Appointment

From: Esther Sosa [esosa@edf.org]
Sent: 3/9/2021 9:07:58 PM
To: Esther Sosa [esosa@edf.org]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kabanda, Thierry [Kabanda.Thierry@epa.gov]

Subject: LULAC/EDF BROADCAST: 21st Century Latino Agenda Prioritizes Climate Action
Location: Personal Privacy / Ex. 6

Start: 3/10/2021 4:30:00 PM
End: 3/10/2021 6:00:00 PM
Show Time As: Busy

Recurrence: (none)

Topic: LULAC/EDF BROADCAST
Time: Mar 10, 2021 11:00 AM Eastern Time (US and Canada)

Join Zoom Meeting
Personal Privacy / Ex. 6

Meeting ID: Personal Privacy / Ex. 6
Passcode: Personal Privacy / Ex. 6

Production Contact
Myka Papetti
Personal Privacy / Ex. 6

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Appointment

From: Rakosnik, Delaney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=274573739a9f446883072599086ededd-Rakosnik, D]
Sent: 5/5/2021 5:58:44 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Peter Hansel [Personal Privacy / Ex. 6]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Longstreth, Ben [blongstreth@nrdc.org]; Yvonne McIntyre, [ymcintyre@nrdc.org]; Jackie Wong, [jackie.wong@nrdc.org]; David Doniger, [ddoniger@nrdc.org]; Lissa Lynch, [llynch@nrdc.org]; dhawkins@nrdc.org; Ben Levitan, [blevitan@edf.org]; Rama Zakaria, [rzakaria@edf.org]; Sean Donahue, [sean@donahuegoldberg.com]; jduffy@catf.org; Kristin.Brainerd@caelp.org; Peter.Heisler@caelp.org; Daniel.Alvarez@caelp.org; andres.restrepo@sierraclub.org; sanjay.narayan@sierraclub.org; [Personal Privacy / Ex. 6]; Kim, Eunjung [Kim.Eun@epa.gov]; Harvey, Reid [Harvey.Reid@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Hogan, Stephanie [Hogan.Stephanie@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Jay Duffy [jduffy@catf.us]; Zachary Fabish [zachary.fabish@sierraclub.org]; Ann Weeks [aweeks@catf.us]

Subject: Meeting with NRDC, EDF, Sierra Club, Clean Air Task Force, and Center for Applied Environ Law and Policy re: climate pollution and conventional pollutions standards for the power sector
Attachments: Meeting request by NRDC EDF Sierra Club CATF CAELP. and Hansel 4 26 2021.docx; RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP
Location: Microsoft Teams

Start: 5/6/2021 9:00:00 PM
End: 5/6/2021 9:30:00 PM
Show Time As: Busy

Required Attendees: Peter Hansel; Carbonell, Tomas; Peter Tsirigotis (Tsirigotis.Peter@epa.gov); Mike Koerber (Koerber.Mike@epa.gov); Culligan, Kevin; Longstreth, Ben; Yvonne McIntyre,; Jackie Wong,; David Doniger,; Lissa Lynch,; dhawkins@nrdc.org; Ben Levitan,; Rama Zakaria,; Sean Donahue,; jduffy@catf.org; Kristin.Brainerd@caelp.org; Peter.Heisler@caelp.org; Daniel.Alvarez@caelp.org; andres.restrepo@sierraclub.org; sanjay.narayan@sierraclub.org; [Personal Privacy / Ex. 6] Kim, Eunjung; Harvey, Reid; Grundler, Christopher; Stenhouse, Jeb; Hoffman, Howard; Vijayan, Abi; Marks, Matthew; Hogan, Stephanie
Optional Attendees: Ann Campbell (Campbell.Ann@epa.gov); Jay Duffy; Zachary Fabish; Ann Weeks

Meeting request by NRDC EDF Sierr... RE: meeting request from NR...

I actually just go one substitution a minute ago but otherwise everyone knows that they should show up and that no one not on the list should show up.

The substitution is Zach Fabish for Sanjay Narayan. Zach's email is zachary.fabish@sierraclub.org . I made the change below.

Thanks! Ben

Yvonne McIntyre, ymcintyre@nrdc.org
Jackie Wong, jackie.wong@nrdc.org
David Doniger, ddoniger@nrdc.org
Lissa Lynch, llynch@nrdc.org
Dave Hawkins, dhawkins@nrdc.org

Ben Levitan, blevitan@edf.org
Rama Zakaria, rzakaria@edf.org
Sean Donahue, sean@donahuegoldberg.com

Jay Duffy, jduffy@catf.org
Ann Weeks, aweeks@catf.org

Pete Hansel, Personal Privacy / Ex. 6

Kristin Brainerd, Kristin.Brainerd@caelp.org
Peter Heisler, Peter.Heisler@caelp.org
Daniel Alvarez, Daniel.Alvarez@caelp.org

Andres Restrepo, andres.restrepo@sierraclub.org
Bruce Buckheit, Personal Privacy / Ex. 6
Zach Fabish zachary.fabish@sierraclub.org

Microsoft Teams meeting

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Personal Privacy / Ex. 6 United States, Washington DC
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[EMBED StaticMetafile]

External Meeting Request Form for OAR

Today's Date: April 26, 2021

Requesting Organization: Natural Resources Defense Council, Environmental Defense Fund, Sierra Club, Clean Air Task Force, Center for Applied Environmental Law and Policy and Peter Hansel.

Title of the Meeting: Meeting to share various perspectives on climate pollution and conventional pollution standards for the power sector.

Purpose: To discuss perspectives on potential for new climate and conventional pollution standards for the power sector.

Background: The organizations have various perspectives on new standards for both carbon pollution and conventional pollutants and wish to discuss those perspectives with the leadership of the Office of Air and Radiation. The organizations plan to identify some shared goals and discuss topics for which they have not reached a common position.

Is this meeting related to ongoing litigation: No.

Earliest possible date for the meeting: May 3, 2021.

Last possible date for the meeting: We would prefer to meet by May 24, 2021.

Is the meeting urgent and if so, why: We believe that it will be most useful if we can meet with the Office of Air and Radiation by May 24th in order to share our various perspectives with the Office.

Requested Time Length: 1 hour.

Have you met with anyone within EPA: The groups have meet with EPA staff on a variety of topics, including pollution standards for the power sector.

Invitees: Joe Goffman, Tomas Carbonell and any additional staff they identify.

External Participants (to include email addresses):

The exact participant list may vary depending on when the meeting is scheduled but we expect the group to include:

Pete Hansel, Personal Privacy / Ex. 6

David Doniger, [HYPERLINK "mailto:ddoniger@nrdc.org" \h]
Ben Longstreth, [HYPERLINK "mailto:blongstreth@nrdc.org" \h]

Vicki Patton, [HYPERLINK "mailto:vpatton@edf.org" \h]
Ben Levitan, [HYPERLINK "mailto:blevitan@edf.org" \h]

Joanne Spaulding, [HYPERLINK "mailto:joanne.spaulding@sierraclub.org" \h]
Andres Restrepo, [HYPERLINK "mailto:andres.restrepo@sierraclub.org" \h]

Conrad Schneider, [HYPERLINK "mailto:cschneider@catf.us" \h]
Jay Duffy, [HYPERLINK "mailto:jduffy@catf.us" \h]

Kristin Brainerd, [HYPERLINK "mailto:Kristin.brainerd@caelp.org" \h]

Teleconference Required: If no video conference is available, a teleconference is required.

Video Conference Required: A video conference would be preferred.

Point of Contact for the Meeting: Ben Longstreth, blongstreth@nrdc.org

Please email this form back to OAR_Invitations@epa.gov

Message

From: Longstreth, Ben [blongstreth@nrdc.org]
Sent: 5/5/2021 2:48:06 PM
To: Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

I actually just go one substitution a minute ago but otherwise everyone knows that they should show up and that no one not on the list should show up.

The substitution is Zach Fabish for Sanjay Narayan. Zach's email is zachary.fabish@sierraclub.org . I made the change below.

Thanks! Ben

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Wednesday, May 5, 2021 10:33 AM
To: Longstreth, Ben <blongstreth@nrdc.org>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Thanks so much for this. Because we have to be very careful with our ethics office, it's very important I know exactly who will be in the meeting. That's a long way of asking if this list is still accurate. Thanks!

From: Longstreth, Ben <blongstreth@nrdc.org>
Sent: Tuesday, May 4, 2021 9:38 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

HI Delaney, hope this finds you doing well. Here are the people who will attend the meeting. If there are any additions or subtractions I will let you know. Many thanks, Ben Personal Privacy / Ex. 6

Yvonne McIntyre, ymcintyre@nrdc.org
Jackie Wong, jackie.wong@nrdc.org
David Doniger, ddoniger@nrdc.org
Lissa Lynch, llynch@nrdc.org
Dave Hawkins, dhawkins@nrdc.org

Ben Levitan, blevitan@edf.org
Rama Zakaria, rzakaria@edf.org
Sean Donahue, sean@donahuegoldberg.com

Jay Duffy, jduffy@catf.org
Ann Weeks, aweeks@catf.org

Pete Hansel, Personal Privacy / Ex. 6

Kristin Brainerd, Kristin.Brainerd@caelp.org
Peter Heisler, Peter.Heisler@caelp.org
Daniel Alvarez, Daniel.Alvarez@caelp.org

Andres Restrepo, andres.restrepo@sierraclub.org
~~Sanjay Narayan, sanjay.narayan@sierraclub.org~~

Bruce Buckheit, Personal Privacy / Ex. 6
Zach Fabish, zachary.fabish@sierraclub.org

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Tuesday, May 4, 2021 4:38 PM
To: Longstreth, Ben <blongstreth@nrdc.org>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

I don't want to disturb you. Call me when you get a chance Personal Privacy / Ex. 6. Absolutely no rush.

From: Longstreth, Ben <blongstreth@nrdc.org>
Sent: Tuesday, May 4, 2021 4:35 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Sorry, yes, I'd be glad to talk. I do have a near-final list of participants that I was going to share. I'm on a call now but will hop off if you want to give me a call Personal Privacy / Ex. 6

Thanks!

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Tuesday, May 4, 2021 4:14 PM
To: Longstreth, Ben <blongstreth@nrdc.org>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Can I call you?

From: Longstreth, Ben <blongstreth@nrdc.org>
Sent: Tuesday, April 27, 2021 3:36 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Sounds good. Shall I go ahead and poll the other participants on my end and suggest some times? Also, any range of normal business hours that I should use (i.e., does 5:00 pm work or should I focus on times earlier in the day)?

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Tuesday, April 27, 2021 3:28 PM
To: Longstreth, Ben <blongstreth@nrdc.org>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

No worries! Everyone has scheduling problem these days! Tell me what works for you, and I'll see if it works for us.

From: Longstreth, Ben <blongstreth@nrdc.org>
Sent: Tuesday, April 27, 2021 3:25 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Sorry to be making this difficult! Unfortunately a bunch of the group will be at a (remote) conference that starts at 1 on the 7th.

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Tuesday, April 27, 2021 3:09 PM
To: Longstreth, Ben <blongstreth@nrdc.org>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

How about 1 or 1:30pm on Friday the 7th?

From: Longstreth, Ben <blongstreth@nrdc.org>
Sent: Tuesday, April 27, 2021 3:06 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Hi Delaney, sorry about this. 3:00 on the 6th didn't work for a number of us. Any other options? Thanks! Ben

---

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Tuesday, April 27, 2021 3:04 PM
To: Longstreth, Ben <blongstreth@nrdc.org>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

My apologies, but we need to bump this up to 3pm on the same day. Will that work for you and your group?

Apologies for the switch up!

Delaney Rakosnik
Staff Assistant
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406A, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-0935
Email: rakosnik.delaney@epa.gov

From: Longstreth, Ben <blongstreth@nrdc.org>
Sent: Tuesday, April 27, 2021 10:44 AM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Hi Delaney, this works for each group. So far I know of one switch in attendee (Vickie Patton cannot make it but Rama Zakaria (rzakaria@edf.org) will join in her stead) but otherwise would it be okay if I got you a list of attendees in a few days when it is more certain? Thanks, Ben

---

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Monday, April 26, 2021 5:52 PM
To: Longstreth, Ben <blongstreth@nrdc.org>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Of course! I appreciate you getting me the information.

From: Longstreth, Ben <blongstreth@nrdc.org>
Sent: Monday, April 26, 2021 5:11 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Yes, 4 pm on the 6th should work better. Ok if I make sure there is critical mass for that slot and get back to you tomorrow?

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Monday, April 26, 2021 4:42 PM
To: Longstreth, Ben <blongstreth@nrdc.org>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Let me know what works for you and your team. We can push this to 4pm on that same day, if that works.

From: Longstreth, Ben <blongstreth@nrdc.org>
Sent: Monday, April 26, 2021 4:26 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Hi Delaney, if we could explore some other times I believe a few of us have conflicts at that slot. Obviously if there are not other times available we can make that work. Many thanks, Ben

---

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Monday, April 26, 2021 2:36 PM
To: Longstreth, Ben <blongstreth@nrdc.org>
Cc: Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Hi Ben,

Joe Goffman and Tomas Carbonell are happy to meet. How does May 6th at 3pm work for your schedules? I'm happy to explore other options, if need be.

Many thanks,

Delaney Rakosnik
Staff Assistant
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406A, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-0935
Email: rakosnik.delaney@epa.gov

From: Longstreth, Ben <blongstreth@nrdc.org>
Sent: Wednesday, April 21, 2021 8:58 PM
To: OAR Invitations <OAR_Invitations@epa.gov>
Subject: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP

Please find attached a meeting request for a meeting between representatives from NRDC, EDF, Sierra Club, Clean Air Task Force and the Center for Applied Environmental Law and Policy and Assistant Administrator Joseph Goffman and Deputy Assistant Administrator Tomas Carbonell.

Thank you,

Ben Longstreth

BENJAMIN LONGSTRETH
Senior Attorney
Climate and Clean Energy Program
NATURAL RESOURCES DEFENSE COUNCIL
1152 15TH STREET NW, SUITE 300
WASHINGTON, DC 20005
T 202.513.6256
F 202.289.1060
M 917.204.9874
BLONGSTRETH@NRDC.ORG
NRDC.ORG

Please save paper.
Think before printing.

Admitted in New York and the District of Columbia.

Appointment

From: Hockstad, Leif [Hockstad.Leif@epa.gov]
Sent: 6/8/2021 9:04:49 PM
To: Hockstad, Leif [Hockstad.Leif@epa.gov]; Howard Feldman [feldman@api.org]; James E. Enstrom [jenstrom@ucla.edu]; Paul Billings [Paul.Billings@lung.org]; Laura Kate Bender [laura.bender@lung.org]; James Goodwin [jgoodwin@progressivereform.org]; Rachel Jones [rjones@nam.org]; Amy Sinden [Amy.Sinden@temple.edu]; Kathleen Sgamma [ksgamma@westernenergyalliance.org]; Stan Young [genetree@bellsouth.net]; Ann Jaworski [AJaworski@elpc.org]; Daren Bakst [daren.bakst@heritage.org]; Nick Goldstein [ngoldstein@artba.org]; Gary Ewart [gewart@thoracic.org]; Hayden Hashimoto [hhashimoto@catf.us]; Ashley Maiolatesi [amaiolatesi@edf.org]; Dan Byers [dbyers@uschamber.com]; Andres Restrepo [andres.restrepo@sierraclub.org]; Rebecca M Bratspies [bratspies@law.cuny.edu]; Steve Milloy [milloy@me.com]; Karyn_Schmidt@americanchemistry.com
CC: Crimmins, Allison [Crimmins.Allison@epa.gov]; Jan Connery [Jan.Connery@erg.com]; Lauren Lariviere [Lauren.Lariviere@erg.com]; Jim Neumann [JNeumann@indecon.com]; Meredith Outterson [meredith.outterson@erg.com]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]

Subject: EPA Public Hearing for the "Rescinding the Rule on Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process"
Location: Microsoft Teams Meeting

Start: 6/9/2021 1:00:00 PM
End: 6/9/2021 3:00:00 PM
Show Time As: Tentative

Required Attendees: Howard Feldman; James E. Enstrom; Paul Billings; Laura Kate Bender; James Goodwin; Rachel Jones; Amy Sinden; Kathleen Sgamma; Stan Young; Ann Jaworski; Daren Bakst; Nick Goldstein; Gary Ewart; Hayden Hashimoto; Ashley Maiolatesi; Dan Byers; Andres Restrepo; Rebecca M Bratspies; Steve Milloy; Karyn_Schmidt@americanchemistry.com
Optional Attendees: Allison Crimmins; Jan Connery; Lauren Lariviere; Jim Neumann; Meredith Outterson; Carbonell, Tomas

Agenda

June 9, 2021

9 AM to 11AM EDT: Session 1

- EPA Opening Remarks
- Public Comments from Preregistered Speakers (see table below for speaker list and order)
- Public Comments from Additional Speakers as Time Allows

Microsoft Teams meeting

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Order and Time Slots for Preregistered Speakers

SESSION 1	
Order	**Speaker Name**
Group 1 (9:10 AM - 9:30 AM)	
1	Howard Feldman
2	James E. Enstrom
3	Paul Billings
4	Laura Kate Bender
Group 2 (9:30 AM - 10:00 AM)	
5	James Goodwin
6	Rachel Jones
7	Amy Sinden
8	Kathleen Sgamma
9	Stan Young
10	Ann Jaworski
Group 3 (10:00 AM - 10:30 AM)	
11	Daren Bakst
12	Gary Ewart
13	Nick Goldstein
14	Ashley Maiolatesi
15	Hayden Hashimoto
16	Andres Restrepo
Group 4 (10:30 AM - 11:00 AM)	
17	Dan Byers
18	Rebecca M Bratspies
19	Steve Milloy
20	Karyn Schmidt

Appointment

From: lparisien@ecos.org [lparisien@ecos.org]
Sent: 7/20/2021 8:52:18 PM
To: lparisien@ecos.org; Garoutte, Justin, NMENV [Justin.Garoutte2@state.nm.us]; dglatt@nd.gov; matthias.sayer@nglep.com; Gill, Sonam [Gill.Sonam@epa.gov]; mwelch@edf.org; james.kenney@state.nm.us; shamburg@edf.org; cmaccartney@ecos.org; al_collins@oxy.com; jmsanda@nd.gov; Campbell, Ann [Campbell.Ann@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]

Subject: Speaker Coordinating Zoom Call for O&GC Methane Side Session
Attachments: invite.ics

Start: 7/23/2021 5:00:00 PM
End: 7/23/2021 5:30:00 PM
Show Time As: Busy

Recurrence: (none)

You have been invited to the following event.

Speaker Coordinating Zoom Call for O&GC Methane Side Session

When Fri Jul 23, 2021 1pm – 1:30pm Eastern Time - New York

Calendar carbonell.tomas@epa.gov

Who
- lparisien@ecos.org - organizer
- justin.garoutte2@state.nm.us
- dglatt@nd.gov
- matthias.sayer@nglep.com
- gill.sonam@epa.gov
- mwelch@edf.org
- james.kenney@state.nm.us
- shamburg@edf.org
- cmaccartney@ecos.org
- al_collins@oxy.com
- jmsanda@nd.gov
- campbell.ann@epa.gov
- deluca.isabel@epa.gov
- carbonell.tomas@epa.gov

more details »
O&GC Co-Chairs and Presenters,

For this prep Zoom call for our Fall Meeting breakout session, please plan to provide a two or three-minute overview of your planned subject matter. We'll then coordinate on substance, format/timing, PowerPoints, and other speaker guidelines, and address any other questions.

By the August 6 early bird deadline, please register for the September 8-9 Fall Meeting at https://ecos.wildapricot.org/event-4356048.

