

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PUBLIC COMMENT HEARING ON )  
THE PROPOSED PREVENTION OF )  
SIGNIFICANT DETERIORATION )  
AND TITLE V GREENHOUSE )  
GAS TAILORING RULE )

TRANSCRIPT OF PROCEEDINGS had in the  
above-entitled cause on the 19th day of November, A.D.  
2009, at the Donald E. Stephens Convention Center,  
Rosemont, Illinois, at 10:00 a.m.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

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Division, Office of Air Quality Planning and  
Standards;  
JOSEPH MANGINO, Office of Air Quality Planning and  
Standards, Operating Permits Group;  
HOWARD HOFFMAN, Office of General Counsel.

REPORTED BY:

MS. SHARON A. STUCKLY, CSR, RPR.

VOLUME 1

A.M. SESSION

1 MR. LING: Good morning, everybody. Good morning.  
2 Thank you for attending the second of two public  
3 hearings. These are hearings to take comment on EPA's  
4 proposed -- this is a mouthful -- Prevention of  
10:11:12 5 Significant Deterioration and Title V Greenhouse Gas  
6 Tailoring Rule.

7 We held the first hearing yesterday in the  
8 Washington, D.C., area, so this is the second of two.

9 My name is Michael Ling. I'm the associate  
10:11:29 10 director in the EPA's Office of Air Quality Planning and  
11 Standards, Air Quality Policy Division. I'll be chairing  
12 today's hearing.

13 Joining me on the panel are Joe Mangino  
14 of our Operating Permits Group and Howard Hoffman from  
10:11:47 15 our Office of General Counsel.

16 We are here today to listen to your comments on  
17 the EPA rule proposing greenhouse gas thresholds that  
18 would define when Clean Air Act permits under two  
19 programs that would be required.

10:12:04 20 The programs are called New Source Review or  
21 Prevention of Significant Deterioration and the second  
22 one is called Title V Operating Permits.

23 This is an opportunity for the public to comment  
24 on EPA's proposed rule. The panel members here at the  
10:12:23 25 table may answer questions that seem to clarify what we

1 have proposed, but the purpose of the hearing is to  
2 listen to your comments not to discuss or debate the  
3 proposal.

4 Before we move to the comment period, I would  
10:12:36 5 like to briefly describe the proposed rule that's the  
6 subject of today's hearing. This rule was published in  
7 the Federal Register on October 27th.

8 The proposed thresholds would tailor these  
9 permit programs to limit which facilities will be  
10:12:54 10 required to obtain New Source Review and Title V permits.

11 The proposed threshold would ensure that the  
12 permit programs will still apply to sources that emit  
13 nearly 70 percent of the national greenhouse gas  
14 emissions that come from stationary sources including  
10:13:11 15 those from the largest emitters, power plants, refineries  
16 cement production facilities and others.

17 Under the proposal, numerous small farms,  
18 restaurants and many other types of facilities would not  
19 be subject to these programs.

10:13:27 20 The proposal addresses the emissions of six  
21 greenhouse gases as a group, that these gases may be  
22 covered by some EPA rule in the future controlling or  
23 limiting their emissions. They are: Carbon dioxide,  
24 methane, nitrous oxide, hydrofluorocarbons,  
10:13:49 25 perfluorocarbons and sulfur hexafluoride.

1           We are proposing in this rule that the carbon  
2       dioxide equivalent would be the preferred metric for  
3       determining the greenhouse gas emission rates for  
4       combinations of these six greenhouse gases, but we're  
10:14:01 5       requesting comment on that alternative.

6           Under the Operating Permits Program, one of the  
7       programs that the rule addresses, EPA is proposing a  
8       major source threshold for applicability of 25,000 tons  
9       per year of CO2 equivalent for existing industrial  
10:14:22 10       facilities.

11           Facilities that have greenhouse gas emissions  
12       below this threshold would not be required to obtain an  
13       operating permit.

14           Under the Prevention of Significant  
10:14:32 15       Deterioration program, which is part of the New Source  
16       Review program, EPA is proposing a major stationary  
17       source threshold of 25,000 tons CO2 equivalent also.

18           This threshold will be used to determine if a  
19       new facility is a major source that triggers the PSD  
10:14:51 20       construction permitting requirements.

21           We are also proposing to establish a  
22       significance level, which is the level that's used for  
23       existing sources to determine if a modification at that  
24       source is major, and is therefore required to have a PSD  
10:15:09 25       permit.

1           We are proposing a range for the significance  
2   level, somewhere between 10,000 and 25,000 tons per year  
3   of CO<sub>2</sub> equivalents. We are requesting comment on the  
4   range with the intent of selecting a single value for the  
10:15:24 5   greenhouse gas significance level.

6           Under these proposed emission thresholds, we  
7   estimate that about 400 new sources and modifications  
8   would be subject to PSD permitting each year for  
9   greenhouse gas emissions. Because most of those would  
10:15:41 10   already need a PSD permit for other pollutants, we  
11   estimate that fewer than 100 of these would be newly  
12   subject to the program.

13           In total, approximately 14,000 large sources  
14   would need to obtain operating permits for greenhouse gas  
10:15:55 15   emissions under the Operating Permits Program.

16           Again, since most of these already have permits,  
17   we estimate that about 3,000 of these sources would be  
18   newly subject to Clean Air Act operating requirements as  
19   a result of their greenhouse gas emissions.

10:16:10 20           These proposed thresholds would therefore  
21   continue to preserve the ability of the PSD and Title V  
22   operating permit programs to achieve and maintain the  
23   public health and environmental protection goals while  
24   avoiding an administrative burden that would prevent  
10:16:28 25   state and local permitting authorities from processing

1 these Clean Air Act permits efficiently.

2 Under the approach laid out in the proposal, EPA  
3 would re-evaluate these greenhouse gas emission  
4 thresholds, the ones that we adopt as final in this rule,  
10:16:43 5 after an initial phase.

6 During that initial phase, PSD and Title V  
7 permitting authorities will gain experience in issuing  
8 these permits to larger greenhouse gas sources and would  
9 develop approaches for tailoring the permitting programs  
10:16:58 10 to address smaller sources.

11 By the end of the first phase, which is proposed  
12 to last for five years, we are proposing to study --  
13 complete a study to evaluate whether it would be feasible  
14 for PSD and Title V permitting authorities to adequately  
10:17:15 15 administer the programs at lower thresholds.

16 And after reviewing the study results, we will  
17 complete a follow-on regulatory action within a year and  
18 it will establish thresholds for the second phase. And  
19 the thresholds for the second phase will either confirm  
10:17:33 20 the need to keep the thresholds where they were in the  
21 first phase or to establish different thresholds that  
22 more accurately reflect what the administrative  
23 capabilities are of the permitting authorities at that  
24 time.

10:17:48 25 Finally, we plan to develop some supporting

1 information to assist permitting authorities as they  
2 begin to start permitting greenhouse gas emissions for  
3 the first time. The guidance would initially focus on  
4 the source categories where permits will be needed  
10:18:04 5 soonest, which are the sources above the thresholds that  
6 we adopt in this rule.

7 And this is largely a separate effort from this  
8 rule including a key topic, how to do the Best Available  
9 Control Technology determinations that are part of this  
10:18:21 10 permitting program.

11 And so we invite comment on elements related to  
12 this aspect of the proposal as well. And we generally  
13 invite comment on all aspects of the proposal as there  
14 are things we specifically ask for comment for, and any  
10:18:37 15 other issues that are raised by that proposal.

16 Now, let me just describe briefly how this  
17 hearing will operate and how you can comment. Today we  
18 will be accepting oral comments on our proposal. We will  
19 be preparing a written transcript of those comments and  
10:18:55 20 that transcript will be available as part of the official  
21 record for this rule.

22 We will consider all the comments in this  
23 transcript as we move forward, but we're also accepting  
24 written comments on this proposed rule until  
10:19:10 25 December 28th of this year. We have a Fact Sheet

1 available in the registration area that contains detailed  
2 information for how to submit those written comments.

3 For those of you who will be providing oral  
4 comments today, I'll call the scheduled speakers to the  
10:19:25 5 microphone in pairs at this table. When it's your turn  
6 to speak, please state your name and affiliation. And it  
7 will also help our court reporter if you spell your name.

8 In order to be fair to everyone, we're asking  
9 that you limit your testimony to five minutes each. And  
10:19:43 10 to keep things moving along, we will ask that you remain  
11 at the microphone here until both speakers have finished.  
12 And at that time the panel may ask clarifying questions  
13 of either speaker.

14 And if you have brought a written copy of your  
10:20:00 15 remarks and you'd like to put that in the docket as well,  
16 please be sure to give a written copy to us here at the  
17 table. You can do that before you speak if you like or  
18 give them to the staff at the registration table.

19 We have a timekeeping system here that consists  
10:20:18 20 of green, yellow and red lights. When you begin  
21 speaking, a green light will come on which you'll be able  
22 to see from there and the timer will start at that time  
23 and you'll have five minutes to speak.

24 When there are two minutes left, the yellow  
10:20:33 25 light will come on to signal that it's time to start

1 summing up. And then when the red light comes on, I will  
2 ask you to stop.

3 I won't, you know, wrestle you to the ground  
4 immediately at zero, but when the red light comes on, it  
10:20:50 5 will be time to stop very shortly after that.

6 We do intend to stay into the evening until  
7 everyone has an opportunity to comment. It's going to be  
8 a very full day I think. If you would like to testify  
9 but haven't registered to do so, you can do so, but you  
10:21:06 10 need to sign up at the registration table outside.

11 And for those who have already registered to  
12 speak, we have tried to accommodate your requests for  
13 specific time slots, but we ask for your patience as we  
14 proceed through the list. We will certainly have to make  
10:21:20 15 adjustments to the schedule as the day progresses.

16 So with that, I'd like to thank everybody for  
17 participating today and I'd like to call up the first two  
18 speakers.

19 David Sykuta and Don Ferber.

10:21:53 20 Mr. Sykuta, we will begin with you, just  
21 whenever you're ready begin and we will start the timer  
22 at that time.

23 DAVID SYKUTA: Good morning, my name is David  
24 Sykuta. I'm executive director of the Illinois Petroleum  
10:22:32 25 Council.

1           The Illinois Petroleum Council is affiliated  
2           with the American Petroleum Institute. The national  
3           group represents about 400 member companies who are  
4           involved in all aspects of the oil and natural gas  
10:22:46 5           industry.

6           In Illinois specifically, the Illinois Petroleum  
7           Council represents the integrated oil and natural gas  
8           industry which represents -- employs nearly 50,000  
9           Illinois consumers and taxpayers throughout the state.

10:23:03 10           By way of background, Illinois is the fourth  
11           largest refining state in the nation. Most of the  
12           gasoline in the midwest is made in Illinois and  
13           transhipped all around, and our geographic location makes  
14           us the energy crossroads of the country both in pipelines  
10:23:22 15           and rail shipments and otherwise.

16           Therefore, it's entirely appropriate that we  
17           comment on these proposed regulations on behalf of the  
18           millions of consumers and thousands of employees whose  
19           livelihood depends on our daily activities and whose  
10:23:41 20           pocketbooks will be heavily affected by what you decide  
21           through the process of these hearings.

22           I want to make three brief points today. First  
23           of all, the Illinois Petroleum Council along with  
24           hundreds of other groups, do not believe the Clean Air  
10:24:01 25           Act was designed to address the emissions of greenhouse

1 gases.

2 Secondly, requesting whether the EPA has the  
3 legal authority to modify the statutory thresholds in the  
4 Clean Air Act to regulate pollutants or in this case  
10:24:16 5 greenhouse gas emissions by relying on the EPA's  
6 so-called "absurd results" logic. I find that phrase one  
7 of the great ironies of the Environmental Protection Act.

8 Third, contrary to the Executive Branch  
9 requirements, the EPA has failed to provide any  
10:24:34 10 Regulatory Impact Assessment to support the totality of  
11 its plans to regulate greenhouse gases under the Clean  
12 Air Act.

13 And I might add that our industry, along with  
14 most others, relies on the USEPA, and correspondingly the  
10:24:51 15 State EPA, to provide a regulatory process that provides  
16 both certainty and practicality in application so that we  
17 can find ways to spend the billions of dollars that will  
18 have to be expended in order to comply with whatever  
19 comes through the process.

10:25:15 20 And I can tell you from 34 years experience in  
21 this business, the further the EPA strays from  
22 generally-accepted practices of regulation, the longer  
23 the eventual lead times will be in accomplishing anything  
24 because there are, despite the hopes of many, an  
10:25:41 25 ill-thought regulatory process leads to all sorts of ways

1 that in the end, and I can cite you dozens of examples of  
2 this throughout my career, in the end leads to longer  
3 delays than if we would have stepped back and gone  
4 through the, I guess you would say, normal process, the  
10:26:00 5 accepted process in the past and go through that way.

6 It's -- however this works out, it's going to be  
7 a multi-billion dollar, tens of billions of dollar  
8 solution. And those kinds of expenditures will not be  
9 made throughout the -- throughout the national economy  
10:26:18 10 without some degree of certainty that whatever is being  
11 decided on will actually stay that way.

12 Regarding the first point, the Illinois  
13 Petroleum Council believes that climate change is a  
14 serious issue demanding focused and effective action that  
10:26:34 15 is best taken with legislation that is dedicated to that  
16 problem rather than through the existing structure of the  
17 Clean Air Act which we believe was clearly not designed  
18 to address greenhouse gas emissions.

19 The EPA should not proceed with this rule or the  
10:26:49 20 related greenhouse gas rules that you have proposed under  
21 this system. Furthermore, since there's no fixed  
22 deadline for the EPA to regulate greenhouse gases under  
23 the Clean Air Act, we fail to see the rush to move  
24 forward this way. There's plenty of time to come up with  
10:27:09 25 a better system.

1           The best way to avoid the circumstances given  
2       rise to EPA's "absurd results" and supposed  
3       "administrative necessity" outlined in this proposal is  
4       to rely instead on the corresponding National Highway  
10:27:27 5       Traffic Safety Administration proposal to strengthen CAFE  
6       standards which we believe will achieve virtually all the  
7       benefits of EPA's proposed greenhouse gas tailpipe rules.

8           Meanwhile, Congress has the opportunity to  
9       develop a meaningful bipartisan energy and climate policy  
10:27:45 10       many of which are involved in that today that addresses  
11       the challenges at hand without holding back the nation's  
12       economic recovery.

13           Secondly, the Clean Air Act is quite clear  
14       regarding the thresholds that should be relevant for  
10:28:02 15       compounds regulated under the act.

