



DELAWARE AUDUBON SOCIETY

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April 5, 2006

The Honorable Ruth Ann Minner
Governor
State of Delaware
Tatnall Building 2nd Floor
William Penn Street
Dover, DE 19901

Dear Governor Minner:

I applaud your decision to enact more stringent regulations to reduce emissions from Delaware's coal and oil-fired power plants. The Indian River power plant (4.8 million pounds of toxic emissions) and Conectiv's Edge Moor facility (1.6 million pounds) represent the two largest sources of pollution in the state. The Indian River plant alone represents nearly half of the entire state's toxic emissions. Many states have found it necessary to move forward independent of federal regulation due to the Bush administration's failure to protect public health and the environment by establishing adequate requirements to reduce emissions from these facilities.

I currently serve on a working group initiated at your request by the Department of Natural Resources and Environmental Control (DNREC) to develop a regulatory program to control emissions from older power plants that were "grandfathered" under the federal Clean Air Act. These plants were provided an exemption from costly pollution controls because Congress believed these units would soon be shut down when they passed the Clean Air Act and subsequent amendments in the 1970's. Many of these power plants, like several of the units at Indian River, are nearly 50 years old and operate "legally" with no or very minimal pollution controls. At the March 9, 2006 meeting of this working group, NRG, the current owners of the Indian River facility, petitioned the department to stick with the federal regulatory program. They would only commit to a 70% reduction in sulfur dioxide (SO₂) and a 40% reduction in nitrogen oxides (NO_x). They would not commit to ANY reductions in mercury emissions (Hg) or particulate matter (PM). Mercury is known to be a potent neurotoxin that causes developmental disorders and other health problems in children.

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Several states on the east coast have enacted or are in the process of enacting more stringent emissions control requirements for power plants, including Connecticut, Maryland, Massachusetts, New Jersey, North Carolina, and Virginia. Several of these programs require a 90% reduction in SO₂, PM and Hg and an 80% reduction in NO_x. In the states where these regulations have been adopted, power companies have chosen to shut down older, more polluting units and to “re-power” their facilities using cleaner fuels and control technologies.

One promising technology is Integrated Gasification Combined Cycle (IGCC). This technology uses coal as a fuel feedstock. The coal is heated and pressurized to drive off combustible gases and the clean gas is used to fire the boilers. NRG has discussed using this technology at Indian River, but they also want to continue to use their existing polluting units. This is unacceptable. The reason NRG is pressing so hard to keep these older units operating is because they are more profitable. The capital investment in these facilities has long since been paid off, their operating costs are lower because they do not have to operate emission control devices and the profit margins are greater than their newer plants. This profit is generated, however, by transferring the cost to the public in the form of increased medical expenses due to illness and disease. The health and environmental impacts from power plant emissions are well documented. Mercury is found in elevated levels in one out of every five children born in the U.S. today. NRG claims that mercury control technology is unproven. This simply is not true. Various kinds of mercury control technologies exist that are capable of reducing emissions by 90% or more.

NRG also claims that if stringent emission reduction requirements are imposed, they will have to shut down some of their units because it will not be cost effective to retrofit them with controls. This, in turn, will lead to rolling black outs or brown outs. These claims are baseless and outrageous. Indeed, they will and they should have to shut down these polluting plants. However, there will be adequate supplies of electricity within the grid to make up the difference.

Delaware Audubon supports your efforts to enact regulations to significantly reduce harmful emissions from the most polluting plants in the state. As you did by enacting the ban on smoking in public places, it is time to stand up to these powerful interests on behalf of the health of our environment and our citizens. Delaware Audubon commends you for this important initiative.

Most sincerely,

Nicholas A. DiPasquale
Conservation Chair

pc: DNREC Secretary Hughes
Mark Brainard, Chief of Staff, Office of the Governor
Lee Ann Walling, Policy Advisor, Office of the Governor