we don't want you around anymore. And we've been working and succeeding to a fair amount with the Mirant Plant. But we think that's necessary throughout the United States, and we appreciate what you're doing to help that out.

And we don't want any more excuses or dodges or weasling. We don't want to hear that electricity will cost more and there are enough studies saying we'll pay more money for cleaner electricity or that grandfathering. The plant down there certainly is a grandfather. It's time to retire it. It's been around long enough. As a grandfather, I can speak from personal knowledge. As a matter of fact, I have a granddaughter a few days old, and I worry about her lungs because of the junk that comes out of those towers.

Also, it will reduce employment. It will damage the economy. And then pollution controls are
too expensive. All of these are just obfuscations. They're really not serious. The power and the energy companies are making plenty of money, plenty of money.

So again, I say clean up or close down, okay? That's the focus. Now the balance. How do we balance corporate greed with public health? That's basically what the issue is here. It's been reported that there are about eight energy company lobbyists for each citizen who speaks here. Speaking as a social activist, I am comfortable saying that each citizen that I know, and I'm very active in the Alexandria community, represents about 10 other citizens when it comes to who it is that is for this particular action. There are about 140,000 citizens in Alexandria. I would say, from all my social action, thank you, that this may be about 10,000 that really like to breathe dirty air. The rest of us want fresh air, clean air, the kind of air that George Washington breathed. That's what we would like to have.

And so, I would say that even though there's so few of us here, we really represent the majority of the people, and that should be well taken into account. So, I say to you to complete this that public health must trump corporate greed. Again, to
summarize, clean up or close down. The focus, the
balance, is public health does trump corporate greed.

Thank you very much.

MR. LING: Thank you very much. And now I
have one more speaker that we're going to squeeze in
before lunch. I know everybody's probably really
hungry. But let's hear Peter Pennington. You may
start whenever you're ready. Thanks.

MR. PENNINGTON: Morning, gentlemen.

Morning, Ernie. I'm Peter Pennington, and I'm a
resident of Ft. Picklecombe in Cornwall. Ft.
Picklecombe was built to keep the French out. It
doesn't work too well because there's a ferry going to
Brittany that goes past my bedroom twice a day. Sea
level is rising four and a half millimeters a year.
Sea temperatures are rising. We are planning on 100-
year storms occurring every 20 years. In fact, this
Saturday morning the wind exceeded 100 miles an hour.

We are planning for the fishing industry to
go into rapid decline as sea acidity rises and the
fish stocks just die. Every inch of coastline has
been mapped and statutorily designated as being lands
that will be abandoned or they will be managed retreat
or it will be held at whatever cost when, as the sea
level rises.
We look across the Atlantic at America and wonder what on earth is going on. The last administration put its head in the sand and refused to have anything to do with it. America is the world's biggest polluter. I have just come from a meeting about global trade. This wasn't an environmental meeting. These were hard-headed businessmen and bankers from all over the world. There was an underlying feeling that America very soon is going to be number two. There was an underlying feeling that America's bully tactics of the past will not succeed. If America doesn't get its act together on global warming, it will be seen as the pariah of the world and trade will suffer.

We hear industry over here whining that it's going to cost more, that they can't bear the cost. Goodness me, I'm glad I wasn't here in the 19th century as we converted from horses to the automobile. You may recall the automobile was only brought in, in order to get away from all that horse dooey that was lying in the road. I bet the livery stables moaned.

If I was in charge of China, in spite of whatever I might have said to the President in the last two days, come December 6, I would announce and introduce the biggest climate change proposals going
and therefore totally wrongfoot America. Businessmen complain about China and India and Brazil. These countries are doing something about their climate, but they're coming from a much lower base. But they are picking up speed.

So, from my point of view in Ft. Picklecombe, I welcome the EPA's move. I welcome the Administration that you serve as opposed to the previous one and say to America stop pratting about and get on with it.

MR. LING: Thank you very much. Any questions? Thank you. And with that, we are adjourned until 2:00 p.m. Thank you all for your participation this morning.

(Lunch recess.)

MR. LING: Thank you for coming out. I recognize a few faces from the morning. I see a few new faces. I will not reread my entire opening statement from this morning, but I just wanted to touch base with some important information for those of you who weren't here this morning.

This is the first of two public hearings on the EPA's Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule. There will be another hearing tomorrow in Chicago. My name is
Michael Ling, and I am an Associate Director in the EPA's Office of Air Quality, Planning and Standards. And with me on the panel is Juan Santiago, who is the Group Leader of the Operating Permits Group, also with Office of Air Quality, Planning and Standards, and Howard Hoffman, who is an attorney in our Office of General Counsel.

We’re here today to listen to your comments on the proposed rule. Copies of the proposed rule are available outside. I want to just very briefly describe the rule. It's a rule that establishes thresholds for applicability of the Title V program and the Prevention of Significant Deterioration program for greenhouse gases. These proposed thresholds are necessary to preserve the ability of these programs to continue to operate and achieve and maintain public health and environmental protection goals while avoiding an administrative burden that would prevent State and Local permitting authorities from processing these permits efficiently if they were done at the levels that are in the statute of 100 and 250.

So, under this approach, we are taking comment on the thresholds that are proposed: a 25,000 ton major source threshold for Title V and a 25,000
ton major source threshold for PSD along with a significance level for PSD which is the level that's used to determine whether changes at an existing source are triggering review. And for the significance level, we are proposing a number between 10 and 25,000, and based on comments and information we get, we will select a number within that range. We will be also developing additional supporting information to assist permitting authorities with implementing the PSD program, initially for those sources that are covered by the rule, which would be those above 25,000. But we also, under this rule, have an approach to look at those thresholds five years from now, do a study and, after reviewing the results, determine whether it's necessary to retain the higher thresholds or to lower them. And again, we're taking comment on that five-year proposal of whether five years is the appropriate length of time.

Just a couple of logistics. I'm going to be calling up speakers two at a time, and we will be accepting oral comments on the proposal today. We will be putting together a written transcript. We have a court reporter here, and that transcript will be available as part of the official record for this
rulemaking and we will consider it as we move forward.

Separately, we are accepting written comments on the proposed rule up through December 28, 2009, and there's a Fact Sheet available, as I mentioned. The proposal itself is also available at the registration table. If you will be providing oral comments today, I'll be calling your name in pairs. When it's your turn, come up to the table, state your name and affiliation. And if the court reporter needs help spelling your name, we appreciate that. And in order to be fair to everyone, we are limiting testimony to five minutes each and we're asking you to remain at the microphone if you're part of a pair. Remain there until both speakers in a pair are finished. And then, after that, the panel may ask clarifying questions. And you can also, if in addition to your oral testimony, you want us to put a written copy of your remarks in the docket, please leave a copy with us here at the table before you testify or leave one at the table outside.

We have this timekeeping system for the five-minute time limit which consists of green, yellow and red lights. So when you begin speaking, a green light will come on and you will then have five minutes to speak. The yellow light will signal that you have
two minutes left, and then I will ask you to stop
speaking when the red light comes on.

    So, we are going to stay this evening until
everyone who wishes to comment has a chance to do so.
If you would like to testify but are not yet
registered to do so, you can sign up at the table
outside. And for those who have already registered to
speak, we have tried to accommodate your requests for
timing for specific slots. So, again, thanks,
everybody, for participating. We just have one
speaker who's signed up in this first time block, and
it's Steve Woock. So I'd like to invite Mr. Woock to
come up. And, Mr. Woock, you can just start whenever
you're ready, and the timer will start then.

    MR. WOOCK: Okay, thank you. I'm Steve
Woock. I'm a Federal Regulatory Affairs Manager with
Weyerhauser. Weyerhauser is a forest products company
headquartered in Federal Way, Washington. I will
address two critical issues today. First is our
preference for dealing with greenhouse gases through
new legislation designed for that purpose, and second,
if the agency decides to continue with the rules as
proposed, then the CO₂ neutral emissions from biogenic
sources need to be excluded from the applicability and
significance thresholds.
Please note that I'm speaking on behalf of Weyerhauser on both of these issues. I will also be speaking on behalf of the National Alliance of Forest Owners on only the second issue. We also plan to file more detailed written comments.

Weyerhauser believes the best approach to address climate change in greenhouse gas emissions is through economy-wide cost-effective approaches, and the only way to achieve that is through new legislation. Weyerhauser supports legislation that directs the U.S. approach to climate change in a coordinated fashion, including energy efficiencies, emission reductions and provisions for cost management. Such provisions can include a cap and trade program, prevention of greenhouse gas leakage overseas and provisions for cost-effective carbon offsets. We believe EPA's proposed "tailoring" approach does not address greenhouse gases properly and still will lead to "absurd results".

The agency should defer any regulation of stationary sources for greenhouse gases under the current Clean Air Act and leave Congress to enact appropriate legislation addressing greenhouse gases. Nonetheless, assuming EPA continues with the proposed "tailoring approach", we note that EPA's proposal is
silent on whether and how the CO₂ neutral emissions
from biogenic sources should be treated. We urge EPA
to explicitly exclude CO₂ emissions from biogenic
sources such as forest biomass and biofuel combustion
from the proposed thresholds and from the PSD
significant emissions rate.

EPA should do so based on the
internationally established recognition that CO₂
emissions from forest biomass are neutral with respect
to the CO₂ inventory in the atmosphere.

So, how can EPA accomplish a biomass CO₂
exclusion? We believe EPA should make this exclusion
explicit within the rulemaking, and we note precedents
to do so exist. For example, EPA could exempt biomass
CO₂ just as certain volatile organic compounds are
exempted from being regulated with other VOCs as a
class because their photoreactivity is negligible.