16           The EPA cannot justify the proposed Tailoring  
17       Rule under the "absurd results" or "administrative  
18       necessity" doctrine. The narrow and limited doctrine of  
19       "administrative necessity" cannot justify the massive  
10:28:20 20       tailoring proposed by EPA.

21           The broad departure from the plain language of  
22       the statute necessary to sustain the EPA's proposed  
23       threshold increase is patently inconsistent with the  
24       statue and cannot be saved by the "administrative  
10:28:36 25       necessity" doctrine.

1 EPA cannot resort to judge-made exceptions to  
2 the law such as "absurd results" and "administrative  
3 necessity" when the agency can lawfully create -- avoid  
4 creating such circumstances in the first instance.

10:28:51

5 MR. LING: I'm going to have to --

6 DAVID SYKUTA: I'm about to close up. Finally, the  
7 EPA has avoided providing information on the costs and  
8 impacts on the economy of the regulatory scheme. And we  
9 think this is of the first order of magnitude.

10:29:07

10 In closing, we are asking here that we step back  
11 and work in partnership, as we have in previous  
12 regulation negotiations, that have provided immediate and  
13 visible results improving the economy and the environment  
14 of both Illinois and the United States.

10:29:29

15 Thank you very much. I'm sorry I ran over a few  
16 seconds.

17 MR. LING: Thank you very much.

18 Mr. Ferber.

10:29:36

19 DON FERBER: Thank you. My name is Don Ferber,  
20 that's F-e-r-b-e-r, from Madison, Wisconsin. I'm  
21 speaking on behalf of the Wisconsin John Deere Chapter of  
22 the Sierra Club.

10:29:51

23 In Wisconsin, we are definitely seeing the  
24 results of climate change already which is why we support  
25 this rule making. That's definitely a step in the right

1 direction to where we need to go with regulating  
2 greenhouse gases.

3 We are seeing changes in rainfall events where  
4 we are seeing dramatic flooding problems. We have a  
10:30:08 5 second community in Wisconsin that just this year decided  
6 to move the entire community away from the river valley  
7 because of the flooding problems.

8 We have had clean air advisories in Wisconsin in  
9 large part because of the pollutants emitted from these  
10:30:21 10 power plants, asthma problems, mercury in lakes that go  
11 along with the sources that are used to, emit the  
12 greenhouse gases.

13 We are well aware of the Ontario study from 2005  
14 that decided when they took into account the healthcare  
10:30:36 15 effects that coal is not an option to use and is  
16 obviously one of the highest-emitting sources of CO<sub>2</sub>  
17 pollution that we need to curtail.

18 We just stopped our last proposed new coal power  
19 plant in Wisconsin last year. We are not looking at any  
10:30:53 20 new coal. And, in fact, are looking to take coal out of  
21 the remaining state-owned power plants and go to clean  
22 air energy sources.

23 We know, in particular, some of the changes that  
24 are going on in Wisconsin because we have got a  
10:31:05 25 consortium of leading scientists and researchers at the

1 University of Wisconsin at Madison with Wisconsin  
2 integrated climate change initiative who have been  
3 studying the impacts of climate change, and to persons,  
4 they routinely start off with talking about the levels of  
10:31:20 5 CO<sub>2</sub> and the impacts they are causing on our climate and  
6 the problems that we're having.

7 They talk about the rainfall events, how they're  
8 getting more severe, yet at other times we have areas of  
9 drought within the same State that are causing disruption  
10:31:35 10 not only to flooding -- with flooding and changes to  
11 people but also to the vegetative habitat that will also  
12 be accentuated because of climate change.

13 We're also concerned about disease vectors.  
14 There are various things that may change that we can't  
10:31:50 15 control and are of great concern and we need to really  
16 get the CO<sub>2</sub>, in particular, under control to be able to  
17 have a chance of making these changes.

18 I grew up in central Illinois, and I can tell  
19 you that the winters in Madison are getting similar to  
10:32:06 20 what I remember growing up in central Illinois. I  
21 already see those changes myself.

22 Based on our concerns in Wisconsin, we --  
23 several years ago, the Governor instituted a Governor's  
24 task force on global warming to come up with  
10:32:22 25 recommendations on climate change and what we can do in

1 Wisconsin.

2 Last year, they came out with the results of  
3 this report, and in December we will be introducing the  
4 Clean Energy Jobs Act because we are looking at, not only  
10:32:33 5 efficiency measures, but clean energy measures, to reduce  
6 our impacts on greenhouse gases and it will also provide  
7 a lot of jobs.

8 We are shipping a lot of money out of state to  
9 get energy sources, although we are now starting to build  
10:32:48 10 more wind and solar in order to get clean energy, and  
11 also to utilize efficiency measures, to reduce our energy  
12 demand. But as much as we are doing in Wisconsin, that  
13 is not going to be enough.

14 We are one state. We need everybody else to  
10:33:05 15 step up. We're concerned about what has happened at the  
16 national level. We are very pleased to see that EPA is  
17 looking to provide some rules to limit this and provide a  
18 proper response to the concerns that are out there, but  
19 we need the other states, we need EPA, we need regulatory  
10:33:21 20 efforts everywhere to reduce our CO<sub>2</sub> emissions and bring  
21 them back down to where we have the 350 parts per  
22 million.

23 A lot of us talk about, by 2050, that we need to  
24 have an 80 percent reduction in global warming gases. I  
10:33:37 25 hear other people, including having heard James Hanson

1 recently, talking about we may need to do this by 2020.  
2 We are putting things into motion that we can't control.  
3 We are suffering excessive costs by virtue of the climate  
4 change that's going on already when it's already minimal.  
10:33:52 5 We need to do something much stronger. And I appreciate  
6 the fact that EPA is having these hearings and looking at  
7 taking steps towards that. Thank you.

8 MR. LING: Thank you. Questions?

9 MR. MANGINO: No.

10:34:06 10 MR. LING: No questions. Thank you both very much.  
11 Mr. Sykuta, I just want to remark that your full text of  
12 your remarks will be entered into the document.

13 DAVID SYKUTA: That's fine. Thank you very much.

14 MR. LING: I'd like to call the next two speakers.  
10:34:25 15 Sandra Kaptain and Kathleen Patel.

16 So whenever you're ready, we will start.

17 SANDRA KAPTAIN: Hi. Good morning. I'm Sandra  
18 Kaptain, K-a-p-t-a-i-n. Kaptain with a K. I am co-chair  
19 of the Elgin Climate Change Organization and the Climate  
10:35:01 20 Change Chair of the Elgin League of Women Voters.

21 ECCO, Elgin Climate Change Organization, over  
22 three years now has been a grass roots organization that  
23 has worked on sharing environmental information with the  
24 public. We're approaching this from the standpoint of,  
10:35:18 25 if you save energy, you can save money. That's a big

1 selling point.

2 We've been distributing -- I think we have  
3 distributed about 5,000 \$1,000 challenge cards. If you  
4 cut your energy waste, you can usually save a thousand,  
10:35:32 5 up to 1,700 a year.

6 So we're helping to push the information out  
7 from that standpoint. But we also want to, you know,  
8 save the environment at the same time.

9 I'm here today also because I am retired from  
10:35:49 10 the sanitary district of Elgin as assistant chemist and  
11 pretreatment coordinator. Some of you are probably  
12 aware, the sanitary district of Elgin, is a sewage  
13 treatment plant, and now it's Fox River Water Reclamation  
14 District, but for 14 years, we treated domestic and  
10:36:09 15 industrial wastewater at three treatment plants over 20  
16 million gallons a day of raw wastewater from domestic and  
17 industrial sources.

18 This included about a dozen sources what we call  
19 categorical industries which would be similar to the  
10:36:28 20 major emitters now of greenhouse gases. These were the  
21 people -- the industries that discharged heavy metals and  
22 toxins into the wastewater streams, which as you know,  
23 eventually are the rivers which now in Elgin, is the  
24 drinking water.

10:36:44 25 Okay. I've been told now that the waters of the

1 United States are the cleanest in the world. And I would  
2 like to thank the EPA -- the USEPA for doing this. They  
3 mandated the regulations. It would not have gotten done  
4 if they hadn't mandated that these things be treated at  
10:37:03 5 the source. I believe this is due to them and I would  
6 like to thank them very much.

7 Now, we need to do the same kind of regulation  
8 of the worst emitters of greenhouse gases, coal-fired  
9 power plants and others. Again this is the economical  
10:37:20 10 way to go. It is not economical to take scrubbers and  
11 other kinds of devices up into the atmosphere and collect  
12 the waste.

13 It's similar to the sewage treatment plant. If  
14 we would have discharged these toxic contaminants, let it  
10:37:35 15 go to the ocean and now you try to clean it up. If you  
16 clean it up at the source, it's the most economical way.  
17 We need to start now.

18 Scientists tell us that we have less than seven  
19 years now to get major changes started. As you heard  
10:37:50 20 already, James Hanson has said that we've got to do it by  
21 2020, 80 percent reduction.

22 I support the USEPA as the organization  
23 best-suited to regulate greenhouse gas emissions from the  
24 heaviest polluters first. Let's thank the USEPA for the  
10:38:07 25 best water in the world. Let's keep going to clean up

1 the air from the major sources of greenhouse gas emitters  
2 now. Thank you very much.

3 MR. LING: Thank you. Ms. Patel, whenever you're  
4 ready.

10:38:20 5 KATHLEEN PATEL: Okay. Good morning. My name is  
6 Kathleen Patel. And I'd like to thank you for giving me  
7 this opportunity to speak.

8 I am a medical researcher and I write a column  
9 for the Examiner on alternative medicine. In addition to  
10:38:35 10 this, I am a wife, a mother and an environmentalist.

11 My main concern today is the dangers of air  
12 pollution that contribute to global warming and the  
13 health effects that it causes.

14 My husband, my nephew and 20 million other  
10:38:56 15 Americans suffer from asthma. And I venture to say that  
16 probably everyone in this room knows someone with asthma.  
17 It's pretty wide-spread. It's almost at epidemic  
18 proportions.

19 And, in addition to the suffering this causes,  
10:39:13 20 asthma is responsible for over 5,000 deaths per year.

21 Now, scientists have proven that air pollution  
22 from coal power plants is the major cause of asthma  
23 attacks. In fact, coal-fired power plants are the single  
24 largest source of global warming pollution in the nation.  
10:39:34 25 And more than 159 million Americans, that's over half of

1 the nation's population, live in areas with poor quality  
2 of air.

3 A research study that was mentioned before,  
4 published in 2002, estimated that 30 percent of childhood  
10:39:52 5 asthma is due to environmental exposures. This costs the  
6 nation \$2 billion per year. And studies also suggest  
7 that pollution may contribute to the development of  
8 asthma in otherwise healthy individuals.

9 Now, those numbers are extremely conservative,  
10:40:14 10 given that the study was done seven years ago, and things  
11 have only declined in quality, so I believe it's time to  
12 act before it's too late.

13 I support the EPA's proposal. It makes good  
14 sense. It targets the biggest polluters and requires  
10:40:35 15 them to meet modern pollution standards. It's time for  
16 the big polluters to clean up their act.

17 America can fight global warming and move to  
18 clean energy. Clean energy sources like wind and solar  
19 power don't harm the environment. They never run out.  
10:40:51 20 And they will create jobs across America. And right now  
21 America really needs jobs. It's win-win in my opinion.

22 Thank you again for this opportunity. And I  
23 urge the EPA to finalize this important rule to fight  
24 global warming and help save America.

10:41:12 25 MR. LING: Thank you. No questions. Thank you both

1 very much.

2 The next two speakers will be Kathy Gere and  
3 Manny Flores.

4 Miss Gere, you may begin whenever you're ready.

10:41:54 5 KATHY GERE: Good morning. My name is Kathy Gere.  
6 And I'm here as a private citizen, however, I also am a  
7 board member for Naperville for Clean Energy and  
8 Conservation. I am concerned about what's going on in  
9 the environment right now because I know that if we  
10:42:14 10 continue as we are that our future generation will not  
11 have the same benefits that we have enjoyed.

12 I recall, you know, a time where I went fishing  
13 with my grandmother and I recall a time where my own  
14 children go fishing with their grandfather and the joy  
10:42:33 15 that that brought them.

16 But our future generations won't be able to  
17 experience these simple little things in life if we  
18 continue to destroy our environment with the pollution  
19 that's creating the global warming right now. We won't  
10:42:50 20 have streams with fish because they won't be able to  
21 survive this climate change.

22 So large polluters not only contribute to a  
23 significant amount of mercury in the environment, but  
24 they also contribute to other types of emissions that  
10:43:06 25 contribute to global warming. This type of warming has

1 never occurred in the past and will have unpredictable  
2 consequences for generations to come.

3 I believe we have an ethical and a moral  
4 obligation to act today to do everything that we can to  
10:43:21 5 protect the only planet that we have. There are no  
6 alternatives. This is our earth. And we must act now.

7 The Clean Air Act requires that all new major  
8 emitting facilities use the best available technology to  
9 limit their emissions. Those facilities that are already  
10:43:41 10 polluting need to make changes that will reduce their  
11 emissions too. I'm asking the EPA to use its regulatory  
12 powers to significantly reduce the amount of mercury in  
13 the environment as well as other pollutants that  
14 contribute to global warming.

10:43:59 15 Scientists tell us that coal power plants  
16 contribute to more than 50 percent of the mercury and  
17 other pollutants in the environment. Targeting those  
18 industries that contribute the most to global warming  
19 pollution will have the largest impact.

10:44:12 20 I want to thank the EPA for listening to our  
21 concerns today. I am thankful that the EPA and President  
22 Obama are putting science ahead of politics. Quick  
23 action is needed to reduce global warming. Thank you.

24 MR. LING: Thank you. Mr. Flores.

10:44:33 25 MANNY FLORES: Good morning. My name is Manny

1 Flores and I am a city council member here in Chicago. I  
2 wanted to thank the Environmental Protection Agency for  
3 having this hearing here for the Chicagoland area and  
4 also for giving me the opportunity to address you in this  
10:44:48 5 hearing today.

6 As an elected representative of the people of  
7 Chicago, I am concerned about ensuring a sound satisfying  
8 healthy future for our community. As many of you know,  
9 the city of Chicago is one of the leading cities in  
10:45:07 10 developing policies to address the issue of climate  
11 change.

12 We are proud of having submitted last year, the  
13 Chicago Climate Action Plan, which was a work that was a  
14 result of many organizations collaborating and analyzing  
10:45:25 15 what the greenhouse gas emissions were like in the city,  
16 also studying what was causing the greenhouse gas  
17 emissions and establishing a very bold and vicious set of  
18 plans and standards for where we want to be by the year  
19 2020.

