

CAPCA News



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January 2003

North Carolinas' Clean Smokestacks Act

Secretary William G. Ross, Jr.

N.C. Department of Environmental and Natural Resources

North Carolina's General Assembly enacted legislation in 2002 that could provide a model for other states in controlling multiple air pollutants from old coal-fired power plants. The Clean Smokestacks Act, signed by Governor Mike Easley in June, requires power companies to reduce their smog- and haze-forming emissions by approximately three-fourths over the next decade. We hope this landmark multi-pollutant legislation will set the standard for similar actions by the federal government and other states.

Under the act, coal-fired power plants must achieve a 77-percent cut in nitrogen oxide (NO_x) emissions by 2009 and a 73-percent cut in sulfur dioxide (SO₂) emissions by 2013. NO_x is the main cause of ozone, one of North Carolina's biggest air quality problems, and it contributes to haze and acid rain. SO₂ is the main cause of tiny particle pollution, haze and acid rain. Although the act does not set caps on mercury, we estimate that the controls needed to meet the NO_x and SO₂ limits will reduce mercury significantly — perhaps as much as 60-90 percent. Reducing emissions of these three pollutants will help control one of North Carolina's two biggest air pollution problems, thereby safe-guarding public health, improving visibility and protecting the environment.

An important feature of the Clean Smokestacks Act is that North Carolina's two largest utility companies, Duke Power Co. and Progress Energy Corp. (formerly known as Carolina Power & Light), must achieve these emissions cuts through actual reductions at their 14 power plants in the state — not by buying or trading emission credits from utilities in other states, as allowed under federal

regulations. The utilities also cannot sell credits for their emissions cuts, ensuring that utilities in neighboring states don't negotiate the gains achieved in North Carolina by purchasing the rights to increase or avoid controlling their own emissions.

These measures ensure that North Carolina should gain substantial improvements in air quality over the next decade or so.

Under the legislation, power companies must reduce their NO_x emissions year-round, not just during the ozone season in the warmer months, as under federal requirements. The bill also calls on the N.C. Division of Air Quality to conduct a study of mercury and carbon dioxide emissions in the state, and to make recommendations to the legislature by September 2005 on possible controls for these two pollutants.

We learned a lot in pursuing adoption of the Clean Smokestacks Act. One of the biggest reasons for the bill's passage was the involvement of various stakeholders in developing the legislation. Negotiations included representatives from power companies, environmental groups, the legislature, the governor's office, state agencies, electric rate payers' associations, non-utility industrial groups and the state utilities commission.

The legislation had its genesis in a series of public hearings the state held in 2000 regarding rules for complying with the U.S. Environmental Protection Agency's call for revised State Implementation Plans for controlling NO_x. The hearings attracted large crowds, particularly in the mountains of western North Carolina, and helped convince state Rep. Martin Nesbitt and state Sen.

Stephen Metcalf to co-sponsor a multi-pollutant bill that went beyond the requirements of the EPA's SIP Call.

The state Senate passed the initial version of the Clean Smokestacks Bill in 2001, but it stalled in the House because of concerns over its effects on utility rates for industries. During the interim, Governor Easley and legislators met with utilities and other stakeholders to develop a compromise that could win support in the House. What resulted from these negotiations was a revised bill that would freeze electric rates for five years while allowing utilities to accelerate the write off of their costs for installing new pollution controls — estimated at \$2.3 billion. This compromise broke the stalemate, and allowed the bill to move forward.

Another factor working in support of the bill was the completion of the Souther Appalachian Mountains of Initiative (SAMI), a multi-year study of air quality problems in an 8-state region. SAMI mod-

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N.C. Clean Smokestacks Act
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eling provided conclusive evidence that North Carolina would gain substantial benefits from the Clean Smokestacks Act, regardless of what happened in other states. Previously, one of the arguments against the bill was that it would not do much good because of pollutants blown into North Carolina from other states. SAMI showed that each state would benefit most from reducing emissions within its own boundaries. It also showed the cuts would yield benefits across the state, not just in the mountains of Western North Carolina.

Legislators again relied on the SAMI findings with respect to the effects of pollution from other states and regions by adding the following section in the final act; "It is the intent of the General Assembly that the State use all available resources and means, including negotiation, participation in interstate compacts and multi-state and interagency agreements, petitions ... and litigation to induce other states and entities, including the Tennessee Valley Authority, achieve reductions in emissions of oxides of nitrogen (NO_x) and sulfur dioxide (SO₂) comparable to those required by ... this act, on a comparable schedule. The State shall give particular attention to those states and entities whose emissions negatively impact air quality in North Carolina or whose failure to achieve comparable reductions would place the economy of North Carolina at a competitive disadvantage."

