



Hazardous Air Pollutants under the Federal Clean Air Act

Prof. Tracy Hester
University of Houston Law Center

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Hazardous Air Pollutants

- What is a hazardous air pollutant?
- HAPs receive special treatment under Clean Air Act
 - Sad history of NESHAPs (National Emission Standards for Hazardous Air Pollutants)
 - Section 112 required an “ample margin of safety to protect the public health”
 - Not zero – *Vinyl Chloride v. EPA*’s two step process
- EPA’s response – 1989 benzene HAP (MIR + 1 in 10,000 statutory baseline, with increased controls as population grows)



The New Title III

- Congress significantly revised the HAP program in 1990
- Now 187 HAPs specifically listed in the statute
- MACT approach
 - 12 percent baseline set by industrial category
 - Hammers for failure to implement
 - Role for subcategories? *NRDC v. EPA* (D.C. Cir. 2007)



The New Title III

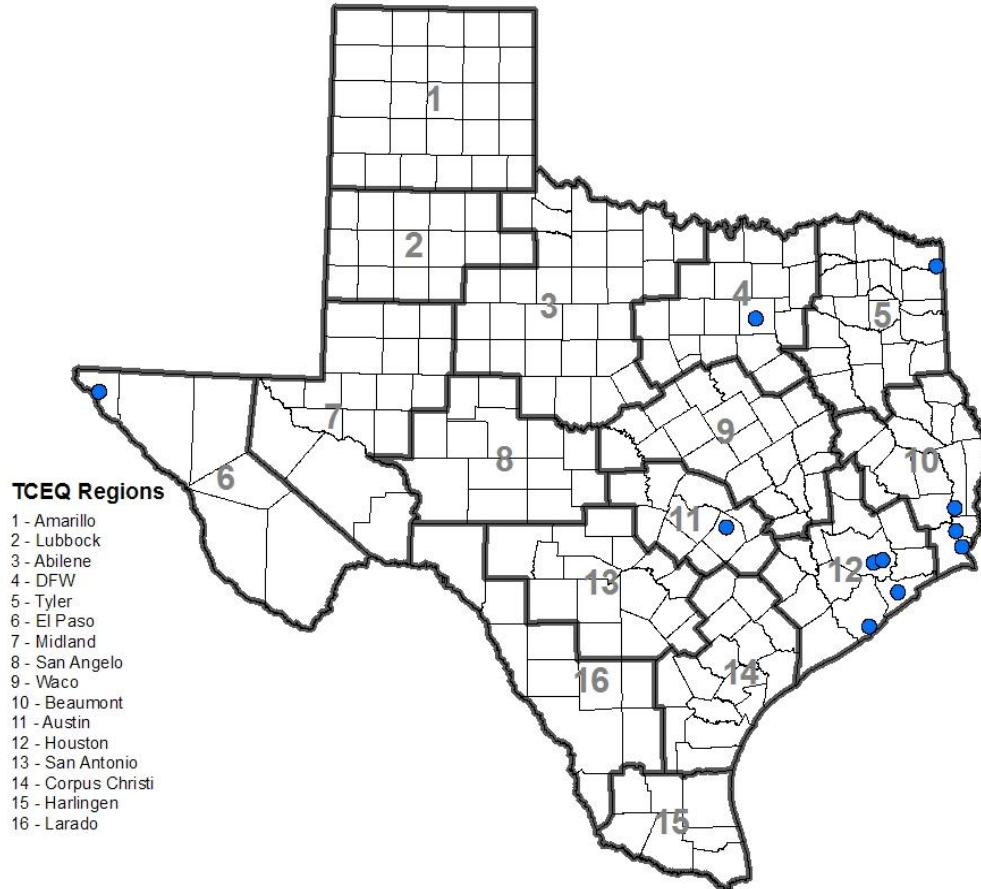
- Major source –
 - 10 tpy of any HAP
 - 25 tpy combined HAP
 - “Once in, always in”
 - Area sources
- Source categories (166 major, 8 area)