10:45:43 20 For us to be effective in that effort, we  
21 discovered that we have to address the issue of the way  
22 that we use our buildings. More than 70 percent of all  
23 greenhouse gases come from the way that we use our  
24 buildings, our structures here.

10:45:58 25 And I would submit that for the city to be

1 successful in achieving the goals that it has set forth  
2 in the climate action plan, it is important for the EPA  
3 to fulfill its role in moving forward with the rules that  
4 it has in its capacity -- in its toolbox, if you will, to  
10:46:19 5 ensure that we are protecting our environment.

6 I would also submit that this provides us an  
7 opportunity to transform our economy, to take advantage  
8 of the movement in the area of clean technology and clean  
9 energy and to also give us an opportunity to create new  
10:46:33 10 jobs, not only in this region, but throughout the  
11 country, to allow for a greater degree of prosperity.

12 So thanks for the opportunity to be here with  
13 you this morning and I'm looking forward to continuing to  
14 collaborate with the organization in making our city a  
10:46:48 15 healthier place. Thank you.

16 MR. LING: Thank you. No questions. Thank you  
17 both.

18 The next two speakers are Ron Burke and Nora  
19 Dunn.

10:47:43 20 Mr. Burke, you may begin whenever you're ready.

21 RON BURKE: All right. Thank you very much. I'm  
22 Ron Burke, Midwest Office Director with the Union of  
23 Concerned Scientists. Glad to be here today in support  
24 of your proposal. While we think it's preferable for  
10:48:02 25 Congress to pass a comprehensive law to create clean

1 energy jobs and ratchet down greenhouse gas emissions, we  
2 recognize that EPA regulation under the Clean Air Act is  
3 the best plan B at this time. And that EPA actually has  
4 the authority of course under the Clean Air Act to do  
10:48:23 5 this.

6 I want to urge you -- before I say anything  
7 else, I just want to urge you to move as quickly as  
8 possible on this front. We don't know when or if  
9 Congress is going to act. We're optimistic that they  
10:48:36 10 will, but clearly you are our best hope in the absence of  
11 Congressional action.

12 And we're also hoping that, beyond New Source  
13 Review and Title V, that you move as quickly as possible  
14 to utilize New Source performance standards to start to  
10:48:55 15 regulate greenhouse gas emissions from existing sources,  
16 not just major modifications to existing sources. We  
17 think that's going to be crucial to moving forward in  
18 tackling this problem.

19 We're happy that EPA and the federal government  
10:49:08 20 are also moving to regulate, for the first time, carbon  
21 dioxide emissions from motor vehicles. That is a  
22 monumental step forward. We're excited about that as  
23 well.

24 In combination with your movement towards  
10:49:24 25 regulating large source emitters under the Clean Air Act,

1 we can clearly make a lot of progress, but again, not as  
2 much as if we get a comprehensive bill in Congress.

3 You know, the Midwest is well-positioned, we  
4 think, to take advantage of this new clean energy economy  
10:49:38 5 that we are so in support of. Right now, the Midwest  
6 generally imports all of its energy, whether it's oil or  
7 gas or coal, which means the jobs to create that energy  
8 are generally not here.

9 In contrast to home grown energy, wind, solar,  
10:49:59 10 creating megawatts through energy efficiency, these are  
11 strategies that create local jobs and jobs that keep  
12 money in our local economy. So we're excited about that,  
13 the economic opportunity to take action to tackle climate  
14 change, but we also recognize the scientific imperative  
10:50:19 15 to move.

16 Just a few weeks ago, 18 more scientific  
17 organizations wrote the US Senate saying that indeed  
18 climate change is real and that humans are the main cause  
19 and that others who say otherwise are just not properly  
10:50:34 20 assessing the facts and essentially every major  
21 scientific organization in the world now is saying that  
22 climate change is real and that we need to take action  
23 quickly.

24 In fact, scientists are telling us that climate  
10:50:45 25 change is happening faster than they previously

1 projected, and that in order to avoid the worst  
2 consequences of climate change, it is imperative that we  
3 act immediately.

10:50:59 4 You know, it took decades to regulate lead in  
5 gasoline and paint long after the scientific community  
6 told us of the dangers.

7 It took at least a couple of decades to start  
8 really, really regulating tobacco long after the  
9 scientific community told us that tobacco is linked to  
10:51:14 10 lung cancer and other health problems.

11 We can't wait decades to start regulating  
12 greenhouse gas emissions. We have to start now. The  
13 life boat is sinking, you know. We need to start bailing  
14 water as fast as possible.

10:51:27 15 So I would support your proposal here and urge  
16 you to move as quickly as possible and also again move  
17 towards regulating existing sources using your New Source  
18 Performance Standards as quickly as possible as well.  
19 Thanks.

10:51:43 20 MR. LING: Thank you. Miss Dunn.

21 NORA DUNN: Well, thank you so much. I'm Nora Dunn.  
22 I'm an actress and I'm a climate change activist. And  
23 I'm a citizen of Chicago, proudly. And I just want to  
24 say thank you for stepping up and bringing this issue up  
10:52:05 25 again and being an EPA that's actually going to protect

1 us.

2 I think in -- you know, in takes courage because  
3 we're facing a revolution and it's the next industrial  
4 revolution. And this revolution is going to be about  
10:52:19 5 clean energy. We can't go backwards. We can only go  
6 forward.

7 When we talk about jobs and employment, there  
8 are millions of jobs in energy, but, you know, we have to  
9 get through to Washington. We have to send a really,  
10:52:33 10 really strong message to Washington. And this is the  
11 first step. And it's a very, very important step. So I  
12 think that we all want to do everything we can.

13 I'm starting a radio show that's going to be  
14 strictly about climate change. We need to keep the  
10:52:47 15 pressure on. And, you know, regulations will help us.  
16 And next we need the regulations that are -- the  
17 legislation that will follow. So thank you so much for  
18 being here and listening to us and listening to me today.  
19 Thank you.

10:53:04 20 MR. LING: Thank you. No questions. Thank you  
21 both.

22 I'd like to call up Kerwin Olson and Donna  
23 Askins.

24 And, Mr. Olson, you can start whenever you're  
10:53:49 25 ready.

1 KERWIN OLSON: Thank you very much. My name is  
2 Kerwin Olson. That's K-e-r-w-i-n. Last name O-l-s-o-n.  
3 I'm the program director for the Citizen's Action  
4 Coalition of Indiana. We're Indiana's oldest and largest  
10:54:04 5 consumer and environmental advocacy group.

6 I'm here today specifically to speak about Best  
7 Available Control Technologies and ask that those choices  
8 do not include carbon capture and waste storage,  
9 otherwise known as carbon capture and sequestration.

10:54:24 10 First of all, that's exactly what it is. It's  
11 hard to classify it as sequestration when it's not  
12 intended for future use. They intend to stick their  
13 waste under our ground, basically create massive  
14 landfills across our country, so, first of all, let's  
10:54:42 15 refer to it as what it is. It's carbon capture and waste  
16 storage.

17 Secondly, the costs are simply enormous.  
18 There's a study from University of Wyoming suggests  
19 storing 80 percent of today's CO<sub>2</sub> emissions from  
10:54:57 20 coal-fired power plants alone will cost in excess of \$1.6  
21 trillion. That's just storage. That's not including  
22 retrofitting, capturing and transporting.

23 Studies from University of Harvard suggest costs  
24 for retrofitting and capturing carbon emissions from  
10:55:17 25 coal-fired power plants may cost in excess of 22 cents a

1 kilowatt hour.

2 No. 2, it's a huge transference of risk to the  
3 public via the tax base, via the rate base. Utility  
4 companies, energy companies have not invested a single  
10:55:34 5 dime into carbon capture and waste storage. Not a single  
6 dime of their own money. They expect to shift the entire  
7 burden of this to the public via the tax base, via the  
8 rate base because it's simply not a good investment.

9 Venture capitalists today are not investing in  
10:55:53 10 carbon capture and waste storage. Venture capitalists in  
11 Wall Street are investing in renewable energy and energy  
12 efficiency.

13 The only way that these folks can get this done  
14 is through massive, massive public subsidies via the tax  
10:56:06 15 base and the rate base.

16 It's a nonproductive investment. It doesn't  
17 make us more efficient. It doesn't create jobs. And it  
18 doesn't modernize our electric system. And utilities,  
19 coal companies are the only sector that stand to benefit  
10:56:22 20 from carbon capture and waste disposal.

21 For example, in my state, the State of Indiana,  
22 right now we have Duke Energy sitting before the Indiana  
23 Utility Regulatory Commission seeking permission to  
24 essentially take \$121 million from Duke Energy rate  
10:56:44 25 payers to study and characterize the siting of storing

1 the CO<sub>2</sub> waste emissions from their Edwardsport coal plant  
2 currently under construction.

3 That's \$121 million just to characterize a site  
4 to store the emissions from one coal-fired power plant.  
10:57:04 5 Not to capture it. Not to move it. Not to store it.  
6 Just to do the preliminary studies for characterizing a  
7 site for carbon capture and storage.

8 The costs are enormous. It is an unproductive  
9 investment. We know yesterday is too late to act on  
10:57:22 10 climate change. We must act today.

11 Carbon capture and waste storage is a technology  
12 that is 15 to 20 years off in terms of any, any  
13 commercial deployment, but I must preface that by saying  
14 Citizens Action Coalition believes there is no such thing  
10:57:37 15 as clean coal. That it's the greatest lie of our day.

16 Carbon waste and storage, research and  
17 development should not be considered a Best Available  
18 Control Technology by the EPA. It will do nothing,  
19 nothing to mitigate emissions of carbon dioxide.

10:57:53 20 In fact, coal usage will increase somewhere  
21 between 30 and 45 percent through carbon capture and  
22 waste storage. Water usage will double. Costs will  
23 increase somewhere between 77 and, it's been suggested,  
24 as high as 200 percent if not higher to the rate payers.  
10:58:08 25 It will undermine investments in renewable energy and

1 energy efficiency.

2 Let's keep in mind again Wall Street has not  
3 invested one single dime in carbon capture and waste  
4 storage. And venture capitalists are investing in  
10:58:22 5 renewable energy, energy efficiency.

6 The Best Available Control Technology to  
7 mitigate CO<sub>2</sub> emissions is to shut down coal plants today  
8 and we should be investing on a massive scale immediately  
9 in energy efficiency, renewable energy.

10:58:37 10 Again I ask that carbon capture and waste  
11 storage not be considered a Best Available Control  
12 Technology and instead we invest immediately in energy  
13 efficiency, renewable energy and shut down these coal  
14 plants. Thank you very much.

10:58:57 15 MR. LING: Thank you. Miss Askins.

16 DONNA ASKINS: Thank you for hearing me and for  
17 hearing us today. My name is Donna Askins, A-s-k-i-n-s.  
18 Alpha Sierra Kilo India November Sierra.

19 I am a resident of Elgin, Illinois, lead  
10:59:16 20 gardener of the Elgin Community Garden Network and a  
21 member of the board of Elgin Chapter of the League of  
22 Women Voters. For 15 years, I've been a member of the  
23 Unitarian Universalist Church of Elgin.

24 For my living, I am a research associate in the  
10:59:32 25 Office of the Provost at Northern Illinois University.

1           We've heard a lot today and we will hear a lot  
2 more about the problems associated with coal-fired power  
3 plants and what they do to the atmosphere. We also know  
4 that significantly cleaner choices can be made.

10:59:49

5           For example, an organization known as Massey  
6 Energy started blasting the top of Coal River Mountain in  
7 West Virginia in late October of this year. This is so  
8 they can get more coal so that more energy can be  
9 produced which in turn causes the pollution we are  
10 discussing today.

11:00:04

11           Coal River Mountain has, quote, unquote, Class 7  
12 wind resources, the highest on the scale. If we chose  
13 wind farms instead of coal, we would generate jobs, have  
14 energy and not cause pollution or excess heat. This is a  
15 clear win-win for everyone whether your goal is making  
16 money, cleaning the air or simply having a job and being  
17 able to breathe.

11:00:22

18           Coal is a hot spot we must cool down. My sense  
19 of urgency is driven by coal's other dangers as well.  
20 This fall, the USGS discovered mercury in 100 percent of  
21 fish sampled in 291 bodies of water within the United  
22 States.

11:00:39

23           Most of this contamination is caused by  
24 coal-burning power plants. Their mercury emissions in  
25 the atmosphere break down into more toxic methyl mercury.

11:00:59

1     These miniature metallic flakes drift into the water and  
2     into the fish.

3             Scientists in Alberta, Canada, have proven  
4     conclusively that this poisoning happens within three  
11:01:14 5     years. And we know that mercury is a neurotoxin which  
6     can damage the nervous system of unborn children and has  
7     been linked to heart disease and strokes.

8             Is there anyone in this room who has never eaten  
9     fish in the past three years? Four. So all of us except  
11:01:36 10    four people have eaten the mercury that's coming from the  
11    pollution in the air.

12            My point is that nature's ecosystem is  
13    inextricably interconnected. Nature does not say, okay,  
14    I'm going to poison the fish but nothing else.

11:01:53 15            Climate change is not limited to the air, the  
16    atmosphere or the weather. We have a food chain. Not  
17    only do humans eat the fish, but the contaminants are now  
18    in the water.

19            Imagine if every fish has mercury in it, then  
11:02:09 20    based on the research from Alberta Canada, they've been  
21    swimming in contaminated water for three years.

22            Guess what? We now have a country full of toxic  
23    streams, rivers and lakes where swimmers, boaters and  
24    children play every summer.

11:02:25 25            The more we use coal, the more we poison

1 ourselves.

2 The rule under discussion today is an excellent  
3 step toward a cleaner climate in all of its many facets.  
4 I support you. I urge you to move forward. And if you  
11:02:40 5 need me, just give me a call. I am one of 70 million  
6 volunteers on the ground, and we're all here to help as  
7 much as we can. Thanks so much for your time.

8 MR. LING: I have one question for Mr. Olson.

9 I infer from your testimony that you would say  
11:03:05 10 that if you have an existing coal plant and you're  
11 considering the options for that plant that your  
12 preference would be that, you know, the plant shut down,  
13 but what I wasn't clear on is if the shutting down of the  
14 plant is not an option, then is your position on capture  
11:03:23 15 and sequestration that it still should not be considered  
16 as an option at that point.

17 KERWIN OLSON: Carbon capture and storage we see as  
18 merely a continuation of the coal industry. And Best  
19 Available Control Technology first of all should be  
11:03:41 20 energy efficiency.

21 Avery Lovins from the Rocky Mountain Institute  
22 tells us that if the bottom 40 states in terms of energy  
23 efficiency instituted the average of the top 10 states  
24 throughout the country, we could shut down over 60  
11:03:52 25 percent of these coal plants tomorrow.