Thanks!
Lia

Topic: ECOS Fall Mtg Prep Call: O&GC Methane

Time: Jul 23, 2021 01:00 PM Eastern Time (US and Canada)

Join Zoom Meeting on July 23
https:/ Personal Privacy / Ex. 6

Meeting ID: Personal Privacy / Ex. 6
Passcode: Personal Privacy / Ex. 6
One tap mobile
+1 Personal Privacy / Ex. 6 US (New York)
+1 US (Washington DC)

Dial by your location
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+1 US (Washington DC)
+1 US (Chicago)
+1 US (San Jose)
+1 US (Tacoma)
+1 US (Houston)
Meeting ID: Personal Privacy / Ex. 6
Passcode: Personal Privacy / Ex. 6
Find your local number: Personal Privacy / Ex. 6

Wednesday, September 8, 12-1:15 p.m. Eastern

Breakout Option #1: ECOS Oil & Gas Caucus (O&GC) on Methane Moves (open to all)
As U.S. EPA takes first steps toward developing a rule to reduce methane from new and existing sources in the oil and natural gas industry, many states are already implementing their own regulatory and innovative approaches. Industry players are taking voluntary actions, and one NGO has launched work on an ambitious public satellite tool to locate and measure sources of methane pollution. This session will address the state of play and flexibilities needed to create a clearer regulatory landscape.

ECOS O&GC Co-Chair Jim Kenney, Cabinet Secretary, New Mexico Environment Department (co-moderator)

ECOS O&GC Co-Chair Dave Glatt, Director, North Dakota Department of Environmental Quality (co-moderator)

Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources, U.S. EPA Office of Air & Radiation

Steven Hamburg, Chief Scientist, Environmental Defense Fund

Al Collins, Vice President, Policy & Engagement, Oxy Low Carbon Ventures

Going (carbonell.tomas@epa.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this courtesy email at the account carbonell.tomas@epa.gov because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://calendar.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

Appointment

From: lparisien@ecos.org [lparisien@ecos.org]
To: justin.garoutte2@state.nm.us; dglatt@nd.gov; lparisien@ecos.org; matthias.sayer@nglep.com; gill.sonam@epa.gov; mwelch@edf.org; james.kenney@state.nm.us; shamburg@edf.org; cmaccartney@ecos.org; al_collins@oxy.com; jmsanda@nd.gov; campbell.ann@epa.gov; deluca.isabel@epa.gov; carbonell.tomas@epa.gov

Subject: Speaker Coordinating Zoom Call for O&GC Methane Side Session

Start: 7/23/2021 5:00:00 PM
End: 7/23/2021 5:30:00 PM
Show Time As: Tentative

Recurrence: (none)

O&GC Co-Chairs and Presenters,

For this prep Zoom call for our Fall Meeting breakout session, please plan to provide a two or three-minute overview of your planned subject matter. We'll then coordinate on substance, format/timing, PowerPoints, and other speaker guidelines, and address any other questions.

By the August 6 early bird deadline, please register for the September 8-9 Fall Meeting at https://ecos.wildapricot.org/event-4356048.

Thanks!
Lia

Topic: ECOS Fall Mtg Prep Call: O&GC Methane
Time: Jul 23, 2021 01:00 PM Eastern Time (US and Canada)

Join Zoom Meeting on July 23
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Find your local number: https://[redacted]/u/<u></u>kbQBYi5xVg<table><tbody><tr><td><p>
</p> </td> <td> <p>Wednesday, September 8, 12-1:15 p.m. Eastern</p><p>Breakout Option #1: ECOS Oil & Gas Caucus (O&GC) on Methane Moves (open to all)
<i>As U.S. EPA takes first steps toward developing a rule to reduce methane from new and existing sources in the oil and natural gas industry, many states are already implementing their own regulatory and innovative approaches. Industry players are taking voluntary actions, and one NGO has launched work on an ambitious public satellite tool to locate and measure sources of methane pollution. This session will address the state of play and flexibilities needed to create a clearer regulatory landscape.</i>
</p><p>ECOS O&GC Co-Chair Jim Kenney, Cabinet Secretary, New Mexico Environment Department (co-moderator)</p><p>ECOS O&GC Co-Chair Dave Glatt, Director, North Dakota Department of Environmental Quality (co-moderator)</p><p>Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources, U.S. EPA Office of Air & Radiation</p><p>Steven Hamburg, Chief Scientist, Environmental Defense Fund</p><p>Al Collins, Vice President, Policy & Engagement, Oxy Low Carbon Ventures
</p> </td></tr></tbody></table>

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Appointment

From: scheduling [scheduling@epa.gov]
Sent: 8/11/2021 2:52:42 PM
To: scheduling [scheduling@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Levy, Maxwell [Levy.Maxwell@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; emily.southard@350.org; katie@envirn.org; dwaign@ace-ej.org; benji@acc.eco; rweingar@aft.org; Harold.Wimmer@Lung.org; georges.benjamin@apha.org; jwalsh@bluegreenalliance.org; glimon@caleja.org; jose@catholicclimatecovenant.org; Personal Privacy / Ex. 6; anaranjo@ceed.org; lubber@ceres.org; Personal Privacy / Ex. 6; barnett@climateandenergy.org; pwilkins@cbtu.org; todd.tanner@conservationhawks.org; Beverly Wright [beverlyw@dscej.org]; jclark@defenders.org; ayodsampa@deployus.org; adillen@earthjustice.org; meighen@ecoamerica.org; fkrupp@edf.org; Personal Privacy / Ex. 6; mitch@creationcare.org; EPica@foe.org; ranorton@ghhi.org; ambrose@greenthechurch.org; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; markmagana@greenlatinos.org; annie.leonard@greenpeace.org; colette@gcclp.org; bernadette@gwichinsteering.com; gary.cohen@hcwh.org; liz@hiphopcaucus.org; ien@igc.org; president@interfaithpowerandlight.org; burt@kftc.org; xochitl@usw675.org; gene_karpinski@lcv.org; msarfaty@gmu.edu; eborerbell@mwejn.org; djp@naacpnet.org; aijen@domesticworkers.org; ddyjack@neha.org; cassandra@nrpe.org; collin@nwf.org; jechohwk@narf.org; lpohlmann@nrcm.org; mbernard@nrdc.org; korina@ndncollective.org; jtaylor@niskanencenter.org; nsmith@psequity.org; dany@powershift.org; melissa@reamp.org; Bob.Inglis@republicEn.org; lpicciano@ruralco.org; Marykay.henry@seiu.org; Michael Brune, Sierra Club [michael.brune@sierraclub.org]; varshini@sunrisemovement.org; Personal Privacy / Ex. 6 diane.regas@tpl.org; jamie_williams@tws.org; wfosburgh@trcp.org; Chris.Wood@tu.org; KRest@ucsusa.org; tconway@usw.org; kchatterjee@usclimatenetwork.org; mraman@usgbc.org; peggy@weact.org; mmitchell@workingfamilies.org; george@yccdaction.org; tori@yecaction.org; Laura Bentzen [lbentzen@partnershipproject.org]; Jasmine Harrison [jharrison@partnershipproject.org]; Utech, Dan [Utech.Dan@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
CC: anleonar@greenpeace.org; Personal Privacy / Ex. 6; Personal Privacy / Ex. 6 Rebecca Jackson [rjackson@ghhi.org]; jon.barton@seiu.org

Subject: Video-call: Environmental Leaders Roundtable
Location: https:// Personal Privacy / Ex. 6

Start: 8/11/2021 8:30:00 PM
End: 8/11/2021 9:15:00 PM
Show Time As: Busy

Required Attendees: Enobakhare, Rosemary; Cortez Russell, Loni; Levy, Maxwell; Lucey, John; emily.southard@350.org; katie@envirn.org; dwaign@ace-ej.org; benji@acc.eco; rweingar@aft.org; Harold.Wimmer@Lung.org; georges.benjamin@apha.org; jwalsh@bluegreenalliance.org; glimon@caleja.org; jose@catholicclimatecovenant.org; Personal Privacy / Ex. 6; anaranjo@ceed.org; lubber@ceres.org; Personal Privacy / Ex. 6; barnett@climateandenergy.org; pwilkins@cbtu.org; todd.tanner@conservationhawks.org; beverlyw@dscej.org; jclark@defenders.org; ayodsampa@deployus.org; adillen@earthjustice.org; meighen@ecoamerica.org; fkrupp@edf.org; Personal Privacy / Ex. 6; mitch@creationcare.org; EPica@foe.org; ranorton@ghhi.org; ambrose@greenthechurch.org; Nunez, Alejandra; markmagana@greenlatinos.org; annie.leonard@greenpeace.org; colette@gcclp.org; bernadette@gwichinsteering.com; gary.cohen@hcwh.org; liz@hiphopcaucus.org; ien@igc.org; president@interfaithpowerandlight.org; burt@kftc.org; xochitl@usw675.org; gene_karpinski@lcv.org; msarfaty@gmu.edu; eborerbell@mwejn.org; djp@naacpnet.org; aijen@domesticworkers.org; ddyjack@neha.org; cassandra@nrpe.org; collin@nwf.org; jechohwk@narf.org; lpohlmann@nrcm.org; mbernard@nrdc.org; korina@ndncollective.org; jtaylor@niskanencenter.org; nsmith@psequity.org; dany@powershift.org; melissa@reamp.org; Bob.Inglis@republicEn.org; lpicciano@ruralco.org; Marykay.henry@seiu.org; Michael Brune, Sierra Club; varshini@sunrisemovement.org; Personal Privacy / Ex. 6; diane.regas@tpl.org; jamie_williams@tws.org; wfosburgh@trcp.org; Chris.Wood@tu.org; KRest@ucsusa.org; tconway@usw.org; kchatterjee@usclimatenetwork.org; mraman@usgbc.org; peggy@weact.org; mmitchell@workingfamilies.org; george@yccdaction.org; tori@yecaction.org; Laura Bentzen; Jasmine Harrison; Utech, Dan; Cassady, Alison; Carbonell, Tomas

Optional Attendees: anleonar@greenpeace.org; Personal Privacy / Ex. 6 ; Personal Privacy / Ex. 6 Rebecca Jackson; jon.barton@seiu.org

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Administrator Regan (table)
John Lucey

Virtual:
Rosemary Enobakhare, OPEEE
Loni Cortez Russell, OPEEE
Tomas Carbonell, OAR
Ale Nunez, OAR
Dan Utech, AO
Alison Cassady, AO
Katie Huffling, Alliance of Nurses for Healthy Environments
Dwaign Tyndal, Alerter natives for Community and Environment
Benji Backer, American Conservation Coalition
Randi Weingarten, American Federation of Teachers
Harold Wimmer, American Lung Association
Dr. Georges Benjamin, American Public Health Association
Jose Aguto, Catholic Climate Covenant
John Podesta, center for American Progress
Anahí Naranjo, Center for Earth, Energy & Democracy
Mindy Lubber, Ceres
Nsedu Obot, Children's Environmental Health Network
Dorothy Barnett, Climate + Energy Project
Payton Wilkins, Coalition of Black Trade Unionists
Todd Tanner, Conservation Hawks
Beverly Wright, Deep South Center for Environmental Justice
Jamie Rappaport Clark, Defenders of Wildlife
Andrea Yodsampa, DEPLOY/US
Abbie Dillenm Earthjustice
Meighen Speiser, ecoAmerica
Fred Krupp, Environmental Defense Fund
Richard Moore, Environmental Justice Health Alliance
Rev. Mitch Hescox, Evangelical Environmental Network
Erich Pica, Friends of the Earth
Ruth Ann Norton, Green and Healthy Homes Initiative
Ambrose Carroll, Green the Earth
Rev. Fletcher Harper, GreenFaith
Mark Magaña, Green Latinos
Colette Pichon Battle, Gulf Coast Center for Law & Policy
Bernadette Demientieff, Gwich'in Steering Committee
Gary Cohen, Health Care Without Harm
Tom Goldtooth, Indigenous Environmental Network
Rev. Susan Hendershot, Interfaith Power & Light
Burt Lauderdale, Kentuckians for the Commonwealth
Xochitl Covarrubias, Labor Council for Latin American Advancement Los Angeles Chapter
Gene Karpinski, League of Conservation Voters
Dr. Mona Sarfaty, Medical Society Consortium on Climate and Health
Eartha Borer-Bell, Midwest Environmental Justice Network

Ai-jen Poo, National Domestic Workers Alliance
Cassandra Carmichael, National Religious Partnership for the Environment
Collin O'Mara, National Wildlife Federation
John Echohawk, Native American Rights Fund
Lisa Pohlmann, Natural Resources Council of Maine
Mitch Bernard, National Resources Defense Council
Korina Barry, NDN Collective
Nathaniel Smith, Partnership for Southern Equity
Dany Sigwalt, Power Shift Network
Melissa Gavin, RE-AMP Network
Bob Inglis RepublicEN
Lorette Picciano, Rural Coalition
Michael Brune, Sierra Club
Varshini Prakash, Sunrise Movement
Juan Parras, Texas Environmental Justice Advocacy Services
Diane Regas, The Trust for Public Land
Jamie Williams, The Wilderness Society
Whit Fosburgh, Theodore Roosevelt Conservation Partnership
Chris Wood, Trout Unlimited
Kathleen Rest, Union of Concerned Scientists
Thomas M. Conway, United Steelworkers
Keya Chatterjee, US Climate Action Network
Mahesh Ramanujam, US Green Building Council
Peggy Shepard, WE ACT for Environmental Justice
Maurice Mitchell, Working Families Party
George Behrakis, Young Conservatives for Carbon Dividends
Tori Goebel, Young Evangelicals for Climate Action
Laura Bentzen, The Partnership Project
Jasmine Harrison, The Partnership Project

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Appointment

From: Rakosnik, Delaney [Goffman.Joseph@epa.gov]
Sent: 8/27/2021 5:34:36 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Caitlin Miller [cmiller@earthjustice.org]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Culligan, Kevin [culligan.kevin@epa.gov]; Utech, Dan [Utech.Dan@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; smontoya@partnershipproject.org; Personal Privacy / Ex. 6 kgerbert@partnershipproject.org; Paul.Billings@lung.org; Laura.Bender@lung.org; mwalker@cleanair.org; ssmith@catf.us; dschroeder@catf.us; lydiacardona@greenlatinos.org; markmagana@greenlatinos.org; jennis@earthjustice.org; lpagel@earthworksaction.org; pzalzal@edf.org; ptomcik@momscleanairforce.org; rwinn@edf.org; ddoniger@nrdc.org; mahyar.sorour@sierraclub.org; andres.restrepo@sierraclub.org; camilla.feibelman@sierraclub.org; Cozzie, David [Cozzie.David@epa.gov]
CC: Cortez Russell, Loni [Russell.Loni@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Personal Privacy / Ex. 6 Conrad Schneider [cschneider@catf.us]; Kim, Eunjung [Kim.Eun@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]

Subject: Meeting with the Methane Partners Campaign
Attachments: cidf_ksoy5igj0.pdf; cidf_ksoy5igj0.pdf
Location: Microsoft Teams (link below)

Start: 9/2/2021 5:00:00 PM
End: 9/2/2021 5:45:00 PM
Show Time As: Busy

Required Attendees: Caitlin Miller; Carbonell, Tomas; Enobakhare, Rosemary; Weaver, Susannah; Tsirigotis, Peter; Culligan, Kevin; Utech, Dan; Gunning, Paul; Grundler, Christopher; smontoya@partnershipproject.org; Personal Privacy / Ex. 6 kgerbert@partnershipproject.org; Paul.Billings@lung.org; Laura.Bender@lung.org; mwalker@cleanair.org; ssmith@catf.us; dschroeder@catf.us; lydiacardona@greenlatinos.org; markmagana@greenlatinos.org; jennis@earthjustice.org; lpagel@earthworksaction.org; pzalzal@edf.org; ptomcik@momscleanairforce.org; rwinn@edf.org; ddoniger@nrdc.org; mahyar.sorour@sierraclub.org; andres.restrepo@sierraclub.org; camilla.feibelman@sierraclub.org; Cozzie, David
Optional Attendees: Cortez Russell, Loni; Campbell, Ann; Cassady, Alison; Personal Privacy / Ex. 6 Conrad Schneider; Kim, Eunjung; Davis, Alison

cidf_ksoy5igj0.pdf

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External Meeting Request Form for Joe Goffman

Today's Date: 8/23/2021

Requesting Organization: Clean Air Task Force on behalf of the Methane Partners Campaign

Title of the Meeting: Meeting with Methane Partners Campaign Leadership

Purpose: To discuss coalition priorities and expectations ahead of the proposal of new 111b and 111d rules for Methane

Background: The Methane Partners Campaign, a coalition of local, state, and national environmental, labor, public health and environmental justice organizations seeking federal protections from oil and gas pollution would like to meet with EPA leadership ahead of the methane rule proposal.

Is this meeting related to ongoing litigation: No

Earliest possible date for the meeting: 8/24

Last possible date for the meeting: 8/27

Is the meeting urgent and if so, why: **Yes.** Because of President Biden's call for considering a new methane-based proposal for new and existing source in the oil and gas sector by September 2021 and the fact that it is almost September, the MPC would like to present to EPA what its views are on EPA's possible actions.

Requested Time Length: 1 hour

Have you met with anyone within EPA: The MPC has not had a meeting with EPA. While individual partner organizations have met with some agency staff to answer technical questions, the MPC has not had an opportunity to meet with EPA as a group.

Invitees: Joe Goffman, Tomas Carbonell, Dan Utech

External Participants: Staff members from each from MPC's leadership team, as available: American Lung Association, BlueGreen Alliance, Clean Air Council, Clean Air Task Force, Dakota Resource Council, Earthjustice, Earthworks, Environmental Defense Fund (TBD based on Tomas' availability), GreenLatinos, NRDC, Ohio Environmental Council, Sierra Club. MPC will share full list of participant names based on availability once a meeting time is confirmed.

