



November 12, 2009

Via Electronic Mail

Sarah Rees
Washington Department of Ecology
Air Quality Program
P.O. Box 47600
Lacey, WA 98504-7600

Re: Proposed Ecology/TransAlta Settlement Agreement and Consent Decree
TransAlta Centralia Generation, L.L.C., Centralia, Washington

Dear Ms. Rees:

On November 9, 2009, Earthjustice submitted comments on the proposed Settlement Agreement and Consent Decree regarding the coal-fired power plant in Centralia, Washington, between the State of Washington, Department of Ecology (“Ecology”) and TransAlta Centralia Generation, L.L.C. (“TransAlta”). Those comments were submitted on behalf of the National Parks Conservation Association, the Sierra Club, and Northwest Environmental Defense Center (collectively the “Conservation Organizations”).

I write to supplement those comments in light of an Environmental Protection Agency study that was released on November 10, 2009.¹ That study, entitled “The National Study of Chemical Residues in Lake Fish Tissue,” is a national screening-level survey of chemical residues in fish tissue from lakes and reservoirs in the conterminous United States, excluding the Laurentian Great Lakes and Great Salt Lake.² The study is unique among earlier fish monitoring efforts in the United States because the sampling sites were selected according to a statistical (random) design. Whole fish and fillets were analyzed for 268 persistent, bioaccumulative, and toxic (PBT) chemicals, including mercury, arsenic, dioxins and furans, polychlorinated biphenyl (PCB) congeners, and a large number of pesticides and semivolatile organic compounds.

The results of that study show that mercury was detected in every fish sample from all 500 lakes and reservoirs in the study, including Washington lakes. Mercury concentrations in fish fillet samples exceeded EPA’s recommended tissue-based water quality criterion of 0.3 ppm

¹ Although EPA’s report is dated September, 2009, EPA’s news release was issued on November 10, 2009. See:
<http://yosemite.epa.gov/opa/admpress.nsf/2009%20Press%20Releases!OpenView>

² The full citation for the study is: U.S. Environmental Protection Agency (USEPA). 2009. The National Study of Chemical Residues in Lake Fish Tissue. EPA-823-R-09-006. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

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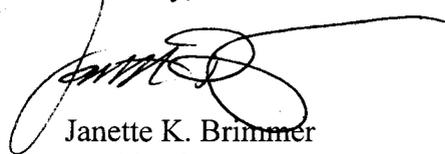
at 49% of the sampled population. As the study noted:

Results from the National Lake Fish Tissue Study confirm that mercury is widely distributed in lakes and reservoirs across the country. Study data show that mercury was detected at quantifiable levels (i.e., concentrations at or above the quantitation limit) in every fish sample collected from all 500 locations sampled for the study. Statistical analysis of the mercury data revealed that mercury concentrations in the predator samples occurred above the 300 ppb human health screening value for mercury at nearly half of the lakes in the sampled population. These elevated mercury concentrations in predators apply to more than 36,000 lakes in the lower 48 states. Overall, the results from this statistically-based study underscore the pervasive nature of mercury deposition on lakes and their surrounding watersheds in the conterminous United States.

National Study of Chemical Residues in Lake Fish Tissue at 61. The study further observed that in the United States coal-burning power plants one of the primary sources of mercury emissions. Id. at 33.

The results of EPA's recent study demonstrate the significant impact that anthropogenic mercury emissions, including those from coal fired power plants, can have on human health and the environment at the national and local level. The study underscores need for Ecology to work to establish mercury emission limits for the Centralia coal-fired power plant that are more protective of human health and the environment. The Conservation Organizations strongly urge the State to reject the proposed agreement and engage in a full-scale, thorough BART analysis for NOx and aggressive case-by-case mercury control in line with industry achievement of over 90% reductions in mercury emission levels.

Sincerely,



Janette K. Brimmer
Earthjustice
*Counsel for National Parks Conservation Association,
the Sierra Club, and Northwest Environmental Defense
Center*

cc: Doug Howell, SC
Mark Riskedahl, NEDC
Stephanie Kodish and Sean Smith NPCA
Don Shepherd, NPS
Region 10 EPA