1           So I would ask that carbon capture and waste  
2 storage be removed from the conversation,  
3 and Best Available Control Technology is shutting  
4 off the coal plants, investing in efficiency, investing  
11:04:03 5 in solar, investing in wind.

6           MR. LING: Next two speakers are Grant Smith and  
7 Nachy Kanfer.

8           All right. Mr. Smith, whenever you're ready.

9           GRANT SMITH: Thank you very much. Thank you for  
11:04:47 10 taking the time today. My name is Grant Smith. I'm  
11 employed by the Citizens Action Coalition of Indiana, but  
12 CAC sits on the steering committee for The CLEAN which is  
13 a national network of about 140 organizations, CLEAN  
14 standing for Citizens Leading for Energy Action Now.

11:05:05 15           Clearly, in this situation a pollution  
16 prevention approach is indicated, not a pollution control  
17 approach. Preventative strategies in the context of  
18 electric generation would be energy efficiency first and  
19 foremost, renewable energy and distributed power.

11:05:25 20           The technological advances that are now  
21 occurring with these technologies provide us the -- and  
22 including storage technology, which is now being tested  
23 and piloted, provide us the opportunity, according to a  
24 number of studies, to phase out coal-fired and nuclear  
11:05:45 25 power within the next 35 to 40 years. This should be our

1 strategy.

2 This should be best available technology.

3 In terms of the potential for these -- energy  
4 efficiency potential, for instance, it's enormous. We  
11:06:03 5 can reduce our electric energy demand well over 50  
6 percent with the technology we have now.

7 We can deploy renewable energy, to the point of  
8 becoming 20 percent of the capacity of the grid  
9 conservatively, without undermining reliability at all.

11:06:23 10 And these technologies are available now. They're not --  
11 we don't have to wait 20 years for them, if at all, with  
12 respect to carbon capture and sequestration. They're  
13 available now.

14 This also happens to be, in many respects, the  
11:06:38 15 least-cost approach. And when you look at cost  
16 effectiveness of best available technology, that's  
17 critically important for people in this country in terms  
18 of affordability, affording their utility bills. They  
19 have to afford healthcare bills. People are really under  
11:06:53 20 duress now. And this could create an economic boom.

21 We're sitting literally on an economic  
22 development program with unprecedented impact in terms of  
23 job creation. And if you look at any study, serious  
24 study that looks at efficiency and renewables separate or  
11:07:13 25 in combination, they always compare the best available --

1 or the business as usual, business as usual being nuclear  
2 and coal primarily, and natural gas to a certain extent.

3 And in every case, you get more jobs, you know,  
4 it's cheaper, it results in hundreds of millions of  
11:07:31 5 dollars in savings over our current generating system.

6 So there's no in question that in terms of best  
7 available technology that that should be our focus. And  
8 the EPA has the tools to accomplish this. And it's not  
9 going to cost people money. It's going to save people  
11:07:51 10 money.

11 As Avery Lovins pointed out in 1997, we can save  
12 the climate at a savings, not a cost, if we employ the  
13 correct investments. And even currently now in terms of  
14 buildings -- buildings use about 39, 40 percent of the  
11:08:04 15 energy in the country -- we have the ability to save 60  
16 to 80 percent of the energy in those buildings now. So  
17 this is where we got to go. There's no question about  
18 it.

19 Study after study indicates that it is a  
11:08:18 20 least-cost approach, it creates the most jobs, it creates  
21 affordable bills and it cleans the air, which is very  
22 important in terms of the previous testimony in terms of  
23 public health and the costs exacted by coal-fired power  
24 plants on the public health.

11:08:38 25 So we -- the CLEAN supports a phase-out strategy

1 for coal-fired and nuclear power. The technology is  
2 available to achieve that. The advances are, you know,  
3 accelerating in terms of cost reductions, efficiencies,  
4 customer-owned generation, distributed power, and we can  
11:09:03 5 achieve this if we focus on it and not listen, you know,  
6 to the disinformation campaigns coming from the coal  
7 industry and the nuclear industry at this time.

8 MR. LING: Thank you. Mr. Kanfer.

9 NACHY KANFER: Yes. Hi. My name is Nachy Kanfer.  
11:09:24 10 That's spelled N-a-c-h-y K-a-n-f-e-r. I'd like to  
11 thank Jan and the people from EPA here for allowing me to  
12 testify. I'd also like to thank the court reporter who  
13 in my experience rarely gets thanked.

14 I live in Ohio and I'm not sure if anybody else  
11:09:44 15 is here from Ohio. If they are, I'll gladly share the  
16 mantel, but if not, I'll speak on behalf of the state.

17 You know, we're in a lot of trouble in Ohio.  
18 Ninety percent of our electricity comes from coal. The  
19 coal industry employs 2,200 people in the State of Ohio.  
11:10:00 20 The country's been in a recession for the last year and a  
21 half. Ohio's been in recession for the last two decades.

22 We see a huge loss of manufacturing jobs, a huge  
23 loss across all sectors of the economy including the  
24 young people in Ohio who don't feel they have any good  
11:10:15 25 reason to stay there. And there's no question that as

1 the nation moves toward regulating carbon dioxide and  
2 other global warming pollutants Ohio is going to have a  
3 pretty big challenge ahead of it.

4 Ohio is the fourth largest state in terms of  
11:10:32 5 global warming pollution. And it's because we burn so  
6 much coal. We don't drive more cars than anybody else or  
7 have more inefficient buildings. It's because we burn  
8 more coal.

9 And it's really important for the EPA, I think,  
11:10:40 10 to recognize there are some special challenges facing  
11 certain states and certain regions in this country. And  
12 yet, it is not despite those factors but because of those  
13 factors that I am in strong support of the proposed  
14 Tailoring Rule.

11:10:55 15 We -- I also feel that this issue of the floor  
16 at 25,000 tons is a perfectly reasonable thing to do. It  
17 would be great to regulate all sources of CO<sub>2</sub> in this  
18 country. I recognize that as an administrative nightmare  
19 for you folks. That shouldn't necessarily prevent us  
11:11:13 20 from regulating CO<sub>2</sub>, which is what we desperately need to  
21 do.

22 There's a story that everyone here knows about a  
23 farmer that was leading his ass to the market and the ass  
24 didn't want to go, and so the farmer put a carrot in  
11:11:26 25 front of the ass and stood behind it banging it with a

1 stick. And Ohio has all these carrots -- Ohio is the ass  
2 in this analogy actually.

3 Ohio has all of these carrots dangling in front  
4 of it, but Ohio isn't even looking in the right  
11:11:39 5 direction. They can't see the carrots.

6 And so it's incredibly important that EPA bring  
7 in a couple of sticks and beat the ass on the rear end a  
8 few times. It is incredibly important because there are  
9 some very powerful interests in Ohio and other parts of  
11:11:55 10 this country that stand to lose a lot of money if we do  
11 the right thing, the moral imperative, and regulate  
12 carbon dioxide.

13 There is a very powerful coal industry, oil  
14 industry, other entrenched interests that have  
11:12:07 15 politicians in their back pocket, that have other forms  
16 of power available to them, and that will prevent  
17 well-meaning people in Ohio and elsewhere from seeing the  
18 carrots, the job creation, the energy efficiency, the  
19 savings there, the clean energy, the clean air and water  
11:12:23 20 that results from regulating CO<sub>2</sub>.

21 We need to make it possible for these carrots to  
22 become apparent to the Midwest, places in Appalachia as  
23 well, and that may require a few bangs with a stick. And  
24 so I'm grateful for this proposed Tailoring Rule. I want  
11:12:40 25 you to move as quickly as possible and as stringently as

1 possible in order to regulate carbon dioxide just in case  
2 Congress fails to act. And I thank you for this  
3 opportunity.

4 MR. LING: Thank you. No questions. Thank you  
11:12:57 5 both.

6 All right. Next two speakers are Kate Schrank  
7 and Richard Cogan.

8 KATE SCHRANK: Good morning. My name is Kate  
9 Delahunt Schrank and I am here as a person who is  
11:13:57 10 experienced in dealing with USEPA on behalf of large  
11 industrial sources seeking air permits, complex  
12 industrial air permits. I made my living doing that for  
13 about 15 years.

14 And in doing this, my experience is that large  
11:14:12 15 industrial sources know how to get permits. And that  
16 when we successfully achieved a permit, we had the joy of  
17 watching companies find ways to reduce their emissions so  
18 that in many cases they were able to operate in new ways  
19 that actually put them below the permit limits.

11:14:37 20 Large companies know this. Large companies have  
21 been regulated for almost 40 years. Companies that want  
22 to survive in the 21st century have been planning for  
23 this eventuality of greenhouse gas regulation, so much so  
24 that to my amazement and surprise many large businesses  
11:15:02 25 have spoken out in favor of getting climate change gases

1 under regulation. They need it for stability of  
2 planning.

3 So I want to encourage you to in fact step up  
4 and regulate large sources. As I understand your  
11:15:21 5 proposal, you're looking to regulate large sources in the  
6 same pattern that you have regulated large sources in the  
7 past.

8 You start with the biggest emission sources. It  
9 just makes sense. And these large emission sources have  
11:15:35 10 the wherewithal and the staff to take care of this  
11 problem. And if they don't have the staff, then they'll  
12 hire them. And what does that mean? Jobs.

13 I can't imagine who else besides USEPA that  
14 would be so good at permitting the greenhouse gases. Who  
11:15:57 15 else but USEPA has 40 years of regulatory experience in  
16 order to implement new regulations?

17 So I am not going to repeat what others have  
18 said about the job creation aspect of this regulation  
19 except to put an exclamation point.

11:16:16 20 As a person that benefited from the creation of  
21 the green jobs sector when the original major  
22 environmental laws were enacted during the '80s and the  
23 '90s, starting with the '70s, '80s, '90s, we all saw what  
24 happened to the economy in this country with many new  
11:16:36 25 great jobs that were created as people learned to address

1 the problems that they were facing. It used to be the  
2 criteria pollutants. And now we've got the climate  
3 change issue.

11:16:50 4 And who of us would want to go back to the  
5 quality of air that existed in Illinois alone before we  
6 began regulating emissions, specifically the criteria  
7 pollutants.

8 Just last week, I was at a meeting and was glad  
9 to hear that finally Illinois has dropped down a level or  
11:17:08 10 two in terms of its ozone severity. That would never  
11 have happened without USEPA regulations. And large  
12 sources know this.

13 So I just want to be a person that says -- I sat  
14 across the table from USEPA and state agencies on many,  
11:17:26 15 many occasions, negotiated those permits and have the  
16 experience, as does USEPA, that large sources in fact can  
17 be regulated, are regulated, have been regulated, and  
18 that regulation results in lower emissions. It also  
19 creates jobs. Thank you.

11:17:51 20 RICHARD COGAN: Good morning, gentlemen. Thank you  
21 for having these hearings and allowing me to speak. My  
22 name is Richard Cogan. I am the owner of a small  
23 manufacturing company here in Chicago called Textile  
24 Industries, Incorporated. We are a dinosaur. One of the  
11:18:14 25 few manufacturing companies left around from my

1 understanding. And what we manufacture is dust collector  
2 bags for air pollution control.

3 I'm asking you to put me out of business. I  
4 would love nothing more than to not have to manufacture  
11:18:34 5 the products that we make to clean the air of pollutants.

6 One need only look at our sister planet Venus to  
7 know what run-away greenhouse gases will do to this  
8 planet. And they are already well on their way.

9 And if the process isn't reversed in the next 7  
11:19:00 10 to 10 years, that's where we're headed. And all life on  
11 this planet will cease to exist. I have nothing more to  
12 say. Please put me out of business.

13 MR. LING: Thank you both.

14 Okay. I have Charles Nissim-Sabat and Susan  
11:19:35 15 Williams.

16 MR. NISSIM-SABAT: Good morning. My name is Charles  
17 Nissim-Sabat. I'm an attorney. Also I'm a retired  
18 physics professor.

19 And as an attorney first, let me make a legal  
11:20:15 20 point. The Supreme Court has given the EPA the authority  
21 under the Clear Air Act to regulate CO<sub>2</sub> and other  
22 greenhouse gases. This is not an exception to the rule  
23 as the first speaker said. This is the law. And  
24 therefore Congress will have to pass a bill that removes  
11:20:45 25 that authority from the EPA; therefore, the EPA under the

1 law must regulate greenhouse gases.

2 The proposed rules are excellent. People have  
3 spoken to it before and I don't think I have much to add  
4 except to tell you something personal. A couple years  
11:21:12 5 ago, I was diagnosed with idiopathic pulmonary fibrosis.  
6 It's a lung disease. Probably have never heard of it.  
7 But it kills more people than breast cancer.

8 It's -- idiopathic means they don't know what  
9 the cause is. That's it. And the incidence of that  
11:21:34 10 disease has increased 70 percent since the year 2000.

11 And I'm not in any way competent to make a  
12 reasoned opinion, but it seems suspicious greenhouses  
13 gases are increasing and it's not just CO<sub>2</sub> but some  
14 rather toxic gases like flouorocarbons or hexafluorides,  
11:22:02 15 and it's not just IPF which is increasing in intensity  
16 and prevalence. You see lung cancer. People are  
17 reporting having lung cancer who have never had lung  
18 cancer in their family, who never smoked, who were never  
19 in an industrial environment where the air was polluted,  
11:22:23 20 so it's got to be in our whole total environment. So I  
21 think the situation is very serious.

22 And our CO<sub>2</sub> is now around 380 parts per million.  
23 387. People say 350 is what we -- is the most we can  
24 have, therefore, we have to reduce it. And it will take  
11:22:50 25 a gigantic effort to reduce. And I think the EPA rules

1 are a reasoned first step. And they should be passed.

2 I'm going to tell something else about personal  
3 history. I was born in Bulgaria before the war. Right  
4 after the war, Bulgaria was a third-world country.

11:23:14

5 People walked barefoot in the streets. Our family moved  
6 from one house to another. We used an ox cart to move  
7 our furniture.

8 And my father had fainting spells. That was  
9 1946. So he goes to the doctor. The doctor asks him, do  
10 you smoke. My father said yes. So you have to stop.

11:23:36

11 So in 1946, in third-world Bulgaria, people knew  
12 that smoking was bad for your health. It took more than  
13 40 years for the United States to come to that same level  
14 of knowledge.

11:23:58

15 And now we see the same thing about global  
16 warming. Even a universal agreement what governments  
17 ought to do and the United States is lagging behind by  
18 more or less the same 30 or 40 years. And I think we  
19 ought to reverse that trend because the United States is  
20 the biggest contributor to greenhouse gases.