We hope that the federal government and other states will follow our lead in North Carolina and achieve comparable reductions on a comparable schedule. In doing so, they will help themselves and also help North Carolina finish the work it has begun.

For the complete text of the Clean Smokestacks Act and related information, please visit the N.C. Division of Air Quality's web site at <http://daw.state.nc.us/news/leg/>.



Enforcement and Compliance History Online

EPA recently launched a new website that will allow anyone to search for industrial facilities in their community for the purpose of determining whether:

- ✓ EPA or State/local governments have conducted compliance inspections,
- ✓ violations were detected, or
- ✓ enforcement actions were taken and penalties were assessed in response to environmental law violations.

This site, called Enforcement and Compliance History Online (ECHO), was released November 18, 2002 for a 60-day comment period to solicit reactions and suggestions about how to make the site as useful and effective as possible. During the comment period, the regulated community and regulatory agencies will also be able to review the data to check for accuracy.



For more information about ECHO and how to submit comments, go to:

<http://www.epa.gov/echo/info/index.html>

To search for compliance information about a particular facility, go to:

<http://www.epa.gov/echo/>



Spring 2003 Contributors

Thank you to the following companies for sharing generously and being a part of CAPCA's 2003 Contributor's Program. With contributions, we are able to maintain affordable registration costs while presenting outstanding programs that have made CAPCA so successful!

BENEFACTORS OF CAPCA (\$1,500+)

Duke Energy
Santee Cooper
Trinity Consultants

If you are in interest in being a Contributor, call the CAPCA office at (919) 676-6099.

Contributions are tax deductible.

The Presidents' Award

October 25, 20002

Mr. Jack Preston, President
Carolinas Air Pollution Control Association
P.O. Box 33430
Raleigh, Nc 27636

Re: "PRESIDENT'S AWARD"

Dear Mr. Preston:

CAPCA has been very successful through the years in providing assistance to those involved in air pollution. This success has been made possible through the combined efforts of organizations and individuals who actively support CAPCA's goals. CAPCA is fortunate to have these individuals who are dedicated to our goal of "promoting, encouraging, improving, advancing, and strengthening the cause of clean air."

As President of CAPCA and with concurrence by the Board of Directors, you are empowered to present a very special award. The "President's Award" recognizes and commends an organization or individual for dedicated and loyal support of CAPCA, its purposes and its goals.

Davis and Floyd, Inc., headquartered in Greenwood, South Carolina, has been an active supporter and Exhibitor since CAPCA's earliest beginnings. It has encouraged and supported staff participation in CAPCA activities. Its loyal support and participation has played a key role in the success of CAPCA.

Success of any organization is typically measured by the number and type of supporters for that organization. This is understandable. However, I believe that the manner in which support is provided, although difficult to measure, is of more importance. Davis and Floyd has provided their support with a quiet professional attitude that is commendable. More importantly, Davis and Floyd has provided their support in such a meaningful and consistent way, critical to any organization, that an award is appropriate.

Therefore, in recognition of significant long-standing contributions to the success of CAPCA, it is with great pleasure that I nominate Davis and Floyd, Inc. to receive CAPCA's "President's Award."

Very truly yours,

William P. (Phil) Brantley
Association Planner
Carolinas Air Pollution Control Association
2202 Gadsden Street
Columbia, SC 29201



Carl Burrell received the prestigious President's Award plaque given to Davis & Floyd by President Jack Preston.



Davis & Floyd has been a long and loyal supporter of CAPCA. Carl Burrell and Gary Anderson chat with CAPCA attendees at the Exhibit Symposium.

Why participate in CAPCA?

We probably all ask that question of ourselves every once-in-awhile. But it is a good question and one that deserves an answer. From someone who has been a CAPCA member for over 15 years, may I summarize it in the following:

Comprehensive – CAPCA looks at all aspects of air pollution with all types of groups represented in some manner and shape. The CAPCA Board Members include business, government, consultants, equipment vendors, and the legal profession

Association – Yes, CAPCA does have a social perspective where those in the professional pursuit of improved air pollution management and control can speak freely about how we can improve air quality

Professional – While not specifically a technical/professional organization, the members are professionals in most every sense of the idea of professionalism and the presentations at both the Fall and Spring Meetings are of the highest professional standards

Constructive — With the opportunities presented through CAPCA participation, growth in technical knowledge and skills becomes part of every member's future.

All Inclusive – Everyone is welcomed to participate in CAPCA. If someone is interested in air pollution management and control, they are welcome to learn and develop a greater understanding of air pollution issues in the Carolinas.

So what is our Association about? Many good things.

It just makes good sense to be CAPCA member and participate in all the activities of the Association.

See you at the Spring Meeting!!!

