

National Tribal Air Association

EPA's Proposed New Source Performance Standards (NSPS) for
greenhouse gas emissions from new, modified, and reconstructed
fossil fuel-fired power plants.

Webinar Presentation, February 6, 2019



Today's NTAA Webinar

- Welcome and Introductions
- EPA's Mission and GHG Emissions Regulation
- NTAA's Policy Response Kit
- Summary of the Proposed NSPS
- Details of the Proposed NSPS
- NTAA Analysis and Recommended Comments for Tribes
- Q&A



Today's Speakers

- Andy Bessler
- Dara Marks Marino
- Pilar Thomas



EPA's Mission and GHG regulation

- EPA's primary mission is to protect human health and the environment.
- The Endangerment Finding
 - On April 2, 2007, after years of litigation, the Supreme Court ruled in *Massachusetts v. EPA*, that greenhouse gases are air pollutants covered by the Clean Air Act and that EPA must determine whether or not emissions of greenhouse gases cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare.
 - On December 7, 2009, EPA finalized its finding under Clean Air Act section 202(a) that greenhouse gases in the atmosphere endanger both the public health and the environment for current and future generations

EPA's Mission and GHG regulation

- Under the Obama Administration, EPA proposed the Clean Power Plan including a rule under CAA Section 111(d): National Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units, on October 23, 2015.
- In response to President Trump's 2017 "Energy Independence" Executive Order 13783, EPA proposes to repeal the Clean Power Plan and in 2018 proposes the Affordable Clean Energy Plan for existing EGU's.
- On December 6, 2018, EPA proposed revisions to the greenhouse gas standards for new, modified, and reconstructed coal-fired electric utility generating units (EGUs). The comment period has been extended until March 18, 2019

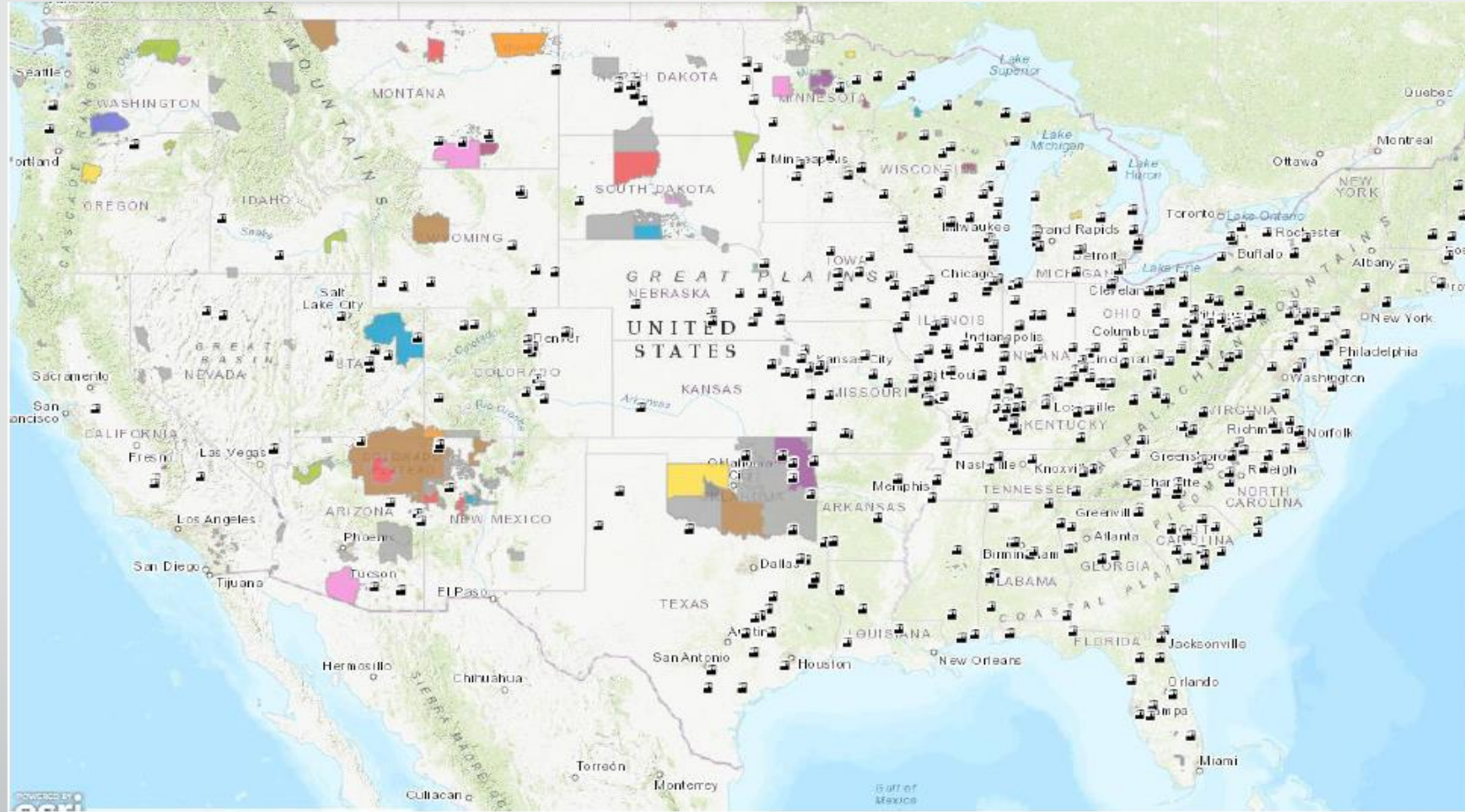
NTAA's Policy Response Kit to the Proposed Rule