11:24:18

21 As a physicist, I have to tell you that I have  
22 done scientific research for 50 years. And scientists  
23 are always quick to publish, but they never recommend  
24 action, as such, because they want to do more research,  
25 want to get more grants, et cetera. Right?

11:24:41

1           Action is what will kill research. And so they  
2       don't want it. But here you have unprecedented universal  
3       agreement throughout the whole planet that global warming  
4       exists, that it's caused by greenhouse gases, and that  
11:25:05 5       has to be reversed. I'm finished.

6           MR. LING: Thank you. Miss Williams.

7           SUSAN WILLIAMS: Hi. I'm Susan Williams.  
8       I'm here today from Madison, Wisconsin. I belong  
9       to the Sierra Club, but I'm speaking as a private  
11:25:26 10      citizen.

11           I want to applaud the EPA's proposed rules here  
12      which I believe are a proper exercise of the EPA's  
13      regulatory authority and I support their proposal.

14           I guess I would just like to say -- to make a  
11:25:52 15      few comments about the presentation by the gentleman from  
16      the petroleum council. I find it ironic that one of his  
17      arguments against the EPA's taking action is that there  
18      is no legal deadline for action and that, in fact, we  
19      could wait I guess indefinitely, or until such time as  
11:26:22 20      additional legislation has passed, even though we already  
21      have the Clean Air Act.

22           His question was "What's the rush?" I find  
23      myself having difficulty imagining how such a question  
24      could be asked under the current circumstances when the  
11:26:45 25      consensus of the worldwide scientific community is that

1 now is, in fact, too late and really immediate action is  
2 imperative.

3 I guess I'd also like to add that it is  
4 essential and necessary that the EPA act at this time. I  
11:27:13 5 mean, we are on the verge of the climate -- creating a  
6 situation where the earth is going to be uninhabitable by  
7 us and probably many other species, and we can't take  
8 action fast enough.

9 And I would just like to reiterate that I  
11:27:37 10 support these proposed rules. And I'll do everything in  
11 my power as a private citizen to see that we move forward  
12 along the course of regulating the heaviest polluters and  
13 trying to forestall climate change. Thank you.

14 MR. LING: No questions. Thank you both very much.

11:28:33 15 Okay. The next two speakers are Brian  
16 Urbaszewski and Debra Michaud.

17 You can begin whenever you're ready.

18 BRIAN URBASZEWSKI: Sure. My name is Brian  
19 Urbaszewski. I'm the Director of Environmental Health  
11:29:11 20 Programs for the Respiratory Health Association of  
21 Metropolitan Chicago.

22 We're a charity founded in 1906 focused on  
23 promoting healthy lungs through research, education and  
24 advocacy.

11:29:24 25 Many people are still breathing unhealthy air in

1 the United States. And the Chicago area is still listed  
2 as a nonattainment area for fine particulate matter and  
3 ozone. And given both standards will, if science is  
4 actually used, be tightened in coming months, this  
11:29:37 5 situation is likely to continue well into the future.

6 I've also recently learned that Cook County has  
7 the highest hourly nitrogen dioxide readings in the  
8 country per USEPA data. And yesterday, EPA proposed  
9 tighter NAAQS for sulfur dioxide as well. And Cook  
11:29:52 10 County would also fail to meet the range of hourly SO<sub>2</sub>  
11 limits that EPA proposed today as well as in 2020.

12 So EPA's current ozone, PM<sub>2.5</sub>, nitrogen dioxide,  
13 and sulfur dioxide standards are inadequate to protect  
14 public health with an adequate margin of safety as  
11:30:14 15 required by the Clean Air Act. We believe this to be  
16 true and we hope the agency agrees with us and moves  
17 forward to rectify the situation as soon as possible.

18 But this hearing is not about those standards.  
19 It's about greenhouse gases. Undoubtedly there are  
11:30:25 20 threats to the environment and welfare from the predicted  
21 impacts of global warming which will only get worse as  
22 emissions increase further in future years unless the EPA  
23 begins regulating and reducing such emissions.

24 Others will talk about flooding, droughts, sea  
11:30:39 25 level rise, agricultural damage, et cetera, but I want to

1 reinforce that there are direct human health threats  
2 from the buildup of global warming gases in the  
3 atmosphere.

11:30:51 4 First, warmer weather and longer summer seasons  
5 will increase the risk of the spread of diseases like  
6 malaria, dengue fever, yellow fever, encephalitis,  
7 plague, et cetera. Even allergies will worsen. More CO<sub>2</sub>  
8 makes ragweed produce more pollen leading to more severe  
9 hay fever.

11:31:07 10 In the summer of -- well, the heat itself is  
11 also deadly. Heat waves will increase the deaths in  
12 vulnerable populations. Published research in recent  
13 years has shown this impact.

11:31:21 14 In the summer of 2003, in Italy, those age 65  
15 years and older experienced a 34 percent greater risk of  
16 dying during hot days, with higher risks for people with  
17 respiratory disease.

11:31:35 18 In particular, the death risk from hot  
19 temperatures is higher for women and chronic obstructive  
20 pulmonary disease patients. And I think you have already  
21 heard from some of those people today.

11:31:50 22 The temperature increases do not even have to be  
23 that large to have an impact. A 1 degree Centigrade  
24 increase in maximum temperature increased deaths 1.8 to  
25 3.1 percent.

1           Respiratory deaths were two to three times  
2           higher than that. The authors note that this had the  
3           effect of advancing of date of death by several months.  
4           Those with respiratory disease not surprisingly were also  
11:32:03 5           more likely to be hospitalized due to high temperatures.

6           Climate scientists have predicted that Chicago  
7           will see extended summer seasons and heat waves with  
8           temperatures as high as 115 degrees in coming decades.  
9           Hotter temperatures and a longer summer season will  
11:32:17 10          increase ozone smog levels and consequent health damage  
11          above what we would expect to see without warming.

12          As PM<sub>2.5</sub> levels rise on the same hot summer days  
13          as well, people are going to get a double dose of deadly  
14          pollution.

11:32:33 15          There is also evidence that temperature  
16          increases combined with high ozone levels increase the  
17          number of deaths. One study showed that if daily  
18          temperature rose 18 degrees Fahrenheit, heart disease and  
19          stroke deaths increased about 1 percent at the lowest  
11:32:46 20          ozone levels, but more than 8 percent at the highest  
21          levels.

22          As ozone and PM<sub>2.5</sub> pollution levels are in large  
23          part driven by fossil fuel, primarily coal power plant  
24          emissions, elevated temperatures that drive electricity  
11:33:00 25          demand will only increase emissions from these sources,

1 eroding benefits achieved by any pollution controls  
2 installed in such plants.

3 Under current rules here in Illinois, power  
4 plants without sulfur dioxide controls will still be able  
11:33:12 5 to run uncontrolled in future years. And we have some of  
6 the most aggressive rules in the country.

7 In focusing on reducing greenhouse -- or global  
8 warming gas emissions from sources like coal-fired power  
9 plants, any efficiency strategies EPA adopts to reduce  
11:33:27 10 global warming gases must not increase conventional NAAQS  
11 or NAAQS precursors.

12 Regulating large sources of global warming gases  
13 and using a strategy of increasing carbon or carbon  
14 equivalent efficiency for such facilities can also bring  
11:33:42 15 significant benefits in reducing NAAQS pollutants that  
16 cause human health damage through direct inhalation.

17 We would support a BACT level of 117 pounds per  
18 million BTUs for sources. This is equivalent to  
19 something that would be burning natural gas.

11:34:01 20 Increased emphasis on energy efficiency and  
21 electricity generation from clean renewable sources will  
22 reduce global warming gases as well as conventional air  
23 pollution providing immediate health benefits.

24 These are strategies where the government should  
11:34:15 25 focus its vast resources. Moving the power sector away

1 from conventional coal power generation and towards the  
2 use of much cleaner natural gas, cleaner bio-energy  
3 sources and even gasification with sequestration could  
4 potentially also be stepping stones towards a cleaner and  
11:34:29 5 healthier future.

6 We applaud the EPA's clear and thoughtful  
7 approach in moving forward to regulate greenhouse gases,  
8 global warming gases. Thank you.

9 MR. LING: Thank you. You can start whenever you're  
11:34:39 10 ready.

11 DEBRA MICHAUD: Okay. Hi. My name is Debra  
12 Michaud, D-e-b-r-a M-i-c-h-a-u-d. I want to thank all of  
13 you at the EPA for giving us all of this opportunity to  
14 speak directly to you and also for your recent efforts in  
11:35:02 15 really taking a stance for the environment. It's been a  
16 long time coming.

17 And I was actually in New York City and was very  
18 strongly impacted by the fall of the World Trade Center.  
19 We had a very different EPA then. And I face a very high  
11:35:16 20 risk of lung cancer despite the fact that I never smoked  
21 a cigarette in my life thanks to the EPA's covering up of  
22 evidence from the World Trade Center, so I am very  
23 grateful that we have a different stance and different  
24 perspective happening right now with the EPA.

11:35:32 25 I'm a small business owner in Chicago and a

1 concerned citizen. I'm also a volunteer with the  
2 Rainforest Action Network, and we are trying to build a  
3 movement, you know, with -- in Chicago with a number of  
4 environmental organizations. We're forming coalitions.  
11:35:51 5 And this is happening all around the world, not just in  
6 Chicago, but we're based here locally because we're  
7 frankly really scared about our future.

8 You know, I grew up in the '70s and '80s when  
9 the future -- we weren't worried about our future, you  
11:36:07 10 know. Today -- I see youth today who are -- don't know  
11 if they have a future. You know, I have a three-year-old  
12 nephew and I wonder is he -- what kind of future is he  
13 going to have.

14 I think we can get really stuck in the details  
11:36:21 15 about the legislation, about, you know, dealing with all  
16 the details that you guys have to deal with in board room  
17 meetings, but as a citizen, I think we could bring it  
18 down to really simple levels like at the kindergarten  
19 level where we're like the kindergarten teacher and the  
11:36:39 20 oil industry and the dirty energy industry are like our  
21 students.

22 And as a kindergarten teacher, we can say to  
23 them, sorry, guys, can't blow up mountains. Can't do it.  
24 You can't build nuclear power plants that kill people.  
11:36:53 25 You can't do it.

1           We would say that to our kindergarten students.  
2       We have to say that to these corporations. We have to  
3       bring this down to the very basic level of a kindergarten  
4       classroom. You know, you can't dump tar sands effluent  
11:37:06 5       into our Lake Michigan drinking water. Can't do it.  
6       Sorry. Can't do it. We can't import tar sands from  
7       Canada. That's the dirtiest form of oil that exists on  
8       the planet, and it's killing people.

9           How many deaths per year are okay for our dirty  
11:37:21 10       energy? I want to know how many. I mean it's a  
11       rhetorical question for you guys that I hope you go to  
12       sleep with at night and use this question to help you  
13       when you're facing the powerful lobbyists and you're  
14       weak-kneed and it's scary because you got big interests  
11:37:38 15       fighting you. Just keep this question in the back of  
16       your head. How many people? How many deaths are okay?  
17       Zero.

18           If these corporations were human beings, they  
19       would be in prison. We have 40 deaths per year in  
11:37:54 20       Chicago because of the coal plants. When I first heard  
21       that number, I was like, oh, 40 deaths. Well, we  
22       probably have more from traffic accidents. We probably  
23       have more from cancer due to other carcinogens in the  
24       air. Forty deaths. But, you know, by comparison 40 in  
11:38:10 25       Chicago didn't strike me as a huge number. But then I

1 was like wait a minute. Forty people -- these plants are  
2 killing 40 people a year. Is that acceptable to us?

3 You know, it should be zero deaths. Zero deaths  
4 per year. And I thank you guys so much for really  
11:38:31 5 standing up to these powerful energy interests and just  
6 want to encourage you to continue to do so.

7 Top issues on my personal radar. Mountaintop  
8 removal. We got to stop it. Those mountains are there  
9 for a reason. We can't blow them up. It's killing jobs  
11:38:48 10 and it's killing our water and it's killing our  
11 communities. Can't do it. Just remember, kindergarten  
12 teacher. Sorry, guys. You can't blow up mountains.

13 Nuclear energy. We got to stop it. Tar sands.  
14 The most ridiculous idea on earth. Got to stop it.  
11:39:05 15 We're pouring the effluent into our drinking water.  
16 We're drinking this crap.

17 These are -- it's so simple, you know, but we've  
18 got to let go of our attachment to this dirty energy  
19 past. Nineteenth century dirty energy past. We're in  
11:39:19 20 the 21st century. It's time for us to grow up. And you  
21 guys are, you know, and I thank you. And I just want  
22 to -- I want you to know that you got a base of support  
23 including business owners, including teachers, we've got  
24 every end of the spectrum in our group in Chicago that  
11:39:34 25 are rooting you, just clapping for you, what you're

1 doing, and want to thank you, thank so much for your  
2 time.

3 MR. LING: Thank you.

11:39:51

4 MR. MANGINO: I have a question for Brian. So you  
5 mentioned this kind of multi-pollutant look at things.  
6 Do you favor anything like a review of controls, a  
7 weighting of criteria over greenhouse gases or something  
8 along that line? I'm just trying to understand.

11:40:06

9 BRIAN URBASZEWSKI: I'm not too sure if I follow  
10 your question.

11:40:20

11 MR. MANGINO: You have a series of gases you're  
12 controlling. The BACT review process, you're deciding on  
13 controls and multiple emissions from different gases.  
14 You mentioned about looking at, you know, criteria  
15 pollutants, focusing in on those, don't lose your eye on  
16 those in your decision process. Are you talking about  
17 favoring a weighting process to those over possibly  
18 greenhouse gases? I'm just trying --

11:40:33

19 BRIAN URBASZEWSKI: No. I think it's an absolute  
20 for us because my organization focuses on lung health and  
21 conventional NAAQS, many of them negatively impact lung  
22 health. They send people to the hospital. They trigger  
23 heart attacks, strokes, et cetera.

11:40:48

24 The people that are most sensitive to this are  
25 people who have lung disease. I do not want to see any

1 increase in conventional NAAQS as the EPA moves forward  
2 in reducing global warming gases.

3 I do believe, and my organization believes, that  
4 there are strong co-benefits to reducing global warming  
11:41:04 5 gases if done the right way because as we transition to a  
6 cleaner energy economy and move away from burning coal in  
7 conventional ways, it's opening the door towards  
8 producing electricity with sources that don't produce any  
9 greenhouse gases or conventional NAAQS like wind, like  
11:41:22 10 solar, et cetera, energy efficiency which is simply a no  
11 brainer.