Finally, EPA could make the exclusion more
generally within the pending rulemaking on the
endangerment finding. Our request is based on the
universal technical recognition that CO₂ emissions
from forest biomass combustion are neutral with
respect to the CO₂ inventory. Within the framework of
sustainable forest management practice by the U.S.
forest products industry, biogenic CO₂ emissions have
no effect on the atmospheric GHG inventory.

This concept of biomass CO₂ neutrality is widely recognized internationally and in the U.S., including by EPA, and there are several examples of that you'll find in our written comments. If EPA does not exclude biomass CO₂ emissions, we believe the proposed rules will capture far more small emission source operations than EPA has estimated. For example, in our industry, this includes many smaller wood product millscombusting biomass for process heat. EPA also will disincent the use of CO₂ neutral biomass as an energy source. This could have downstream economic impacts on both small and large forestland owners who are not intended to be regulated by this regulation.

In summary, EPA should leave GHG regulation of stationary sources to new legislation from Congress that's appropriate to the task, and EPA should explicitly exclude CO₂ neutral biomass from greenhouse gas regulation in this and all other regulatory programs going forward. I thank EPA for this commenting opportunity today.

MR. LING: Thank you. Questions? I do have one question for you. You mentioned that there's a -- I think you described it as a large number of mills
that use biomass for process heat that could be
subjected to permitting.

MR. WOOCK: That's correct.

MR. LING: I guess, I was wondering, are you
planning on providing some data on the extent of the
number of mills that would fall into that category?

MR. WOOCK: We will do that for Weyerhauser
facilities. I think you have another speaker this
afternoon from the American Forest and Paper
Association, and they, I believe, will be providing
data on a broader cross-section of the industry on
that kind of information.

MR. LING: Okay. Yes, I'd certainly be
interested in Weyerhauser, as well, as the broader
perspective.

MR. WOOCK: Right.

MR. LING: Thanks. Okay, we have one other
speaker signed up. It's Tim Stevens. Thank you. You
may begin whenever you're ready.

MR. STEVENS: Thank you. Good afternoon and
thank you for holding these hearings. My name is Tim
Stevens, and I'm retired. I'm not associated with any
of the power companies or any of the other companies
that you're associated with today in your rulemaking.
I just wanted to express my opinions as a concerned
citizen. I live here locally in the Falls Church area. I think enforcing this rule that you're proposing --

MR. LING: Can I ask you to stop for one second, please? The timer did not start. Ah, there we go. Okay. Sorry.

MR. STEVENS: Enforcing this rule is not, in my opinion, the only thing that needs to be done to address the greenhouse gas issue from carbon dioxide, but it's probably one of the most important. Getting ourselves from the average of 20 tons of carbon per year that we as Americans emit down to the 2 tons, which apparently is the level that we have to get in order to sustain and equalize the level of carbon dioxide, is going to be terribly difficult. And I think taking the actions that you're proposing is certainly a big step in that direction.

I believe if you adopt these rules, it will set in motion a series of multiple steps which will help all of us get down to the level of carbon dioxide emissions that we have to. Higher prices for emitting carbon dioxide will set in motion a lot of other adjustments in the economy both to economize, to conserve, as well as to move to renewable energy,
need.

I believe that failing to adopt this rule will make it too easy for us to maintain the status quo, and I believe there's also a national security risk insofar as other nations will view us in an extremely negative light if we continue to conduct ourselves with business as usual.

I note with a bit of irony that the name of this room is Tidewater, and my concern is that if we don't begin to change the way that we conduct ourselves over time, that this room, in fact, will become officially a tidewater room. So, with that, thanks again for holding this hearing. You're asking the difficult questions and best of luck.

MR. LING: Thank you. All right. So I am going to suspend the hearing for just a minute until I get the list of the next two speakers. I don't think they're here yet.

(Whereupon, a short recess was taken.)

MR. LING: Okay, we have a few more speakers, so we're going to reconvene here and go through a couple of more names until we run out of speakers again. I'd like to call up Kate Smolski and Bahri Aliriza. Yes. And since you guys may not have been here when I explained this, we're going to ask
you to both go, and we'll have you go first, Ms. Smolski, and then we may want to ask questions of both of you at the end after you've both gone. And this is the timer. It will turn yellow when you have two minutes left, and then it will turn red when your five minutes are up. And whenever you're ready, just start and then the timer will start automatically. Thank you.

MS. SMOLSKI: Okay, and I'm going first, correct?

MR. LING: Yes.

MS. SMOLSKI: Great. Well, my name's Kate Smolski. I'm the Domestic Policy Director at U.S. Climate Action Network, and I appreciate the opportunity to come and speak today, so I thank you for that.

I'm here to express the support of U.S. Climate Action Network or USCAN as our short name is called and its member groups for the EPA's proposal on proposed Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule or just the "tailoring rule" as I'll refer to it. USCAN is the largest U.S. network of organizations focused on climate change with over 80 member groups. We are the U.S. node, if you will, of CAN International, which is
over 450 organizations that work on climate change issues.

We work to connect organizations working towards similar goals across the country at all levels of the debate: Local, State, Federal and International. The goal of this coalition is to support the design and development of an effective, equitable and sustainable global strategy to reduce greenhouse gas emissions, and we strongly believe that EPA's proposal on greenhouse gas polluters supports this mission and therefore urge you to finalize this rule to help us move it forward towards a clean energy future.

First, the rule proposes a regulatory method that has been proven as an effective means of achieving pollution reduction. EPA's analysis has found that the Clean Air Act achieved cost-effective reductions in sulfur dioxide, nitrogen oxides and particulate matter with an economic benefit demonstrated to be 42 times greater than the cost of compliance. Therefore, applying Best Available Control Technology standards under the Clean Air Act to greenhouse gas emissions continues the legacy of a successful program to now meet the grave threats of global climate change and energy independence.

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Second, the rule establishes an equitable framework by setting a regulatory threshold that holds the largest polluters accountable while protecting the nation's schools, farms and small businesses. This arrangement would most-fairly assign responsibility to the small handful of big polluters who account for the majority of the nation's global warming pollution. This allows the EPA to achieve the greatest impact with the fewest agency resources and the short timeframe needed to protect the public from the risks to health and welfare posed by climate change.

Next, the finalization of this rule facilitates a sustainable energy strategy for the country's future. By applying New Source Review standards for greenhouse gas emissions, the EPA sends a strong signal of support to the clean energy industry. No longer will fossil fuel facilities reap the unfair advantage of being financially unaccountable for the costs of their pollution. Such signals are necessary to drive investments in low carbon technologies that will spur sustainable growth and create valuable jobs.

Finally, climate change is a global problem, and it will require a global solution. As nations gather at the U.N. Framework Convention on Climate
Change this December, it is imperative that the U.S. reestablish itself as a world leader in solving the complex challenges posed by climate change. The U.S. must do our fair share to reduce domestic emissions as quickly as possible, and that requires we use all means at our disposal from both the Executive and Legislative branches of government plus State and Local action.

In addition to answering the call of the science, strong U.S. emissions reductions commitments will enable a wide range of developing economies to take more ambitious domestic action and create new markets to grow the global green economy from which we will all benefit.

For these reasons, I am here on behalf of the U.S. Climate Action Network to applaud the EPA for their intent to regulate major greenhouse gas polluters and urge the EPA to take the final steps to implement a strong rule to aid in our transition to a clean energy economy. Thank you.

MR. LING: Thank you very much. Mr. Aliriza?

MR. ALIRIZA: Hi. My name is Bahri Aliriza. I'm the President for Northern Cyprus Culture. I'm sorry, got too many hats here. I'm just coming from
another meeting. I'm the President for Polytrade International Corp. and I want to first of all thank the panel for inviting me to speak here today which I think is a very worthy cause to hear from the public and for coming here also.

We want to encourage the EPA, and thank you for everything that you're doing, and we want to encourage, specifically, any actions to reduce the emissions and the looking at the specific power plants, coal-fired power plants that are emitting tremendous emissions into the air. And one of the reasons I wanted to come here and speak is, I'm like one of many companies out there that have a technology to reduce emissions. Ours doesn't do it 100 percent, unlike solar and wind energy, which I encourage that we should have here in this country because solar is 100 percent no pollution and wind energy same thing. But they both have their limitations, because you've got to have wind for one, and you've got to have the sun for the other one.

We have a technology which is a catalyst that you could use with all the liquid fuels and even with coal, and it will at least, with the liquid fuels, you can reduce the emissions about 38 to 60 percent, and I'm talking about all the harmful
emissions like NOX, which is nitrogen oxide, hydrocarbons, carbons, sediment, ash, sulfur. You can actually spray our technology onto the coal, just as it's crushed and pulverized before it's -- and then you can spray with our product before it goes into the burner and you can actually reduce about 82 percent of the emissions from coal.

And it's unfortunate that we are a small company and we do not have a quarter million dollars, which is what is required to get an independent lab testing. So we are looking for investors. We are looking for anyone that's interested in reducing emissions, and I know, with the EPA, I have not found any program that also encourages small businesses or has any programs that we can take advantage of. I know there's a program, there's a verification program. But you still have to go and spend about a quarter million dollars to get an independent lab test, and then it's just verifying what somebody else has already done. So this is one thing that the EPA can do, either working through the universities or through other programs, and taking advantage of small businesses like us, that have some solutions to help in reducing the emissions in the air.

And our technology, besides reducing the
emissions, it also gives you fuel efficiency anywhere between 15 to 20 percent. So that's another advantage, and makes your engine last longer, run smoother, have more power, and besides an anti-pollutant at 38 to 60 percent reduction in emissions, also it's an anti-gel, so guaranteed your diesel fuel or your fuel oil will not gel up. So, it will not freeze up basically.