Future Meetings

2003 **Spring Meeting**
April 23-25, 2003
Grove Park Inn
Asheville, NC

Fall Meeting
October 22-24, 2003
The Wyndham Resort
Myrtle Beach, SC

2004 **Spring Meeting**
April 14-16, 2004
Grove Park Inn
Asheville, NC

Fall Meeting
October 20-22, 2004
The Wyndham Resort
Myrtle Beach, SC

2005 **Spring Meeting**
March 30-April 1, 2005
Grove Park Inn
Asheville, NC

Fall Meeting
October 19-21, 2005
The Wyndham Resort
Myrtle Beach, SC

2006 **Spring Meeting**
April 19-21, 2006
Grove Park Inn
Asheville, NC

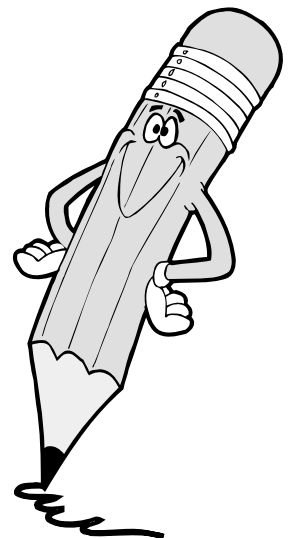
Fall Meeting
October 18-20, 2006
The Wyndham Resort
Myrtle Beach, SC

Please Register Properly for CAPCA Meetings

As will every association that has great meetings, some would like to participate without paying their full registration fees. In CAPCA, this may apply to only a few folks but even a few incur extra cost for the Association for breaks and meals and other expenses at our meetings. CAPCA is a non-profit organization so we don't have extra money for such expenses.

Just a reminder for all CAPCA activities, please register properly for your role in the Association and coming meeting under the several categories that are present – Member, Registrant, Guest, etc. By not doing so, you may be cheating those others at the meeting you may be trying to impress.

When you get to the meeting, go to registration first (check registration hours before arriving) and get your badge. Wear your badge to all functions. Those who do not have a badge or an inappropriate badge will be asked to leave the CAPCA activity or meeting.



2003 Officers and Directors

The following CAPCA members were elected at the Business Meeting held on October 25, 2002 to serve on the Board for 2003.

President

GORDON MILLER
InteliCoat Technologies

Vice President

KEITH OVERCASH
NC DENR

Treasurer

JIM JOY
SC DHEC

Secretary

PETER LLOYD
Forsyth County
Environmental Affairs

Director

THOMAS BARTLETT
Bartlett Controls

Director

CHARLES S. CARTER
McNair Law Firm

Director

TODD PICKENS
Carrington Engineering

Director

BARBARA SEASE
S & ME, Inc.

Association Planner

PHIL BRANTLEY
SC DHEC

Executive Secretary

ANN DANIEL
CAPCA

Immediate Past President

JACK PRESTON
SCANA



"Changing of the Guard" from Jack Preston to President Elect Gordon Miller at the Oct. 25th business meeting.



Past President Tommy Edens received a "thank you" award from President Jack Preston.



CAPCA Board officials, Jim Joy and Keith Overcash, enjoy a few quiet moments at the Shrimp-A-Roo.



CAPCA's first president, Bob Fulp of Forsyth County Environmental Affairs mans the Local Programs booth at the Fall Meeting.



Volleyball winners of the Fall 2002 Meeting.

Volleyball event sponsored by EI.



CAPCA

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Thank You!

The Fall 2002 CAPCA Meeting was outstanding with a strong, informative program.

A special “way to go” and “thank you” go to the following people:



Registration

HUGH JERNIGAN, JR.
NC DENR

CARL BURRELL
Davis & Floyd

COLLEEN CHILDERS
Analytical Testing

TOMMY EDENS
Santee Cooper

DAN MCCOMBS
Analytical Testing

SYBIL SHIRLEY
NC DENR

ROBIN WILSON
Ogletree Law Firm

KAY AUMILLER
CAPCA

ANN DANIEL
CAPCA

Photography

HUGH JERNIGAN, JR.
NC DENR

HARVEY VARNER, III
NC DENR

Exhibits

KEVIN NESBIT
Ross Air Systems

Golf

RICHARD WILKINS
Emerson Software Solutions

Arrangements

PHIL BRANTLEY
SC DHEC

Program

GORDON MILLER,
Chairman
InteliCoat Technologies

CHARLIE CARTER
McNair Law Firm

PETER LLOYD
Forsyth County
Environmental Affairs

KEITH OVERCASH
NC DENR

JACK PRESTON
SCANA

TODD PICKENS
Carrington Engineering

PEGGI DAVIS
SONOCO

CARL BURRELL
Davis & Floyd

PHIL BRANTLEY
SC DHEC

JIM JOY
SC DHEC