12 I mean, we ought to be maximizing that to the  
13 greatest extent possible in this country. And, you know,  
14 going forward, we think, you know, having a target or a  
11:41:37 15 BACT for conventional plants that's akin to what would  
16 be -- being put out by burning natural gas is a good  
17 target.

18 MR. LING: I have just a brief question for  
19 Mr. Urbaszewski. You tossed out an example of an  
11:41:54 20 emission limit that you guys found to be an appropriate  
21 level, but you didn't say what pollutant that was for. I  
22 assume it's CO<sub>2</sub>?

23 BRIAN URBASZEWSKI: CO<sub>2</sub> or CO<sub>2</sub> equivalent.

24 MR. LING: That's what I was going to ask you. Is  
11:42:06 25 it one or the other?

1 BRIAN URBASZEWSKI: I believe it's CO<sub>2</sub>. Leave it at  
2 that.

3 MR. LING: All right. Thank you.

11:42:21

4 Next two speakers are Cynthia Linton and Nicole  
5 Granacki.

6 You may go first and start whenever you're  
7 ready.

11:42:45

8 CYNTHIA LINTON: Okay. My name is Cynthia Linton.  
9 I'm a teacher at Northwestern University and a  
10 grandmother. I will be gone in 2050, but my  
11 grandchildren will still be very much alive and I worry  
12 that they're going to have to deal with climate  
13 catastrophes. 2050 isn't that far away. And we're  
14 supposed to be cutting 80 percent from greenhouse gases  
15 according to what scientists are saying.

11:43:07

16 I wholeheartedly endorse your rule, your big  
17 polluters rule and commend the EPA for doing what you  
18 were set up to do, which is to protect the environment.  
19 I think sometimes we forget what EPA stands for.

11:43:32

20 The large coal-fired plants and big industries,  
21 as you know, are producing half or more of the greenhouse  
22 gas pollution in the United States. So it certainly  
23 makes sense to go after those polluters. You could take  
24 big steps towards solving the problem.

11:44:01

25 In Britain, very recently they banned any new

1 coal plants that didn't have the technology to capture  
2 and store carbon. And when they passed that law, it went  
3 into effect immediately. None of this waiting until 2013  
4 or 2017.

11:44:30

5 We should use the Clean Air Act to begin  
6 cracking down on these plants. They're polluting the  
7 atmosphere. And the rule calls for the best available  
8 technology for new plants and those who are making  
9 changes or expanding, and that should include using  
10 cleaner energy, becoming more efficient, buying new  
11 equipment and, as a last resort, shutting them down.

11:44:52

12 While the cap-and-trade bill is languishing in  
13 the Senate and an international treaty has been delayed,  
14 the EPA must, and I commend you, take a big step to try  
15 to solve this problem for us to protect the future of  
16 people on this planet. Thank you.

11:45:20

17 MR. LING: Thank you.

18 NICOLE GRANACKI: Thanks for having us here today.

19 My name is Nicole Granacki, G-r-a-n-a-c-k-i. And I'm

11:45:45

20 here with Greenpeace today. Greenpeace, as you may know,  
21 is an independent campaigning organization that uses  
22 peaceful direct action and creative communication to  
23 expose global environmental problems and to promote  
24 solutions that are essential to a green and peaceful  
25 future.

11:46:02

1           My role at Greenpeace is to be an organizer for  
2   Illinois and Iowa and I work all over the Midwest. And I  
3   wanted to come here today to just talk about some of the  
4   conversations that I have with people in my role here at  
11:46:17 5   Greenpeace. My job a lot of the time looks really  
6   similar to what is going on today. I hear stories like  
7   these, probably a dozen a day at least every day. And  
8   what I'm hearing from folks is really that they're seeing  
9   the effects of climate change already.

11:46:37 10           And a lot of people have gotten up here today  
11   and said this is urgent, we're hearing from scientists  
12   and we're hearing from doctors. And this is what I'm  
13   hearing from people in the community every day, is that  
14   it's urgent for them as well. And it's personal.

11:46:52 15           Here in Chicago we're seeing really extreme  
16   weather, one of which is the flooding. Last year we had  
17   the northwest side of Chicago underwater. There were  
18   city streets where people were in canoes on the streets  
19   of Chicago. We're also see these floods along the  
11:47:12 20   Mississippi River and our farmers are being affected.

21           I've spoken with farmers whose entire crops have  
22   been ruined by these floods that we're going to see more  
23   and more of as the effects of climate change get worse,  
24   if they're unchecked.

11:47:27 25           We also saw -- heard from a couple of folks

1 today from Wisconsin, and as everyone may have seen in  
2 the news, Lake Delton, a popular tourist destination in  
3 the Dells, the banks of the lake broke and took many  
4 homes and businesses with it when that lake emptied out  
11:47:49 5 into -- just into nothing. There was no water. I got a  
6 chance to go visit that. There may be other people here  
7 today who did as well. And when those banks broke, it  
8 was dry as a bone taking homes and businesses with it.

9 And these sorts of floods and these sorts of  
11:48:07 10 disasters are what we're going to see more and more of if  
11 it goes unchecked.

12 Outside the Midwest, we're seeing wildfires in  
13 California. I got a chance to speak with firefighters  
14 who are every day out fighting those blazes. And extreme  
11:48:22 15 storms on the coast that are really affecting homes and  
16 businesses as well.

17 The good news here is we have seen the EPA take  
18 action, and we're seeing people in their everyday life  
19 take action as well. Businesses are going green. We're  
11:48:40 20 seeing people change their light bulbs in their home and  
21 drive less and do things that they can to be more energy  
22 efficient every day, which is wonderful.

23 And people are doing these things like we heard  
24 a moment ago for future generations, for the children and  
11:48:57 25 grandchildren, so we don't leave them with this problem

1 that they have to inherit and deal with. It's really up  
2 to us to take this opportunity now.

3 People are also making these changes in their  
4 lives to save money. Using energy more efficiently is  
11:49:14 5 going to save money as we've heard from business owners  
6 here today and what I hear from business owners every day  
7 on my job. So while we are trying to save the planet and  
8 stop climate change, we also are going to be saving money  
9 and creating jobs and leaving our children and  
11:49:30 10 grandchildren a better future.

11 So I'm here today to congratulate the EPA on  
12 taking this step towards doing its part as well with the  
13 people in this country. And I urge you to move forward  
14 towards finalizing this Tailoring Rule as quickly as  
11:49:44 15 possible. Thank you very much.

16 MR. LING: Thank you.

17 Next two speakers are Chris Romaine and Laura  
18 Knezevic.

19 Mr. Romaine, you can go first. Start whenever  
11:50:35 20 you're ready.

21 CHRIS ROMAINE: Good morning. My name is Christopher  
22 Romaine and I'm the manager of New Source Review Unit in  
23 the Air Permit Section of the Illinois Environmental  
24 Protection Agency.

11:50:55 25 On behalf of the agency and our director,

1 Douglas Scott, we appreciate the opportunity to provide  
2 testimony today on the proposed Tailoring Rule. We will  
3 also be providing detailed written comments on this  
4 proposed rule.

11:51:09

5 Illinois strongly supports climate change  
6 initiatives designed to reduce emissions of greenhouse  
7 gases. In this cause, the State of Illinois has  
8 previously announced ambitious goals to slash the state's  
9 emissions greenhouse gases, to implement a long-term  
10 strategy to combat global climate change and to build on  
11 measures that the state has already taken to reduce  
12 greenhouse gas emissions.

11:51:25

13 Illinois very much appreciates the significant  
14 and ongoing efforts of USEPA and the Obama administration  
15 to conduct an open dialogue and inclusive policy-making  
16 process on the steps necessary to address climate change.  
17 We're particularly appreciative that the important role  
18 of states in this process has been acknowledged.

11:51:39

19 In recognition of the unique nature of  
20 regulating greenhouse gases and the wide-spread impacts  
21 across the economy, Illinois believes that regulation of  
22 greenhouse gases, that is, control of emissions is best  
23 addressed through comprehensive federal legislation that  
24 includes a nationwide greenhouse cap-and-trade program.

11:51:55

11:52:13

25 Turning to the proposed Tailoring Rule, the

1 Illinois EPA also wishes to commend USEPA for  
2 thoughtfully addressing the consequences that would  
3 result from using the existing permitting thresholds of  
4 the Clean Air Act for PSD and Title V permitting programs  
11:52:31 5 if they were applied to emissions of greenhouse gases.

6 The Illinois EPA agrees that the legal  
7 constructs of prevention of the absurd results and  
8 administrative necessity support setting these thresholds  
9 at levels at least as high as proposed by USEPA.

11:52:49 10 However, even at the higher permitting thresholds of the  
11 proposed Tailoring Rule, there will be significant  
12 burdens on already overburdened and underfunded state and  
13 environmental agencies.

14 We believe that the cost to states of  
11:53:03 15 implementing permitting programs for greenhouse gases is  
16 significantly higher than USEPA has predicted. The  
17 Illinois EPA has conducted an analysis of the impact of  
18 the Tailoring Rule on our permitting programs.

19 Based on potential greenhouse gas emissions, we  
11:53:23 20 estimate the proposed rule would result in a 38 percent  
21 increase in Title V permits, almost half of which would  
22 be first-time Title V permittees requiring a Title V  
23 permit solely due to greenhouse gas emissions.

24 Moreover, this effort would not necessarily be  
11:53:44 25 directly accompanied by any meaningful reductions in

1 emissions of greenhouse gases until substantive  
2 regulations for control of greenhouse gas emissions are  
3 actually adopted.

4 In this regard, reporting of emissions of  
11:53:57 5 greenhouse gases by existing sources can and will be  
6 accomplished independently of Title V permitting. USEPA  
7 should consider not only the amount of greenhouse gas  
8 emissions that would be covered by the permitting  
9 thresholds that are proposed but also the environmental  
11:54:14 10 benefits that would accompany simply that permitting.

11 We have also estimated the number of new  
12 projects that would be subject to PSD permitting  
13 requirements by examining the actual construction permits  
14 that were issued during 2006 and 2008 in Illinois.

11:54:34 15 Currently we process about eight PSD  
16 applications each year. We estimate an additional 51  
17 projects per year would require PSD permits, an increase  
18 of over 500 projects and proposed permitting levels.  
19 Most of that permitting would involve projects that would  
11:54:51 20 be proposing to use natural gas. It would not be limited  
21 to or target proposed projects that would be using coal  
22 or other projects for which PSD permitting can  
23 significantly reduce emissions of greenhouse gases.

24 We also notice that -- note that PSD permitting  
11:55:10 25 requirements such as Best Available Control Technology,

1 announcements about air quality impacts are essentially  
2 uncharted territory for greenhouse gases. As such, it is  
3 expected that the requirements will be controversial and  
4 will be the subject of legal challenges.

11:55:25 5 As the Illinois EPA has experienced firsthand,  
6 the amount of resources necessary to defend permits that  
7 are appealed can be substantial, taking resources from  
8 and delaying other very important air quality objectives  
9 such as actions necessary to meet national ambient air  
11:55:42 10 quality standards.

11 In conclusion, the issues surrounding the  
12 regulation of greenhouse gas emissions are controversial  
13 and complex. We applaud the USEPA and the federal  
14 government for taking the leadership role in climate  
11:55:57 15 change issues, notably with the recent requirements for  
16 comprehensive reporting of emissions of greenhouse gases.

17 We must all move forward to protect our planet  
18 and our climate from climate change with approaches that  
19 result in real reductions in emissions of greenhouse  
11:56:16 20 gases. Thank you.

21 MR. LING: Thank you. Miss Knezevic.

22 LAURA KNEZEVIC: Thank you. My name is Laura  
23 Knezevic, K-n -e-z-e-v-i-c. I'm from the Illinois  
24 Student Environmental Coalition. I want to thank you for  
11:56:35 25 the opportunity to speak today.

1           Our coalition consists of students from over 40  
2       schools from across the state who are active in their  
3       student campus environmental organizations. We seek to  
4       harness the energy of these students from across the  
11:56:49 5       state to take action on larger environmental issues.

6           Right now our No. 1 issue is global warming.  
7       The reason that it is the No. 1 issue for the students of  
8       the coalition is because they understand that this will  
9       determine not only their own quality of life going  
11:57:04 10       forward in the future but also the quality of life for  
11       their children and generations to come.

12           The students who are part of this coalition take  
13       action on these issues in a variety of ways. They have  
14       really dedicated not only the focus of their education  
11:57:19 15       but their spare time to taking real action on global  
16       warming.

17           Students at a lot of the universities  
18       participate in campus-based sustainability projects.  
19       They really bring it home. They try to educate their  
11:57:37 20       peers on these issues and try to improve sustainability  
21       on their own campuses.

22           Students at Loyola University actually learn how  
23       to make biodiesel and then they use that biodiesel when  
24       they're transporting students around the area.

11:57:52 25           The students, as part of the coalition, also

1 work with their local communities on projects like  
2 community gardens. So these issues are very personal for  
3 them and they really dedicate a lot of their spare time  
4 to this sort of thing.

11:58:06

5 They understand also that these issues need to  
6 be tackled from a variety of angles. And because they  
7 feel that they are working very hard to do something  
8 productive to better their future, they would like to see  
9 the same sort of action taken from their government.

11:58:22

10 So our coalition is asking you to do what is  
11 within your power to address climate change through  
12 emission reductions from the largest polluters. And we  
13 definitely feel it is within your power to take action on  
14 these issues through this proposed rule.

11:58:41

15 Not only that, but it's necessary to take action  
16 immediately within the next few years, not 10 years from  
17 now, not 20 years from now, but now because this is a  
18 critical time. And if we don't make reductions soon,  
19 it's going to be too late.

11:58:58

20 These students are also very concerned about  
21 finding jobs when they graduate. They understand that  
22 it's going to be a very difficult job market for them  
23 when they graduate. And they see this as an opportunity  
24 for clean green jobs for them when they graduate. And

11:59:15

25 they feel that this will not only allow them to build a

1 secure future for themselves but also a secure future for  
2 all people on this planet.

3 And we also have an opportunity with this  
4 proposed rule to create a -- sort of a new industrial  
11:59:32 5 revolution. The technology that we're using right now  
6 for energy is from the last industrial revolution. And  
7 it's been far too long.

8 So the students really feel that we need new  
9 technology, clean technology that's going to create a  
11:59:46 10 very bright future for them.

11 And as far as the cost concern, I understand  
12 that a lot of people are concerned about the cost. But  
13 we're already paying a cost for our pollution and that  
14 that cost is going to continue to increase as time goes  
12:00:04 15 forward. And that the cost to do something about it now  
16 is going to cost us less than it will in the long run.  
17 So I thank you for this opportunity.