And again, I encourage the EPA to look at all technologies out there because it's not just one technology that's going to help us. It's taking advantage of all the different technologies out there. With our product, it does not reduce global warming in the sense that what causes global warming which is carbon dioxide. But because our product reduces the emissions -- I mean because it increases the fuel efficiency 15 to 20 percent, you're going to have 15 to 20 percent less emissions causing global warming and climate change. So this is why our technology will help with the environment also and with the specific threats that we face with the global warming issue at hand. Thank you very much, and that's all I have.

MR. LING: Thank you. Questions for the panelists?
Mr. ALIRIZA: Oh, I just wanted to add also, most of my information is on our website under www.polytrade.net. And Polytrade is P-O-L-Y-Trade, all one word, dot net. Thank you.

MR. LING: Thank you both very much. I would like to call up Bryan Brendle. Sorry, we don’t have anyone to sit with you.

MR. BRENDLE: That's all right. Thank you for pushing me up in the schedule. I appreciate that.

MR. LING: Sure. Just whenever you're ready to start.

MR. BRENDLE: Okay, yes. My name is Bryan Brendle. I'm the Director for Energy and Resource Policy at the National Association of Manufacturers headquartered here in Washington, D.C. And by way of background, the NAM is the nation's largest industrial trade association representing more than 11,000 small, medium and large manufacturers in all industrial sectors and in all 50 states. The NAM is the country's leading voice for the manufacturing sector and we employ several million American workers.

Thank you for the opportunity to comment on the Environmental Protection Agency's proposal to impose first-time ever greenhouse gas emissions controls on industrial facilities through the
Prevention of Significant Deterioration program and Title V permitting programs, also known as the EPA's "tailoring rule".

The NAM has long urged the EPA to defer to Congress when considering establishment of Federal climate policy, especially one that uses the Clean Air Act as a tool which regulates emissions from stationary sources. As Congress continues to debate the outlines for comprehensive Federal climate policy, the NAM urges the Administration not to circumvent the ongoing legislative debate on an issue that would impact all sectors of the economy struggling to regain its equilibrium. The NAM opposes regulation of large stationary sources, those emitting more than 25,000 tons per year of carbon equivalent as outlined by the tailoring proposal under the decades old PSD program. Additionally, manufacturers have serious concerns about the legal foundation on which EPA is basing its proposal.

The EPA is definitely entering uncertain legal territory by proposing to regulate very large facilities initially at least at the 25,000 ton per year level for GHGs under programs that federal law requires be regulated at the 100 to 250 ton level. At the same time, EPA proposes to establish a process, by
which, it will immediately consider ways to regulate even smaller sources, therefore laying the groundwork for even greater expansion of its regulatory power.

Furthermore, litigation offers another avenue to regulation of small and mid-sized manufacturers as litigants will force EPA to adhere to the requirements of Federal law. Federal law does not allow EPA unilaterally to raise the PSD threshold. The Clean Air Act explicitly states that PSD includes any source with the potential to emit 250 tons per year or more of any air pollutant. To add to the uncertainty, the tailoring proposal also allowed States to move forward with more stringent permitting programs which could lead to the creation of a patchwork of State regulatory programs, leading to compliance obstacles for what would amount to first-time regulations.

According to EPA, though, the "tailoring rule" will directly impact approximately 13,000 facilities. The scope is actually greater because sources below the proposed 25,000 ton threshold will also, eventually, be covered by the proposed rule. Despite the relatively limited scope claimed by EPA, unfortunately for manufacturers, the 25,000 ton level threshold requirement and the uncertainty in what will
be required to obtain permits will result in the inability of industry to plan and expand their operations and facilities and subsequently result in a continued loss of potential revenue, jobs and improvement of the United States economy.

Such a one size fits all standard will also not take into account impacts on energy markets to which the manufacturing sector is especially vulnerable. Between 2000 and 2008, the manufacturing sector lost more than 3.7 million high wage jobs due, in large part, to energy price volatility. New mandates from EPA, especially establishing permitting requirements on GHG emissions using programs designed to limit criteria pollutants, will further erode U.S. industrial competitiveness and eliminate jobs by limiting energy choices available to consumers.

Along with lengthier permitting requirements, EPA would also mandate Best Available Control Technology on all plants subject to new requirements. These mandate controls ranging from increased energy efficiency, co-firing of biomass to generate electricity, fuel switching to natural gas and possibly carbon capture and sequestration technology, which is still being developed for wide-scale commercial viability.
Sorting through the definition of backed and imposing technology requirements on a case-by-case basis as outlined by Federal law will further add to project uncertainty and increase costs to facilities subject to the new rule. NAM would like to point out that with respect to the Clean Air Act amendments of 1990 and EPA’s implementing programs, the technology necessary to reduce the target pollutants, including the impacts of acid rain, already existed and were largely commercially-viable.

The Administration must allow elected officials to address the climate change issue through public and transparent debate and craft a comprehensive Federal policy that will achieve environmental results while inflicting no economic harm. By resorting to decades old programs under the Clean Air Act, which were designed to reduce emissions of local pollutants rather than more globally distributed concentrations of GHGs, the EPA is not embarking on a course that will adequately address the complex issue of climate change.

The U.S. needs a modern, comprehensive and thorough policy based on innovative approaches vetted through the legislative process. The manufacturing sector urges the Administration not to circumvent that
process. The NAM looks forward to continuing to work with Congress.

MR. LING: I'm going to have to ask you -- you're a minute past time. Can you just sum up?

MR. BRENDLE: Great. Well, we look forward to working with the EPA, the Administration and Congress to craft modern policy and to avoid using programs in the Clean Air Act to regulate stationary sources. Thank you.

MR. LING: Thank you very much. Okay. I'm seeing that we have no more names signed up, so we will suspend again until some more witnesses arrive. Thank you.

(Whereupon, a short recess was taken.)

MR. LING: We are reconvened for at least two speakers, especially since one of them was signed up to speak at 2:50. So, I'd like to invite to the table Joe Smythe and Simon Bennett. And I'll ask Mr. Smythe to go first here in just a minute, and then I'll ask Mr. Bennett to go and then the panel may have questions. And so, you'll each have five minutes, and the timer will start when you begin speaking and the yellow light will come on when you have two minutes left. So, Mr. Smythe, whenever you're ready.

MR. SMYTHE: Thank you for the opportunity
to testify before you today on the EPA's proposed rule
to regulate greenhouse gas emissions from large
stationary sources. My name is Joe Smythe. I'm a
spokesperson for Greenpeace USA. Greenpeace is an
eminent campaigning organization that uses peaceful
direct action and creative communication to expose
global environmental problems and to promote solutions
that are essential to a green and peaceful future.

So, my comments today will be relatively brief as
Greenpeace plans to submit more substantive remarks on
this rule in writing.

Global climate change is the greatest
environmental, humanitarian and economic challenge the
world has ever faced. Millions of people are already
feeling the impacts of climate change, and an
estimated 300,000 people die each year from its
effects. Avoiding the worse of climate change,
including widespread drought, flooding and massive
population displacement caused by rising sea levels,
means that temperature increases must peak as far
below two degrees as soon as possible compared to
preindustrial levels. The Intergovernmental Panel on
Climate Change in its Fourth Assessment Report states
that avoiding a temperature rise above two degrees
requires that global greenhouse gas emissions peak by
2015 or sooner.

By 2020, developed countries like the United States will need to have cut emissions by at least 40 percent from 1990 levels. Greenpeace applauds the EPA's efforts to regulate greenhouse gas emissions. In April 2007, the Supreme Court determined in its landmark ruling in Massachusetts v. EPA that the agency has the authority to regulate greenhouse gas emissions under the Clean Air Act. It's encouraging to now see the EPA moving forward with this proposed rule. Action on this matter is long overdue.

Stationary sources covered by this proposed rule account for a third of all greenhouse gas emissions. Greenpeace supports the agency's decision to address a group of six greenhouse gases, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. We also support the proposal to use carbon dioxide equivalents as a preferred metric for determining greenhouse gas emission rates for any combination of these six gases.

It is important to note, that as a first step, a majority of sources covered by this rule can dramatically reduce emissions with currently available pollution control technology as well as energy efficiency. So, as noted by Administrator Lisa
Jackson in her announcement of the rule, "We have the tools and the technology to move forward today, and we are using them." Energy efficiency in particular has enormous potential to reduce greenhouse gas emissions. Yet, we have only harnessed a fraction of its potential. A detailed study released earlier this year by McKinsey & Company on the potential of energy efficiency to cut emissions reveals that an integrated set of energy efficiency investments and solutions would reduce nontransportation energy consumption by 23 percent. This translates into a \( \text{CO}_2 \) abatement of 1.1 gigatons. In other words, through energy efficiency alone, the potential exists to surpass carbon caps in the Congressional climate bills many times over. The icing on the cake is that these investments would come at virtually no cost.

On top of promoting smarter energy use, this proposed rule would also create incentives to producers and innovators of green technology, as well as give preference to clean renewable energy, which will lead to further emissions reductions in the near future. The potential for renewable energy technology to curtail \( \text{CO}_2 \) emissions is vast. A 2007 study by the American Solar Energy Society outlines how deployment of a suite of clean energy technologies would cut U.S.
emissions by 1.9 gigatons by 2030, more than 15 percent of current annual U.S. emissions. What's more, other renewable energy forums, such as Marine North Wave and Title Power, are nearing commercialization. When they become available, their deployment could allow the U.S. to cut emissions even further and repower the economy even faster.

