

December 13, 2017 DRAFT FOR REVIEW

Administrator G. Scott Pruitt
U.S. Environmental Protection Agency
Docket ID No. EPA-HQ-OAR-2017-0355
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Subject: Comment on proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Generating Units (EGUs); Docket ID No. EPA-HQ-OAR-2017-0355

Dear Administrator Pruitt:

Thank you for providing an opportunity to comment on the proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Generating Units, commonly referred to as the Clean Power Plan (CPP). On behalf of the Metropolitan Washington Air Quality Committee (MWAQC) and the Metropolitan Washington Council of Governments' (COG) Climate, Energy and Environment Policy Committee (CEEPC) and Chesapeake Bay and Water Resources Policy Committee (CBPC), we strongly support retaining CPP as promulgated on October 23, 2015.

COG is the council of governments serving local governments across metropolitan Washington, addressing a broad range of environmental, transportation, public safety, and community planning issues. COG staffs MWAQC, which is certified by the governors of Maryland and Virginia and the mayor of the District of Columbia to develop plans demonstrating attainment and maintenance of federal ozone and other criteria pollutant standards for the Washington, DC-MD-VA non-attainment area. COG's CEEPC serves as a principal policy adviser on climate change, including development of a regional climate change strategy to meet the regional greenhouse gas (GHG) reduction goals adopted by COG. COG's CBPC serves as a principal policy advisor on water quality issues affecting metropolitan Washington.

The repeal of the CPP would result in increased GHG and other emissions. After review of the Regulatory Impact Analyses for both the 2015 promulgation and 2017 notice regarding the CPP, it is clear that a repeal would significantly increase GHG emissions nationwide, resulting in as much as an additional 413 million tons of CO₂ emissions by 2030. Although the U.S. Environmental Protection Agency (EPA) has issued its Advance Notice of Proposed Rulemaking to determine the scope of any potential replacement rule, there are no data to indicate whether or when the increases in emissions caused by the repeal of the CPP would be mitigated by another rule. It is inadvisable to repeal such an effective and necessary plan.

State and local governments across metropolitan Washington have taken numerous actions to reduce CO₂ and other air emissions from activities in the region, such as the implementation of building energy efficiency programs, widespread deployment of solar energy systems, and the adoption of electric vehicle fleets and associated infrastructure. For example, the District of Columbia, has set goals, targets, and actions for emission reductions in the Sustainable DC Plan, and Climate of Opportunities – A Climate Action Plan for the District of Columbia. Maryland enacted its Greenhouse Gas Reduction Act which requires first a 25% reduction in GHG emissions by 2020 and then a 40% reduction in GHG emissions by 2030. Maryland is also a key member in the Regional Greenhouse Gas Initiative (RGGI), which has recently been strengthened and which targets GHG reductions in fossil fuel power plants. In Virginia, by executive order from the Governor, the State Air Pollution Control Board has approved a draft regulation to cut carbon dioxide emissions from electric generating units and potentially link Virginia to other existing

trading programs like RGGI. Many cities, counties and towns in the region have implemented strategies to reduce energy use and emissions.

These actions have resulted in significant reductions of CO₂ and other air pollutants; however, the region also relies on federal emissions control programs for additional reductions to meet GHG reduction goals. This includes regional GHG reduction goals of 20% below 2005 levels by 2020, and 80% below 2005 levels by 2050. Federal emissions control programs contribute up to a third of the GHG emissions reductions projected for the region, and are therefore critical to meeting our goals.

The EPA revised its Regulatory Impact Analysis methodology to only assess domestic impacts and to change the discount rate used to normalize the value of future emission reductions over time. These changes result in a lower estimation of the value of the CPP reductions in emissions. EPA's use of a high discount rate gives little consideration to the fact that damages from emissions today will continue to cause harm to future generations, especially considering that GHGs have long atmospheric lifetimes. Furthermore, damages caused by GHG emissions outside our national borders may still pose significant costs to the United States. Such benefits should be captured by EPA's Regulatory Impact Analysis of the CPP.

The EPA set National Ambient Air Quality Standards for a wide variety of air pollutants that DC, MD, and VA have worked for over 20 years to achieve. Increased emissions caused by burning fossil fuels not only result in greater amounts of GHG emissions, but also increased emissions of pollutants such as ozone and fine particle precursors, as acknowledged in the Regulatory Impact Analysis. These pollutants have negative impacts on public health and welfare. There is also concern about the impacts of additional pollutants associated with fossil fuel-burning Electric Generating Units, such as arsenic, mercury and lead. For this reason, the co-benefits of reducing GHG emissions are recognized as appropriate factors to be included in the Regulatory Impact Analysis and should be considered in any decision affecting the CPP. The 2017 Regulatory Impact Analysis does not adequately reflect for the value of these co-benefits.

Increased nitrogen emissions resulting from a repeal of the CPP would additionally have a negative effect on the health of the Chesapeake Bay. Nitrogen deposition is a contributor to the level of nutrients in the Bay, which, when elevated, can lead to disruptions of valuable ecosystem services. The EPA committed to reducing nitrogen deposition to the Bay and repeal of the CPP would make attaining this goal more challenging.

Federal government leadership in delivering effective regulatory limits on emissions from Electric Generating Units is a critical component of the region's ability to meet mandated environmental objectives. The CPP is one such federal program that affects pollution levels both in metropolitan Washington and in upwind areas that contribute to the Washington region's pollution. Increased GHG and criteria pollutant emissions after repeal of the CPP would negatively impact the region's ability to meet its environmental goals. As such, MWAQC, CEEPC, and CBPC believe the existing GHG emission limits in the CPP are vital and should be maintained.

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We urge the EPA to stand by the October 23, 2015 Final Rule and maintain the Carbon Pollution Emission Guidelines for Existing Stationary Sources.

Sincerely,

The Honorable Hans Riemer
Chair, Metropolitan Washington Air Quality Committee

The Honorable Penelope A. Gross
Chair, Climate Energy and Environment Policy Committee

The Honorable Dan Sze
Chair, Chesapeake Bay and Water Resources Policy Committee