18 MR. LING: Thank you.

19 MR. MANGINO: For Chris, on your analysis for the  
12:00:25 20 PSD, what did you use for significance level for that?

21 CHRIS ROMAINE: We used the significant levels in  
22 the proposal Tailoring Rule.

23 MR. MANGINO: 10,000 or 25,000?

24 CHRIS ROMAINE: We used both.

12:00:36 25 MR. MANGINO: Used both. Fifty-one -- increase in

1 51 projects is due to what level?

2 CHRIS ROMAINE: It's the combined. I would refer  
3 you to our detailed written comments which will explain  
4 in detail how our analysis was conducted.

12:00:57 5 MR. MANGINO: I was going to ask. Thanks. If you  
6 could do that, that would be great.

7 CHRIS ROMAINE: Yes.

8 MR. HOFFMAN: Will it include costs and personnel  
9 hours associated?

12:01:08 10 CHRIS ROMAINE: We have included information on the  
11 projected number of personnel. We have not converted  
12 that into actual costs for those personnel.

13 MR. HOFFMAN: If you have the time to do that, that  
14 would be another piece of information.

12:01:25 15 CHRIS ROMAINE: Thank you.

16 MR. HOFFMAN: And are you able to compare, you know,  
17 compare that to your current costs, increase in cost as  
18 well?

19 CHRIS ROMAINE: I can see what our budget people can  
12:01:36 20 do for you.

21 MR. LING: All right. Nothing else. Thank you both  
22 very much.

23 Okay. The next two speakers are Nancy Siekierka  
24 and Emily Church.

12:02:40 25 Miss Siekierka, you can start.

1 NANCY SIEKIERKA: Thank you. My name is Nancy  
2 Siekierka. I'm representing the Will County Senior  
3 Health Collaborative which is a group of charity  
4 organizations who came together a couple years ago to  
12:02:56 5 improve the health of senior citizens in Will County.

6 The first thing that we discovered when we did  
7 our analysis because there's not a lot of data that goes  
8 past -- in needs assessments that goes past the age of 50  
9 or 55, was we had to look at what we could pull from the  
12:03:13 10 state database on hospitals.

11 What we discovered was that the No. 1 cause of  
12 death that was preventable in the population over 60 was  
13 lung disease. There wasn't a cancer in that top 10 list.  
14 It was more than 50 percent including over heart disease.

12:03:38 15 We were absolutely astonished. We pulled in the  
16 American Lung Association of Illinois to work with us and  
17 to partner with us and that's one of our primary aims  
18 right now.

19 Interestingly, as we have moved forward on our  
12:03:50 20 initiatives to try to raise awareness, the very simple  
21 fact at the same time that's happening is that we know we  
22 have over 46 million uninsured and underinsured in the  
23 United States right now with healthcare.

24 We're now being forced, those of us that are in  
12:04:07 25 healthcare provision situations, to make rationing

1 decisions on oxygen. We have people who cannot afford  
2 their oxygen and home health equipment company providers  
3 who cannot afford the volume of people that need to  
4 breathe the air.

12:04:29

5 So this problem is going to get substantially  
6 worse. It seems ludicrous that we're looking at  
7 rationing air and providing oxygen in cannisters. Of  
8 course 20 years ago if you would have told people we'll  
9 be drinking water out of bottles, I could just see my  
10 father rolling his eyes at the table and saying go drink  
11 out of a hose.

12:04:50

12 We've learned a few things since then. So we're  
13 more than willing to help in any way that we can because  
14 we think the quality of the air that we all breathe  
15 obviously impacts all of our lung health, not just our  
16 seniors. This isn't getting better. It's actually  
17 getting worse.

12:05:04

18 And there is nothing more distressing, and I  
19 have been personally facilitating ethics consults with  
20 nurses and care providers who are having been told by  
21 their companies, "You need to go into this patient's home  
22 and remove their oxygen supply because we can't afford to  
23 continue to give it away for free or we won't be giving  
24 it to anybody." That's pretty serious. Nobody wants to  
25 be in that position I don't think.

12:05:18

12:05:41

1           So please, anything we can do, any data we can  
2           help you with, we would more than glad to assist. Thank  
3           you.

4           MR. LING: Thank you. Miss Church.

12:05:59

5           EMILY CHURCH: My name is Emily Church. I am a  
6           concerned citizen and a scientist in training. I just  
7           started working on my Ph.D in neuroscience this fall.  
8           After I finished my undergrad a year ago, I started  
9           looking into climate issues and looked at the science and  
10          promptly joined several environmental organizations.

12:06:17

11           I think that this is something that affects all  
12          of us. I think many of the people here realize that.  
13          And I would just like to offer my support and say that  
14          based on conversations that I've had, so many people are  
15          concerned about this that I just really hope that EPA  
16          does take action and regulate greenhouse gases.

12:06:34

17           I'd also like to point out, I hear a lot of  
18          arguments against using coal -- I'm sorry -- against  
19          regulating coal because we need energy sources for when  
20          the sun isn't shining or the wind isn't blowing. And I  
21          think that people that make those arguments ignore the  
22          idea that we have energy storage capabilities and that we  
23          can continue to use sustainable sources of energy even  
24          when the sun is not shining and the wind is not blowing  
25          if we have means of storing that energy.

12:06:58

12:07:16

1           That's all I'd like to say. Thank you for  
2 giving me this opportunity.

3           MR. LING: Thank you. No questions. Thank you  
4 both.

12:07:38 5           All right. Let's call up David Archer and Mary  
6 Ellen DeClue.

7           MARY ELLEN DeCLUE: Can I go first? Ladies first?

8           MR. LING: We will lead off with Mr. Archer because  
9 he is next in line.

12:08:13 10          MARY ELLEN DeCLUE: It's a man's world. No. Go  
11 ahead, please.

12          MR. LING: Miss DeClue. He said yes.

13          MARY ELLEN DeCLUE: My name is Mary Ellen DeClue.  
14 I'm a retired chemistry and physical science teacher. At  
12:08:28 15 the time I lived in Godfrey, Illinois, and I taught at  
16 Wood River, at East Alton Wood River High School.

17               As a science teacher, I wanted to instill in my  
18 students an appreciation for the beauty and necessity of  
19 clean air, water and land. The students very often  
12:08:50 20 participated in field trips where they analyzed stream  
21 and river samples for water quality like dissolved  
22 oxygen, pH and so on.

23               We also did a study on particulate matter. We  
24 filtered air for a 24-hour period. It was really kind of  
12:09:10 25 a nice gizmo. We had like a roof and we'd set it on the

1 roof of the school and we would fasten down a preweighted  
2 filter and set the speed at a certain -- so we could  
3 document how many cubic feet per minute or hour or  
4 whatever it was and so on.

12:09:31 5 It was very interesting for the students, very  
6 informative and shocking. We also did a control. The  
7 control usually looked maybe a little dirty, okay, but  
8 the actual experimental model was at best a dark gray but  
9 usually black. And this was extremely good for the  
12:09:54 10 students because you look at air and it looks great. You  
11 really don't know what's in it. But by filtering it, it  
12 really brought it home that particulate matter is around  
13 and very alive and well, unfortunately.

14 This particular area of Wood River has several  
12:10:13 15 oil refineries and also the Portage Des Sioux coal power  
16 plant in West Alton, Missouri. We were kind of like down  
17 wind from it. So there were basically a lot of potential  
18 polluters at that time.

19 This particular study brought home a very  
12:10:32 20 important thing for the students. As I mentioned, you  
21 really don't know the quality of water or air unless you  
22 examine it and analyze it. And that's what EPA has been  
23 wonderful in doing. You set up standards. You analyze.  
24 You tell us, you know, what the problems are. And we  
12:10:52 25 certainly appreciate it.

1           Another thing students -- I want you to keep in  
2 mind, the students are on top of it. They are very, very  
3 concerned about the quality of their environment and  
4 future environments, as we are all.

12:11:06

5           You have been there for us in the past and we  
6 need you even more today. This proposal for CO<sub>2</sub>  
7 emissions addresses many issues in addition to global  
8 warming. The environment cannot take care of itself  
9 without your interaction. Fossil fuels are so terribly  
10 entrenched. And I don't know about you, but the name  
11 fossil, doesn't that sound outdated, outmodeled, get rid  
12 of it, get a newer model in. And sure enough, that's, I  
13 feel, what we need to do.

12:11:29

14           One of the primary things I think we need to  
15 address is that as long as we burn coal, we're going to  
16 mine coal. And to my knowledge every interaction with  
17 coal produces massive pollution and destruction. Coal  
18 mining by whatever method is destruction to the  
19 environment. Some more so than others.

12:11:47

12:12:07

20           I live in Montgomery County. Right now there is  
21 a longwall mining, Deer Run mine being developed which  
22 the compound is 450 feet from Hillsborough Hospital. Not  
23 good planning, but here it is. But basically longwall  
24 mining and mountaintop removal especially have destroyed  
25 communities. I want to emphasize, destroyed communities.

12:12:31

1 You will see abandoned houses. I mean it's sad. It's  
2 like what happened. They destroyed communities, land  
3 formations, water resources and very productive farms.

12:12:50 4 I don't know if you know, but longwall mining,  
5 you have this farmland, when you have longwall mining, it  
6 will subside five to six feet. How can you farm on a  
7 bathtub effect. It's kind of scary. I like to eat food,  
8 not coal.

9 Coal processing, which is another part of the  
12:13:09 10 picture, has produced millions, and I want to emphasize,  
11 millions of gallons of coal waste slurries in impoundment  
12 across the United States.

13 Right now, next door to Montgomery County is  
14 Macoupin County. And there are just huge refuse  
12:13:28 15 disposal, coal slurry piles. In fact, when I stand there  
16 and look up, it's scary because they aren't really  
17 regulated to the extent to be permanent. They are often  
18 left.

19 And then last but not least, the burning of coal  
12:13:46 20 has promoted global warming in addition to mercury, lead,  
21 arsenic, particulate matter, polycyclic aromatic  
22 hydrocarbons, which are known to be carcinogenic, are  
23 given off. And we are left with tons of toxic coal  
24 waste. Coal combustion waste, that is another issue I'm  
12:14:05 25 sure that we will be dealing with somewhere along the

1 line in the future.

2 The collapsing of the TVA dam in December of '08  
3 is just one example of the damage that coal inflicts on  
4 citizens. Coal has -- coal will never be clean and to  
12:14:23 5 think of spending billions on sequestering CO<sub>2</sub> is really,  
6 I think, foolish and a waste of money.

7 We have clean energy now with solar and  
8 geothermal and wind. And the billions that we could use  
9 on clean-up or sequestering CO<sub>2</sub> I'd love to be put on  
12:14:43 10 grids so that we can do that stored energy concept.

11 MR. LING: You need to wrap up.

12 MARY ELLEN DeCLUE: Thank you. I will leave -- I  
13 have some other information, but I have a typed text.  
14 May I leave it with you?

12:14:56 15 MR. LING: Yes.

16 MARY ELLEN DeCLUE: Yes. Thank you. I really  
17 appreciate it.

18 MR. LING: Thank you. We'll put that in the record  
19 if you leave it with us.

12:15:09 20 Mr. Archer.

21 DAVID ARCHER: Good afternoon. My name is David  
22 Archer. I'm a professor at the University of Chicago in  
23 the department of the geophysical sciences. I've  
24 published 80-some peer-reviewed papers and five books on  
12:15:24 25 the carbon cycle of the earth and its interaction with

1 global climate.

2 I also teach a class as part of our core science  
3 curriculum for undergraduates about the physics and  
4 chemistry of the global warming forecast. It's become  
12:15:36 5 the most popular class on campus which I think shows the  
6 concern that young people have about what  
7 business-as-usual is doing to their futures.

8 One of the books I have the students read is  
9 called Six Degrees, Our Future on a Warmer Planet by a  
12:15:52 10 journalist named Mark Lynas.

11 The first chapter describes the potential  
12 impacts of 1 degree Centigrade average global warming,  
13 all the results taken from the main-stream peer-reviewed  
14 climate impacts literature. And chapter 2 is about 2  
12:16:04 15 degrees of warming and so on up to 6 degrees which is the  
16 high end of the IPCC projection range for the year 2100.  
17 It's a very good book, well researched and clear, and I  
18 recommend it to you.

19 The earth today is already deep in chapter 1, 1  
12:16:19 20 degree C of warming. So the things you can read in the  
21 book you can also read in newspapers. In my opinion, the  
22 most profound climate impact of global warming in this  
23 country is the ongoing drought in the Southwest. The  
24 climate impacts in later chapters of the book get truly  
12:16:33 25 horrific including droughts and desertification that make

1 the Dust Bowl seem mild.

2 During the time of the Dust Bowl, 85 percent of  
3 the people that lived in Oklahoma felt the need to pick  
4 up stakes and leave. You can imagine in the future, mass  
12:16:48 5 migrations of people and water wars and ultimately  
6 failure of civilized government, the failed states.

7 The population of the earth depends on the  
8 infrastructure of our complex society, and if it breaks  
9 down, the carrying capacity of the earth could collapse.

12:17:05 10 This happened to the Mayans, the most advanced  
11 civilization of their day, as a result of extended  
12 droughts during the medieval warm time. How many of us  
13 would survive if there was no food in the grocery stores?

14 I come away from the book thinking that  
12:17:17 15 ultimately humankind is better than this. Humans have  
16 done amazing things and this challenge technologically  
17 isn't even all that hard.

18 Coal is by far the most abundant fossil fuel,  
19 and the future of climate depends mostly on what we  
12:17:31 20 decide to do with that coal. If hypothetically there  
21 were no more coal in the ground, we wouldn't be going  
22 back to the stone age. We'd figure out another way to  
23 keep things running. No problem. And if the climate  
24 starts to bite harder in the future, humankind will  
12:17:45 25 figure out ultimately how to leave that coal in the

1 ground.

2 Since dangerous climate changes are already  
3 underway, really fixing the climate means preventing the  
4 earth from getting any warmer than it already has. Our  
12:17:59 5 understanding of the physics of earth's climate tells us  
6 that to do this would require an atmospheric CO<sub>2</sub>  
7 concentration of 350 parts per million.

8 The reason -- where 350 comes from is this. The  
9 atmosphere already has more CO<sub>2</sub> than this. 387. And if  
12:18:15 10 the CO<sub>2</sub> concentration were to stop rising, if it was to  
11 stay at 387, the earth would continue to warm for several  
12 decades as the oceans warm up. The oceans right now are  
13 keeping us cool. This is what they call committed  
14 warming. And avoiding that committed warming is where  
12:18:31 15 the target CO<sub>2</sub> concentration of 350 parts per million  
16 comes from.