Teleconference Required: Yes

Video Conference Required: Yes

Point of Contact for the Meeting: Matt Oberhoffner, MPC Campaign Co-Chair, Personal Privacy / Ex. 6 or Personal Privacy / Ex. 6

Appointment

From: scheduling [scheduling@epa.gov]
Sent: 8/26/2021 7:23:03 PM
To: scheduling [scheduling@epa.gov]; Steven Montoya [smontoya@partnershipproject.org]; swilson@earthworksaction.org; Personal Privacy / Ex. 6; Lucey, John [Lucey.John.D@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Levy, Maxwell [Levy.Maxwell@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Lauren Pagel [lpagel@earthworksaction.org]; Personal Privacy / Ex. 6; Personal Privacy / Ex. 6; eantafoya@greenlatinos.org; kgerbert@partnershipproject.org; Ex. 6 Personal Privacy (PP); Ex. 6 Personal Privacy (PP); lisadeville2013 [Personal Privacy / Ex. 6]; Personal Privacy / Ex. 6; jennis@earthjustice.org; dschroeder@catf.us; mahyar.sorour@sierraclub.org; Personal Privacy / Ex. 6; ddoniger@nrdc.org; jgoldstein@edf.org

Subject: Video-call: Methane Partners Campaign
Location: https://Personal Privacy / Ex. 6

Start: 9/13/2021 7:30:00 PM
End: 9/13/2021 8:15:00 PM
Show Time As: Busy

Required Attendees: Steven Montoya; swilson@earthworksaction.org; Personal Privacy / Ex. 6; Lucey, John; Enobakhare, Rosemary; Levy, Maxwell; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Nunez, Alejandra; Lauren Pagel; Personal Privacy / Ex. 6; Personal Privacy / Ex. 6; eantafoya@greenlatinos.org; kgerbert@partnershipproject.org; Ex. 6 Personal Privacy (PP); Ex. 6 Personal Privacy (PP); Personal Privacy / Ex. 6; Personal Privacy / Ex. 6; jennis@earthjustice.org; dschroeder@catf.us; mahyar.sorour@sierraclub.org; Personal Privacy / Ex. 6; jgoldstein@edf.org; ddoniger@nrdc.org

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-Administrator Regan (table)
-John Lucey

Virtual:
-Rosemary Enobakhare, OPEE
-Loni Cortez Russell, OPEEE
-Joe Goffman, OAR
-Tomas Carbonell, OAR
-Ale Nunez, OAR
-Lauren Pagel, Earthworks Action
-Steven Montoya, Methane Partners Campaign
-Matt Obberhofner, Methane Partners Campaign
-Kimberly Gerbert, Methane Partners Campaign
-David Doniger, NRDC
-Darin Schroeder, Clean Air Task Force
-Jessica Ennis, Earthjustice
-Jon Goldstien, Environmental Defense Fund

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(US East)

Meeting ID: Personal Privacy / Ex. 6

Appointment

From: Levy, Maxwell [Levy.Maxwell@epa.gov]
Sent: 10/29/2021 6:40:37 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; lpagel@earthworksaction.org; Margie Alt [malt@cacampaign.com]
CC: Kim, Eunjung [Kim.Eun@epa.gov]; Culligan, Kevin [culligan.kevin@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Millett, John [Millett.John@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Bob Bingaman [bob.bingaman@sierraclub.org]; Rachel Cleetus [RCleetus@ucsusa.org]; mjohnson@nhmamd.org; Kim Alfred [kalfred@cacampaign.com]; jeisenfeld@earthworksaction.org; Shannon Heyck-Williams [HeyckWilliamsS@nwf.org]; Sara Chieffo [Sara_Chieffo@lcv.org]; Murrow, Derek [dmurrow@nrdc.org]; Alan Septoff [aseptoff@earthworksaction.org]; Carol Andress [candress@edf.org]

Subject: Stakeholder Briefing: Methane Partners + CAC
Location: Microsoft Teams Meeting

Start: 11/1/2021 5:30:00 PM
End: 11/1/2021 6:00:00 PM
Show Time As: Busy

Required Attendees: Levy, Maxwell; Carbonell, Tomas; Goffman, Joseph; Enobakhare, Rosemary; lpagel@earthworksaction.org; Margie Alt
Optional Attendees: Kim, Eunjung; Culligan, Kevin; Cozzie, David; Davis, Alison; Millett, John; Paul Billings; Bob Bingaman; Rachel Cleetus; mjohnson@nhmamd.org; Kim Alfred; jeisenfeld@earthworksaction.org; Shannon Heyck-Williams; Sara Chieffo; Murrow, Derek; Alan Septoff

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From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 10/18/2021 7:52:06 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Paul Billings [Paul.Billings@lung.org]; donald.hoppert@apha.org; gewart@thoracic.org; gmurray@outdoors.org; Ann Weeks [aweeks@catf.us]; tmcguire@earthjustice.org; vpatton@edf.org; AMesnikoff@elpc.org; matthew_davis@lcv.org; skodish@npca.org; John Walker [jwalke@nrdc.org]; patrick.drupp@sierraclub.org; JHamilton@ucsusa.org
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Charmley, William [charmley.william@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]

Subject: NGO Roundtable
Location: Microsoft Teams Meeting

Start: 11/3/2021 4:30:00 PM
End: 11/3/2021 5:15:00 PM
Show Time As: Busy

Required Attendees: Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Dunham, Sarah; Hengst, Benjamin; Grundler, Christopher; Kocchi, Suzanne; Edwards, Jonathan; Paul Billings; donald.hoppert@apha.org; gewart@thoracic.org; gmurray@outdoors.org; Ann Weeks; tmcguire@earthjustice.org; vpatton@edf.org; AMesnikoff@elpc.org; matthew_davis@lcv.org; skodish@npca.org; John Walker; patrick.drupp@sierraclub.org; JHamilton@ucsusa.org
Optional Attendees: Campbell, Ann; Shaw, Betsy; Shoaff, John; William Charmley (charmley.william@epa.gov); Hooper, Daniel

Agenda
Welcome/Kickoff Discussion: Purpose, Objectives and Frequency of Meetings
OAR Updates
Power plants
- MATS
- 111
- Transport
- SCRs

Mobile Sources
Cars - preemption and 2023-6
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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 1/18/2022 4:30:34 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; gewart@thoracic.org; John Walker [jwalke@nrdc.org]; Vickie Patton [vpatton@edf.org]; Patrick Drupp [patrick.drupp@sierraclub.org]; tmcguire@earthjustice.org; Ann Weeks [aweeks@catf.us]; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton [JHamilton@ucsusa.org]; Stephanie Kodish [skodish@npca.org]; Paul Billings [Paul.Billings@lung.org]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]

Subject: NGO Round Table
Location: Microsoft Teams Meeting

Start: 1/20/2022 8:00:00 PM
End: 1/20/2022 9:00:00 PM
Show Time As: Busy

Required Attendees: Tsirigotis, Peter; Grundler, Christopher; Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Edwards, Jonathan; Shoaff, John; gewart@thoracic.org; John Walker; Vickie Patton; Patrick Drupp; tmcguire@earthjustice.org; Ann Weeks; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton; Stephanie Kodish; Paul Billings; Dunham, Sarah; Hengst, Benjamin; Campbell, Ann

Topics for call
Updates from Joe Goffman
Haze
Power plants
Motor Vehicles
National Ambient Air Quality Standards
Startup, Shutdowns and Malfunctions

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Appointment

From: scheduling [scheduling@epa.gov]
Sent: 2/2/2022 6:36:19 PM
To: scheduling [scheduling@epa.gov]; peggy@weact.org; Fred Krupp, EDF [fkrupp@edf.org]; Johanna Chao Kreilick [JCKreilick@ucsusa.org]; Margie Alt [malt@cacampaign.org]; Kathleen Welch, Corridor Partners [kathleen@corridorpartners.com]; Jennifer Krill [jkrill@earthworks.org]; Abbie Dillen, Earthjustice [adillen@earthjustice.org]; Manish Bapna [mbapna@nrdc.org]; Kim Alfred [kalfred@cacampaign.org]; Megan Larkin [mlarkin@cacampaign.org]; Jennifer Krill [jkrill@earthworksaction.org]; jamie_williams@tws.org; tpierno@npca.org; Ramon Cruz [ramon.cruz@sierraclub.org]; rgarr@cacampaign.com; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Max Levy [Levy.Maxwell@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Utech, Dan [Utech.Dan@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]
CC: Rose Garr [rgarr@cacampaign.org]

Subject: Video-call: Remarks: Climate and Environmental CEOs Meeting
Location: https://usepa.zoomgov.com/j/1607124346

Start: 2/3/2022 3:30:00 PM
End: 2/3/2022 4:15:00 PM
Show Time As: Busy

Required Attendees: peggy@weact.org; Fred Krupp, EDF; Johanna Chao Kreilick; Margie Alt; Kathleen Welch, Corridor Partners; Jennifer Krill; Abbie Dillen, Earthjustice; Manish Bapna; Kim Alfred; Megan Larkin; Jennifer Krill; jamie_williams@tws.org; tpierno@npca.org; Ramon Cruz; rgarr@cacampaign.com; Enobakhare, Rosemary; Cortez Russell, Loni; Max Levy; Cassady, Alison; Lucey, John; Utech, Dan; Goffman, Joseph; Carbonell, Tomas; Nunez, Alejandra
Optional Attendees: Rose Garr

Topic: Climate and Environmental CEOs Meeting
Time: Feb 3, 2022 10:30 AM Eastern Time (US and Canada)

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+1 # US (New York)

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+1 Personal Privacy / Ex. 6 US (New York)
+1 US
+1 US (San Jose)
Meeting ID: 1 Personal Privacy / Ex. 6
Find your local number: https: Personal Privacy / Ex. 6

Join by SIP
Personal Privacy / Ex. 6

Join by H.323
Personal Privacy / Ex. 6 (US West)

Personal Privacy / Ex. 6 (US East)

Meeting ID: Personal Privacy / Ex. 6

Appointment

From: Kim, Eunjung [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd11e6748acc46fd9e08ff444099678c-Kim, Eun]
Sent: 2/10/2022 7:39:24 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Profeta, Timothy [Profeta.Timothy@epa.gov]; Conrad Schneider [cschneider@catf.us]; Jay Duffy [jduffy@catf.us]; Ann Weeks [aweeks@catf.us]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Hutson, Nick [Hutson.Nick@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp [patrick.drupp@sierraclub.org]; Macedonia, Jennifer [Macedonia.Jennifer@epa.gov]; Arroyo, Victoria [Arroyo.Victoria@epa.gov]; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard [Huggins.Richard@epa.gov]; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; Marvin C. Brown IV [mcbrown@earthjustice.org]; Pritts, Jesse [Pritts.Jesse@epa.gov]; vpatton@edf.org; Ashley, Jackie [Ashley.Jackie@epa.gov]
CC: Tripp, Anthony [Tripp.Anthony@epa.gov]; LaCount, Melanie [LaCount.Melanie@epa.gov]

Subject: NGO Stakeholder Discussion
Location: https://Personal Privacy / Ex. 6

Start: 2/16/2022 3:00:00 PM
End: 2/16/2022 4:00:00 PM
Show Time As: Busy

Required Attendees: Levy, Maxwell; Kim, Eunjung; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Profeta, Timothy; Conrad Schneider; Jay Duffy; Ann Weeks; Culligan, Kevin; Hutson, Nick; Birnbaum, Rona; Stenhouse, Jeb; Ashley, Jackie; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp; Macedonia, Jennifer; Arroyo, Victoria; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; mcbrown@earthjustice.org; Pritts.Jesse@epa.gov; vpatton@edf.org
Optional Attendees: Tripp, Anthony; LaCount, Melanie

Confirmed Stakeholders:
CATF
Sierra Club
NRDC
Earthjustice
EDF

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Personal Privacy / Ex. 6

Join by H.323
Personal Privacy / Ex. 6 (US West)
(US East)
Meeting ID: Personal Privacy / Ex. 6

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/30/2021 10:04:47 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton [vpatton@edf.org]; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy [jduffy@catf.us]; dshroeder@catf.us
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Newberg, Cindy [Newberg.Cindy@epa.gov]

Subject: GHG Roundtable
Attachments: 2021 External meeting request.docx; 2021 External meeting request.docx; power-plant-standards-letter-20210406.pdf
Location: Microsoft Teams Meeting

Start: 12/8/2021 6:00:00 PM
End: 12/8/2021 7:00:00 PM
Show Time As: Busy

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Grundler, Christopher; Kocchi, Suzanne; Dunham, Sarah; Hengst, Benjamin; Edwards, Jonathan; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy; dshroeder@catf.us; kristin.brainerd@CAELP.ORG.
Optional Attendees: Shaw, Betsy; Shoaff, John; Campbell, Ann; Hooper, Daniel; Gunning, Paul; Birnbaum, Rona; Paul Billings; Newberg, Cindy

2021 External meeting request.... power-plant-stan...

We hope to touch on current and potential rulemakings and guidance in the following areas:
•Power plants
•Vehicles
•Oil and gas methane
•HFCs
•Other industries

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2021 External meeting request....

[SEQ CHAPTER \h \r 1]External Meeting Request Form for Joe Goffman

Today's Date: 12/2/2021

Requesting Organization: NRDC

Title of the Meeting: GHG Roundtable

Purpose: Exchange on greenhouse gas regulations and related matters

Background: Goal is to provide stakeholder input on various GHG matters

Is this meeting related to ongoing litigation: Forward-looking at regulatory matters

Earliest possible date for the meeting: scheduled for 12/9/2021

Last possible date for the meeting:

Is the meeting urgent and if so, why:

Requested Time Length:

Have you met with anyone within EPA:

Invitees:

External Participants: David Doniger, NRDC, Andres Restrepo, Sierra Club, Vickie Patton, EDF, Jay Duffy, CATF, Paul Billings, ALA

Teleconference Required:

Video Conference Required: Teams call

Point of Contact for the Meeting: David Doniger, NRDC

Please email this form back to OAR_Invitations@epa.gov

April 6, 2021

President Joseph R. Biden, Jr.
1600 Pennsylvania Ave., NW
Washington, DC 20500

Re: Vital Public Health and Climate Protections to Address the Nation's Power Plant Pollution

Dear President Biden:

On behalf of our millions of members, we thank you for your bold vision to combat climate change and your dedication, in the American Rescue Plan and the American Jobs Plan, to building back an economy that creates millions of well-paying jobs and that protects and builds opportunity in communities on the front lines of air pollution and climate change.

Coal- and gas-fired power plants are the country's largest industrial source of dangerous air pollution. Despite years of progress thanks to past clean air protections and the plummeting costs of clean energy, power plants still emitted more than 1.6 billion metric tons of carbon pollution in 2019, nearly one million tons of sulfur dioxide, and nearly 900,000 tons of nitrogen oxides. Three-quarters of coal-fired plants still lack modern air pollution controls 30 years after the Clean Air Act was last amended, and every year they also discharge more than a billion pounds of toxic chemicals and other pollutants into the nation's waterways and dump tens of millions of tons of coal ash into ponds and landfills that can leach into rivers and groundwater.

As a result, these power plants still cause tens of thousands of deaths and hundreds of thousands of illnesses each year, are the nation's largest stationary source of climate pollution, and cause massive damage to ecosystems and agriculture. The health harms, climate impacts, and other damages fall disproportionately on overburdened and disadvantaged communities. We strongly support your commitment to ensure environmental justice communities and leaders are thoroughly engaged—and heard—in shaping and designing our nation's pollution control priorities and policies.

We support your goal of achieving 100 percent clean electricity by 2035. We applaud your Day One executive order directing EPA to reverse the Trump administration's effort to undermine standards for mercury and other toxic air pollutants. We note the decision of the D.C. Circuit Court of Appeals the day before your inauguration throwing out the former administration's do-nothing standard for power plant carbon pollution, and giving EPA both a clear mandate and a clean slate to set new standards that protect public health and the environment. And we support your intention to announce a new national commitment under the Paris Agreement this month.

We urge you now to set a clear and aggressive schedule for EPA to adopt and implement ambitious multi-pollutant power sector protections to curb the full range of dangers power plants pose. EPA has urgent responsibilities under three of the nation's fundamental environmental laws—the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery

Act—to address the serious public health and environmental threats from power plants. By carrying out EPA's responsibilities under current law in parallel with seeking new incentives, investments, and authority from Congress to limit pollution, your administration can protect all communities while creating millions of good jobs for workers across the country, including those in industries currently dependent on high-polluting fuels. It is critical to phase down power sector carbon emissions at least 80 percent below their 2005 peak levels by 2030, which will support your administration's 2035 target for 100 percent clean electricity. Cleaning up the power sector is also essential to a broader strategy of electrifying our vehicles, buildings, and industry, in order to reduce the health- and climate-harming pollution from those sectors.

A multi-pollutant power sector approach and schedule for action under our current laws should include at least the following key elements:

- Curbing toxic pollution: EPA must restore the "appropriate and necessary" finding and strengthen the current mercury and air toxics standards for power plants.

- Cleaning up deadly soot and smog: Every power plant must address its health-harming pollution. EPA must aggressively enforce existing ambient air quality standards for dangerous fine particles and ozone and should quickly update and strengthen those standards to reflect current science. The agency must strengthen the "good neighbor" and other implementation rules to protect millions of people afflicted by upwind pollution beyond their control, and must set state-of-the-art standards for smog-forming oxides of nitrogen from new gas plants. EPA must also require power plants to consistently use the control technologies they already have installed but frequently turn off or bypass, and the agency must close the illegal loopholes for pollution during startups, shutdowns, and malfunctions.

- Safeguarding our climate: Cutting climate pollution from the power sector is essential to addressing the climate crisis. EPA must adopt strong carbon pollution standards for existing coal and gas plants, and for new gas plants.

- Protecting our parks and visibility: EPA must protect the millions of visitors to our national parks and the local economies that depend on them by reinstating and strengthening pollution control requirements for power plants that pollute national parks and degrade vistas over vast areas of our beautiful country.

- Cutting toxic water pollution: EPA must close loopholes in the effluent limitations for coal-fired power plants and strengthen the standards based on state-of-the-art treatment technology.

- Curbing coal ash: EPA must restore and strengthen safeguards for disposal of coal ash, the toxic waste produced by coal-fired electric power generation.

These vital public health and climate protections should be implemented through a set of rulemakings proposed by the end of this year and promulgated in 2022.

ED_006751_00000022-00002

We urge your administration to fully carry out its responsibilities under our air, water, and waste laws to protect all people in all parts of our nation from the dangerous pollution from coal and gas plants. It is critical that these actions guarantee meaningful public health, climate, and environmental protections through quantifiable and enforceable pollution reductions.

In parallel with enforcing robust limits on power sector pollution, the administration should also seek new authority and investments from Congress to equitably curb the multiple dangers posed by fossil fuel-fired power plants and ensure that disadvantaged communities experience the benefits of the transformation to a clean energy economy. We enthusiastically support the commitments to environmental justice made in your Executive Order on Tackling the Climate Crisis at Home and Abroad and the American Jobs Plan, and urge the administration to engage directly with frontline communities to advance programs to address cumulative pollution impacts and to direct clean energy and energy efficiency investments to the communities where they are needed most.

Thank you for your leadership in rebuilding the economy, creating good jobs, protecting people's health, and reducing the ravages of the climate crisis. We are excited to work with you on all these initiatives to achieve our shared goals of meeting the demands of science while creating a stronger and more equitable future for us all.

Sincerely,

Mitchell S. Bernard
President & Chief Counsel
Natural Resources Defense Council

Dominique Browning
Director and Co-Founder
Moms Clean Air Force

Michael Brune
Executive Director
Sierra Club

Abigail Dillen
President
Earthjustice

Gene Karpinski
President
League of Conservation Voters

Fred Krupp
President
Environmental Defense Fund

Jamal Raad
Executive Director
Evergreen Action

Kathleen Rest
Executive Director & Interim President
Union of Concerned Scientists

CC: Gina McCarthy
National Climate Advisor

Michael Regan
Administrator, U.S. Environmental Protection Agency

ED_006751_00000022-00003

Appointment

From: Horowitz, Cara [HOROWITZ@law.ucla.edu]
Sent: 8/20/2021 9:09:34 PM
To: Horowitz, Cara [HOROWITZ@law.ucla.edu]; vpatton@edf.org; Poloncarz, Kevin [KPoloncarz@cov.com]; jack.lienke@nyu.edu; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]

Subject: Environmental Law Conference at Yosemite- Panel Discussion
Location: https:/ Personal Privacy / Ex. 6

Start: 8/24/2021 5:00:00 PM
End: 8/24/2021 5:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]
Sent: 12/17/2021 9:58:27 PM
To: Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Vickie Patton [vpatton@edf.org]
CC: Kim, Eunjung [Kim.Eun@epa.gov]; Levy, Maxwell [Levy.Maxwell@epa.gov]; Alice Henderson [ahenderson@edf.org]

Subject: Briefing Call with Environmental Defense Fund (EDF)
Location: Microsoft Teams Meeting

Start: 12/18/2021 4:30:00 PM
End: 12/18/2021 5:00:00 PM
Show Time As: Busy

Required Attendees: Enobakhare, Rosemary; Goffman, Joseph; Nunez, Alejandra; Cortez Russell, Loni; Vickie Patton
Optional Attendees: Kim, Eunjung; Levy, Maxwell; Alice Henderson

---

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Appointment

From: Rakosnik, Delaney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=274573739A9F446883072599086EDEDD-RAKOSNIK, D]
Sent: 10/20/2021 1:50:02 PM
To: Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Vickie Patton [vpatton@edf.org]; Personal Privacy / Ex. 6; pzalzal@edf.org; ahenderson@edf.org; Charmley, William [charmley.william@epa.gov]

Subject: Meeting with EDF re: Clean Transportation
Attachments: External meeting request_ (002) to Delaney.docx
Location: Microsoft Teams Meeting

Start: 10/20/2021 4:30:00 PM
End: 10/20/2021 5:00:00 PM
Show Time As: Busy

Required Attendees: Vickie Patton; Personal Privacy / Ex. 6; pzalzal@edf.org; ahenderson@edf.org; Charmley, William

External meeting request_ (002) to...