And despite what some opponents have said, regulating greenhouse gas emissions will not ruin the American economy. On the contrary, studies show that strong Federal climate policy will help the economy get back on its feet. A recent report from the University of California at Berkeley shows that under comprehensive energy and climate policy the U.S. could gain 918,000 to 1.9 million jobs and grow household income by $488 to $1,176 by 2020. In fact, according to the International Energy Agency, it is the postponing of transitioning the energy sector to renewables and greater efficiency that will be costly, not to mention the exorbitant costs that will come with doing nothing to mitigate climate change.

The IEA concluded in a recent report that the economic downturn has "created an opportunity to put the global energy system on a trajectory to stabilize greenhouse gas emissions." Investing in
important technologies and efficiency will be cheapest now. IEA Executive Director Nobuo Tanaka notes that "This gives us a chance to make real progress towards a clean energy future but only if the right policies are put in place promptly."

Finally, it is critical to realize the regulation of greenhouse gases by the EPA and the Cap and Trade Program as proposed by Congress are not mutually-exclusive. Emissions limits and requirements for Best Available Control Technology for greenhouse gases are complementary to and can even facilitate implementation of a legislatively-mandated cap-and-trade program. Therefore, regardless of the action by Congress, we urge the EPA to move toward finalizing this rule sooner rather than later. Thank you for taking our comments into consideration.

MR. LING: Thank you. Mr. Bennett.

MR. BENNETT: Yes, my name is Simon Bennett. I want to thank the panel for the opportunity to testify here as a private citizen. I served four years in the U.S. Air Force in the early '50s. Then, as an electrical engineer over a period of 45 years, I worked on specification, design, testing, operation and management of communication satellites and their associated systems. After that, I retired.
My career allowed me to visit and observe many parts of the world. In my spare time, I've enjoyed watching and studying birds, collecting mushrooms and doing photography. As a science-oriented person, I'm very much aware of and concerned about global warming. I have followed all sorts of reports and studies, and this gentleman just mentioned a lot of them, on this issue and have concluded that greenhouse gas emissions are a real problem for the long-term well-being of earth's environment. On this issue, I'm very pleased and proud that the EPA and President Obama are accepting the scientific results and taking action now.

The big polluter rule under current consideration by the EPA is, in my view, very reasonable and proper if we are to keep this planet earth from overheating. The rule would apply only to new facilities and to expanded or modified existing facilities that are emitting at least 25,000 tons of greenhouse gases every year. The rule would exempt small businesses, churches, apartment buildings while addressing the bulk of the nation's global warming pollution. It would require the worst offenders, like new coal plants and other big polluters, to install the best available technology to clean up pollution
that causes global warming.

As a person that studies and believes in science and in practical solutions to problems, I know that there are many technological solutions that can be applied today and that further advances will develop if the proposed big polluters rule is enacted and enforced. As with communication satellites, we cannot wait to do the right thing. Once a satellite is launched, you cannot fix a problem that then arises. The design and testing and analyses done before launch is therefore crucial.

A similar situation exists with global warming. Many people argue that we can wait to reduce what is clearly a major problem: the global warming due to greenhouse gas air pollution. We must reduce it now. We must not wait, not for ourselves, not for our children, not for our grandchildren.

A final note. My wife and I visited Egypt in April this year. We were delighted to run into many children and adults and many adults who, upon hearing that we are Americans, smiled very broadly and shouted "Love Obama." It was delightful to see and hear. Thank you.

MR. LING: Thank you. Questions for the panel? No questions. Thank you both very much.
We're going to suspend until four o'clock and reconvene at that time. Thank you.

(Whereupon, a short recess was taken.)

MR. LING: Okay, good afternoon, folks.

Thanks to the folks who stuck around and I understand we have a group of new folks who are ready to speak, so we will reconvene the hearing, and I will call up Rhea Hale and A.G. Randall. And since you folks weren't around when I explained this earlier, I don't believe, we'll ask both of you to speak. We'll have Ms. Hale go first. When you begin speaking, the timer will come on and you'll have five minutes. When there's two minutes left, the yellow light will come on. And then when your time is up, the red light will come on. If you're having difficulty seeing the lights, Juan will hold up cards as well. And then, after both of you, if you could remain at the table until both of you have spoken, then the panel may ask you questions after that. So, with that, Ms. Hale, you may begin speaking whenever you're ready.

MS. HALE: Okay, thank you. Can you hear me? Okay. Good afternoon. My name is Rhea Hale, Director for Climate and Air Programs at the American Forest and Paper Association. I appreciate the opportunity to speak at today's hearing. The primary
point of my remarks today is to recommend that EPA acknowledge the carbon neutrality of biomass in the PSD greenhouse gas "tailoring rule".

AF&PA is the national trade association for the forest products industry representing land owners, pulp, paper, packaging and wood products manufacturers. The industry is among the top 10 manufacturing sector employers in 48 states, employing approximately 1 million people. Not only do our companies make products from renewable and recyclable biomass raw materials, but we also derive over 65 percent of our energy needs from carbon neutral biomass. In the "tailoring rule", EPA has justified raising the significance threshold based on the doctrine of "absurd results". We believe that if EPA does not clearly acknowledge carbon neutrality in the rule, that too will result in "absurd results" and upend years of established policy in both U.S. and internationally.

Carbon neutrality is universally-recognized as a basic tenet of renewable energy and climate change policy. It is incorporated into the Intergovernmental Panel on Climate Change Guidance and the UNSCCC reporting protocols which the U.S. EPA itself uses to calculate its annual greenhouse gas
inventory of emissions in sinks. Both the House passed and Senate proposed climate bills specify that fossil fuel based carbon dioxide is included in the required 25,000 ton CO\textsubscript{2} equivalent threshold to be considered a covered entity. Both bills also have a corresponding exemption for carbon dioxide emissions from renewable biomass.

Finally, in its own proposed rule issued in May or its proposed rule issued in May of this year, to implement the Renewable Fuel Standard, EPA again recognized the carbon neutrality of biomass. In addition, reporting protocols developed by the World Resources Institute, World Business Council for Sustainable Development, International Standards Organization, the Climate Registry, Environment Canada, U.S. EPA Climate Leaders, Midwest Greenhouse Gas Accord Advisory Recommendations, U.S. Department of Energy 1605(b) Program, and most recently, EPA's Mandatory Reporting Protocol of Greenhouse Gases, all differentiate biogenic from fossil carbon dioxide emissions.

These policies and protocols all recognize that carbon neutrality is an inherent property of biomass based on the natural carbon cycle. The carbon dioxide removed from the atmosphere during
photosynthesis is converted into organic carbon and
stored in biomass. When harvested and combusted, the
carbon in the biomass is released as carbon dioxide,
thus completing the carbon cycle. This convention is
universally-accepted and has been incorporated into
every climate change policy in existence today except
for EPA's PSD greenhouse gas "tailoring rule".

The IPCC recognized that an imbalance
between the rate of uptake of CO$_2$ by plants and the
rate of return of biogenic carbon to the atmosphere
through combustion, decay or respiration can affect
the carbon cycle. In the United States, harvested
forests are replanted or regrown, resulting in
increases in carbon stocks. Based on comprehensive
accounting reported in EPA's annual greenhouse gas
inventory, U.S. forest land carbon stocks are
increasing and the biomass carbon cycle in the U.S. is
acting as a net sink for carbon dioxide rather as a
source of emissions.

Carbon dioxide stocks in U.S. forests
continue to grow at a rate of over 800 million metric
tons of CO$_2$ equivalents per year. Even on U.S.
timberland supplying wood to the forest products
industry, carbon stocks are stable or increasing.
There are significant consequences should the PSD
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greenhouse gas "tailoring rule" not recognize the
carbon neutrality of biomass. First, treating biomass
based fuels essentially the same as fossil fuels under
climate policy would increase the adverse
environmental impacts associated with fossil fuel use.
Entities would prefer to use fossil fuels which have a
higher heating value and are therefore more efficient
in terms of energy production. Beyond greenhouse gas,
fossil fuels also produce more sulfur dioxide when
burned than do biomass based fuels.

Second, failing to recognize the carbon
neutrality of biomass would create substantial
uncertainty, deterring markets for renewable energy
and upsetting strategies to address climate change and
energy security. Investors in industries planning to
undertake investments in these areas would be
paralyzed, precisely at a moment when the national and
global economies need these types of investments.

Third, economic and job dislocation would
result in jurisdictions that do not recognize biomass
as carbon neutral in climate policy. EPA would be
eliminating a potential cost-mitigating compliance
strategy, the use of carbon neutral biomass fuel, for
not only the forest products industry but other
manufacturing facilities as well. Can I go on one
EPA has ample legal authority to exclude carbon dioxide emissions generated by combustion of biomass from the determination of whether a facility is a major stationary source or is undergoing a major modification for PSD purposes. In fact, EPA has asserted that it does have similar types of flexibility to interpret the PSD provisions of the Clean Air Act, including the proposed "tailoring rule". For example, EPA shows its discretion in defining the pollutants that will be subject to PSD permitting as the aggregate of six chemicals whose emissions are thought to contribute to global warming. EPA also differentiates among VOCs that do or do not contribute to ozone formation when applying PSD under the NAAQS. Given the scientific and policy precedent supporting the carbon neutrality of biomass, EPA's current recognition of this principle in existing rules and programs and the high level of discretion that EPA has in this rulemaking, AF&PA believes that EPA should exclude biogenic CO\textsubscript{2} emissions from the major source and major modification threshold determinations. Thank you.

MR. LING: Thank you. Go ahead, Mr. Randall. Start whenever you're ready.
MR. RANDALL: Fine. Thank you for the opportunity to provide a brief comment. In June, I submitted comments on the EPA proposed endangerment finding. To date, there has been no response to the public comments, not mine, nobody else's. So I have no idea what you feel about those comments. Those are pertinent to your rulemaking, your proposed rulemaking.

