

**Reconsideration of Rule Revising Earlier Regulatory Finding and Removing Certain
Electric Steam Generating Units from the List of Source Categories
Fact Sheet**

ACTION

- On October 21, 2005, the Environmental Protection Agency (EPA) agreed to reconsider certain aspects of its determination that regulation of electric utility steam generating units under section 112 of the Clean Air Act was neither necessary nor appropriate, and removing certain utility units from the list of source categories. EPA signed the final rule on March 15, 2005, and that rule revised a December, 2000 EPA decision. EPA will accept comments for 45 days following publication of the reconsideration notice in the *Federal Register*.
- Following the final action, the Administrator received two petitions for reconsideration.
 - One petition was submitted by 14 States: New Jersey, California, Connecticut, Delaware, Illinois, Maine, Massachusetts, New Hampshire, New Mexico, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin.
 - The other petition was submitted by five environmental groups and four Indian Tribes: the Natural Resources Defense Council, the Clean Air Task Force, the Ohio Environmental Council, the U.S. Public Interest Research Group, the Natural Resources Council of Maine; the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Penobscot Indian Nation, and the Passamaquoddy Tribe of Maine.
- EPA agreed to reconsider certain aspects of the final rule, including:
 1. Legal issues underlying the decision; and
 2. The methodology used to assess the amount of utility-attributable mercury levels in fish tissue and the public health implications of those levels.
- In the notice, EPA is granting reconsideration and seeking comment on certain issues raised in the petitions for reconsideration. EPA is not requesting comment on any other provisions of the final rule.
- In a separate action EPA is publishing a proposal to reconsider certain aspects of the Clean Air Mercury Rule.
- In addition to the 45 day comment period, the Agency will hold a public hearing on November 17, 2005 at EPA's offices in Research Triangle Park, N.C.

BACKGROUND

- The final rule, titled "Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the

Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section List,” was published in the Federal Register on March 29, 2005.

- EPA determined that the December 2000 finding lacked foundation and that recent information demonstrated that it is not appropriate or necessary to regulate coal- and oil-fired utility units under section 112 of the Clean Air Act. Based on the revised finding, EPA removed those utility units from the section list of source categories.

FOR MORE INFORMATION

- To download the reconsideration notice and the March 2005 rule from EPA’s website, go to the following address: <http://www.epa.gov/air/mercuryrule/rule.htm>
- Today’s reconsideration notice and other background information are also available either electronically in EDOCKET, EPA’s electronic public docket and comment system, or in hardcopy at EPA’s Air and Radiation Docket and Information Center, Environmental Protection Agency, Room B102, 1301 Constitution Avenue, NW, Washington, DC (Docket ID No. OAR-2002-0056 (Legacy Docket ID No. A-92-55)). The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.
- Comments should be identified by Docket ID No. OAR-2002-0056 and submitted by one of the following methods: Federal eRulemaking Portal (<http://www.regulations.gov>); EDOCKET (<http://www.epa.gov/edocket>); e-mail (a-and-r-docket@epa.gov); facsimile ((202) 566-1741); mail (Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460); or hand delivery (Air and Radiation Docket and Information Center, Environmental Protection Agency, Room B102, 1301 Constitution Avenue, NW, Washington, DC).
- To register to speak at the public hearing on November 17, 2005, please contact Pamela Garrett of EPA’s Office of Air Quality Planning & Standards at (919) 541-7966 or by e-mail at <mailto:garrett.pamela@epa.gov> at least two days in advance of the hearing.
- For more information about the reconsideration notice, contact Mr. William Maxwell at EPA’s Office of Air Quality Planning and Standards at (919) 541-5430 or by e-mail at <mailto:maxwell.bill@epa.gov>.
- The EPA’s Office of Air and Radiation (OAR) home page on the Internet contains a wide range of information on the air toxics program, as well as many other air pollution programs and issues. The OAR home page address is: <http://www.epa.gov/oar/>.