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[SEQ CHAPTER \h \r 1]External Meeting Request Form for Joe Goffman

Today's Date: October 20, 2021

Requesting Organization: Environmental Defense Fund

Title of the Meeting: Clean Transportation

Purpose: Discuss solutions to protect human health and the environment from climate and air pollution

Background: Relates to EPA actions under President's EO on Clean Transportation

Earliest possible date for the meeting: October 20, 2021

Last possible date for the meeting:

Is the meeting urgent and if so, why? Timing is set out in President's Executive Order on Clean Transportation

Requested Time Length: 30-50 minutes

Invitees: Ale Nunez, Sarah Dunham, Bill Charmley

External Participants: Chet France, Peter Zalzal, Alice Henderson, Vickie Patton

Teleconference Required? Yes

Video Conference Required? Yes

Point of Contact for the Meeting: Vickie Patton

Appointment

From: Cortez Russell, Loni [Russell.Loni@epa.gov]
Sent: 12/17/2021 10:55:48 PM
To: Cortez Russell, Loni [Russell.Loni@epa.gov]; Paul.Billings@lung.org; JHamilton@ucsusa.org; quinta.warren@consumer.org; matthew_davis@lcv.org; rawn@ceres.org; katherine.garcia@sierraclub.org; ltonachel@nrdc.org; ahenderson@edf.org; Anisha Mehta [amehta@partnershipproject.org]; dgagne@partnershipproject.org
CC: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; mrauch@momscleanairforce.org; tdelloiacono@momscleanairforce.org

Subject: EPA Briefing
Location: Microsoft Teams Meeting

Start: 12/19/2021 4:00:00 PM
End: 12/19/2021 4:30:00 PM
Show Time As: Busy

Required Attendees: Cortez Russell, Loni; Paul.Billings@lung.org; JHamilton@ucsusa.org; quinta.warren@consumer.org; matthew_davis@lcv.org; rawn@ceres.org; katherine.garcia@sierraclub.org; ltonachel@nrdc.org; ahenderson@edf.org; Anisha Mehta; dgagne@partnershipproject.org
Optional Attendees: Goffman, Joseph; Nunez, Alejandra; mrauch@momscleanairforce.org; tdelloiacono@momscleanairforce.org

-----Original Appointment-----
From: Cortez Russell, Loni
Sent: Friday, December 17, 2021 5:54 PM
To: Cortez Russell, Loni; Paul.Billings@lung.org; JHamilton@ucsusa.org; quinta.warren@consumer.org; matthew_davis@lcv.org; rawn@ceres.org; katherine.garcia@sierraclub.org; ltonachel@nrdc.org; ahenderson@edf.org; Anisha Mehta; dgagne@partnershipproject.org
Cc: Goffman, Joseph
Subject: EPA Briefing
When: Sunday, December 19, 2021 11:00 AM-11:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams meeting

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 10/18/2021 7:52:06 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Paul Billings [Paul.Billings@lung.org]; donald.hoppert@apha.org; gewart@thoracic.org; gmurray@outdoors.org; Ann Weeks [aweeks@catf.us]; tmcguire@earthjustice.org; vpatton@edf.org; AMesnikoff@elpc.org; matthew_davis@lcv.org; skodish@npca.org; John Walker [jwalke@nrdc.org]; patrick.drupp@sierraclub.org; JHamilton@ucsusa.org
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Charmley, William [charmley.william@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]

Subject: NGO Roundtable
Location: Microsoft Teams Meeting

Start: 11/3/2021 4:30:00 PM
End: 11/3/2021 5:15:00 PM
Show Time As: Busy

Required Attendees: Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Dunham, Sarah; Hengst, Benjamin; Grundler, Christopher; Kocchi, Suzanne; Edwards, Jonathan; Paul Billings; donald.hoppert@apha.org; gewart@thoracic.org; gmurray@outdoors.org; Ann Weeks; tmcguire@earthjustice.org; vpatton@edf.org; AMesnikoff@elpc.org; matthew_davis@lcv.org; skodish@npca.org; John Walker; patrick.drupp@sierraclub.org; JHamilton@ucsusa.org
Optional Attendees: Campbell, Ann; Shaw, Betsy; Shoaff, John; William Charmley (charmley.william@epa.gov); Hooper, Daniel

Agenda
Welcome/Kickoff Discussion: Purpose, Objectives and Frequency of Meetings
OAR Updates
Power plants
- MATS
- 111
- Transport
- SCRs

Mobile Sources
Cars - preemption and 2023-6
Trucks
SSM

Microsoft Teams meeting

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+1 **Personal Privacy / Ex. 6** # United States, Washington DC

Phone Conference ID: Personal Privacy / Ex. 6 #
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Appointment

From: Kieve, David K. EOP/CEQ [David.K.Kieve@ceq.eop.gov]
Sent: 8/4/2021 10:25:59 PM
To: Kieve, David K. EOP/CEQ [David.K.Kieve@ceq.eop.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Tran, Lynda (OST) [lynda.tran@dot.gov]; Brown, Austin L. EOP/CEQ [Austin.L.Brown@ceq.eop.gov]; Nealer, Rachael A. EOP/CEQ [Rachael.A.Nealer@ceq.eop.gov]; Roque Sanchez [Ex. 6 Personal Privacy (PP)]; vpatton@edf.org; Elizabeth Gore [egore@edf.org]

Subject: Individual Briefing Call #3 - EDF
Location: https:/[Personal Privacy / Ex. 6]

Start: 8/4/2021 11:00:00 PM
End: 8/4/2021 11:15:00 PM
Show Time As: Busy

-----Original Appointment-----
From: Kieve, David K. EOP/CEQ <David.K.Kieve@ceq.eop.gov>
Sent: Wednesday, August 4, 2021 4:02 PM
To: Kieve, David K. EOP/CEQ; Enobakhare, Rosemary; Cortez Russell, Loni; Tran, Lynda (OST); Brown, Austin L. EOP/CEQ; Nealer, Rachael A. EOP/CEQ; Roque Sanchez; vpatton@edf.org; Elizabeth Gore
Subject: Individual Briefing Call #3 - EDF
When: Wednesday, August 4, 2021 7:00 PM-7:15 PM (UTC-05:00) Eastern Time (US & Canada).
Where: https://[Personal Privacy / Ex. 6]

Hi there,

David Kieve is inviting you to a scheduled ZoomGov meeting.

Join Zoom Meeting

One tap mobile: US: +[Personal Privacy / Ex. 6] or +[Personal Privacy / Ex. 6]
Meeting URL: https://[Personal Privacy / Ex. 6]
Meeting ID: [Personal Privacy / Ex. 6]

Passcode: Personal Privacy / Ex. 6

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For higher quality, dial a number based on your current location.

Dial:

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Meeting ID: Personal Privacy / Ex. 6

Passcode: Personal Privacy / Ex. 6

International numbers

Join from an H.323/SIP room system

H.323: Personal Privacy / Ex. 6 (US West)
(US East)

Meeting ID: Personal Privacy / Ex. 6

Passcode: Personal Privacy / Ex. 6

SIP: **Personal Privacy / Ex. 6**

Passcode: Personal Privacy / Ex. 6

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 1/18/2022 4:30:34 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; gewart@thoracic.org; John Walker [jwalke@nrdc.org]; Vickie Patton [vpatton@edf.org]; Patrick Drupp [patrick.drupp@sierraclub.org]; tmcguire@earthjustice.org; Ann Weeks [aweeks@catf.us]; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton [JHamilton@ucsusa.org]; Stephanie Kodish [skodish@npca.org]; Paul Billings [Paul.Billings@lung.org]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]

Subject: NGO Round Table
Location: Microsoft Teams Meeting

Start: 1/20/2022 8:00:00 PM
End: 1/20/2022 9:00:00 PM
Show Time As: Busy

Required Attendees: Tsirigotis, Peter; Grundler, Christopher; Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Edwards, Jonathan; Shoaff, John; gewart@thoracic.org; John Walker; Vickie Patton; Patrick Drupp; tmcguire@earthjustice.org; Ann Weeks; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton; Stephanie Kodish; Paul Billings; Dunham, Sarah; Hengst, Benjamin; Campbell, Ann

Topics for call
Updates from Joe Goffman
Haze
Power plants
Motor Vehicles
National Ambient Air Quality Standards
Startup, Shutdowns and Malfunctions

Microsoft Teams meeting

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Appointment

From: Camren Butler [camren.butler@calawyers.org]
Sent: 9/27/2021 9:42:13 PM
To: Camren Butler [camren.butler@calawyers.org]; jack.lienke@nyu.edu; vpatton@edf.org; kpoloncarz@cov.com; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Victoria Loeffler [victoria.loeffler@calawyers.org]
CC: DeLuca, Isabel [DeLuca.Isabel@epa.gov]

Subject: ELS Yosemite Panel Recording— The Biden Administration – A Breath of Fresh Air?
Attachments: image001.png; CLA Virtual Presenter Checklist.docx

Start: 9/29/2021 4:00:00 PM
End: 9/29/2021 6:00:00 PM
Show Time As: Busy

Recurrence: (none)

Good afternoon everyone,

Thank you so much for working together to establish a time for you recording. Please see the attached CLA Virtual Presenter Checklist as well as the Zoom link below:

Zoom Link to recording: https: **Personal Privacy / Ex. 6**

During this session you will be working with Victoria Loeffler. Victoria is a fellow Section Manager and has helped record numerous CLA programs; you are all in very good hands! Victoria will be able to answer any questions or address any concerns during your session. Your speaker links for the live Q&A Session will be emailed to you at a later date, closer to this conference.

Please let me know if you have any questions.

Thank you,
Camren

--
Camren Butler | Section Manager
California Lawyers Association
400 Capitol Mall, Suite 650 | Sacramento, CA 95814
O: 916.516.1722 | camren.butler@calawyers.org
Pronouns: he/him

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Virtual Presenter Checklist

Whether you are an experienced online presenter or this if your first time, see the checklist below to prepare yourself prior to your presentation.

- Reboot your computer a few hours before the webinar to avoid any automated updates that could launch during the virtual event
- Turn off all other applications on your computer that you won't need for the virtual event.
- If you're using a mouse, make sure the batteries are fresh (or it's freshly charged).
- Close the door to your office (or whatever room you are presenting from).
- Mute your microphone when you're not speaking.
- Have water or tea close by to drink at any time.
- Have a hard copy print-out of your slides as a backup.
- If possible, use a wired internet connection.

If you're using streaming audio (VoIP):

- We recommend using a computer headset and not a webcam microphone.
- Make sure this microphone is turned on and that any other microphones are off or muted.
- Check that your voice is being broadcast.
- Close any windows that might cause outside noises to be broadcast.
- Mute your cell phone so you aren't interrupted during the program.

If you're streaming video:

- Check that your webcam is on.
- Check that the lighting is good and shows well on your face.
- Try to position your webcam so it's pointed straight at your face, rather than above or below.
- Position yourself close enough to the webcam so that your face takes up a good portion of the screen.

400 Capitol Mall, Suite 650
Sacramento, CA 95814
916-516-1760
calawyers.org

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 3/15/2021 3:12:53 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Vickie Patton [vpatton@edf.org]; Chester France [cjfrance@sbcglobal.net]; pzalzal@edf.org; Kim, Eun [Kim.Eun@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]

Subject: Meeting with Environmental Defense Fund re: Air Standards for Light, Medium and Heavy Duty Vehicles
Attachments: RE: [EXTERNAL] FW: Clean Cars Meeting Request; External meeting request_March 15 2021.docx
Location: Microsoft Teams Meeting

Start: 3/30/2021 7:00:00 PM
End: 3/30/2021 7:30:00 PM
Show Time As: Busy

Required Attendees: Goffman, Joseph; Nunez, Alejandra; Dunham, Sarah; Vickie Patton; Chester France; pzalzal@edf.org; Kim, Eun; Benjamin Hengst
Optional Attendees: William Charmley (charmley.william@epa.gov); Simon, Karl (Simon.Karl@epa.gov)

RE: [EXTERNAL] FW: Clean Cars ... External meeting request_March 1...

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Message

From: Vickie Patton [vpatton@edf.org]
Sent: 3/15/2021 2:46:44 PM
To: Kabanda, Thierry [Kabanda.Thierry@epa.gov]
CC: Rakosnik, Delaney [rakosnik.delaney@epa.gov]; OAR Invitations [OAR_Invitations@epa.gov]; Chester France [cjfrance@sbcglobal.net]; Peter Zalzal [pzalzal@edf.org]
Subject: RE: [EXTERNAL] FW: Clean Cars Meeting Request
Attachments: External meeting request_March 15 2021.docx

Dear Thierry,

Thank you. Please see attached with updated attendee list.

Sincerely yours,
Vickie, Personal Privacy / Ex. 6

From: Kabanda, Thierry <Kabanda.Thierry@epa.gov>
Sent: Thursday, March 11, 2021 11:01 AM
To: Vickie Patton <vpatton@edf.org>
Cc: Rakosnik, Delaney <rakosnik.delaney@epa.gov>; OAR Invitations <OAR_Invitations@epa.gov>
Subject: [EXTERNAL] FW: Clean Cars Meeting Request

Good afternoon Vickie,

Please see attached meeting request form to fill out with a list of emails of attendees. We can coordinate the scheduling of this meeting after we have received this form back. Thanks!

Thierry Kabanda, MBA
Staff Assistant
EPA/Office of Air and Radiation
Office: (202)-564-8604
Cell: Personal Privacy / Ex. 6

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[SEQ CHAPTER \h \r 1]External Meeting Request Form for OAR

Today's Date: March 15, 2021

Requesting Organization: Environmental Defense Fund

Title of the Meeting: Protecting Human health and the environment from car, freight truck, bus (LD/MD/HD) climate and air pollution

Purpose: Present findings of new analyses re extensive health and economic benefits

Background: Transportation sector is one of the single largest sources of climate and air pollution

Is this meeting related to ongoing litigation: No

Earliest possible date for the meeting: March 15, 2021

Last possible date for the meeting: March 31, 2021

Is the meeting urgent and if so, why: EO deadlines

Requested Time Length: one hour

Have you met with anyone within EPA: Sarah Dunham, Bill Charmley

Invitees: Joseph Goffman, Alejandra Nunez, Sarah Dunhm, Bill Charmley

External Participants: Vickie Patton (vpatton@edf.org), Chet France (cjfrance@sbcglobal.net), Peter Zalzal ([HYPERLINK "mailto:pzalzal@edf.org"])

Teleconference Required: Yes

Video Conference Required: Yes

Point of Contact for the Meeting: Vickie Patton, [HYPERLINK "mailto:vpatton@edf.org"] Personal Privacy / Ex. 6

Please email this form back to OAR_Invitations@epa.gov

Appointment

From: scheduling [scheduling@epa.gov]
Sent: 2/2/2022 6:36:19 PM
To: scheduling [scheduling@epa.gov]; peggy@weact.org; Fred Krupp, EDF [fkrupp@edf.org]; Johanna Chao Kreilick [JCKreilick@ucsusa.org]; Margie Alt [malt@cacampaign.org]; Kathleen Welch, Corridor Partners [kathleen@corridorpartners.com]; Jennifer Krill [jkrill@earthworks.org]; Abbie Dillen, Earthjustice [adillen@earthjustice.org]; Manish Bapna [mbapna@nrdc.org]; Kim Alfred [kalfred@cacampaign.org]; Megan Larkin [mlarkin@cacampaign.org]; Jennifer Krill [jkrill@earthworksaction.org]; jamie_williams@tws.org; tpierno@npca.org; Ramon Cruz [ramon.cruz@sierraclub.org]; rgarr@cacampaign.com; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Max Levy [Levy.Maxwell@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Utech, Dan [Utech.Dan@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]
CC: Rose Garr [rgarr@cacampaign.org]

Subject: Video-call: Remarks: Climate and Environmental CEOs Meeting
Location: https: Personal Privacy / Ex. 6

Start: 2/3/2022 3:30:00 PM
End: 2/3/2022 4:15:00 PM
Show Time As: Busy

Required Attendees: peggy@weact.org; Fred Krupp, EDF; Johanna Chao Kreilick; Margie Alt; Kathleen Welch, Corridor Partners; Jennifer Krill; Abbie Dillen, Earthjustice; Manish Bapna; Kim Alfred; Megan Larkin; Jennifer Krill; jamie_williams@tws.org; tpierno@npca.org; Ramon Cruz; rgarr@cacampaign.com; Enobakhare, Rosemary; Cortez Russell, Loni; Max Levy; Cassady, Alison; Lucey, John; Utech, Dan; Goffman, Joseph; Carbonell, Tomas; Nunez, Alejandra
Optional Attendees: Rose Garr

Topic: Climate and Environmental CEOs Meeting
Time: Feb 3, 2022 10:30 AM Eastern Time (US and Canada)

Join ZoomGov Meeting
https: Personal Privacy / Ex. 6

Meeting ID: Personal Privacy / Ex. 6
One tap mobile
+1 Personal Privacy / Ex. 6 US (San Jose)
+1 US (New York)

Dial by your location
+1 Personal Privacy / Ex. 6 US (San Jose)
+1 US (New York)
+1 US
+1 US (San Jose)
Meeting ID: Personal Privacy / Ex. 6
Find your local number: https: Personal Privacy / Ex. 6

Join by SIP
Personal Privacy / Ex. 6

Join by H.323
Personal Privacy / Ex. 6 (US West)

Personal Privacy / Ex. 6 (US East)
Meeting ID: Personal Privacy / Ex. 6

Appointment

From: scheduling [scheduling@epa.gov]
Sent: 8/11/2021 2:52:43 PM
To: scheduling [scheduling@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Levy, Maxwell [Levy.Maxwell@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; emily.southard@350.org; katie@envirn.org; dwaign@ace-ej.org; benji@acc.eco; rweingar@aft.org; Harold.Wimmer@Lung.org; georges.benjamin@apha.org; jwalsh@bluegreenalliance.org; glimon@caleja.org; jose@catholicclimatecovenant.org; Personal Privacy / Ex. 6; anaranjo@ceed.org; lubber@ceres.org; Personal Privacy / Ex. 6; barnett@climateandenergy.org; pwilkins@cbtu.org; todd.tanner@conservationhawks.org; Beverly Wright [beverlyw@dscej.org]; jclark@defenders.org; ayodsampa@deployus.org; adillen@earthjustice.org; meighen@ecoamerica.org; fkrupp@edf.org; Personal Privacy / Ex. 6; mitch@creationcare.org; EPica@foe.org; ranorton@ghhi.org; ambrose@greenthechurch.org; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; markmagana@greenlatinos.org; annie.leonard@greenpeace.org; colette@gcclp.org; bernadette@gwichinsteering.com; gary.cohen@hcwh.org; liz@hiphopcaucus.org; ien@igc.org; president@interfaithpowerandlight.org; burt@kftc.org; xochitl@usw675.org; gene_karpinski@lcv.org; msarfaty@gmu.edu; eborerbell@mwejn.org; djp@naacpnet.org; aijen@domesticworkers.org; ddyjack@neha.org; cassandra@nrpe.org; collin@nwf.org; jechohwk@narf.org; lpohlmann@nrcm.org; mbernard@nrdc.org; korina@ndncollective.org; jtaylor@niskanencenter.org; nsmith@psequity.org; dany@powershift.org; melissa@reamp.org; Bob.Inglis@republicEn.org; lpicciano@ruralco.org; Marykay.henry@seiu.org; Michael Brune, Sierra Club [michael.brune@sierraclub.org]; varshini@sunrisemovement.org; Personal Privacy / Ex. 6 diane.regas@tpl.org; jamie_williams@tws.org; wfosburgh@trcp.org; Chris.Wood@tu.org; KRest@ucsusa.org; tconway@usw.org; kchatterjee@usclimatenetwork.org; mraman@usgbc.org; peggy@weact.org; mmitchell@workingfamilies.org; george@yccdaction.org; tori@yecaction.org; Laura Bentzen [lbentzen@partnershipproject.org]; Jasmine Harrison [jharrison@partnershipproject.org]; Utech, Dan [Utech.Dan@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
CC: anleonar@greenpeace.org; Personal Privacy / Ex. 6; Personal Privacy / Ex. 6 Rebecca Jackson [rjackson@ghhi.org]; jon.barton@seiu.org