And we have recently learned that EPA has suppressed internal dissent on this very issue of climate science, and this from an organization that committed to make decisions based on science and transparency, a huge disappointment. Unfortunately, EPA is proceeding without any validation. This process is a total waste of taxpayer funds, money that we have to borrow from the Chinese to get this stuff done.

I would like to make three points today. First, an inconvenient fact: The climate models that EPA uses are fatally flawed. The models all predict warming, but the atmosphere and the surface have been cooling since 1998, and we are now at roughly 1988 levels. Europeans are predicting cooling for another 20 years. If the New York Times knows this, why doesn't EPA?
The question then, if the basis for the rule is without merit, how can EPA justify any action, any action? Second, EPA's recent analysis shows that greenhouse gas concentrations will continue to increase no matter what we do, your own analysis. On October 23, you submitted a report to the Senate Environment and Public Works Committee. Here's an excerpt from page 25: "EPA has now analyzed" -- you had until that time -- "how U.S. targets combined" -- now these are the targets from the Obama Administration in their 2010 budget -- "combined with international actions could affect global concentrations." So, up until recently, basically the same timeframe for this ruling, this rulemaking, you had not done the analysis, which is incredible, because President Obama went to Italy and made all these claims without having any backing for whether or not we could even survive this.

Now, the key conclusion was, "It should be noted" -- this is EPA's words -- "It should be noted that carbon dioxide equivalent concentrations are not stabilized in these scenarios." How in the world can EPA do an analysis at the same time you're proposing this that says you can't control concentrations, no matter what we do? "Thus, EPA's current analysis
demonstrates that we have no control over global concentrations." How can EPA propose to control any concentration, which you're going to have to, by controlling a limited number of U.S. sources as proposed with this 25,000 ton threshold for PSD?

The staff responsible for this rule needs to digest the October 23 report. Now I'm not saying what the modeling says. They ran the minicam and the magic model. You have all the data. Go back and get that data. Can we ever compare the two results of what we want to do with the PSD rule and the data? There's no way to make these things converge.

Third, EPA cannot cherrypick which sources it will regulate. In your ANPR, EPA contends that any greenhouse gas emissions at any level creates a problem, no matter what they are. If it's methane, if it's nitrous oxide, anything. So, if you look at the ANPR and the words in that proposal, you know that you said if these things follow, then we can get you on this stuff. Even though EPA claims that there is no standard currently, the current policy is headed towards a greenhouse gas NAAQS with the entire country in nonattainment. You know fully well what that means. Maybe the people in the audience don't, but you have to explain that clearly to everybody in this
country.

Under NAAQS, EPA must reduce concentrations of the pollutants to a level that protects the public. Some have argued like in the Mass. v. EPA case that current greenhouse gas levels are already harmful. So, what would it take to actually lower global concentration levels? A perpetual recession in this country leading to a depression will not be enough to decrease concentrations. So what gives?

The only question then, is 450 PPM carbon dioxide equivalent harmful? If it is and I know a lot of people have talked about that stuff, you've got comments on the record. You're asking for more comments. Then we are already at the threshold. We are already at 450 PPM equivalent. CO$_2$, 390. The rest of the greenhouse gases, we're at that level now. So there's no question about we're already there. So we're already what, in nonattainment? So, if EPA proceeds with this rule, it must evaluate the impact and a full impact of triggering greenhouse gas NAAQS on the condition that we're already at the threshold and the whole country, every locality, every plant, every region is in nonattainment, and nobody else understands, but you do, what this means. This has a huge impact on our future, high impact on our energy
production, our economy, and our national security.

Thank you.

MR. LING: Okay, any questions? All right.

No questions, but I did just want to make one comment, which is that you began by saying that we haven't responded to the comments on the endangerment finding. That's a separate action from today. We haven't gone final with that, and traditionally our responses to the comments are provided when we go final. So that's why. And then, similarly, the comments that you've made today we would look at in the context of the final "tailoring rule". So no questions. Thank you both very much for your testimony.

And I will call the next two speakers.

Timothy Wise and Jonathan Blockson. Okay, so I think you guys were here when I explained it. But just in case, you can start speaking whenever you're ready, and the timer will start at that time and then yellow means two minutes left. So we'll start with Mr. Wise.

MR. WISE: Okay. For the record, my name is Timothy Wise and I live here in Arlington, Virginia. Although many think I'm a global warming skeptic, I must say that I keep looking for evidence of global warming, but the best explanations come from those of the skeptics.
The problem, in my view, is the introduction of politics rather than the analysis of quality science. In the words of Christian Burns, "When a scientist publishes a study, that study should be reviewed by another, or a group of scientists, who then publish their review. The initial scientist then has an opportunity to refute anything in the review. A separate group of scientists should then publish an objective finding of what was learned. This process would ensure a much more effective advancement of science and learning. But unfortunately," she concludes, "that's not the case."

In many ways, mankind has made tremendous progress in the 400 years since Galileo was almost burned at the stake for arguing the sun, and not the earth, was the center of the solar system. However, it seems in some ways, mankind has made virtually no progress. Scientists Willie Soon and David Legates have a column in I believe it's today's Townhall.com. In it, they discuss how they were invited and then disinvited to host a session at the fall 2009 meeting of the American Geophysical Union in San Francisco. It involved an "integrated assessment of the vast array of disciplines that affect and, in turn, are affected by the earth's climate." As Soon and Legates
write, "Scientific inquiry has once again been
silenced just as it was 400 years ago. The AGU should
be ashamed and its members should be outraged."

From the stories I see written by the
science and climate reporters of the New York Times
and the Washington Post, there is none of this
scientific method in climate science. Even worse, are
the stories blaming this catastrophe, or that
calamity, on global warming. Just yesterday, I saw a
list of 100 items caused by global warming, for
example, the deaths of aspen trees in the West or the
incredible shrinking sheep. If high quality, good
quality science was being practiced, such stories
would not survive, let alone even being introduced
after some time.

While I don't know the scientific practices
of EPA scientists, it appears someone needs to assess
those practices. For example, on pages 112 and 113 of
Dr. Fred Singer's book, Unstoppable Global Warming
Every 1500 Years, he reports on the huge climatic heat
vent found by MIT's Richard Linson and a team of NASA
scientists. The existence of this heat vent has been
confirmed by two other teams. However, search of
EPA's climate change webpages found no mention of
these climatic heat vents. I find that especially
troubling.

In addition, I also find EPA's climate change webpages incomplete with regard to the last 2000 years of climate change. Like the infamous documentary, the 2000 year EPA cutoff seems to be a convenient occurrence. Why? On pages 21 and 22 of Dr. Singer's book, he mentions an unnamed cold period from 600 to 200 B.C. which preceded the Roman warming, which itself lasted from 200 B.C. to 600 A.D.

Also missing from the EPA list is the 300 years of the Dark Ages, cold period. It's important to ask at this point, what causes these warming periods since humans were not burning fossil fuels to release CO$_2$, and what happened to flip the earth from cool into warming if we know the Post and Times reporters haven't written about it.

In closing, it seems an essential issue of the "tailoring rule" is whether any regulation of greenhouse gases, especially CO$_2$, is justified by the science. Thank you.

MR. LING: Thank you. And Mr. Blockson.

MR. BLOCKSON: Yes. Hi. I'm Jonathan Blockson. I'm here today as a private citizen. I live in Vienna, Virginia. I'm employed as a software engineer at Google here in Washington, D.C.
So every month or two, Dominion Virginia Power, which is my power company, sends out a nice little newsletter with their bill and they include a little pie chart of where my power comes from. And it's always very distressing to me to see that somewhere between a third and a half comes directly from coal and the majority of the rest is purchased from other power companies which they don't attribute a source to. So basically, all the energy I'm using to power the devices in my house is coming from coal. And that kind of concerns me, because I do believe in global warming, and I think it's a significant threat to our planet.

So, I also have two children, ages 4 and 5-1/2, and we use a discipline system, 1-2-3 that you may have used where you count them if they do something wrong and you give them some time to correct that behavior. And if they get to three, then the hard part comes where you actually have to enforce something and you have to take them and put them in time out or something. And what you find is if you're not willing to actually put them in time out, maybe you're trying to get their clothes on and you need to get to school, then it doesn't do anything. So I kind of believe that if this rule is on the books for

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whatever reason, we should enforce it.

Now some of the things I like about the rule are that it targets big polluters like the people who are providing my power. And now, while my homeowners association won't let me go put up solar panels on my roof, if we change the economics of the situation, then we're much more likely to get to a point where as a society we're not putting more CO$_2$ into the air.

So I think this is a pretty good idea, and it seems like we should start enforcing it and make these polluters clean up. So thank you very much.

MR. LING: Thank you. Questions? All right, thank you both very much. All right, I'm going to call up two more speakers. We have Ken Haapala and Donna Childress, and I would ask you as a courtesy to spell your name for the court reporter when you introduce yourself. And we will start with you, Ken.

MR. HAAPALA: Also, can I introduce here, documents for this part of my testimony?

MR. LING: Absolutely. So whenever you're ready, feel free to start and the timer will start at that time. Thanks.

Europeans strongly disagreed as to what determines scientific knowledge. Was it statements by authorities such as Aristotle or religious leaders, or was it physical evidence as advocated by Galileo?

Since then, the miracle of Western science was built on the dictum that science must never ignore physical evidence. Unfortunately, the EPA has reverted to medieval science. The EPA has failed to present any compelling physical evidence that man's emissions of greenhouse gases caused 20th century warming. Instead, it relied on the U.N. Intergovernmental Panel on Climate Change and its faulty computer models that are biased, obsolete and wrong. Atmospheric carbon dioxide continues to rise, but the globe stopped warming over a decade ago. The science used by the EPA cannot explain why.

