

**Testimony of NJDEP Commissioner Bob Martin**  
**EPA 126 Petition Public Hearing**  
**Pequest Fish Hatchery, Oxford, NJ**  
**April 27, 2011**  
*As prepared for delivery*

I appreciate the opportunity to speak to you today on behalf of Governor Christie and the people of New Jersey.

New Jersey is steadfast in our commitment to protect public health and improve the quality of our air. We will not back down from our resolve to force the Portland power plant to take action to reduce its harmful emissions. GenOn's failure to upgrade the air emissions equipment at this plant is unacceptable. If GenOn will not do this willingly as a good corporate citizen, New Jersey will make sure that they live up to their responsibilities.

First, I would like to thank EPA for proposing to grant New Jersey's Section 126 petition to address air pollution from GenOn's Portland Generating Station and for holding this hearing to receive comments on EPA's proposed findings and remedy.

The Portland power plant ranks in the top five in the nation in highest sulfur dioxide emission rate per megawatt of electricity generated. The plant also emits more mercury than all New Jersey coal-fired power plants combined. New Jersey supports EPA's proposal to require this largely uncontrolled coal-fired power plant to minimize its harmful sulfur dioxide emissions in the short term, with a 50 percent reduction in the first year. New Jersey also supports EPA's proposal to require the plant to dramatically reduce its significant sulfur dioxide emissions within three years, as the Clean Air Act requires, but New Jersey wants a 95 percent reduction rather than the 81 percent proposed by EPA. These are reasonable measures to begin to address this public health problem that has existed for far too long.

Sitting here today, we are about halfway between the Portland plant and DEP's Chester air monitoring station in Morris County, which is about 22 miles from Portland. The Chester monitor historically has measured the highest short-term sulfur dioxide levels in all of New Jersey. Trajectory analysis indicates this occurred when the wind was blowing from the Portland plant, demonstrating the long-range adverse impacts of the plant.

Air quality computer modeling by the DEP indicates that the Portland power plant is causing exceedances of the health standards for sulfur dioxide in at least four New Jersey counties, including Warren, Morris, Sussex, and Hunterdon, and in three Pennsylvania counties. It is unacceptable that this single facility is adversely affecting public health across such a wide area.

In September 2010, the DEP began to monitor sulfur dioxide from a station about one mile from the Portland plant. Monitoring over the past seven months confirms exceedances (14 to date) of the federal health standards, similar to the sulfur dioxide levels predicted by our computer models. The people of Knowlton Township and beyond should not be subjected to this injustice when the wind blows from the direction of the power plant.

The air pollution from this power plant is not limited to sulfur dioxide. The over 30,000 tons per year of sulfur dioxide converts to an even greater amount of fine sulfate particles that travel on the wind throughout northern New Jersey, New York, Connecticut and beyond. The plant also emits high levels of nitrogen oxides, mercury and other air pollutants.

New Jersey insists that EPA ensure that the sulfur dioxide emission limit it sets for this coal-fired power plant is fully protective of public health. The technical evaluations done by New Jersey (with two models) and by EPA (with one model) indicate that emission reductions between 81 and 95 percent are required to ensure the health standard is not exceeded.

What we are asking is not unreasonable. Modern scrubbers achieve 95-98 percent reduction of sulfur dioxide, so compliance with the health standard is readily achievable and far from an extraordinary demand. GenOn should install the best available control technology.

In addition to setting a sulfur dioxide emission limit for the Portland coal boilers, New Jersey urges EPA to follow through with requirements to address other air pollutants emitted in large amounts by this and power plants in other states. Portland is only one example of many poorly controlled power plants in the U.S. that lack modern control of nitrogen oxides, which cause ozone; that have outdated control for fine particulate emissions; and that do not control mercury emissions.

New Jersey is not asking this power plant to do anything that our own state's coal-fired plants have not already done. Of New Jersey's ten coal burning units, six have installed modern air pollution control for all of the hazardous air pollutants; one has converted to gas; one has shut down and is being replaced by a gas-fired unit; and two are under enforceable agreement to install more air pollution controls or to convert to a cleaner fuel in 2012 and 2013 respectively. New Jersey has adopted performance standards for mercury, particles, nitrogen oxides and sulfur dioxide emitted by coal-fired boilers. As New Jersey sources have done, Portland should take similar measures to reduce its harmful impact on public health.

It is unacceptable to have a single power plant on our border emitting more sulfur dioxide and mercury than all of New Jersey's coal-, oil- and gas-fired power plants combined. It is also unlawful for those emissions to cause or significantly contribute to a violation of a national ambient air quality standard. New Jersey is pleased that EPA is proposing action now to compel GenOn to reduce these harmful emissions. GenOn should take action now to stop causing this public health problem.

New Jersey looks forward to EPA's expeditious final action on our 126 petition, as well as other rules to better control air pollution from all coal-fired power plants, which cumulatively have an adverse impact on New Jersey's air quality and public health. Thank you.

*DEP will provide additional technical comments prior to the close of the comment period.*