Subject: Video-call: Environmental Leaders Roundtable
Location: https://usepa.zoomgov.com/j/1607856464

Start: 8/11/2021 8:30:00 PM
End: 8/11/2021 9:15:00 PM
Show Time As: Busy

Required Attendees: Enobakhare, Rosemary; Cortez Russell, Loni; Levy, Maxwell; Lucey, John; emily.southard@350.org; katie@envirn.org; dwaign@ace-ej.org; benji@acc.eco; rweingar@aft.org; Harold.Wimmer@Lung.org; georges.benjamin@apha.org; jwalsh@bluegreenalliance.org; glimon@caleja.org; jose@catholicclimatecovenant.org; Personal Privacy / Ex. 6; anaranjo@ceed.org; lubber@ceres.org; Personal Privacy / Ex. 6; barnett@climateandenergy.org; pwilkins@cbtu.org; todd.tanner@conservationhawks.org; beverlyw@dscej.org; jclark@defenders.org; ayodsampa@deployus.org; adillen@earthjustice.org; meighen@ecoamerica.org; fkrupp@edf.org; Personal Privacy / Ex. 6; mitch@creationcare.org; EPica@foe.org; ranorton@ghhi.org; ambrose@greenthechurch.org; Nunez, Alejandra; markmagana@greenlatinos.org; annie.leonard@greenpeace.org; colette@gcclp.org; bernadette@gwichinsteering.com; gary.cohen@hcwh.org; liz@hiphopcaucus.org; ien@igc.org; president@interfaithpowerandlight.org; burt@kftc.org; xochitl@usw675.org; gene_karpinski@lcv.org; msarfaty@gmu.edu; eborerbell@mwejn.org; djp@naacpnet.org; aijen@domesticworkers.org; ddyjack@neha.org; cassandra@nrpe.org; collin@nwf.org; jechohwk@narf.org; lpohlmann@nrcm.org; mbernard@nrdc.org; korina@ndncollective.org; jtaylor@niskanencenter.org; nsmith@psequity.org; dany@powershift.org; melissa@reamp.org; Bob.Inglis@republicEn.org; lpicciano@ruralco.org; Marykay.henry@seiu.org; Michael Brune, Sierra Club; varshini@sunrisemovement.org; Personal Privacy / Ex. 6; diane.regas@tpl.org; jamie_williams@tws.org; wfosburgh@trcp.org; Chris.Wood@tu.org; KRest@ucsusa.org; tconway@usw.org; kchatterjee@usclimatenetwork.org; mraman@usgbc.org; peggy@weact.org; mmitchell@workingfamilies.org; george@yccdaction.org; tori@yecaction.org; Laura Bentzen; Jasmine Harrison; Utech, Dan; Cassady, Alison; Carbonell, Tomas

Optional Attendees: anleonar@greenpeace.org; Personal Privacy / Ex. 6 ; Personal Privacy / Ex. 6 ; Rebecca Jackson; jon.barton@seiu.org

Do not forward this invitation. Please notify scheduling@epa.gov if participant changes need to be made.

Administrator Regan (table)
John Lucey

Virtual:
Rosemary Enobakhare, OPEEE
Loni Cortez Russell, OPEEE
Tomas Carbonell, OAR
Ale Nunez, OAR
Dan Utech, AO
Alison Cassady, AO
Katie Huffling, Alliance of Nurses for Healthy Environments
Dwaign Tyndal, Alerter natives for Community and Environment
Benji Backer, American Conservation Coalition
Randi Weingarten, American Federation of Teachers
Harold Wimmer, American Lung Association
Dr. Georges Benjamin, American Public Health Association
Jose Aguto, Catholic Climate Covenant
John Podesta, center for American Progress
Anahí Naranjo, Center for Earth, Energy & Democracy
Mindy Lubber, Ceres
Nsedu Obot, Children's Environmental Health Network
Dorothy Barnett, Climate + Energy Project
Payton Wilkins, Coalition of Black Trade Unionists
Todd Tanner, Conservation Hawks
Beverly Wright, Deep South Center for Environmental Justice
Jamie Rappaport Clark, Defenders of Wildlife
Andrea Yodsampa, DEPLOY/US
Abbie Dillenm Earthjustice
Meighen Speiser, ecoAmerica
Fred Krupp, Environmental Defense Fund
Richard Moore, Environmental Justice Health Alliance
Rev. Mitch Hescox, Evangelical Environmental Network
Erich Pica, Friends of the Earth
Ruth Ann Norton, Green and Healthy Homes Initiative
Ambrose Carroll, Green the Earth
Rev. Fletcher Harper, GreenFaith
Mark Magaña, Green Latinos
Colette Pichon Battle, Gulf Coast Center for Law & Policy
Bernadette Demientieff, Gwich'in Steering Committee
Gary Cohen, Health Care Without Harm
Tom Goldtooth, Indigenous Environmental Network
Rev. Susan Hendershot, Interfaith Power & Light
Burt Lauderdale, Kentuckians for the Commonwealth
Xochitl Covarrubias, Labor Council for Latin American Advancement Los Angeles Chapter
Gene Karpinski, League of Conservation Voters
Dr. Mona Sarfaty, Medical Society Consortium on Climate and Health
Eartha Borer-Bell, Midwest Environmental Justice Network

Ai-jen Poo, National Domestic Workers Alliance
Cassandra Carmichael, National Religious Partnership for the Environment
Collin O'Mara, National Wildlife Federation
John Echohawk, Native American Rights Fund
Lisa Pohlmann, Natural Resources Council of Maine
Mitch Bernard, National Resources Defense Council
Korina Barry, NDN Collective
Nathaniel Smith, Partnership for Southern Equity
Dany Sigwalt, Power Shift Network
Melissa Gavin, RE-AMP Network
Bob Inglis RepublicEN
Lorette Picciano, Rural Coalition
Michael Brune, Sierra Club
Varshini Prakash, Sunrise Movement
Juan Parras, Texas Environmental Justice Advocacy Services
Diane Regas, The Trust for Public Land
Jamie Williams, The Wilderness Society
Whit Fosburgh, Theodore Roosevelt Conservation Partnership
Chris Wood, Trout Unlimited
Kathleen Rest, Union of Concerned Scientists
Thomas M. Conway, United Steelworkers
Keya Chatterjee, US Climate Action Network
Mahesh Ramanujam, US Green Building Council
Peggy Shepard, WE ACT for Environmental Justice
Maurice Mitchell, Working Families Party
George Behrakis, Young Conservatives for Carbon Dividends
Tori Goebel, Young Evangelicals for Climate Action
Laura Bentzen, The Partnership Project
Jasmine Harrison, The Partnership Project

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+1 US
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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/30/2021 10:04:47 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton [vpatton@edf.org]; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy [jduffy@catf.us]; dshroeder@catf.us
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Newberg, Cindy [Newberg.Cindy@epa.gov]

Subject: GHG Roundtable
Attachments: 2021 External meeting request.docx; 2021 External meeting request.docx; power-plant-standards-letter-20210406.pdf
Location: Microsoft Teams Meeting

Start: 12/8/2021 6:00:00 PM
End: 12/8/2021 7:00:00 PM
Show Time As: Busy

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Grundler, Christopher; Kocchi, Suzanne; Dunham, Sarah; Hengst, Benjamin; Edwards, Jonathan; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy; dshroeder@catf.us; kristin.brainerd@CAELP.ORG.
Optional Attendees: Shaw, Betsy; Shoaff, John; Campbell, Ann; Hooper, Daniel; Gunning, Paul; Birnbaum, Rona; Paul Billings; Newberg, Cindy

2021 External meeting request.... power-plant-stan...

We hope to touch on current and potential rulemakings and guidance in the following areas:
•Power plants
•Vehicles
•Oil and gas methane
•HFCs
•Other industries

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2021 External meeting request....

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 5/18/2021 6:52:17 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; fkrupp@edf.org; Vickie Patton [vpatton@edf.org]; Chester France [cjfrance@sbcglobal.net]; pzalzal@edf.org; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]

Subject: Meeting with EDF re: Heavy Duty
Attachments: External meeting request_ (002).docx; RE: [EXTERNAL] RE: Meeting with OAR of EPA
Location: Microsoft Teams

Start: 5/19/2021 10:00:00 PM
End: 5/19/2021 10:30:00 PM
Show Time As: Busy

Required Attendees: Goffman, Joseph; Alejandra Nunez (Nunez.Alejandra@epa.gov); fkrupp@edf.org; Vickie Patton; Chester France; pzalzal@edf.org; 'Dunham, Sarah (Dunham.Sarah@epa.gov)'; Benjamin Hengst
Optional Attendees: William Charmley (charmley.william@epa.gov)

External meeting request_ (002).d...

RE: [EXTERNAL] RE: Meeting with...

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[SEQ CHAPTER \h \r 1]External Meeting Request Form for Joe Goffman

Today's Date: 05/18/2021

Requesting Organization: Environmental Defense Fund

Title of the Meeting: New Freight Vehicles

Purpose:

Background:

Earliest possible date for the meeting: 05/19/2021

Last possible date for the meeting:

Is the meeting urgent and if so, why?

Requested Time Length: 30 minutes

Invitees: Fred Krupp, Vickie Patton, Chester France, Peter Zalzal

External Participants:

Teleconference Required?

Video Conference Required? Yes

Point of Contact for the Meeting: Shira Copans (scopans@edf.org)

Message

From: Shira Copans [scopans@edf.org]
Sent: 5/18/2021 7:29:43 PM
To: Rakosnik, Delaney [rakosnik.delaney@epa.gov]
CC: Nancy Reyes [nreyes@edf.org]
Subject: RE: [EXTERNAL] RE: Meeting with OAR of EPA
Attachments: External meeting request_ (002).docx

Please see attached. I hope this is ok.

Thanks,
Shira

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Tuesday, May 18, 2021 3:19 PM
To: Shira Copans <scopans@edf.org>
Cc: Nancy Reyes <nreyes@edf.org>
Subject: RE: [EXTERNAL] RE: Meeting with OAR of EPA

Also, can you please fill out the attached form? Many thanks!!

From: Shira Copans <scopans@edf.org>
Sent: Tuesday, May 18, 2021 3:08 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Nancy Reyes <nreyes@edf.org>
Subject: RE: [EXTERNAL] RE: Meeting with OAR of EPA

Dear Delaney,
Mr. Krupp will be delighted to meet tomorrow at 6 PM ET.

He would like to ask his colleagues Vickie Patton, Chet France and Peter Zalzal to join him.

Please advise how to connect to this meeting.

Thank you,

Shira Copans
Senior Executive Assistant to the President

Environmental Defense Fund
257 Park Ave S
New York, NY 10010
T 212 616 1286
Personal Privacy / Ex. 6
scopans@edf.org
edf.org

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Tuesday, May 18, 2021 2:51 PM
To: Fred Krupp <fkrupp@edf.org>
Subject: [EXTERNAL] RE: Meeting with OAR of EPA

Hello again,

Can you meet tomorrow (Wed) at 6pm EST?

Apologies for the late request, but we are pretty eager to speak to you.

Many Thanks!

Delaney Rakosnik
Staff Assistant
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406A, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-0935
Email: rakosnik.delaney@epa.gov

From: Rakosnik, Delaney
Sent: Tuesday, May 18, 2021 2:36 PM
To: fkrupp@edf.org
Subject: Meeting with OAR of EPA

Hello Mr. Krupp,

Joe Goffman of EPA is happy to meet this week concerning New Freight Vehicles. Can you meet on Friday, May 21st at 4pm? I'm happy to explore other options if need be. Please let me know your thoughts.

Many thanks!

Delaney Rakosnik
Staff Assistant
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406A, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-0935
Email: rakosnik.delaney@epa.gov

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 3/23/2021 11:49:10 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; David Friedman [david.friedman@consumer.org]; Kim, Eun [Kim.Eun@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; awarner@edf.org; darien_davis@lcv.org
CC: Charmley, William [charmley.william@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]; Tonachel, Luke [ltonachel@nrdc.org]; JHamilton@ucsusa.org; Longstreth, Ben [blongstreth@nrdc.org]; pcort@earthjustice.org; andreacolomina@greenlatinos.org; dbecker@biologicaldiversity.org; terry@evhybridnoire.com; phuether@aceee.org; Paul.Billings@lung.org

Subject: Meeting with the Clean Vehicles Coalition re: Clean Air Standards
Attachments: RE: FW: URGENT: Invitation from the Clean Vehicles Coalition; External meeting request_CR-Clean Vehicles Coalition.docx
Location: Microsoft Teams Meeting

Start: 4/2/2021 5:00:00 PM
End: 4/2/2021 5:30:00 PM
Show Time As: Busy

Required Attendees: David Friedman; Kim, Eun; 'Dunham, Sarah (Dunham.Sarah@epa.gov)'; Benjamin Hengst; Nunez, Alejandra; awarner@edf.org; darien_davis@lcv.org
Optional Attendees: William Charmley (charmley.william@epa.gov); Karl Simon; Paul.Billings@lung.org; ltonachel@nrdc.org; JHamilton@ucsusa.org; Longstreth, Ben; pcort@earthjustice.org; andreacolomina@greenlatinos.org; dbecker@biologicaldiversity.org; terry@evhybridnoire.com; phuether@aceee.org

RE: FW: URGENT: Invitation from th...

External meeting request_CR-Clea...

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External Meeting Request Form for OAR

Today's Date: 3/1/2021

Requesting Organization: Consumer Reports in concert with the Clean Vehicles Coalition

Title of the Meeting: Clean Car Standards

Purpose: learn about EPA plans and inform EPA leadership about coalition priorities and analysis

Background: POTUS has laid out a path to addressing the CA waiver by April and rolling back the roll back with a proposal by July, both very tight timelines, so critical to engage with key stakeholders like those in this coalition early in the process.

Is this meeting related to ongoing litigation: No

Earliest possible date for the meeting: Tuesday, March 2nd at 2pm, but we can be very flexible

Last possible date for the meeting: we are looking for a meeting in the next week or two

Is the meeting urgent and if so, why: urgent because the administration has promised swift action and, based on a meeting with representatives from the White House last week, conversations with key stakeholders are underway.

Requested Time Length: 45 minutes

Have you met with anyone within EPA: not yet on this topic

Invitees: Joe Goffman, Dan Utech, and other staff they designate as appropriate

External Participants:

Mandy Warner	EDF	awarner@edf.org
Katherine Garcia	Sierra Club	katherine.garcia@sierraclub.org
Carol Lee	Ceres	rawn@ceres.org
Darien Davis	League of Conservation Voters	darien_davis@lcv.org
Shannon Baker/Branstetter	Green for All	shannon@dreamcorps.us
Paul Billings	American Lung Association	Paul.Billings@lung.org
Luke Tonachel	NRDC	Ltonachel@nrdc.org
Jonna Hamilton	Union of Concerned Scientists	JHamilton@ucsusa.org

David Friedman	CR	david.friedman@consumer.org

Teleconference Required: yes

Video Conference Required: yes

Point of Contact for the Meeting: Danielle Gagne (dgagne@partnershipproject.org)

Please email this form back to OAR_Invitations@epa.gov

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/4/2021 5:17:10 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Banks, Julius [Banks.Julius@epa.gov]; DeFigueiredo, Mark [DeFigueiredo.Mark@epa.gov]; Korinna Garfield [kgarfield@catf.us]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]
CC: Schmeltz, Rachel [Schmeltz.Rachel@epa.gov]; Ann Weeks [aweeks@catf.us]; Ben Grove [bgrove@catf.us]; Kurt Waltzer [kwaltzer@catf.us]; al_collins@oxy.com [Al_Collins@oxy.com]; Scott Anderson [SAnderson@edf.org]; Alan Masinter [amasinter@catf.us]; Graham, Jenna (grahamj8) [grahamj8@mail.uc.edu]; nsaunders@edf.org; blevitan@edf.org; Grundler, Christopher [grundler.christopher@epa.gov]

Subject: Clear Air Task Force re: GHG Reporting Rules Update
Attachments: External meeting request - CATF.docx
Location: Microsoft Teams

Start: 11/4/2021 5:45:00 PM
End: 11/4/2021 6:15:00 PM
Show Time As: Busy

Required Attendees: Gunning, Paul; Banks, Julius; DeFigueiredo, Mark; Korinna Garfield; Nunez, Alejandra; Kim, Eunjung
Optional Attendees: Schmeltz, Rachel; Ann Weeks; Ben Grove; Kurt Waltzer; Collins, Al; Scott Anderson; Alan Masinter; Graham, Jenna (grahamj8); nsaunders@edf.org; blevitan@edf.org; Grundler, Christopher

External meeting request - CATF.d...

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[SEQ CHAPTER \h \r 1]External Meeting Request Form for OAR

Today's Date: 10/22/2021

Requesting Organization: Clean Air Task Force (CATF), Environmental Defense Fund (EDF), Oxy Low Carbon Ventures (Oxy).

Title of the Meeting: GHG Reporting Rules Update – Please Recognize ISO Emissions Methods

Purpose: To discuss an aspect of the upcoming update to the greenhouse gas reporting rules, concerning the inclusion of a reporting pathway for CO2-EOR operators that opt to use the International Organization for Standards (ISO) emissions accounting and tracking method.

Background: Given the January 2021 IRS rule, EPA should update the GHGRP to include a reporting pathway for any CO2-EOR operators that use the ISO 27916:2019 standard to demonstrate secure geologic storage of CO2. This is necessary to ensure coverage in the GHGRP for those entities that may be sequestering significant amounts of carbon via EOR, as well as to ensure continued transparency of and public confidence in the 45Q program.

Earliest possible date for the meeting: As soon as possible.

Last possible date for the meeting: Sometime within the timeline for EPA's development of priorities for GHGRP rule changes, and with enough time to allow EPA to consider and incorporate our requested action.

Is the meeting urgent and if so, why: Yes, we understand EPA is already working on the GHGRP update.

Requested Time Length: 1 hour.

Invitees: Joseph Goffman, other EPA/OAR staff working on the Greenhouse Gas Reporting Rule Update.

External Participants (to include email addresses):

CATF: Ben Grove ([HYPERLINK "mailto:bgrove@catf.us"]); Alan Masinter (amasinter@catf.us); Kurt Waltzer (kwaltzer@catf.us)

EDF: Scott Anderson ([HYPERLINK "mailto:sanderson@edf.org"]); Nichole Saunders (nsaunders@edf.org); Ben Levitan (blevitan@edf.org)

Oxy Low Carbon Ventures: Al Collins (al_collins@oxy.com)

Teleconference Required: Telephone option for the video conference would be excellent.

Video Conference Required: Yes.