Prior to the formation of the IPCC, it was widely recognized by those who studied the physical evidence that the earth's climate is constantly changing. Since the last ice age, there have been periods of warming and cooling. The most striking warm period, at least for the Northern Hemisphere, was one of over 3,000 years when it was about five degrees Fahrenheit warmer than today. These scientists concluded that, generally warm periods were beneficial
to humanity, and cold periods harmful.

This physical evidence has continued to grow enormously. Yet it is ignored or dismissed by the EPA's science. The earth's climate is subject to natural variation the EPA ignores. The oceans have natural oscillations, which the EPA ignores. The first part of the 20th Century, there were four major disappearances of arctic ice, which the EPA ignores.

The most powerful force in the solar system, the sun, upon which the earth's climate depends is changing in ways the EPA never considered even though observations of such changes have been made since Galileo pointed his telescope towards the sun. These, and other physical evidence ignored by the EPA and the IPCC, are discussed in two reports by the Nongovernmental Panel on Climate Change. Nature, not human activity rules the climate in the extensive report, Climate Change Reconsidered.

The EPA regulations before you assume without physical evidence that increased atmospheric carbon dioxide is harmful to public health and welfare. This assumption is contrary to the physical evidence. Carbon dioxide is a necessary food for green plants, thus necessary for life on this planet as we generally recognize it. As discussed in the
second report, thousands of experiments and observations show that virtually all food crops and green plants thrive better in an atmosphere enriched in carbon dioxide and better resist stress such as drought and insect attacks.

Contrary to the EPA's claims, carbon dioxide enrichment, condemned by these regulations, is in the benefit of agriculture, humanity and the planet.

Thank you.

MR. LING: Thank you. Ms. Childress.

MS. CHILDRESS: Hi. I'm Donna Childress, last name is C-H-I-L-D-R-E-S-S, and I live here in Arlington. I have my own writing business, and I want to thank you for the opportunity to speak. I'm here simply to support EPA's rule to cut global warming emissions by big polluters. I do believe the science that EPA is following on this. I do believe that global warming is a huge threat.

I wanted to tell you why I care about this issue. Just from a personal standpoint, I grew up playing outside. I had many happy hours in my granddad's cabin nearby in the Blue Ridge Mountains hiking, horseback riding, appreciating the great outdoors. Until a few years ago, though, I didn't really know anything about environmental issues. I
loved to be outside, but I didn't know any of the
science. I didn't know much about global warming,
none of that. When I found out, I was horrified. I
was horrified at what we're doing to our mountains,
what we're doing to our lakes, what we're doing to our
air and how our actions are causing climate change
that not only endangers the planet's natural beauty
but also ultimately human existence.

I also was horrified at how, in the name of
improving our quality of life, we're releasing poisons
into the air that cause an increase in diseases like
asthma and cancer, which I understand that, by curbing
pollutions that contribute to global warming, we also
would be curbing some of those pollutants.

I feel that from talking to friends, family,
even strangers about these issues over the past couple
of years, there are scores of other Americans just
like I was two years ago that are blissfully unaware
of what's going on, of what carbon dioxide and these
other pollutants are doing to our planet.

And so, I'm here because I feel it's a broad
issue that affects a lot of people, even though a lot
of people may not be aware of it. I'm very pleased
that President Obama and the EPA are paying attention
to the science that says we need to move quickly to
cut our greenhouse gas emissions in proposing this rule. I believe it moves us in a positive direction, quickly cutting our global warming emissions in half.

Cost, of course, is an issue. While coal-fired power plants and large factories will incur costs to meet the requirements of this rule, I believe we're past the point where we can simply shrug our shoulders and say we can't afford to address it. Keeping our air free of these pollutants and greenhouse gas emissions isn't and never should have been an optional expense.

What we need to do now is look beyond the next quarter's profits and on to the greater good of having a stable climate and healthy population. To accomplish that goal, let's create new green jobs that further develop and refine the clean energy technology and move to a new way of thinking about this.

I ask that as you hear comments and consider how best to implement this rule that you think of how you can make it the strongest to achieve the greatest reduction in pollution in the fastest way. Thank you for the opportunity to speak and for your time.

MR. LING: Thank you. Any questions for the panel? Oh, you were asking about the written comments, written material to put into the record? If
you will just leave that at the table outside with the request that you have written materials to put into the record, they'll make sure that it gets there.

MR. HAAPALA: Thank you.

MR. LING: So no questions. Thank you both for your testimony. Okay. Now we call Ana Prados and Steve Thompson. Welcome. Ms. Prados, you can start whenever you're ready.

MS. PRADOS: Okay. My name is Ana Prados. I live in Springfield, Virginia. I am an emissary scientist with 15 years experience in air pollution research, including the monitoring of air pollution and air pollution trends using satellite data. I work with the University of Maryland at Baltimore County, although I'm here representing myself today.

I'd like to express first of all my support for the PSD and Title V Greenhouse Tailoring Rule. Personally, before I go a little more into that, I want to thank the EPA for the new direction it has taken since January 2009. I think I speak, not just for myself, but for a lot of my colleagues that we really appreciate the new direction EPA has taken in respecting science in its decisionmaking, particularly with regard to global warming, and we hope that this new direction will continue and that the latest
science of climate change, which is always changing, is fully incorporated into regulation and rulemakings such as the one you're considering today.

So NASA's top climate scientists, for whom I have the most respect, tell us that we must phase out all coal emissions rapidly. Specifically, the timeline that he has come up with based on his studies is 20 years maximum. So I think this in my opinion I think requires two important actions: (1) no new coal plants, and the other one is the phasing out of existing coal plant emissions, which the current rule would help with that. It's a necessary step towards the urgent task of phasing out greenhouse gas emissions altogether.

Even as the scientists tell us that we must make these reductions, and this is coming from the experts, what we do know from the satellite data and from the observations is that coal emissions such as greenhouse gas emissions from coal are actually increasing worldwide, and we are getting further and further away every day from the 350 PPM target, which as you probably have heard is the target that we must meet to avoid catastrophic climate change, and we're already well beyond that. We're at 387 parts per million.
So, I really think the U.S. now really can and must lead in making these reductions. I urge you to please consider the part of the Clean Air Act to require BACT for facilities currently emitting 25,000 tons or more per year as you have suggested. And as for the significance levels, I think that given what the science is telling us, I think you should go with the lower limit of 10,000 tons for that threshold.

Regarding the new sources, that's the only part that I'm not so sure of. I have some reservations about it because I think we need something a little tighter as a threshold for triggering PSD for the new sources as a disincentive for new coal plants. Specifically, I'm talking about coal here, not the other sources. But I think that we need some kind of a disincentive. We cannot -- and this is what the scientists tell us -- we cannot meet that 350 PPM target if we allow construction of new coal plants. So I would hope that you will consider lowering that threshold to something more like along the lines of half of that.

The Clean Air Act has worked before. I mean, we see it in our observational data. It has worked so well, and an example of that is the Acid Rain Program. I think that cutting back on greenhouse
gas emissions from these large sources will also have
an additional benefit, which is on the criteria
pollutants, because you are giving these sources a lot
of flexibility on how they can cut these emissions.
And some of the measures such as efficiency are
definitely going to decrease our criteria pollutant
concentrations. And so, we're going to have a lot of
added benefit from that, and there are plenty of areas
still not meeting attainment. So, just here in the
D.C. area where we still don't meet the ozone NAAQS.

So those are my comments. Thank you for
your time and the opportunity to speak today.

MR. LING: Thank you. Mr. Thompson.

MR. THOMPSON: Thank you for allowing me to
speak today. I'm speaking extemporaneously because I
would like to have been here this morning at 9:30 for
the Sierra Club press conference. Then, I would have
been more informed of what I'd like to say today,
because I support their position, whatever it is. I'm
a member and I think they're on the right track and I
think EPA is, and I commend the Obama Administration
and President Obama for the initiatives he's taking in
helping us to curb dramatic and harmful climate
change.

And I am Steve Thompson. I live in the
District of Columbia. So I'm here as a private citizen. I would support no new coal plants, electric generating plants and the phasing-out of all current coal electric generating plants, and that we focus on solar renewable biofuels and wind. I would say I'm a Ph.D in economics. I don't have any background in my professional career regarding climate change or those subjects. But I do think we need to be careful how we phase-in things so that we don't hurt the economy any more than we have to and don't harm it irreparably. But we do have to transition to renewable sources and we can do that and we should do it. And I think the future of humankind on the planet depends on us doing it in a timely way. Thank you very much.

MR. LING: Thank you. No questions. Thank you both very much. I'm going to hold on for just a second while I check to see if we have any more speakers.

(Whereupon, a short recess was taken.)

MR. LING: Okay, we're all caught up. So I'm going to again suspend. We do have a few more people signed up who are not yet here, so I will not adjourn the hearing yet, but I'm going to suspend and will not be able to estimate when we might reconvene. But I do expect we'll reconvene once more for folks
who are interested. Thank you.

(Whereupon, a short recess was taken.)

MR. LING: All right. So while I'm waiting

to see if anybody else is going to come in and listen,

I'll just explain to you that we're using this
timekeeping system and we'll call you up to the table.
And whenever you start speaking, we'll just start the
timer and you'll have five minutes. And then that
little yellow light will come on when it's down to two
minutes, and then you can sum up and then a little red
light will come on when the five minutes is up. All
right. So Terry Armao, all right. Come on up. How
do you spell your name again?

