

Minnkota Power Cooperative, Inc.

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CAA Section 111(d) Issues/Positions

Sec. 111(d) of the CAA restricts the EPA to establishing “procedures” for the States to submit their plan for the establishment and implementation of performance standards for the emission of CO₂ from existing fossil-fueled power plants. In turn, States are to have the responsibility to develop a plan that fits their individual state needs.

- Each State must be allowed to have sufficient latitude for determining the stringency of their individual plans including the ability to promulgate an appropriate timeline for compliance based upon, among other factors, the remaining useful life of an individual facility.
- The Standard should be based only upon technologies that have been adequately demonstrated and are commercially available to reduce/limit CO₂ emissions from a facility. As no carbon capture and storage systems are commercially available or economically feasible, the guidelines should be based upon what efficiency improvements can be reasonably and economically achieved at an individual plant. The guidelines should not specify percent reductions and/or specific CO₂ emission levels, as these parameters are properly determined by the State on a case-by-case basis for each source.
- States must be given the autonomy to consider plant specific factors, such as the remaining useful life of the facility, the fuel type, energy requirements, costs, non-air quality related health and environmental impacts, size of the unit, combustion technology, etc., when determining the potential reductions for a given unit.
- States must be afforded the appropriate flexibility to develop equivalent emission reductions to what could be achieved at an individual source by other means that may be outside the individual source, should the State choose to do so. Should a State choose to allow compliance on an “equivalent basis”, compensating electric energy production should be able to be utilized regardless whether the State in which it is located may be different than the source for which it is compensating.
- EPA guidelines should clearly state that efficiency improvements accomplished at a source in accordance with a State approved plan are not Major Modifications, and thus not subject to NSR, regardless of an increase in annual emissions or an extension of a unit’s life. However, officials in the EPA have acknowledged that this would be very difficult to do and that the courts will most likely make the final decision on this issue.
- States must be given adequate time to develop their individual SIPs. Three years is the minimum amount of time that States will need to respond to the final guidelines.