Point of Contact for the Meeting: Korinna Garfield ([HYPERLINK "mailto:kgarfield@catf.us"]); Ben Grove (bgrove@catf.us)

Appointment

From: scheduling [scheduling@epa.gov]
Sent: 6/21/2021 7:52:51 PM
To: scheduling [scheduling@epa.gov]; Levy, Maxwell [Levy.Maxwell@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Vickie Patton [vpatton@edf.org]; tom.linebarger@cummins.com; melina.kennedy@cummins.com; Dunham, Sarah [Dunham.Sarah@epa.gov]; traci.kraus@cummins.com; matthew.spears@cummins.com; fkrupp@edf.org; Chester France [cjfrance@sbcglobal.net]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; McCabe, Janet [McCabe.Janet@epa.gov]; 229SmallTraining.VideoConferenceRoom@cummins.com; pzalzal@edf.org

Subject: Video-call: Environmental Defense Fund and Cummins
Location: https:/ Personal Privacy / Ex. 6

Start: 6/28/2021 1:30:00 PM
End: 6/28/2021 2:15:00 PM
Show Time As: Busy

Required Attendees: Levy, Maxwell; Enobakhare, Rosemary; Lucey, John; Vickie Patton; tom.linebarger@cummins.com; melina.kennedy@cummins.com; Dunham, Sarah; traci.kraus@cummins.com; matthew.spears@cummins.com; fkrupp@edf.org; cjfrance@sbcglobal.net; Goffman, Joseph; Nunez, Alejandra; McCabe, Janet; 229SmallTraining.VideoConferenceRoom@cummins.com; pzalzal@edf.org

Do not forward this invitation. Please notify Scheduling & Advance if participant changes need to be made.

-Administrator Regan
-John Lucey

Virtual
-Deputy Administrator McCabe
-Rosemary Enobakhare, OPEEE
-Max Levy, OPEEE
-Sarah Dunham, OAR
-Ale Nunez, OAR
-Fred Krupp, Environmental Defense Fund
-Vickie Patton, Environmental Defense Fund
-Chet France, Environmental Defense Fund
-Peter Zalzal, Environmental Defense Fund
-Tom Linebarger, Cummins
-Melina Kennedy, Cummins
-Traci Kraus, Cummins
-Matthew Spears, Cummins

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(US East)

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Appointment

From: Levy, Maxwell [Levy.Maxwell@epa.gov]
Sent: 10/29/2021 6:43:23 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Vickie Patton [vpatton@edf.org]
CC: Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Culligan, Kevin [culligan.kevin@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Millett, John [Millett.John@epa.gov]; Jon Goldstein [jgoldstein@edf.org]; Edwin LaMair [elamair@edf.org]

Subject: Stakeholder Briefing: EDF
Location: Microsoft Teams Meeting

Start: 10/31/2021 5:00:00 PM
End: 10/31/2021 5:30:00 PM
Show Time As: Busy

Required Attendees: Levy, Maxwell; Goffman, Joseph; Enobakhare, Rosemary; Cortez Russell, Loni; Vickie Patton
Optional Attendees: Kim, Eunjung; Peter Tsirigotis (Tsirigotis.Peter@epa.gov); Culligan, Kevin; David Cozzie (Cozzie.David@epa.gov); Davis, Alison; Millett, John; Jon Goldstein; Edwin LaMair

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 8/4/2021 8:16:03 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Branning, Amy [Branning.Amy@epa.gov]; Hogan, Stephanie [Hogan.Stephanie@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Marks, Matthew [marks.matthew@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Heather Gange [heather.gange@usdoj.gov]; morgan.costello@ag.ny.gov; michael.myers@ag.ny.gov; christopher.gore@ag.ny.gov; turner.smith@state.ma.us; Herzog, Megan (AGO) [megan.herzog@state.ma.us]; timothy.sullivan@dog.ca.gov; daniel.lucas@doj.ca.gov; caitlan.mcloon@doj.ca.gov; matt@donahuegoldberg.com; pzalzal@edf.org; Kim, Eunjung [Kim.Eun@epa.gov]; Culligan, Kevin [culligan.kevin@epa.gov]

Subject: Settlement of Oil and Gas 111(b) Unreasonable Delay Suit Plaintiffs
Attachments: 2021 External meeting requests Goffman OG Methane Settlement sent.docx
Location: Microsoft Teams Meeting

Start: 8/6/2021 7:00:00 PM
End: 8/6/2021 7:30:00 PM
Show Time As: Busy

Required Attendees: Branning, Amy; Hogan, Stephanie; Mills, Derek; Marks, Matthew; Srinivasan, Gautam; heather.gange@usdoj.gov; morgan.costello@ag.ny.gov; michael.myers@ag.ny.gov; christopher.gore@ag.ny.gov; turner.smith@state.ma.us; Herzog, Megan (AGO); timothy.sullivan@dog.ca.gov; daniel.lucas@doj.ca.gov; caitlan.mcloon@doj.ca.gov; matt@donahuegoldberg.com; pzalzal@edf.org; Kim, Eunjung; Culligan, Kevin

2021 External meeting requests...

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[SEQ CHAPTER \h \r 1]External Meeting Request Form for Joe Goffman

Today's Date: July 29, 2021

Requesting Organization: New York Office of the Attorney General, California Department of Justice, Massachusetts Office of the Attorney General, and the Environmental Defense Fund

Title of the Meeting: Settlement of Oil and Gas Methane Emission Guidelines Unreasonable Delay Litigation **(Meeting Protected by FRE 408)**

Purpose: Discussion of potential settlement of *New York et al. v. EPA*, 18-cv-773 (DDC)

Background: Fourteen states (NY, CA, MA, CT, IL, IA, ME, MD, NM, OR, PA, RI, VT, and WA), the District of Columbia, the City of Chicago, and the Environmental Defense Fund brought action over three years ago to compel EPA to comply with an obligation under section 111(d) of the Clean Air Act, and applicable regulations, to issue emission guidelines for methane from existing sources in the oil and gas sector.

Is this meeting related to ongoing litigation: Yes

Earliest possible date for the meeting: August 3, 2021

Last possible date for the meeting: August 6, 2021

Is the meeting urgent and if so, why: Yes, plaintiffs need to determine whether there is a realistic possibility of settlement or whether they will need to renew their request for summary judgment to resolve their unreasonable delay claim without further unnecessary delay.

Requested Time Length: 1 hour

Have you met with anyone within EPA: No one outside of OGC as to this matter.

Invitees: Morgan Costello ([HYPERLINK "mailto:morgan.costello@ag.ny.gov"]); Michael Myers ([HYPERLINK "mailto:michael.myers@ag.ny.gov"]); Christopher Gore ([HYPERLINK "mailto:christopher.gore@ag.ny.gov"]); Turner Smith ([HYPERLINK "mailto:turner.smith@state.ma.us"]); Megan Herzog ([HYPERLINK "mailto:megan.herzog@state.ma.us"]); Timothy Sullivan ([HYPERLINK "mailto:Timothy.Sullivan@dog.ca.gov"]); Daniel Lucas ([HYPERLINK "mailto:Daniel.Lucas@doj.ca.gov"]); Caitlin McLoon ([HYPERLINK "mailto:Caitlan.McLoon@doj.ca.gov"]); Matthew Littleton ([HYPERLINK "mailto:matt@donahuegoldberg.com"]); Peter Zalzal ([HYPERLINK "mailto:pzalzal@edf.org"])

External Participants: Morgan Costello, Mike Myers & Chris Gore (NY AG); Turner Smith & Megan Herzog (MA AG); Timothy Sullivan, Daniel Lucas & Caitlin McLoon (CA DOJ); Matthew Littleton & Peter Zalzal (EDF)

Teleconference Required: yes

Video Conference Required: yes

Point of Contact for the Meeting: Morgan Costello ([HYPERLINK "mailto:morgan.costello@ag.ny.gov"]), 518-776-2392

Please email this form back to OAR_Invitations@epa.gov

Appointment

From: Levy, Maxwell [Levy.Maxwell@epa.gov]
Sent: 10/29/2021 9:12:05 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; lpagel@earthworksaction.org; Margie Alt [malt@cacampaign.com]
CC: Kim, Eunjung [Kim.Eun@epa.gov]; Culligan, Kevin [culligan.kevin@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Millett, John [Millett.John@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Bob Bingaman [bob.bingaman@sierraclub.org]; Rachel Cleetus [RCleetus@ucsusa.org]; mjohnson@nhmamd.org; Kim Alfred [kalfred@cacampaign.com]; jeisenfeld@earthworksaction.org; Shannon Heyck-Williams [HeyckWilliamsS@nwf.org]; Sara Chieffo [Sara_Chieffo@lcv.org]; Murrow, Derek [dmurrow@nrdc.org]; Alan Septoff [aseptoff@earthworksaction.org]; Carol Andress [candress@edf.org]

Subject: Stakeholder Briefing: Methane Partners + CAC
Location: Microsoft Teams Meeting

Start: 11/1/2021 5:30:00 PM
End: 11/1/2021 6:00:00 PM
Show Time As: Busy

Required Attendees: Levy, Maxwell; Carbonell, Tomas; Goffman, Joseph; Enobakhare, Rosemary; lpagel@earthworksaction.org; Margie Alt
Optional Attendees: Kim, Eunjung; Culligan, Kevin; Cozzie, David; Davis, Alison; Millett, John; Paul Billings; Bob Bingaman; Rachel Cleetus; mjohnson@nhmamd.org; Kim Alfred; jeisenfeld@earthworksaction.org; Shannon Heyck-Williams; Sara Chieffo; Murrow, Derek; Alan Septoff

---

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 1/18/2022 4:30:34 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; gewart@thoracic.org; John Walker [jwalke@nrdc.org]; Vickie Patton [vpatton@edf.org]; Patrick Drupp [patrick.drupp@sierraclub.org]; tmcguire@earthjustice.org; Ann Weeks [aweeks@catf.us]; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton [JHamilton@ucsusa.org]; Stephanie Kodish [skodish@npca.org]; Paul Billings [Paul.Billings@lung.org]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]

Subject: NGO Round Table
Location: Microsoft Teams Meeting

Start: 1/20/2022 8:00:00 PM
End: 1/20/2022 9:00:00 PM
Show Time As: Busy

Required Attendees: Tsirigotis, Peter; Grundler, Christopher; Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Edwards, Jonathan; Shoaff, John; gewart@thoracic.org; John Walker; Vickie Patton; Patrick Drupp; tmcguire@earthjustice.org; Ann Weeks; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton; Stephanie Kodish; Paul Billings; Dunham, Sarah; Hengst, Benjamin; Campbell, Ann

Topics for call
Updates from Joe Goffman
Haze
Power plants
Motor Vehicles
National Ambient Air Quality Standards
Startup, Shutdowns and Malfunctions

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Appointment

From: Amanda Hsiung [ahsiung@cacampaign.com]
Sent: 9/30/2021 9:57:45 PM
To: Amanda Hsiung [ahsiung@cacampaign.com]; Kim, Eunjung [Kim.Eun@epa.gov]; Levy, Maxwell [Levy.Maxwell@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Kim Alfred [kalfred@cacampaign.com]; Margie Alt [malt@cacampaign.com]; Rose Garr [rgarr@cacampaign.com]; Jessica Ennis [jennis@earthjustice.org]; Marty Hayden [mhayden@earthjustice.org]; csantillana@earthjustice.org; Derek Murrow [dmurrow@nrdc.org]; ddoniger@nrdc.org; Jackie Wong [Jackie.Wong@nrdc.org]; jhamilton@ucsusa.org; Carol Andress [candress@edf.org]; Zachary Fabish [zachary.fabish@sierraclub.org]; Laura Kate Bender [laura.bender@lung.org]; Paul Billings [paul.billings@lung.org]; Anastasia Gordon [anastasia@weact.org]; thiggins@americanprogress.com; mjohnson@nhmamd.org; Matt Casale [mcasale@environmentamerica.org]; Shannon Heyck-Williams [heyckwilliamss@nwf.org]; rwinn@edf.org
CC: Personal Privacy / Ex. 6

Subject: CAC | EPA
Location: https:/ Personal Privacy / Ex. 6

Start: 10/1/2021 4:00:00 PM
End: 10/1/2021 5:00:00 PM
Show Time As: Busy

-----Original Appointment-----
From: Amanda Hsiung <ahsiung@cacampaign.com>
Sent: Tuesday, September 28, 2021 2:43 PM
To: Amanda Hsiung; Enobakhare, Rosemary; Kim Alfred; Margie Alt; Rose Garr; Jessica Ennis; Marty Hayden; csantillana@earthjustice.org; Derek Murrow; ddoniger@nrdc.org; Jackie Wong; jhamilton@ucsusa.org; Carol Andress; Zachary Fabish; Laura Kate Bender; Paul Billings; Anastasia Gordon; thiggins@americanprogress.com; mjohnson@nhmamd.org; Matt Casale; Shannon Heyck-Williams; rwinn@edf.org
Cc: Personal Privacy / Ex. 6
Subject: CAC | EPA
When: Friday, October 1, 2021 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: https:/ Personal Privacy / Ex. 6

From: ahsiung@cacampaign.com
When: 12:00 PM - 1:00 PM October 1, 2021
Subject: CAC | EPA
Location: https:/ Personal Privacy / Ex. 6

Topic: EPA | CAC
Time: Oct 1, 2021 12:00 PM Eastern Time (US and Canada)

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+1 US (Tacoma)
+1 US (Houston)
Meeting ID: Personal Privacy / Ex. 6
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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 5/28/2021 6:11:30 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; Terry McGuire [tmcguire@earthjustice.org]; sjohnson@earthjustice.org; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Igoe, Sheila [Igoe.Sheila@epa.gov]; Erika Sasser (Sasser.Erika@epa.gov) [Sasser.Erika@epa.gov]; Wesson, Karen [Wesson.Karen@epa.gov]; acain@ucsusa.org; ajaworski@elpc.org; asolaski@cbf.org; Claiborne.Walthall@ag.ny.gov; dorozco@npca.org; donald.hoppert@apha.org; ggoldman@ucsusa.org; hhashimoto@catf.us; John Walker [jwalke@nrdc.org]; jonathan.wiener@doj.ca.gov; josh.berman@sierraclub.org; linda.wilson@ag.ny.gov; laura.bender@lung.org; awarner@edf.org; mcbrown@earthjustice.org; michael.myers@ag.ny.gov; mrauch@momscleanairforce.org; nicholas.buttino@ag.ny.gov; Patrick Drupp [patrick.drupp@sierraclub.org]; paul.billings@lung.org; rfullmer@edf.org; sparsh.khandeshi@doj.ca.gov; ureeves@npca.org; vlimaye@nrdc.org; David.Hults@arb.ca.gov; Jessica.Gordon@arb.ca.gov; Kelli.Johnson@arb.ca.gov; Kim, Eunjung [Kim.Eun@epa.gov]; zlaris@aap.org
CC: Williams, Melina [Williams.Melina@epa.gov]

Subject: Meeting with Earth Justice on PM and ozone NAAQS
Attachments: Meeting request re strengthening the PM and ozone NAAQS.docx; EPA June 1 NAAQS Meeting - Participant List.xlsx
Location: Microsoft Teams Meeting

Start: 6/1/2021 2:15:00 PM
End: 6/1/2021 2:45:00 PM
Show Time As: Busy

Required Attendees: Peter Tsirigotis (Tsirigotis.Peter@epa.gov); Tejada, Matthew; Terry McGuire; sjohnson@earthjustice.org; Srinivasan, Gautam; Orlin, David; Igoe, Sheila; Erika Sasser (Sasser.Erika@epa.gov); Wesson, Karen; acain@ucsusa.org; ajaworski@elpc.org; asolaski@cbf.org; Claiborne.Walthall@ag.ny.gov; dorozco@npca.org; donald.hoppert@apha.org; ggoldman@ucsusa.org; hhashimoto@catf.us; John Walker; jonathan.wiener@doj.ca.gov; josh.berman@sierraclub.org; linda.wilson@ag.ny.gov; laura.bender@lung.org; awarner@edf.org; mcbrown@earthjustice.org; michael.myers@ag.ny.gov; mrauch@momscleanairforce.org; nicholas.buttino@ag.ny.gov; Patrick Drupp; paul.billings@lung.org; rfullmer@edf.org; sparsh.khandeshi@doj.ca.gov; ureeves@npca.org; vlimaye@nrdc.org; David.Hults@arb.ca.gov; Jessica.Gordon@arb.ca.gov; Kelli.Johnson@arb.ca.gov; Kim, Eunjung; zlaris@aap.org
Optional Attendees: Williams, Melina

Meeting request re strengthening the...
EPA June 1 NAAQS Meeting ...

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[SEQ CHAPTER \h \r 1]External Meeting Request Form for Joe Goffman

Today's Date:
5/4/21

Requesting Organization:
Earthjustice, on behalf of:
American Academy of Pediatrics
American Lung Association
American Public Health Association
Appalachian Mountain Club
Clean Air Task Force
Chesapeake Bay Foundation
Earthjustice
Environment America
Environmental Defense Fund
Environmental Law & Policy Center
National Parks Conservation Association
Natural Resources Defense Council
Sierra Club
Union of Concerned Scientists

Title of the Meeting:
Reconsideration of the PM and ozone NAAQS

Purpose:
To discuss the need for reconsideration of the PM and ozone NAAQS, and processes and timelines for accomplishing those reconsiderations.

Background:
The previous administration's just-completed reviews of the National Ambient Air Quality Standards ("NAAQS") for particulate matter and ozone are inadequately protective and products of a corrupted regulatory process. The requesting organizations represent millions of members and supporters across the country who are deeply concerned about the health, environmental, and economic impacts of pollution and support setting strong, science-based NAAQS that ensure public health and the environment are protected. The NAAQS for these two pollutants have a direct impact on millions of lives. More protective standards will avert tens of thousands of premature deaths, save millions from asthma attacks, and protect vegetation, wildlife, and treasured natural places from the deleterious effects of pollution. Especially notable, strengthening these standards can help redress environmental injustice. For example, a recent study in *Science Advances* finds that nearly all types of anthropogenic sources of fine particulate matter disproportionately affect people of color (https://advances.sciencemag.org/content/7/18/eabf4491). The American Lung Association's most recent State of the Air report finds that people of color are over three times more likely to be breathing the most polluted air than white people (https://www.lung.org/research/sota/key-findings). Thus, stronger PM and ozone NAAQS are critical to meeting the administration's goal to advance

environmental justice in the U.S. through science-based policy. We urge EPA to move forward expeditiously to complete scientifically well-founded, swift, and procedurally reasonable reconsiderations of these NAAQS, and would appreciate the opportunity to discuss possible processes and timelines with you.

Earliest possible date for the meeting:
5/17/21

Last possible date for the meeting:
6/18/21

Is the meeting urgent and if so, why?
Yes. Decision-making about these NAAQS is well under way. As of mid-March, per Mr. Goffman's public statements at a Clean Air Act Advisory Committee meeting, EPA's internal discussions about reconsidering these NAAQS had already begun, with Administrator-level briefings in the offing. Further, EPA has already taken an important public step that could be relevant to reconsideration by dismissing the Clean Air Scientific Advisory Committee and beginning the process of reconstituting it. The requesting organizations have an important perspective to share to inform this decision-making.

Requested Time Length:
90 minutes

Invitees:
Michael Regan, Administrator
Janet McCabe, Deputy Administrator
Joseph Goffman, Acting Assistant Administrator, Office of Air and Radiation
Tomás Elias Carbonell, Deputy Assistant Administrator for Stationary Sources
Peter Tsirigotis, Director, Office of Air Quality Planning and Standards
Erika Sasser, Director, Office of Air Quality Planning and Standards, Health and Environmental Impacts Division
Matthew Tejada, Director, Office of Environmental Justice

External Participants:
Seth Johnson, Earthjustice
Terry McGuire, Earthjustice
Marvin C. Brown IV, Earthjustice
Paul Billings, American Lung Association
Ann Weeks, Clean Air Task Force
Hayden Hashimoto, Clean Air Task Force
Mike Landis, Environment America
Ann Jaworski, Environmental Law & Policy Center
Stephanie Kodish, National Parks Conservation Association
John Walke, Natural Resources Defense Council
Josh Berman, Sierra Club
Other representatives from organizations listed above, schedules permitting.
Representatives from certain states may also be interested in participating.