MS. ARMAO: A-R-M-A-O. I didn't prepare any

remarks. I just came to give comment. So I've been

following the problem for probably about two years

with fossil fuel pollution. Unfortunately, I was a

little late to the game. You guys were way ahead of

me on that one. But now I'm paying attention, and I'm

not liking what I see. These coal companies and the

coal plants and the oil industries are basically
destroying our planet to the point where it's going to

be unlivable if we let them keep getting away with

this.

So, I can only tell you that it's your job
to make them stop. The fact that the room is empty is kind of sad. But I think most people anyway, you know, don't want pollution. They don't want to breathe it. They don't want to drink it, and that's what we're subjected to. So the fossil fuels came out of the earth. They need to stay right there. They don't need to come up and poison every living thing on the planet, which is what's happening.

The problem with ocean acidification I guess was a kind of a newer thing that science was not aware of. And to me, it's almost the most critical because when you destroy the food chain in the ocean, you just basically can't live here anymore. I mean, too many people rely on that and making a planet that isn't going to be habitable by humans or animals anymore. And so people talk economy, economy, but what's the point of having an economy if you don't have a planet?

So, yes, people may lose jobs and coal companies may have to spend more. But they need to be regulated. They need to stop polluting. And if we need to get off coal, we need to get off coal permanently. I, for one, feel so strongly about it, I'd rather light candles at night than do what we're doing now to the planet.

So, I mean, basically, that's my comment. I
think a lot of people don't realize how drastic the situation has become, and otherwise the room would be quite full. But they don't realize it, and they also think that left in your hands you're going to do the right thing and take care of it. That's why you get paid. You're not paid to be mouth pieces for the coal industry. You're paid to keep the planet clean.

That's the deal.

So, I think that's why people don't bother showing up, and that's too bad. But I'm here, even though I was driving around in circles for 40 minutes. I'm here. So it's important, and you've got to do it. That's what we pay you for. You've got to get it done.

MR. LING: Thank you very much. Any questions? And if it makes you feel any better, we did have a nearly full room earlier today. So thank you very much.

MS. ARMAO: You're welcome.

MR. LING: So we will now suspend again until we get a couple more speakers. And again, there are still three folks signed up, so we will not yet adjourn. Thank you.

(Whereupon, a short recess was taken.)

MR. LING: All right, do I have a timekeeper

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ready back there? Okay, great, and court reporter's
ready? Great. We're going to reconvene. We're going
to have a short session here with at least two
speakers who are here and are signed up to speak. So,
I will call up both of you, and then after you've both
spoken, we may ask questions. And then both of you
remain at the table until both of you have spoken, and
then we may ask questions. The yellow light will come
on when there are two minutes left, and the red light
will come on when your five minutes is up.

So, at this time, I will call Al Burt and
Sadaf Mortezavi. Either one's fine, yes. Mr. Burt,
if you could go first, that would be good and the
timer will start whenever you start speaking. So just
whenever you're ready.

MR. BURT: I'm ready.
MR. LING: Go right ahead.

MR. BURT: Thank you for giving me an
opportunity to speak this evening. I'm going to try
to come up with some potential solutions. They may be
a little bit bizarre, but here we go. I'm advocating
that instead of increasing the power supply in the
United States over the next 10 years that we whittle
away at the waste of electric power. I'm talking
about electric power mostly now. Some figures I've
found in the last few months, the waste approximately
is 30 percent of our consumption of electric power,
and I'm suggesting we try to reduce that by three
percent a year. That way, we would not have to build
more coal plants and pollute the air anymore.

So how do we get Americans to cut down on
our waste? Well, one way is to raise the price. I
know energy is not that elastic, but there is some
elasticity. The reduction in driving last year when
the gas prices got up shows that there is some
elasticity. So what I'm suggesting is in the cap-and-
trade system that's being proposed now, instead of
giving away 85 percent of the credits that all the
credits be auctioned. This would also help our budget
a little bit, and it would make it more expensive for
the power suppliers and they would then have to pass
the increased cost along to the people and the people
then, including myself, would have to cut back on the
waste or would cut back on the waste once the price
got up there.

So taken over 10 years, we should then have
our consumption go down at about the same rate as
increased requirements go up due to population growth
and more gizmos that you plug in. So that's my
suggestion for the next 10 years. As far as gasoline
goes, raising the excise tax to make gasoline more expensive, people would cut down on waste driving and we might have a little bit of money to fix our broken down bridges. So that's consumption for the next 10 years, try to cut the waste down rather than just supplying more power to feed more waste.

Okay, now that we've solved the problem for the next 10 years, going out into the long range, I'm suggesting that during the 10 years that I just talked about we start building nuclear plants. I have no financial interest in uranium, nuclear plants or anything else, so I'm speaking just as a person here. If we build nuclear plants, which emit nothing but steam over the next 10 years, thank you, while we're using the conservation to keep us from increasing the pollution, we would then, I believe, solve our problems from the 10 years on out.

Why not wind mills? Well, I've got some numbers here, and this is what's probably going to sound bizarre. But one nuclear power plant with two reactors can replace 388 miles of wind mills stretched along the ridge of a mountain. That would be almost the entire Blue Ridge Parkway could be replaced by one nuclear plant with two reactors.

Now, if you put wind mills up along that
range and you have people looking at them, it distorts
the view or disturbs the view, and this is assuming a
450 foot wind mill on top of a 1,000 foot mountain, a
swath of approximately 80 or 90 miles wide. If you
take that swath and run it down the 388 miles from
peak to peak, you are destroying a view of 66,247
square miles of disruptive view shed for hikers and so
on. Peak to level, if you're talking about a ridge
and a plain, again the same heights and so on, it's
36,192 square miles. So, I'm trying to get it across
to people that we can either destroy America the
Beautiful with all these wind mills with the idea of
having clean air, and if you have clean air, you can
just see more wind mills. Thank you.

MR. LING: Thank you very much. You can
remain at the table. That would be fine.

MR. BURT: Oh. May I? I have a meeting at
the Air and Space Museum.

MR. LING: Oh, you need to get going? Okay.
Any questions?

MR. SANTIAGO: No, no questions.

MR. LING: All right. No questions for you,
Mr. Burt. If you need to go, go right ahead. Thank
you.

MR. BURT: Okay, thank you. I left my email
on the thing if you have any questions about where
those numbers came from.

MR. LING: Okay. Thank you very much.

MR. BURT: Thank you.

MR. LING: Ms. Mortezavi.

MS. MORTEZAVI: Hi. So my name is spelled
S-A-D-A-F. I'm just here to show that I care and --

MR. LING: Did you also spell your last name
for him already?

MS. MORTEZAVI: Oh, no.

MR. LING: Okay.

MS. MORTEZAVI: M-O-R-T-E-Z-A-V-I. So it's
kind of embarrassing to go after him because he had
all these statistics and I'm just here to say that I
care and to show support. I'm a student. I'm an
activist, and I'm here because I want to hold
polluters accountable. I never used to give them much
thought or really care about environmental issues
until I started working at Fund for the Public
Interest and I started working there on another
campaign.

But when I found myself exposed to all this
information about the environment and all the stuff
that was going on that I had no idea about, I realized
that, wow, I should care and I shouldn't be so
So I don't want to be passive anymore, and I don't want polluters to be passive about their actions. And I believe that they should be held accountable, and that's why I'm here today.

Global warming is a really serious issue, and the coal industry is one of the very serious problems that's causing global warming. Big coal-fired power plants are the single largest source of global warming pollution in the nation, and many coal plants are old, inefficient and rely on outdated technology.

So what I would like to see is that they update this technology and become more efficient and start to care about the environment and the atmosphere. And it's time to ask them to stop using the atmosphere as their personal dumping ground. It's time for big polluters to clean up so that America can fight global warming and move towards clean energy. It's important to move to clean energy sources like wind and solar power. They don't harm the environment, and they don't run out and they create new jobs. Companies such as Solyndra would do just that. They create jobs that also can't be outsourced, which is a big plus.

Global warming isn't something that we
should be passive about and wait for someone else to clean up. We need to stop treating the environment as our own personal dumping grounds and take action now. And I really thank you for this opportunity, and I hope that you guys finally finalize this important rule to fight global warming and move America towards clean energy.

    MR. LING: Thank you very much. Any questions?

    MS. SANTIAGO: No questions.

    MS. MORTEZAVI: Thank you.

    MR. LING: Thanks for coming. Okay. I will now call up Ellen Bateman, already on her way up.

    MS. BATEMAN: Hi. I'm Ellen Bateman.


    Okay, great. So the yellow light comes on when there's two minutes left, and then the red light comes on when the five minutes are done and the timer will start whenever you're ready.

    MS. BATEMAN: Okay. Well, thank you very much. I'm Ellen Bateman. I want to thank the EPA for its commitment to environmental justice, which is probably why I'm here participating. I'm a student of environmental conflict resolution at the Institute for
Conflict Analysis and Resolution, and I'm also a concerned citizen and advocate for green jobs and renewable energy technologies, of course.

I'm also a parent of two youngsters who love the outdoors. So I want to tell you about a time that I took my kids to visit Cumberland Falls in Corbin, Kentucky. I don't know if you've ever been there. It's gorgeous. We drove to Daniel Boone National Forest from Central North Carolina one summer weekend to get a glimpse of the famed Moonbow. It's a phenomena that appears each month when the full moon shines over Cumberland Falls, which is sometimes referred to as the Niagara Falls of the South.

The drive was memorable. We passed through Pisgah National Forest in North Carolina and ascended the mountain slowly. I don't think my car had ever done anything like that. We passed Nantahala National Forest and continued on to Daniel Boone National Forest, which is named for the heralded pioneer. I'm sure you're familiar with the legend of Daniel Boone.