The New Title III

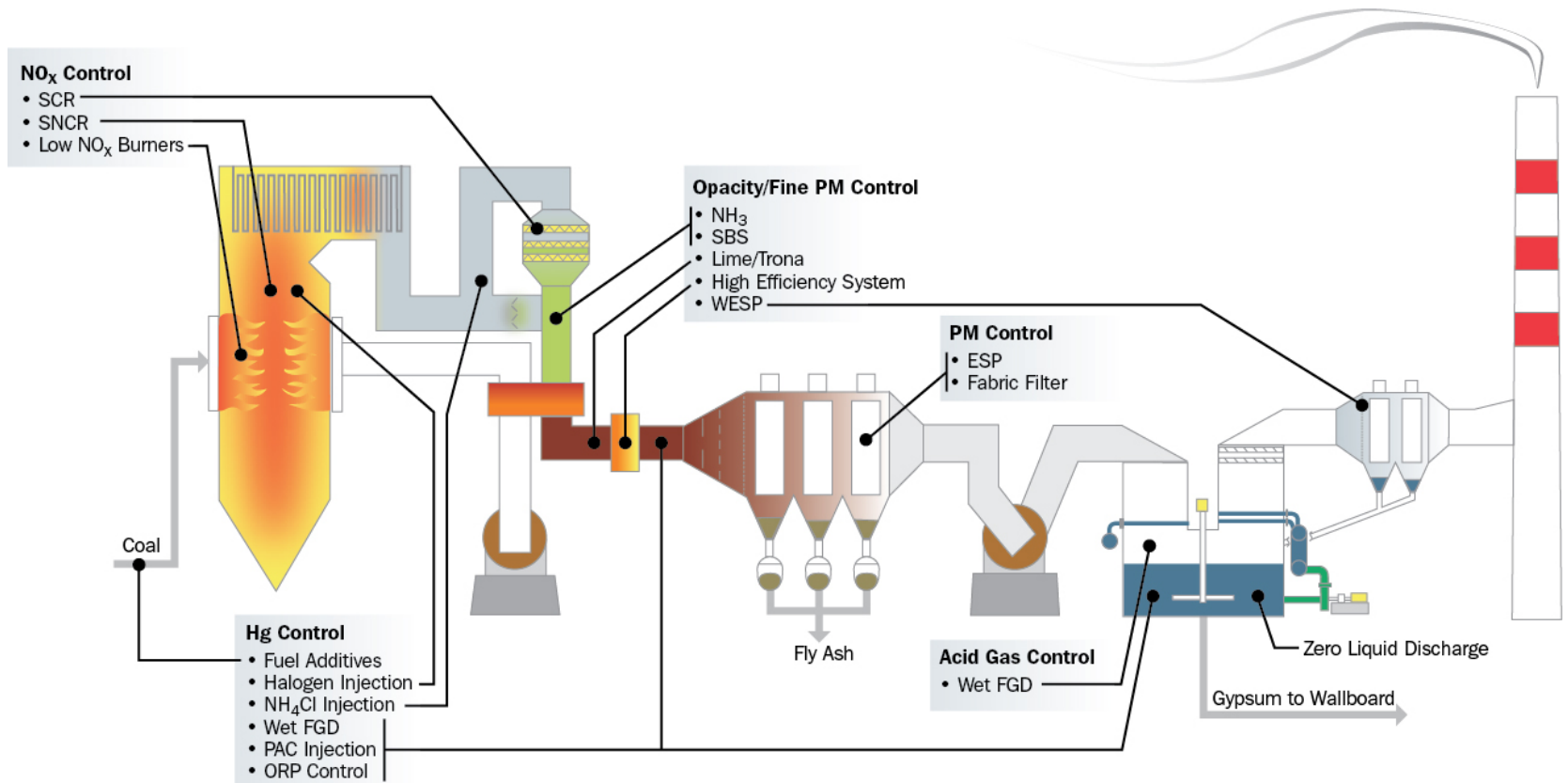
- Residual risk review (section 112(f)(2))
 - How low does EPA have to go?
 - *NRDC v. EPA* (D.C. Cir. 2008)
- State law standards can be more stringent
 - Texas – Air Pollutant Watch Lists
Effects Screening Levels