Teleconference Required?
Yes

Video Conference Required?
Yes

Point of Contact for the Meeting:
Terry McGuire, Earthjustice, tmcguire@earthjustice.org

Allison Cain	Union of Concerned Scientists	acain@ucsusa.org
Ann Jaworski	Environmental Law & Policy Center	ajaworski@elpc.org
Ariel Solaski	Chesapeake Bay Foundation	asolaski@cbf.org
Claiborne Walthall	State of New York	claiborne.walthall@ag.ny.gov
Daniel Orozco	National Parks Conservation Association	dorozco@npca.org
Donald Hoppert	American Public Health Association	donald.hoppert@apha.org
Gretchen Goldman	Union of Concerned Scientists	ggoldman@ucsusa.org
Hayden Hashimoto	Clean Air Task Force	hhashimoto@catf.us
John Walke	Natural Resources Defense Council	jwalke@nrdc.org
Jonathan Wiener	State of California	jonathan.wiener@doj.ca.gov
Josh Berman	Sierra Club	josh.berman@sierraclub.org
Laura Kate Bender	American Lung Association	laura.bender@lung.org
Linda Wilson	State of New York	linda.wilson@ag.ny.gov
Mandy Warner	Environmental Defense Fund	awarner@edf.org
Marvin Brown	Earthjustice	mcbrown@earthjustice.org
Mike Myers	State of New York	michael.myers@ag.ny.gov
Molly Rauch	Moms Clean Air Force	mrauch@momscleanairforce.org
Nick Buttino	State of New York	nicholas.buttino@ag.ny.gov
Pat Drupp	Sierra Club	patrick.drupp@sierraclub.org
Paul Billings	American Lung Association	paul.billings@lung.org
Rachel Fullmer	Environmental Defense Fund	rfullmer@edf.org
Seth Johnson	Earthjustice	sjohnson@earthjustice.org
Sparsh Khandeshi	State of California	sparsh.khandeshi@doj.ca.gov
Terry McGuire	Earthjustice	tmcguire@earthjustice.org
Ulla Reeves	National Parks Conservation Association	ureeves@npca.org
Vijay Limaye	Natural Resources Defense Council	vlimaye@nrdc.org

Appointment

From: Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]
Sent: 12/17/2021 9:58:27 PM
To: Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Vickie Patton [vpatton@edf.org]
CC: Kim, Eunjung [Kim.Eun@epa.gov]; Levy, Maxwell [Levy.Maxwell@epa.gov]; Alice Henderson [ahenderson@edf.org]

Subject: Briefing Call with Environmental Defense Fund (EDF)
Location: Microsoft Teams Meeting

Start: 12/18/2021 4:30:00 PM
End: 12/18/2021 5:00:00 PM
Show Time As: Busy

Required Attendees: Enobakhare, Rosemary; Goffman, Joseph; Nunez, Alejandra; Cortez Russell, Loni; Vickie Patton
Optional Attendees: Kim, Eunjung; Levy, Maxwell; Alice Henderson

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Appointment

From: Campbell, Ann [Goffman.Joseph@epa.gov]
Sent: 3/16/2021 12:38:20 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Vickie Patton [vpatton@edf.org]; Chester France [cjfrance@sbcglobal.net]; pzalzal@edf.org; Kim, Eun [Kim.Eun@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]

Subject: Meeting with Environmental Defense Fund re: Air Standards for Light, Medium and Heavy Duty Vehicles
Attachments: RE: [EXTERNAL] FW: Clean Cars Meeting Request; External meeting request_March 15 2021.docx
Location: Microsoft Teams Meeting

Start: 3/30/2021 7:00:00 PM
End: 3/30/2021 7:30:00 PM
Show Time As: Busy

Required Attendees: Goffman, Joseph; Nunez, Alejandra; Dunham, Sarah; Vickie Patton; Chester France; pzalzal@edf.org; Kim, Eun; Benjamin Hengst
Optional Attendees: William Charmley (charmley.william@epa.gov); Simon, Karl (Simon.Karl@epa.gov)

RE: [EXTERNAL] FW: Clean Cars ... External meeting request_March 1...

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Appointment

From: Levy, Maxwell [Levy.Maxwell@epa.gov]
Sent: 2/3/2022 11:07:32 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Profeta, Timothy [Profeta.Timothy@epa.gov]; Conrad Schneider [cschneider@catf.us]; Jay Duffy [jduffy@catf.us]; Ann Weeks [aweeks@catf.us]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Hutson, Nick [Hutson.Nick@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp [patrick.drupp@sierraclub.org]; Macedonia, Jennifer [Macedonia.Jennifer@epa.gov]; Arroyo, Victoria [Arroyo.Victoria@epa.gov]; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard [Huggins.Richard@epa.gov]; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; mcbrown@earthjustice.org; Pritts, Jesse [Pritts.Jesse@epa.gov]; vpatton@edf.org; Ashley, Jackie [Ashley.Jackie@epa.gov]
CC: Tripp, Anthony [Tripp.Anthony@epa.gov]; LaCount, Melanie [LaCount.Melanie@epa.gov]

Subject: NGO Stakeholder Discussion
Location: https:/ Personal Privacy / Ex. 6

Start: 2/16/2022 3:00:00 PM
End: 2/16/2022 4:00:00 PM
Show Time As: Busy

Required Attendees: Levy, Maxwell; Kim, Eunjung; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Profeta, Timothy; Conrad Schneider; Jay Duffy; Ann Weeks; Culligan, Kevin; Hutson, Nick; Birnbaum, Rona; Stenhouse, Jeb; Ashley, Jackie; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp; Macedonia, Jennifer; Arroyo, Victoria; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; mcbrown@earthjustice.org; Pritts.Jesse@epa.gov; vpatton@edf.org
Optional Attendees: Tripp, Anthony; LaCount, Melanie

Confirmed Stakeholders:
CATF
Sierra Club
NRDC
Earthjustice
EDF

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Join by SIP
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Join by H.323
Personal Privacy / Ex. 6 (US West)
(US East)
Meeting ID: Personal Privacy / Ex. 6

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/30/2021 10:04:47 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton [vpatton@edf.org]; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy [jduffy@catf.us]; dshroeder@catf.us
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Newberg, Cindy [Newberg.Cindy@epa.gov]

Subject: GHG Roundtable
Attachments: 2021 External meeting request.docx; 2021 External meeting request.docx; power-plant-standards-letter-20210406.pdf
Location: Microsoft Teams Meeting

Start: 12/8/2021 6:00:00 PM
End: 12/8/2021 7:00:00 PM
Show Time As: Busy

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Grundler, Christopher; Kocchi, Suzanne; Dunham, Sarah; Hengst, Benjamin; Edwards, Jonathan; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy; dshroeder@catf.us; kristin.brainerd@CAELP.ORG.
Optional Attendees: Shaw, Betsy; Shoaff, John; Campbell, Ann; Hooper, Daniel; Gunning, Paul; Birnbaum, Rona; Paul Billings; Newberg, Cindy

2021 External meeting request.... power-plant-stan...

We hope to touch on current and potential rulemakings and guidance in the following areas:
•Power plants
•Vehicles
•Oil and gas methane
•HFCs
•Other industries

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2021 External meeting request....

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 10/18/2021 7:52:06 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Paul Billings [Paul.Billings@lung.org]; donald.hoppert@apha.org; gewart@thoracic.org; gmurray@outdoors.org; Ann Weeks [aweeks@catf.us]; tmcguire@earthjustice.org; vpatton@edf.org; AMesnikoff@elpc.org; matthew_davis@lcv.org; skodish@npca.org; John Walker [jwalke@nrdc.org]; patrick.drupp@sierraclub.org; JHamilton@ucsusa.org
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Charmley, William [charmley.william@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]

Subject: NGO Roundtable
Location: Microsoft Teams Meeting

Start: 11/3/2021 4:30:00 PM
End: 11/3/2021 5:15:00 PM
Show Time As: Busy

Required Attendees: Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Dunham, Sarah; Hengst, Benjamin; Grundler, Christopher; Kocchi, Suzanne; Edwards, Jonathan; Paul Billings; donald.hoppert@apha.org; gewart@thoracic.org; gmurray@outdoors.org; Ann Weeks; tmcguire@earthjustice.org; vpatton@edf.org; AMesnikoff@elpc.org; matthew_davis@lcv.org; skodish@npca.org; John Walker; patrick.drupp@sierraclub.org; JHamilton@ucsusa.org
Optional Attendees: Campbell, Ann; Shaw, Betsy; Shoaff, John; William Charmley (charmley.william@epa.gov); Hooper, Daniel

Agenda
Welcome/Kickoff Discussion: Purpose, Objectives and Frequency of Meetings
OAR Updates
Power plants
- MATS
- 111
- Transport
- SCRs

Mobile Sources
Cars - preemption and 2023-6
Trucks
SSM

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 8/27/2021 5:35:51 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Caitlin Miller [cmiller@earthjustice.org]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Culligan, Kevin [culligan.kevin@epa.gov]; Utech, Dan [Utech.Dan@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; smontoya@partnershipproject.org; Personal Privacy / Ex. 6 kgerbert@partnershipproject.org; Paul.Billings@lung.org; Laura.Bender@lung.org; mwalker@cleanair.org; ssmith@catf.us; dschroeder@catf.us; lydiacardona@greenlatinos.org; markmagana@greenlatinos.org; jennis@earthjustice.org; lpagel@earthworksaction.org; pzalzal@edf.org; ptomcik@momscleanairforce.org; rwinn@edf.org; ddoniger@nrdc.org; mahyar.sorour@sierraclub.org; andres.restrepo@sierraclub.org; camilla.feibelman@sierraclub.org; Cozzie, David [Cozzie.David@epa.gov]
CC: Cortez Russell, Loni [Russell.Loni@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Personal Privacy / Ex. 6; Conrad Schneider [cschneider@catf.us]; Kim, Eunjung [Kim.Eun@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]

Subject: Meeting with the Methane Partners Campaign
Attachments: cidf_ksoy5igj0.pdf; cidf_ksoy5igj0.pdf
Location: Microsoft Teams (link below)

Start: 9/2/2021 5:00:00 PM
End: 9/2/2021 5:45:00 PM
Show Time As: Busy

Required Attendees: Caitlin Miller; Carbonell, Tomas; Enobakhare, Rosemary; Weaver, Susannah; Tsirigotis, Peter; Culligan, Kevin; Utech, Dan; Gunning, Paul; Grundler, Christopher; smontoya@partnershipproject.org; Personal Privacy / Ex. 6 kgerbert@partnershipproject.org; Paul.Billings@lung.org; Laura.Bender@lung.org; mwalker@cleanair.org; ssmith@catf.us; dschroeder@catf.us; lydiacardona@greenlatinos.org; markmagana@greenlatinos.org; jennis@earthjustice.org; lpagel@earthworksaction.org; pzalzal@edf.org; ptomcik@momscleanairforce.org; rwinn@edf.org; ddoniger@nrdc.org; mahyar.sorour@sierraclub.org; andres.restrepo@sierraclub.org; camilla.feibelman@sierraclub.org; Cozzie, David
Optional Attendees: Cortez Russell, Loni; Campbell, Ann; Cassady, Alison; Personal Privacy / Ex. 6 Conrad Schneider; Kim, Eunjung; Davis, Alison

cidf_ksoy5igj0.pdf

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cidf_ksoy5igj0.pdf

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 3/22/2021 2:44:43 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; David Friedman [david.friedman@consumer.org]; Kim, Eun [Kim.Eun@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; awarner@edf.org; darien_davis@lcv.org
CC: Charmley, William [charmley.william@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]; Tonachel, Luke [ltonachel@nrdc.org]; JHamilton@ucsusa.org; Longstreth, Ben [blongstreth@nrdc.org]; pcort@earthjustice.org; andreacolomina@greenlatinos.org; dbecker@biologicaldiversity.org; terry@evhybridnoire.com; phuether@aceee.org; Paul.Billings@lung.org

Subject: Meeting with the Clean Vehicles Coalition re: Clean Air Standards
Attachments: RE: FW: URGENT: Invitation from the Clean Vehicles Coalition; External meeting request_CR-Clean Vehicles Coalition.docx
Location: Microsoft Teams Meeting

Start: 4/2/2021 5:00:00 PM
End: 4/2/2021 5:30:00 PM
Show Time As: Busy

Required Attendees: David Friedman; Kim, Eun; 'Dunham, Sarah (Dunham.Sarah@epa.gov)'; Benjamin Hengst; Nunez, Alejandra; awarner@edf.org; darien_davis@lcv.org
Optional Attendees: William Charmley (charmley.william@epa.gov); Karl Simon; Paul.Billings@lung.org; ltonachel@nrdc.org; JHamilton@ucsusa.org; Longstreth, Ben; pcort@earthjustice.org; andreacolomina@greenlatinos.org; dbecker@biologicaldiversity.org; terry@evhybridnoire.com; phuether@aceee.org

RE: FW: URGENT: Invitation from th...

External meeting request_CR-Clea...

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/4/2021 5:17:10 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Banks, Julius [Banks.Julius@epa.gov]; DeFigueiredo, Mark [DeFigueiredo.Mark@epa.gov]; Korinna Garfield [kgarfield@catf.us]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]
CC: Schmeltz, Rachel [Schmeltz.Rachel@epa.gov]; Ann Weeks [aweeks@catf.us]; Ben Grove [bgrove@catf.us]; Kurt Waltzer [kwaltzer@catf.us]; al_collins@oxy.com [Al_Collins@oxy.com]; Scott Anderson [SAnderson@edf.org]; Alan Masinter [amasinter@catf.us]; Graham, Jenna (grahamj8) [grahamj8@mail.uc.edu]; nsaunders@edf.org; blevitan@edf.org; Grundler, Christopher [grundler.christopher@epa.gov]

Subject: Clear Air Task Force re: GHG Reporting Rules Update
Attachments: External meeting request - CATF.docx
Location: Microsoft Teams

Start: 11/4/2021 5:45:00 PM
End: 11/4/2021 6:15:00 PM
Show Time As: Busy

Required Attendees: Gunning, Paul; Banks, Julius; DeFigueiredo, Mark; Korinna Garfield; Nunez, Alejandra; Kim, Eunjung
Optional Attendees: Schmeltz, Rachel; Ann Weeks; Ben Grove; Kurt Waltzer; Collins, Al; Scott Anderson; Alan Masinter; Graham, Jenna (grahamj8); nsaunders@edf.org; blevitan@edf.org; Grundler, Christopher

External meeting request - CATF.d...

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 5/5/2021 2:32:27 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Peter Hansel Personal Privacy / Ex. 6 Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Longstreth, Ben [blongstreth@nrdc.org]; Yvonne McIntyre, [ymcintyre@nrdc.org]; Jackie Wong, [jackie.wong@nrdc.org]; David Doniger, [ddoniger@nrdc.org]; Lissa Lynch, [llynch@nrdc.org]; dhawkins@nrdc.org; Ben Levitan, [blevitan@edf.org]; Rama Zakaria, [rzakaria@edf.org]; Sean Donahue, [sean@donahuegoldberg.com]; jduffy@catf.org; Kristin.Brainerd@caelp.org; Peter.Heisler@caelp.org; Daniel.Alvarez@caelp.org; andres.restrepo@sierraclub.org; sanjay.narayan@sierraclub.org; Personal Privacy / Ex. 6 Kim, Eun [Kim.Eun@epa.gov]; Harvey, Reid [Harvey.Reid@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Hogan, Stephanie [Hogan.Stephanie@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Jay Duffy [jduffy@catf.us]; Zachary Fabish [zachary.fabish@sierraclub.org]; Ann Weeks [aweeks@catf.us]

Subject: Meeting with NRDC, EDF, Sierra Club, Clean Air Task Force, and Center for Applied Environ Law and Policy re: climate pollution and conventional pollutions standards for the power sector
Attachments: Meeting request by NRDC EDF Sierra Club CATF CAELP. and Hansel 4 26 2021.docx; RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP
Location: Microsoft Teams

Start: 5/6/2021 9:00:00 PM
End: 5/6/2021 9:30:00 PM
Show Time As: Busy

Required Attendees: Peter Hansel; Carbonell, Tomas; Peter Tsirigotis (Tsirigotis.Peter@epa.gov); Mike Koerber (Koerber.Mike@epa.gov); Culligan, Kevin; Longstreth, Ben; Yvonne McIntyre,; Jackie Wong,; David Doniger,; Lissa Lynch,; dhawkins@nrdc.org; Ben Levitan,; Rama Zakaria,; Sean Donahue,; jduffy@catf.org; Kristin.Brainerd@caelp.org; Peter.Heisler@caelp.org; Daniel.Alvarez@caelp.org; andres.restrepo@sierraclub.org; sanjay.narayan@sierraclub.org; Personal Privacy / Ex. 6 Kim, Eunjung; Harvey, Reid; Grundler, Christopher; Stenhouse, Jeb; Hoffman, Howard; Vijayan, Abi; Marks, Matthew; Hogan, Stephanie
Optional Attendees: Ann Campbell (Campbell.Ann@epa.gov); Jay Duffy; Zachary Fabish; Ann Weeks

Meeting request by NRDC EDF Sierr... RE: meeting request from NR...

I actually just go one substitution a minute ago but otherwise everyone knows that they should show up and that no one not on the list should show up.

The substitution is Zach Fabish for Sanjay Narayan. Zach's email is zachary.fabish@sierraclub.org . I made the change below.