So when we arrived and set up camp, I was surprised by the hazy conditions and the very close, humid, uncomfortable almost, air quality. I expected to breathe more deeply, and with more refreshment. We enjoyed the beauty of the mountain ecosystem. I had
never seen rocks like that in my life, and we set up a
tent and sleeping on the ground in a sleeping bag in a
tent was a very hard experience, shall I say. We kept
sliding down because it was basically just grass over
rock.

So we crowded the rails of the falls at
midnight with the other tourists to try to catch a
glimpse of this Moonbow, but we never did. But we did
enjoy the trip, and we'll never forget -- I'll never
forget the sound of the toy long gun that my son got.
It's like a Daniel Boone thing. I'll never forget
the sound of that popping. But I'll also never forget
the image of those rolling green mountains shrouded in
haze. So ladies and gentlemen, only a handful of
sources, including coal power plants, are responsible
for more than half of all the global warming pollution
in the United States. These megapolluters should be
held responsible for their share. The EPA is
proposing a rule to clean up these big polluters under
the Clean Air Act, and we should definitely enforce
that Act.

By targeting the worst offenders, the big
polluters rule will quickly cut global warming
pollution while still helping our economy grow. I'm
sure you've heard this today before. The rule would
only apply to offenders emitting at least 25,000 tons of greenhouse gases each year. In the Appalachian region, I think there's 109 tons of mercury being emitted into the atmosphere, and there are several complicating factors associated with mountaintop removal which impact not only our air but our clean water supply as well, which could have a very detrimental effect on the entire water supply for the East Coast.

Under the big polluters rule, the worst offenders, like new coal plants and other big polluters, would have to install technology to clean up pollution that causes global warming, and I hope that you will transform the energy future of our nation by supporting the big polluters rule, eliminating mountaintop removal and helping to create green jobs. Thank you for your consideration.

MR. LING: And thank you. Questions? No questions. Thanks very much. I think, okay, we are now caught up on speakers. I'm going to suspend again until we have another speaker. I don't know exactly when that will be. And then if we don't have anyone show up, we'll still I think hold open until seven. So we're suspended until another speaker shows up. Thank you.
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(Whereupon, a short recess was taken.)

MR. LING: Great. We're going to reconvene
for our last scheduled speaker, and we also have one
other speaker. Again, we will hold the sign-up
process open until seven tonight in case there's
others who want to speak. But our last scheduled
speaker is Malin Moench, and we also have Mary
DiSenna. So, if you could both come up at the table
here, I will invite you to both give your testimony
and then we may ask questions after both of you have
spoken. If you could just remain at the table until
both of you have gone.

We do have this timing system set up. The
timer will start when you start. And then the yellow
light will come on when you have two minutes left, and
the red light will come on when your five minutes are
up. So, Mr. Moench, whenever you're ready, you can
begin. Thank you.

MR. MOENCH: Okay. My name is Malin Moench.
I spent all my professional life in the East, but I'm
counting the days until I retire and can go back to
the Colorado Plateau where I grew up to turn to nature
photography full-time. The Colorado Plateau is the
most spectacular 140,000 square miles in the world.

It troubles me greatly that this may not be
true when I finally have enough time to record it with
my camera. I visited the Colorado Plateau several
times this summer. The evidence in my camera lens
shows climate change is beginning to overwhelm its
natural systems.

Why blame greenhouse gases for the dying
forests I see each summer and the smoke that seems to
always be in the air? The American West is warming
twice as fast as the rest of the country.
Climatologists tell us that the buildup of greenhouse
gases is causing the polar air mass to shrink. This
is causing the subtropical jet over the American West
to migrate northward at the rate of 100 miles each
decade. Heat and drought creep northward as the jet
retreats. The greatest warming in the West is
occurring in the Colorado Plateau and the West's great
mountain ranges. These areas of highest impact
unfortunately are also the areas containing the
country's iconic national parks: Grand Canyon, Zion,
Bryce, Yosemite, Yellowstone, the Grand Teton,
Glacier and the North Cascades. Winter snows are
shifting to rain. Spring rain is disappearing. Less
snow means less stream flow and less groundwater. The
shortage is stressing ecosystems now and will strangle
the economies of the West very soon.
Specific signs that natural systems are deteriorating are all around. Fire is becoming to the West what hurricanes are to the Gulf. I head west with my camera two to three times a summer. Over the last decade, the majority of photography trips have been fruitless. This is because the summer skies are so often brown rather than blue from massive fires whose pall is often spread over three, four or even five states at once.

According to a recent study, since 1987, higher spring and summer temperatures and earlier snow melt have caused a fourfold increase in the number of western wildfires, burning 6.5 times as much land area each year as they did before 1987. This is spurred by warmer temperatures, invasive grasses and weeds that thrive in spring and dry out in summer, have turned Bandelier National Park and Mesa Verde into tinderboxes. Catastrophic fire is now so inevitable that it is expected to permanently eliminate the forest cover in both parks.

If nothing changes, Western glaciers are doomed. Sixty percent of the glaciated land in the lower 48 is in North Cascades Park. Since 1958, 80 percent of that mass of glaciers has been lost. In the last 20 years, half of the glacial mass in Glacial
National Park itself has melted. In the next 20 years, it will all be gone.

With higher temperatures, high mountain tundra is disappearing and alpine wildflower meadows are turning to grassland. Subzero temperatures are increasingly rare in high mountain ranges of the West. This means that populations of bark beetles of every type, spruce, white pine, you name it, no longer die off in the winter. The result is that vast swaths of forest in the high country are sick and dying.

I recently attended a family reunion in Cedar City, Utah. We stayed in a cabin on the edge of Cedar Breaks National Monument. On the last day, we gathered to watch the sun setting from the rim of the monument 10,000 feet above the valley floor. I looked out over the 2,500 foot deep amphitheater carved out of soft pink and white limestone with fins, columns and spires of every hue. It was like an enormous choral garden framed by the deep shadow green of fir trees. A silver ribbon swerved in the sun and lost itself in a dozen layers of purple mountain ranges stretching 100 miles to the west.

But this magic was an illusion. It could be sustained only as long as our gaze avoided the harsh reality of the views North, East and South. Global
warming has laid the plateau from which Cedar Breaks was carved and its vast spruce forest at the mercy of the spruce bark beetle. Turning our heads to either side required us to face the gray ghosts of what were once a million spruce trees leaning like vertical driftwood waiting for the torch of a summer lightning strike. Can I have 10 more seconds?

MR. LING: Yes, if you're close to the end, that's great. Go right ahead.

MR. MOENCH: Similar scenes, heartbreaking to a photographer, are spreading all over the West from Arizona to Montana. It is the buildup of greenhouse gases that is bringing nature to its knees in the American West. Politics has become so dysfunctional I despair that Congress will ever act to rescue this land. Our only hope lies with administrative action: this rule that you are now considering to control the major sources of greenhouse gases that have unleashed this damage on the crown jewels of the West, please implement it as quickly as possible. Everything is riding on it. Thank you.

MR. LING: Thank you. And Ms. DiSenna.

MS. DISENNA: I'm a citizen living here in the D.C. area and a former editor of a national publication called U.S. Water News, and I followed,
both as a citizen and a professional person, this
issue of climate change before, long before it was
accepted or while it was still being undermined by
many and not paid attention to, and I applaud the
former speaker's comments on the gravity of this
situation.

To get to another issue, the acidification
of the ocean is accelerating so fast that not only the
life in the ocean, but all life on earth, would be
impacted because when the plankton goes, as the folks
at the Center for Biological Diversity say, as the
plankton go, so goes all life on this planet. It's
the building block of our ecosystems, and our ocean
cannot take what we're doing. Of course, our forests
cannot take what we're doing. Our glaciers cannot
take what we're doing.

And the Arctic, I recently attended a
workshop on issues of the Arctic and of course there's
so many that I don't have time to detail it all. But
the Arctic Ocean or the Arctic Region is responsible
for regulating so much of our climate. And when that
goes and the sea ice all melts, we are then
accelerating the process of the warming by exponential
degrees. And all that we are doing, all that we can
do now, right this minute, is still going to leave us
trying to patch a lot of holes and trying to scurry to make sure that total devastation doesn't result.

So we have no time. I applaud this rule, and I agree with the former speaker, I've been following the House and Senate bills on the climate and it is very discouraging that we have so much leverage from the industries that we need to better regulate, that every time something is put into the bills to make it actually do what it's supposed to do, it's removed and we get a bill that everybody applauds. And it doesn't do any good. That is ever more dangerous because we are deceiving ourselves.

So I applaud this rule, and I believe as the former speaker said, we have to act now. And I thank you for the opportunity to talk.

MR. LING: Thank you very much. Questions?

MR. SANTIAGO: No questions.

MR. LING: No questions. Thank you both for coming. So the last signed up speaker has now gone, and so we're going to hold the hearing open. And whenever anyone shows up to speak, we will let them speak right away at that time until seven o'clock.

(Whereupon, a short recess was taken.)

MR. LING: It is now seven o'clock. And seeing nobody else signed up to speak, we will adjourn
the hearing, thank everybody for their attendance and we'll be in Chicago tomorrow.  
(Whereupon, at 7:00 p.m., the hearing in the above-entitled matter was concluded.)
REPORTER'S CERTIFICATE

DOCKET NO.: EPA-HQ-OAR-2009-0517

CASE TITLE: Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Proposed Rule

HEARING DATE: November 18, 2009

LOCATION: Crystal City, Virginia

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes or digital recording reported by me at the hearing in the above case before the Environmental Protection Agency.

Date: November 18, 2009

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