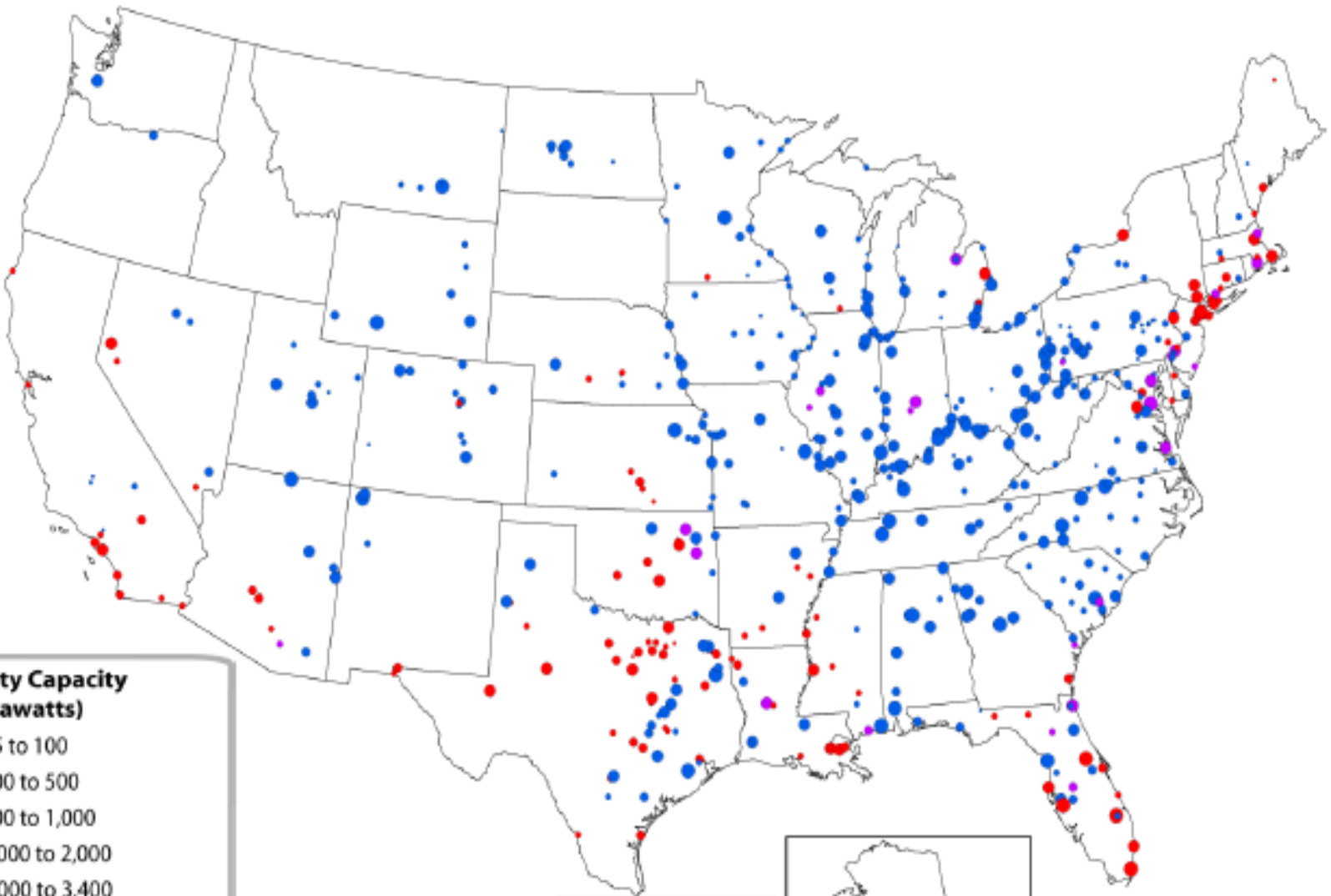
TCEQ Air Pollutant Watch Lists



The Latest Word from the U.S. Supreme Court --

* *Michigan v. EPA* (June 29, 2015)





**Facility Capacity
(megawatts)**

- 25 to 100
- 100 to 500
- 500 to 1,000
- 1,000 to 2,000
- 2,000 to 3,400

Facility has coal units

Facility has oil units

Facility has coal and oil units



Map of all mercury emissions from power plants in the United States

Alaska



Mercury Emissions

- 0 - 100 Lbs.
- 101 - 500 Lbs.
- 501 - 1,000 Lbs.
- 1,001 - 2,660 Lbs.



Dirty Energy's Assault on our Health: Mercury

Source: U.S. Environmental
Protection Agency
TRI Explorer; Releases:
Trends Reports



Questions?

Professor Tracy Hester
University of Houston Law Center

tdheste2@central.uh.edu

713-743-1152 (office)