17 My optimistic opinion is that ultimately  
18 humankind in the coming decades will begin to actively  
19 scrub CO<sub>2</sub> from the atmosphere as part of a crash effort  
12:18:46 20 to get back to 350 parts per million. Some day someone  
21 is going to clean up this mess.

22 And in the larger scheme of things, this  
23 wouldn't be that hard to do. If this is the ultimate  
24 tide of history, there is an easier way to get there and  
12:18:58 25 a harder way. As with many environmental messes, it

1 would be much cheaper in the long run to avoid as much as  
2 possible emitting CO<sub>2</sub> to the atmosphere in the first  
3 place.

12:19:10 4 Climate change is more difficult than other  
5 challenges humans have faced only in that it's global and  
6 the "tragedy of the commons" effect is particularly  
7 strong. The people who benefit from using coal are not  
8 the same people as pay the price, mostly people in the  
9 future and the developing world. Will humankind plan  
12:19:24 10 intelligently for our collective good, or are we just  
11 another out-of-control weed species like so many others  
12 in earth history, doomed to bloom and collapse? This is  
13 the decision that we're facing today. Thank you.

14 MR. LING: Thank you.

12:19:56 15 I'd like to call Katy Hintzen and Courtney  
16 Eccles.

17 KATHY HINTZEN: Hello. My name is Katy Hintzen.  
18 I'm testifying today as a private citizen. I want to  
19 thank you for the opportunity to speak and for giving the  
12:20:30 20 public a chance to have a voice in this very important  
21 decision.

22 I wanted to speak today for the very simple  
23 reason that I'm 22 years old and this is -- it's my  
24 generation and the generations that come after me whose  
12:20:44 25 futures are going to be most heavily impacted by climate

1 change. And we're really doing our part.

2 Young people are very much aware of this issue.

3 We take public transit. We recycle. We really try to

4 live our lives in ways that are responsible and

12:20:57

5 sustainable. But I think one of the big messages that

6 everyone here has been saying today is that private

7 action is not going to be enough. That we need help on

8 this. And as long as the larger sources of carbon

9 pollution, the biggest contributors to global warming

12:21:13

10 remain unregulated that we don't really have a hope of

11 progress.

12 Climate change is a serious threat. And it's

13 going to require some very challenging decisions, and

14 regulating the large polluters is the most logical way to

12:21:26

15 quickly and effectively cut carbon pollution.

16 And as I just want to urge you as the people who

17 have the power to make those challenging decisions to

18 take the action that is necessary to really reduce our

19 greenhouse gas emissions and to halt climate change

12:21:41

20 because this is something that's going to be your

21 decision, but that ultimately will impact all of our

22 futures. Thank you.

23 MR. LING: Thank you. Miss Eccles.

24 COURTNEY ECCLES: Hi. My name is Courtney Eccles.

12:21:58

25 I am the Assistant Director of Outreach and Policy at

1 Protestants for the Common Good. We go by PCG because  
2 it's a little easier.

3 PCG is a not-for-profit organization comprised  
4 of individuals and churches from mainline Protestant  
12:22:12 5 churches across Illinois. And our work centers around  
6 education and advocacy work with people of faith on a  
7 wide range of social justice issues including  
8 environmental work.

9 We work and communicate directly with about  
12:22:26 10 5,000 individuals across the state and about 500  
11 churches.

12 I wanted to thank you for the opportunity to  
13 speak today. I am here to express PCG's full support for  
14 the proposed EPA rule that would cut global warming  
12:22:39 15 pollution by regulating emissions from plants and  
16 facilities that release at least 25,000 tons of  
17 greenhouse gases each year.

18 My intention is not to give you all of the  
19 science behind it -- I know we've heard quite a bit of  
12:22:50 20 that this morning -- but rather to talk to you about why  
21 this issue is so important to people of faith across  
22 Illinois and a little bit about what we've been doing  
23 with that.

24 As an organization over the past three years, we  
12:23:01 25 have seen significant and growing interest from the faith

1 community on environmental issues, specifically global  
2 warming.

3 The passion for this issue has led to a number  
4 of different areas of work including green teams being  
12:23:13 5 formed in churches, initiatives to put solar panels and  
6 wind turbines on top of a number of different church  
7 roofs and the creation of curricula and other training  
8 sessions that help individuals and congregations make  
9 their homes and churches more energy efficient, more  
12:23:29 10 environmentally friendly.

11 And we realize that while individual action is  
12 important, that combatting global warming demands work at  
13 local, state and federal levels, and so by reducing the  
14 greenhouse gas emissions from these larger facilities,  
12:23:43 15 we're certainly taking one significant step in the right  
16 direction. I congratulate the EPA for moving along in  
17 that process.

18 At PCG, we work diligently on environmental  
19 issues for two very important reasons. First, we feel  
12:23:57 20 that as Christians we're called to be good stewards of  
21 the earth, caring for the land, the water and the  
22 creatures that live here.

23 In addition to our care for creation, PCG has  
24 always worked on behalf of individuals that live in  
12:24:11 25 poverty. And we are acutely aware of the fact that

1 global warming affects individuals in low income  
2 communities far more than it does others.

12:24:25

3 The coal-fired power plants and oil refineries  
4 that we're talking about today are probably located in  
5 the communities where these individuals live, meaning  
6 that the pollution hits them first.

12:24:39

7 Individuals who live in these communities  
8 already struggle with housing, jobs, transportation and  
9 safety. Those with fewer resources, less access to  
10 healthcare and inability to afford amenities like heat or  
11 air conditioning and thus are far less able to adapt to  
12 our rapidly changing climate. It is for these people  
13 that I come to speak to you today and urge moving forward  
14 on the EPA rule.

12:24:54

15 So, in closing, we feel strongly that  
16 significant progress will come only if we as individuals  
17 make changes in our own lives but also if changes come at  
18 a higher level as well from our federal government.

12:25:07

19 American businesses and energy providers have to  
20 change their message as well, and this rule puts us on  
21 the right path to doing that. These large facilities  
22 account for a significant portion of the global warming  
23 pollution and cleaning them up would be an important and  
24 necessary step in the fight to end global warming.

12:25:20

25 So thank you again for this opportunity. And I

1       urge quick progress in finalizing the rule. Thank you.

2           MR. LING: Thank you. The last two speakers before  
3 lunch will be Laura Chamberlain and Pam Martin.

4           I think this says that Pam Martin is actually  
12:26:19 5 scheduled to go first.

6           PAMELA MARTIN: Thank you for this opportunity to  
7 speak. My name is Pamela Martin, and I'm an Assistant  
8 Professor at the University of Chicago. I teach classes  
9 in past climate change, chemical oceanography and the  
12:26:32 10 science of sustainability.

11           Looking back into the paleo-record reveals  
12 abrupt changes in climate, tipping points and many things  
13 that we still cannot explain. We must go back millions  
14 and millions of years to get to the CO<sub>2</sub> levels that we're  
12:26:50 15 at currently.

16           This past fall, I've been participating in a  
17 seminar with other climate experts such as David Archer,  
18 who spoke earlier, who is an expert on the carbon cycle,  
19 climate dynamicists who try to understand the radiative  
12:27:05 20 forcing of greenhouse gases, atmospheric chemists and  
21 biologists who study the real nitty-gritty of  
22 photosynthesis.

23           We've been studying the details of the fate of  
24 CO<sub>2</sub>, what happens to the CO<sub>2</sub>, to that portion of it that  
12:27:18 25 sinks out of the atmosphere into natural sinks. And this

1 has a cycle through the atmosphere. One clear sink is  
2 the oceans. And the CO<sub>2</sub> enters the oceans and leads to a  
3 lowering of the pH. It acts as an acid.

12:27:40

4 While understanding the sinks of CO<sub>2</sub> requires  
5 some detailed sleuthing, understanding the anthropogenic  
6 sources, the major emission sources, does not require  
7 such sleuthing -- a relatively small number of polluters  
8 and yet one half of all of the greenhouse gases; and  
9 these are the ones that the EPA is talking about  
10 regulating today.

12:27:57

11 EPA is taking an important first step in  
12 addressing greenhouse gases under the Clean Air Act.

12:28:12

13 By requiring that the big polluters install  
14 technology to reduce their greenhouse gas emissions,  
15 EPA's proposed rule will begin the work of cutting  
16 greenhouse gas global warming pollution while creating  
17 green jobs.

12:28:27

18 I applaud your commitment to holding these big  
19 polluters responsible first, but I urge you to also  
20 continue to work to regulate those who emit less than  
21 25,000 tons per year.

12:28:42

22 Under the current rule, EPA proposes to take  
23 five or six more years of study to address these smaller  
24 sources. This is too slow. The longer we wait, the more  
25 that is committed warming for the future and the more

1 it's going to cost to address this future -- cost to  
2 address this future problem.

3 The Clean Air Act provides a comprehensive  
4 system of pollution control. I applaud you again for  
12:28:57 5 using this to address the major polluters. And I  
6 encourage you to act quickly on that and then to also  
7 start to address the smaller emitters as well. Thank  
8 you.

9 MR. LING: Thank you.

12:29:14 10 LAURA CHAMBERLAIN: Hi. My name is Dr. Laura  
11 Chamberlain. I'm a family physician here in Illinois.  
12 And I want to build on the statements given by Brian  
13 Urbaszewski from the Respiratory Health Association of  
14 Metropolitan Chicago, but I'm afraid I don't have a lot  
12:29:26 15 of statistics for you.

16 I actually just want to give you an idea of what  
17 a respiratory death is -- the actuality of a respiratory  
18 death here in Chicago.

19 Most of my experience of being a physician has  
12:29:40 20 been in Chicago. And most of that has been working on  
21 the south side and the west side. And so I've attended  
22 many patients that have had heat-related respiratory  
23 distress. And I wanted to give you a little picture of  
24 what that meant for patients.

12:29:54 25 It's very hard if you have asthma or COPD in

1 this city if you are -- you are in the lower  
2 socioeconomic categories. It's very hard to be able to  
3 afford air conditioning, to be able to afford housing  
4 that has a good availability of air, that is not -- that  
12:30:19 5 does not involve pollutants in any way, shape or form  
6 like formaldehyde from drywall, you know, a number of  
7 different allergins, cockroaches, infestation, mold.  
8 It's very hard to avoid that.

9 And then when they you add heat-related ozone  
12:30:39 10 and air quality to the whole picture, what happens to a  
11 patient is this. And I'm going to focus on an elderly  
12 patient, okay, probably with COPD and some element of  
13 asthma in their past.

14 They usually are on one, two, three inhalers and  
12:30:59 15 kind of a back-up steroid or some other medication like  
16 an emergency medication. And it's very difficult to know  
17 at what point they are in real trouble. We give them a  
18 lot of information about this, but for the patient, it's  
19 very, very hard to know this.

12:31:15 20 So as the heat increases and the air quality in  
21 their homes decrease, they end up overutilizing their  
22 inhalers and their nebulizers to a great degree and they  
23 start not being able to sleep and eat and drink, so an  
24 added dimension of dehydration begins to occur over the  
12:31:39 25 course of days and hours.

1           Okay. And then what happens is they start to --  
2           they determine that they're in need of their emergency  
3           medicine and they take that and they give -- they always,  
4           always, the patients give these medications too long.  
12:31:56 5           They watch the clock. They're not breathing well. They  
6           give the medications too long. And they end up coming in  
7           when they already have very, very significant bronchial  
8           obstruction. Already calling 911. And really actually  
9           being in need of emergency ventilation at that point or  
12:32:18 10          even tubing or artificial ventilation.

11           What happens to a patient when they actually die  
12          of a respiratory distress is that, you know, it's  
13          basically drowning. They have bronchial obstruction and  
14          bronchial edema and all of the exudate that is involved  
12:32:41 15          in that.

16           And even with intubation very, very often we  
17          cannot give oxygenation to a certain extent, so without  
18          actually putting them on some kind of heart lung bypass,  
19          we cannot oxygenate their blood. So it is a drowning  
12:32:58 20          death.

21           And it's extremely distressing to the patients,  
22          to the family. It is not a comfortable death. I want to  
23          tell you that. That's the No. 1 message I'm here to tell  
24          you. Dying from respiratory distress is not a  
12:33:11 25          comfortable death for anybody in the family or the

1 patients.

2 And there's very little that we can do after a  
3 certain point even in the ER, even with medications, if  
4 they do not respond to intubation and direct ventilation.

12:33:29

5 These are the deaths that we're talking about.

6 These are the deaths that Brian Urbaszewski talked about  
7 and the other commenters talked about. And it's

8 absolutely important that you as a body understand the  
9 cost of these deaths in terms of the monetary cost, the

12:33:50

10 emotional costs and the -- this is really robbing us of a  
11 large portion of our population especially in the inner  
12 city that could be, you know, extremely useful,  
13 beneficial lives to us.

14 Because of this constant onslaught of the

12:34:12

15 heat-related, you know, ozone, heat-related air quality,  
16 the particulate matter, we must, must move away from coal  
17 if we are going to give these people quality lives.

18 That's really what I want to talk to you about.

19 So I thank you very much for letting me talk to you.

12:34:32

20 MR. LING: Thank you. And I had a question for  
21 Miss Martin. You made a comment about urging EPA to move  
22 more quickly for the smaller sources.

23 The proposal that we're talking about today is  
24 about permitting and we do talk in the proposal about

12:34:53

25 some challenges with using the permitting program for the

1 smaller sources, although we state that there may be  
2 other more appropriate tools for smaller sources, so in  
3 that context, I wanted to ask you should we interpret  
4 your comment as we should move more quickly with smaller  
12:35:09 5 sources through the permitting program or should we move  
6 more quickly with smaller sources in general? Which did  
7 you mean?

8 MS. MARTIN: I think you can think to address it  
9 within the permitting program actually, but in any case,  
12:35:23 10 we need to move forward and that would be one of the  
11 really most rapid ways to do that rather than coming up  
12 with a new way of doing it.

13 MR. LING: Okay. Thank you. No other questions.  
14 Thank you very much.

12:35:35 15 With that, I will adjourn the hearing until  
16 2:00 p.m. where we will have another round of speakers.  
17 I'll see some of you back here then. Thanks.

18

19 (WHEREUPON, the hearing was recessed  
20 and continued to 2:00 p.m.)

21

22

23

24

25

1 STATE OF ILLINOIS )

2 COUNTY OF C O O K )

3 I, SHARON A. STUCKLY, a Certified Shorthand  
4 Reporter of the State of Illinois, do hereby certify that  
5 I reported stenographically by means of machine shorthand  
6 the proceedings had at the hearing aforesaid thereafter  
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