- NTAA Fact Sheet
- NTAA Tribal Template Letter
- NTAA Comment Letter
- NTAA Webinar Recording

Summary of the Proposed NSPS

- Removal of “partial carbon capture and sequestration” as BSER – 1,400 lbs CO₂/MWh
 - Replacing with “most efficient demonstrated steam cycle in combination with the best operating practices,” and leads to at least a 36% increase in allowable emissions
- Footnote 25: interpretation and application of the endangerment finding
 - Decline to regulate CO₂ since not expecting new power plants
 - Require separate endangerment finding for individual GHGs

Will this Impact Tribes?



This map displays coal-fired EGUs in relation to Tribal boundaries. Natural gas EGUs are not shown, but it is estimated that there are over 200 EGUs within a 50-mile radius of one or more Tribal boundaries.

<http://www7.nau.edu/itep/main/ntaa/Resources/EDTmap>

Web Tools to Understand Tribal Impacts

- NREL Tribal Energy Atlas
 - <https://maps.nrel.gov/tribal-energy-atlas>
- EPA AirNow Interactive
 - <https://gispub.epa.gov/airnow/>
- Intergovernmental Panel on Climate Change Special Report
 - <http://www.ipcc.ch/report/sr15/>
- Fourth National Climate Assessment
 - <https://www.globalchange.gov/nca4>
- NTAA STAR Website
 - <https://tribalairquality.org>

Details of EPA's Proposed NSPS

- General approach
 - Economic feasibility of new coal fired power plants
 - Minimal consideration of increases in emissions for existing plants
 - Unsupported assertions about impacts of 36% increase in emission rates
- Endangerment Finding – footnote 25
 - Request for comments on whether should revisit – does EPA need to conduct a new finding for every “source”
 - Question whether rational basis for doing rule at all – assume no new EGUs, so no expectation of significant impact on global CO2 emissions

Details of Proposed NSPS

- Change Best System of Emission Reduction (BSER) for new and reconstructed EGUs
 - Reconsider partial CCS as BSER
 - Use most efficient generating technology (plus dry cooling) and best practices
- Increase emission rates (standards of performance)
 - From 1400 to 1900/2000/2100 lbs CO₂/MWh
 - Apply increases to all new, reconstructed, and modified EGUs

NTAA Analysis of the Proposed NSPS

- BSER Changes
 - Insufficient consideration of co-firing / replacing with natural gas or biomass
 - Allows for dry cooling across country (increases emissions by 6-10%)
 - Unsupported assumptions about cost of CCS infrastructure
- Emission rate increases
 - Anchored in existing emission rates
 - Not consistent with 2015 rates (even for same BSER)

NTAA Analysis – cont.

- Endangerment Footnote
 - Interpretation of the law well supported
 - Any amount of GHGs released into the atmosphere – regardless of the source from which they are emitted – poses a risk to human health and welfare, and therefore must be regulated.
 - If change interpretation to require a separate endangerment finding for each GHG (such as methane), this additional step will effectively slow down the regulatory process while emissions continue to mount.

NTAA's Recommended Comments for Tribes

- BSER
 - Oppose use of dry cooling regardless of location
 - Propose use of partial CCS in western states, where storage and infrastructure exist; also most likely location of new coal plants and largest existing power plants
 - Require natural gas or biomass co-firing / replacement
- Emission rates
 - Keep 2015 emission rates for same BSER (1600 lbs CO₂/MWh)
- Modification of existing EGUs
 - Inappropriate effort to try to avoid ACE for small existing EGUs
- Endangerment Footnote
 - Should conduct proper rulemaking, rather than footnote analysis

How Tribes Can Comment

- EPA will accept comments on this proposed rule through **March 18, 2019**. Comments should be identified by Docket ID No. EPA-HQ-OAR-2013-0495 and may be submitted by one of the following methods.
- Online: Go to <https://www.regulations.gov/> and follow the instructions for submitting comments to EPA-HQ-OAR-2013-0495.
- Email: Comments may be sent to a-and-r-Docket@epa.gov. Include Docket ID No. EPA-HQ-OAR-2013-0495 in the subject line of the message.
- Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention Docket ID No. EPA-HQ-OAR-2013-0495, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
- Fax: Fax your comments to: (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2013-0495.
- Hand/Courier Delivery: EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2013-0495. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.



ANY QUESTIONS?