

Congress of the United States

Washington, DC 20510

February 23, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We strongly urge the U.S. Environmental Protection Agency (EPA) to withdraw its proposed denial and instead grant Connecticut's petition under Section 126 of the Clean Air Act regarding the Brunner Island Steam Electric Station and expeditiously provide Connecticut with long sought after relief from dirty, downwind air pollution. Connecticut has long been adversely impacted by trans-border air pollution, often directly causing our state to exceed EPA ozone and other pollutant limits – the very type of pollution emitted by Brunner Island Station.

Congress recognized the need for the EPA to step in and address pollution sources in one state that adversely impact another. Because a harmed state has no authority to regulate pollution sources located in another jurisdiction, under the Clean Air Act, Congress provided the EPA with the critical statutory duty to address trans-border pollution. Timely, effective EPA action is required in order for the agency to appropriately carry out this important responsibility.

As you know, the Clean Air Act requires EPA to set national ambient air quality standards to protect public health and welfare. In cases where a large stationary source, or group of such sources, emits air pollution significantly contributing to air quality problems in another downwind state, Section 126 of the Clean Air Act permits the downwind state to petition EPA to require that the original out-of-state source or group of sources comply with emission controls or cease operations.

In June 2016, Connecticut filed a petition concerning pollution emitted by the Brunner Island Steam Electric Station, a coal-fired power plant that produces cheap, dirty power in York Haven, Pennsylvania. The prevailing winds from Brunner Island Station often bring harmful air pollution downwind into Connecticut, contributing to serious regional public health risks.

Specifically, air pollution from Brunner Island Station has resulted in increased concentrations of ground-level ozone in Connecticut. EPA has linked ozone exposure to reduced lung function, increased asthma attacks, and even higher risk of premature death. The pollution load also adds economic costs for local businesses to compensate for the out-of-state contribution, and has fundamentally interfered with Connecticut's ability to comply with the 2008 National Ambient Air Quality Standards (NAAQS). Additionally, while EPA expects Brunner Island Station to only burn natural gas going forward, there is no legally enforceable requirement that prevents it from switching back to coal prior to the summer of 2023 –should a recent proposed consent decree take effect.

Under the plain language of Section 126, EPA is required to respond to a petition within 60 days. It is unacceptable that EPA failed to respond to Connecticut's petition until now—a clear violation of the time period intended by the U.S. Congress. It is equally unacceptable that at this late date, EPA now proposes to deny the petition without providing an enforceable remedy to address Connecticut's air pollution problem.

Air pollution does not respect state lines nor the health and economic consequences that come along with it. As such, we urge you to immediately provide Connecticut with relief by approving the Section 126 petition, and requiring the Brunner Island Station to eliminate its harmful emissions contributing to ozone transported into Connecticut.

Thank you for your attention to this important matter.

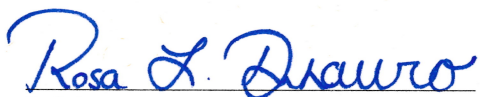
Sincerely,



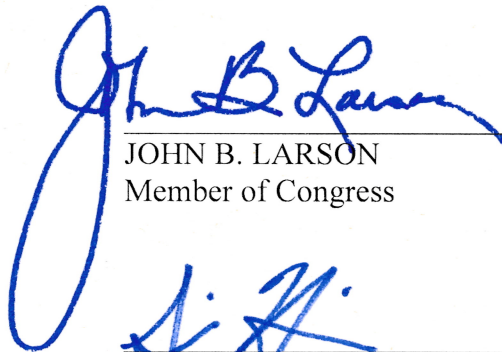
RICHARD BLUMENTHAL
United States Senate



CHRISTOPHER S. MURPHY
United States Senate



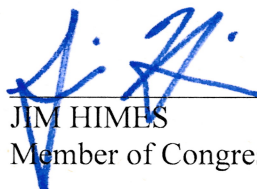
ROSA DeLAURO
Member of Congress



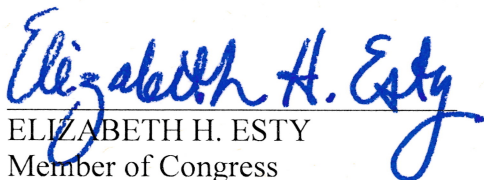
JOHN B. LARSON
Member of Congress



JOE COURTNEY
Member of Congress



JIM HIMES
Member of Congress



ELIZABETH H. ESTY
Member of Congress