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February 15, 2006

The Honourable Laurel Broten  
Minister of the Environment  
12th Floor, 135 St. Clair Avenue West  
Toronto, Ontario  
M4V 1P5

The Honourable Michael Bryant  
Attorney General  
McMurtry-Scott Building  
720 Bay Street  
Toronto, Ontario  
M5G 2K1

Dear Minister Broten and Attorney General Bryant:

Re: U.S. Environmental Protection Agency's Proposed Changes to New Source Review

I am writing in support of your submission to the U.S. Environmental Protection Agency (EPA), dated February 17<sup>th</sup>, 2006, *Prevention of Significant Deterioration, Nonattainment New Source Review, and New Source Performance Standards: Emissions Test for Electric Generating Units* (Docket ID No. OAR-2005-0163).

The submission clearly outlines that transboundary air pollution from the U.S. is contributing to adverse health impacts in Ontario. It shows that a substantial portion of Ontario's air pollution comes from U.S. sources through transboundary flow, and it shows that these air pollutants are having adverse impacts on the health of Ontario's citizens. Your submission demonstrates that coal-fired electric generation units make a large contribution to U.S. pollutant emissions, and that many of these generators are old and have little or no pollution abatement equipment, even though this equipment is readily available. It further states that New Source Review (NSR) is key to reducing U.S. air pollutant emissions and that the changes to NSR proposed by the U.S. EPA will weaken NSR, increasing harm from air pollution to citizens of the U.S. and Ontario. I agree with your conclusion that the changes to NSR proposed by the EPA should not go forward.

Research by Toronto Public Health also shows that air pollution in Ontario is having an adverse impact on health. In 2004, my office released a study estimating that air pollution in Toronto contributes to approximately 6,000 hospitalizations and 1,700 premature deaths each year. U.S.

emission sources are making a significant contribution to air pollution and health impacts in Ontario and Toronto. The Ontario Ministry of Environment's June 2005 report, *Transboundary Air Pollution in Ontario*, estimates that on days of poor air quality, U.S. sources plus background are responsible for approximately 91 percent of ozone in the Greater Toronto Area. Similarly, on poor air quality days, U.S. sources plus background are responsible for half of fine particulate matter (PM<sub>2.5</sub>) in the Greater Toronto Area. As indicated in your submission to the EPA, even if Ontario's stationary and mobile emission sources were turned off, Ontario would continue to experience exceedances for ozone, based on U.S. air pollution sources alone.

The intent of NSR is to require U.S. electricity generators to apply modern pollution control equipment to older, more highly polluting units when they are modified, or to phase out older units in favour of cleaner facilities. While NSR provided older facilities with some flexibility in 1977 by grandfathering them from the emission limits placed on new generators, it was never intended for these facilities to operate indefinitely without modern emission control technology. NSR is a key program for enabling the U.S. EPA to require the oldest facilities to control their pollutant emissions. It is perfectly reasonable that the oldest, most highly polluting sources should be required to control their emissions, as is intended by New Source Review.

To highlight the importance of reducing U.S. coal-fired emissions to protect health in Toronto, in 2000, the City of Toronto applied for and later obtained "friend of the court" status in support of the legal action initiated by New York State and others, regarding emissions from certain coal-fired power plants operated by American Electric Power and other parties. This case centres on the question of compliance with one key portion of the U.S. Clean Air Act - the NSR provision. The City of Toronto's interest in this case demonstrates the importance of the existing NSR, and its proper enforcement, for maintaining air quality and health in Toronto and Ontario.

Toronto Public Health supports the Government of Ontario in its submission urging the EPA to abandon its proposed weakening of the NSR rule, reverse its course, and begin to vigorously enforce the NSR program under the Clean Air Act.

Sincerely,

A handwritten signature in black ink, appearing to read "D. McKeown". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David McKeown, MDCM, MHSc, FRCPC  
Medical Officer of Health