Thanks! Ben

Yvonne McIntyre, ymcintyre@nrdc.org

Jackie Wong, jackie.wong@nrdc.org
David Doniger, ddoniger@nrdc.org
Lissa Lynch, llynch@nrdc.org
Dave Hawkins, dhawkins@nrdc.org

Ben Levitan, blevitan@edf.org
Rama Zakaria, rzakaria@edf.org
Sean Donahue, sean@donahuegoldberg.com

Jay Duffy, jduffy@catf.org
Ann Weeks, aweeks@catf.org

Pete Hansel, Personal Privacy / Ex. 6

Kristin Brainerd, Kristin.Brainerd@caelp.org
Peter Heisler, Peter.Heisler@caelp.org
Daniel Alvarez, Daniel.Alvarez@caelp.org

Andres Restrepo, andres.restrepo@sierraclub.org
Bruce Buckheit, Personal Privacy / Ex. 6
Zach Fabish zachary.fabish@sierraclub.org

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Appointment

From: Levy, Maxwell [Levy.Maxwell@epa.gov]
Sent: 1/28/2022 6:00:44 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Laura.Bender@lung.org; Paul Billings [paul.billings@lung.org]; lallen@aap.org; zlaris@aap.org; bgottlieb@psr.org; donald.hoppert@apha.org; dmurray@selcva.org; sgall@selcva.org; aherzog@hcwh.org; cara@envirn.org; canderson@allergyasthmanetwork.org; cnackerm@masonlive.gmu.edu; dbee720@comcast.net; dfarquhar@neha.org; gewart@thoracic.org; JennaR@aafa.org; katie@envirn.org; kristiet@cehn.org; leylamccurdy@outlook.com; linda.rudolph@phi.org; mmitch3@gmu.edu; msarfaty@gmu.edu; rebecca@ecoamerica.org; cassandra@nrpe.org; mitch@creationcare.org; abaker@cleanwisconsin.org; dana@weact.org; tiffany@interfaithpowerandlight.org; Justin@cleanenergy.org; candress@edf.org; vpatton@edf.org; dmurrow@nrdc.org; tinsleya@nwf.org; jennis@earthjustice.org; jhamilton@ucsusa.org
CC: Kim, Eunjung [Kim.Eun@epa.gov]; Colin J Nackerman [cnackerm@gmu.edu]; Personal Privacy / Ex. 6 James Pew [jpew@earthjustice.org]

Subject: NGO Briefing
Location: Microsoft Teams Meeting

Start: 1/30/2022 5:30:00 PM
End: 1/30/2022 6:15:00 PM
Show Time As: Busy

Required Attendees: Levy, Maxwell; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Laura.Bender@lung.org; paul.billings@lung.org; lallen@aap.org; zlaris@aap.org; bgottlieb@psr.org; donald.hoppert@apha.org; dmurray@selcva.org; sgall@selcva.org; aherzog@hcwh.org; cara@envirn.org; canderson@allergyasthmanetwork.org; cnackerm@masonlive.gmu.edu; dbee720@comcast.net; dfarquhar@neha.org; gewart@thoracic.org; JennaR@aafa.org; katie@envirn.org; kristiet@cehn.org; leylamccurdy@outlook.com; linda.rudolph@phi.org; mmitch3@gmu.edu; msarfaty@gmu.edu; rebecca@ecoamerica.org; cassandra@nrpe.org; mitch@creationcare.org; abaker@cleanwisconsin.org; dana@weact.org; tiffany@interfaithpowerandlight.org; Justin@cleanenergy.org; candress@edf.org; vpatton@edf.org; dmurrow@nrdc.org; tinsleya@nwf.org; jennis@earthjustice.org; jhamilton@ucsusa.org
Optional Attendees: Kim, Eunjung; Colin J Nackerman; Personal Privacy / Ex. 6 James Pew

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Appointment

From: Carbonell, Tomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15ec2a6ad2934c669f6a675e7cf4961b-Carbonell,]
Sent: 3/10/2021 3:10:10 AM
To: Esther Sosa [esosa@edf.org]

Subject: Accepted: LULAC/EDF BROADCAST: 21st Century Latino Agenda Prioritizes Climate Action
Location: Personal Privacy / Ex. 6

Start: 3/10/2021 4:30:00 PM
End: 3/10/2021 6:00:00 PM
Show Time As: Busy

Message

From: Esther Sosa [esosa@edf.org]
Sent: 2/17/2021 7:52:26 PM
To: Carbonell.Tomas@epamail.gov
CC: Elgie Holstein [eholstein@edf.org]
Subject: RE: Invitation: 21st Century Latino Agenda Prioritizes Climate Action
Attachments: ATT00001.txt

Flag: Follow up

Greetings Tomas,

I hope this email finds you safe and healthy. On behalf of EDF and LULAC, we would like to extend an invitation for you to join a conversation about Latinos, how climate change is impacting their lives, and explore some potential solutions. The virtual convening will take place **March 4th at 12PM ET/9AM PT** via Zoom (the virtual event will also be live streamed via Facebook). The panel includes **Dr. Cecilia Martinez** (Senior Director for Environmental Justice in President Biden's White House Council on Environmental Quality), and **Maria Lopez-Nuñez** (Deputy Director, Organizing and Advocacy of Ironbound Community Corporation). The conversation plans to continue to highlight the importance of climate action to the Latino community.

Panel questions and the run-of-show will be shared at least 1 week prior to the event. **Should you be available please provide your professional headshot and brief (150 word bio) at your earliest convenience.**

We are looking forward to learning and working with you!

Cheers,

Esther

Esther Sosa
Strategic Partnerships Project Manager

Environmental Defense Fund
1875 Connecticut Ave #600
Washington, D.C. 20009

T 202.572.3252
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Esosa@edf.org

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Appointment

From: Esther Sosa [esosa@edf.org]
Sent: 3/9/2021 9:06:52 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kabanda, Thierry [Kabanda.Thierry@epa.gov]

Subject: LULAC/EDF BROADCAST: 21st Century Latino Agenda Prioritizes Climate Action
Location: Personal Privacy / Ex. 6

Start: 3/10/2021 4:30:00 PM
End: 3/10/2021 6:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Topic: LULAC/EDF BROADCAST
Time: Mar 10, 2021 11:00 AM Eastern Time (US and Canada)

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Message

From: Esther Sosa [esosa@edf.org]
Sent: 3/16/2021 6:39:27 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Subject: THANK YOU | 21st century Latino agenda prioritizes climate action
Attachments: ATT00001.txt

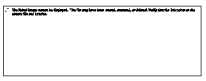
Greetings Tomas,

Thank you for taking the time to engage in such a timely discussion. The conversation has been viewed over 40k times and counting. We were unable to find your social media accounts to thank you publicly because the conversation has received an incredible reception. Thank you for agreeing to join us. I would love to find additional ways to collaborate. Please stay tuned for an environmental justice symposium we are developing with our partners.

Wishing you a great week.

Saludos,

Esther



Esther Sosa
Strategic Partnerships Project Manager

Environmental Defense Fund
1875 Connecticut Ave #600
Washington, D.C. 20009

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Esosa@edf.org

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Message

From: Lia Parisien [lparisien@ecos.org]
Sent: 7/27/2021 6:52:45 PM
To: Kenney, James, NMENV [James.Kenney@state.nm.us]; dglatt@nd.gov; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; shamburg@edf.org; al_collins@oxy.com
CC: Roose, Rebecca, NMENV [rebecca.roose@state.nm.us]; Sanda, Joanie M. [jmsanda@nd.gov]; cmaccartney@ecos.org
Subject: Recap and Reminders for Sept. 8 Methane Sesion

Flag: Follow up

September 8 ECOS Oil & Gas Caucus Panelists:

Many thanks for joining the coordinating call last Friday to coordinate our methane discussion for the ECOS virtual Fall Meeting on **September 8 at noon-1:10 p.m. Eastern.** The session promises to be timely and informative! A few follow-up items:

1) Again, please register for the meeting by **August 6** via the link on the 2021 Fall Meeting webpage. If you plan to attend the O&GC session only, check the Prearranged Complimentary box to register free of charge. All registrants will receive the Zoom link for the meeting by September 7.

2) Each presenter will have up to 8 minutes for straight presentation, after which we'll engage in Q&A with the co-moderators and meeting participants. Feel free to use graphic-heavy PowerPoint, and please send your slides to ECOS for review and pre-loading by **September 1** (or, in Steven's case, as soon as possible following your return to the office).

3) To assist with preparation and flow, I've inserted within the lineup below in BLUE the key items you plan to discuss, **along with a couple of my suggestions and specific questions**. Feel free to reply to all to correct or clarify any points.

Breakout Option #1: ECOS Oil & Gas Caucus (O&GC) on Methane Moves (open to all)
As U.S. EPA takes first steps toward developing a rule to reduce methane from new and existing sources in the oil and natural gas industry, many states are already implementing their own regulatory and innovative approaches. Industry players are taking voluntary actions, and one NGO has launched work on an ambitious public satellite tool to locate and measure sources of methane pollution. This session will address the state of play and flexibilities needed to create a clearer regulatory landscape.
ECOS O&GC Co-Chair Jim Kenney, Cabinet Secretary, New Mexico Environment Department (co-moderator)
New Mexico's pending proposal to adopt nationally leading ozone rules and the state's whole-of-government approach, New Mexico's plan to enter into an MOU with a company to conduct atmospheric testing (**Note to Jim:** Per your suggestion, you can preface your remarks with a poll. How about: "How is your state working to address the challenge of methane from new and existing sources in the natural gas industry (choose all that apply)? a) Regulation b) Voluntary initiatives c) Carbon sequestration and/or green technologies d) Enhanced monitoring e) Other (please reply in chat)"
ECOS O&GC Co-Chair Dave Glatt, Director, North Dakota Department of Environmental Quality (co-moderator)
North Dakota's efforts to meet North Dakota Governor's 2030 carbon neutrality goal, including through encouragement of sequestration and the next wave of green technologies
Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources, U.S. EPA Office of Air & Radiation
U.S. EPA's forthcoming proposed rule to reduce methane and other air pollutants from the oil and natural gas industry (**Note to Tomás:** Please mention that EPA and the ECOS Oil & Gas Caucus held a co-regulatory briefing on June 29), how the rulemaking fits into the agency's overall climate vision
Steven Hamburg, Chief Scientist, Environmental Defense Fund
EDF's methane public satellite program, the types of data to be collected (**Note to Steven:** West Virginia DEP recently approached ECOS about its efforts to access the TROPOMI dataset to determine where methane releases are occurring.

Your colleague David Lyon warned that the raw data are complex and misleading. It might be useful to briefly point out how NOT to use satellite methane data.)
Al Collins, Vice President, Policy & Engagement, Oxy Low Carbon Ventures
Oxy's net zero carbon commitment and transition to a carbon management company, lessons learned from the Colorado program, Oxy's plans for use of satellite and stationary data (**Note to Al:** As soon as possible, please contact Lia with the name, title, and affiliation of your speaker.)

Thanks, all! Have a good week!
--
Lia Parisien
Executive Project Manager
Environmental Council of the States (ECOS)
(202) 266-4931
www.ecos.org

Appointment

From: Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Sent: 5/5/2021 5:58:44 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Longstreth, Ben [blongstreth@nrdc.org]; Yvonne McIntyre, [ymcintyre@nrdc.org]; Jackie Wong, [jackie.wong@nrdc.org]; David Doniger, [ddoniger@nrdc.org]; Lissa Lynch, [llynch@nrdc.org]; dhawkins@nrdc.org; Ben Levitan, [blevitan@edf.org]; Rama Zakaria, rzakaria@edf.org [Rama Zakaria]; rzakaria@edf.org; Sean Donahue, sean@donahuegoldberg.com [Sean Donahue]; sean@donahuegoldberg.com; Jay Duffy, jduffy@cataweeks@catf.org [Personal Privacy / Ex. 6] [Jay Duffy]; jduffy@cataweeks@catf.org [Personal Privacy / Ex. 6] Kristin.Brainerd@caelp.org; Peter.Heisler@caelp.org; Daniel.Alvarez@caelp.org; andres.restrepo@sierraclub.org; sanjay.narayan@sierraclub.org; [Personal Privacy / Ex. 6] Kim, Eunjung [Kim.Eun@epa.gov]; Harvey, Reid [Harvey.Reid@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]

Subject: Meeting with NRDC, EDF, Sierra Club, Clean Air Task Force, and Center for Applied Environ Law and Policy re: climate pollution and conventional pollutions standards for the power sector
Attachments: Meeting request by NRDC EDF Sierra Club CATF CAELP. and Hansel 4 26 2021.docx; RE: meeting request from NRDC, EDF, Sierra Clu,b, CATF, and CAELP
Location: Microsoft Teams

Start: 5/6/2021 9:00:00 PM
End: 5/6/2021 9:30:00 PM
Show Time As: Tentative

Required Attendees: Carbonell, Tomas; Peter Tsirigotis (Tsirigotis.Peter@epa.gov); Mike Koerber (Koerber.Mike@epa.gov); Culligan, Kevin; Longstreth, Ben; Yvonne McIntyre,; Jackie Wong,; David Doniger,; Lissa Lynch,; dhawkins@nrdc.org; Ben Levitan,; Rama Zakaria, rzakaria@edf.org; Sean Donahue, sean@donahuegoldberg.com; Jay Duffy, jduffy@cataweeks@catf.org [Personal Privacy / Ex. 6] Kristin.Brainerd@caelp.org; Peter.Heisler@caelp.org; Daniel.Alvarez@caelp.org; andres.restrepo@sierraclub.org; sanjay.narayan@sierraclub.org; [Personal Privacy / Ex. 6]; Kim, Eun; Harvey, Reid; Grundler, Christopher; Stenhouse, Jeb
Optional Attendees: Ann Campbell (Campbell.Ann@epa.gov)

Meeting request by NRDC EDF Sierr... RE: meeting request from NR...

I actually just go one substitution a minute ago but otherwise everyone knows that they should show up and that no one not on the list should show up.

The substitution is Zach Fabish for Sanjay Narayan. Zach's email is zachary.fabish@sierraclub.org . I made the change below.

Thanks! Ben

Yvonne McIntyre, ymcintyre@nrdc.org
Jackie Wong, jackie.wong@nrdc.org
David Doniger, ddoniger@nrdc.org

Lissa Lynch, llynch@nrdc.org
Dave Hawkins, dhawkins@nrdc.org

Ben Levitan, blevitan@edf.org
Rama Zakaria, rzakaria@edf.org
Sean Donahue, sean@donahuegoldberg.com

Jay Duffy, jduffy@catf.org
Ann Weeks, aweeks@catf.org

Pete Hansel, Personal Privacy / Ex. 6

Kristin Brainerd, Kristin.Brainerd@caelp.org
Peter Heisler, Peter.Heisler@caelp.org
Daniel Alvarez, Daniel.Alvarez@caelp.org

Andres Restrepo, andres.restrepo@sierraclub.org
Bruce Buckheit, Personal Privacy / Ex. 6
Zach Fabish zachary.fabish@sierraclub.org

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Appointment

From: Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Sent: 12/7/2021 8:38:46 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton [vpatton@edf.org]; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Newberg, Cindy [Newberg.Cindy@epa.gov]

Subject: GHG Roundtable
Attachments: 2021 External meeting request.docx; 2021 External meeting request.docx; power-plant-standards-letter-20210406.pdf
Location: Microsoft Teams Meeting

Start: 12/8/2021 6:00:00 PM
End: 12/8/2021 7:00:00 PM
Show Time As: Tentative

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Grundler, Christopher; Kocchi, Suzanne; Dunham, Sarah; Hengst, Benjamin; Edwards, Jonathan; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us
Optional Attendees: Shaw, Betsy; Shoaff, John; Campbell, Ann; Hooper, Daniel; Gunning, Paul; Birnbaum, Rona; Paul Billings; Newberg, Cindy

2021 External meeting request.... power-plant-stan...

We hope to touch on current and potential rulemakings and guidance in the following areas:
- Power plants
- Vehicles
- Oil and gas methane
- HFCs
- Other industries

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2021 External meeting request....

Appointment

From: scheduling [scheduling@epa.gov]
Sent: 8/12/2021 5:15:33 PM
To: Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Levy, Maxwell [Levy.Maxwell@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; emily.southard@350.org; katie@envirn.org; dwaign@ace-ej.org; benji@acc.eco; rweingar@aft.org; Harold.Wimmer@Lung.org; georges.benjamin@apha.org; jwalsh@bluegreenalliance.org; glimon@caleja.org; jose@catholicclimatecovenant.org; Personal Privacy / Ex. 6; anaranjo@ceed.org; lubber@ceres.org; Personal Privacy / Ex. 6; barnett@climateandenergy.org; pwilkins@cbtu.org; todd.tanner@conservationhawks.org; Beverly Wright [beverlyw@dscej.org]; jclark@defenders.org; ayodsampa@deployus.org; adillen@earthjustice.org; meighen@ecoamerica.org; fkrupp@edf.org; Personal Privacy / Ex. 6; mitch@creationcare.org; EPica@foe.org; ranorton@ghhi.org; ambrose@greenthechurch.org; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; markmagana@greenlatinos.org; annie.leonard@greenpeace.org; colette@gcclp.org; bernadette@gwichinsteering.com; gary.cohen@hcwh.org; liz@hiphopcaucus.org; ien@igc.org; president@interfaithpowerandlight.org; burt@kftc.org; xochitl@usw675.org; gene_karpinski@lcv.org; msarfaty@gmu.edu; eborerbell@mwejn.org; djp@naacpnet.org; aijen@domesticworkers.org; ddyjack@neha.org; cassandra@nrpe.org; collin@nwf.org; jechohwk@narf.org; lpohlmann@nrcm.org; mbernard@nrdc.org; korina@ndncollective.org; jtaylor@niskanencenter.org; nsmith@psequity.org; dany@powershift.org; melissa@reamp.org; Bob.Inglis@republicEn.org; lpicciano@ruralco.org; Marykay.henry@seiu.org; Michael Brune, Sierra Club [michael.brune@sierraclub.org]; varshini@sunrisemovement.org; Personal Privacy / Ex. 6; diane.regas@tpl.org; jamie_williams@tws.org; wfosburgh@trcp.org; Chris.Wood@tu.org; KRest@ucsusa.org; tconway@usw.org; kchatterjee@usclimatenetwork.org; mraman@usgbc.org; peggy@weact.org; mmitchell@workingfamilies.org; george@yccdaction.org; tori@yecaction.org; Laura Bentzen [lbentzen@partnershipproject.org]; Jasmine Harrison [jharrison@partnershipproject.org]; Utech, Dan [Utech.Dan@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
CC: anleonar@greenpeace.org; Personal Privacy / Ex. 6; Personal Privacy / Ex. 6 Rebecca Jackson [rjackson@ghhi.org]; jon.barton@seiu.org

Subject: Video-call: Environmental Leaders Roundtable
Location: https:/ Personal Privacy / Ex. 6

Start: 8/11/2021 8:30:00 PM
End: 8/11/2021 9:15:00 PM
Show Time As: Tentative

Required Attendees: Enobakhare, Rosemary; Cortez Russell, Loni; Levy, Maxwell; Lucey, John; emily.southard@350.org; katie@envirn.org; dwaign@ace-ej.org; benji@acc.eco; rweingar@aft.org; Harold.Wimmer@Lung.org; georges.benjamin@apha.org; jwalsh@bluegreenalliance.org; glimon@caleja.org; jose@catholicclimatecovenant.org; Personal Privacy / Ex. 6; anaranjo@ceed.org; lubber@ceres.org; Personal Privacy / Ex. 6; barnett@climateandenergy.org; pwilkins@cbtu.org; todd.tanner@conservationhawks.org; beverlyw@dscej.org; jclark@defenders.org; ayodsampa@deployus.org; adillen@earthjustice.org; meighen@ecoamerica.org; fkrupp@edf.org; Personal Privacy / Ex. 6; mitch@creationcare.org; EPica@foe.org; ranorton@ghhi.org; ambrose@greenthechurch.org; Nunez, Alejandra; markmagana@greenlatinos.org; annie.leonard@greenpeace.org; colette@gcclp.org; bernadette@gwichinsteering.com; gary.cohen@hcwh.org; liz@hiphopcaucus.org; ien@igc.org; president@interfaithpowerandlight.org; burt@kftc.org; xochitl@usw675.org; gene_karpinski@lcv.org; msarfaty@gmu.edu; eborerbell@mwejn.org; djp@naacpnet.org; aijen@domesticworkers.org; ddyjack@neha.org; cassandra@nrpe.org; collin@nwf.org; jechohwk@narf.org; lpohlmann@nrcm.org; mbernard@nrdc.org; korina@ndncollective.org; jtaylor@niskanencenter.org; nsmith@psequity.org; dany@powershift.org; melissa@reamp.org; Bob.Inglis@republicEn.org; lpicciano@ruralco.org; Marykay.henry@seiu.org; Michael Brune, Sierra Club; varshini@sunrisemovement.org; Personal Privacy / Ex. 6; diane.regas@tpl.org; jamie_williams@tws.org; wfosburgh@trcp.org; Chris.Wood@tu.org; KRest@ucsusa.org; tconway@usw.org; kchatterjee@usclimatenetwork.org; mraman@usgbc.org; peggy@weact.org; mmitchell@workingfamilies.org; george@yccdaction.org; tori@yecaction.org; Laura Bentzen; Jasmine Harrison; Utech, Dan; Cassady, Alison; Carbonell, Tomas

Optional Attendees: anleonar@greenpeace.org; Personal Privacy / Ex. 6 ; Personal Privacy / Ex. 6 Rebecca Jackson; jon.barton@seiu.org

Do not forward this invitation. Please notify scheduling@epa.gov if participant changes need to be made.

Administrator Regan (table)
John Lucey

Virtual:
Rosemary Enobakhare, OPEEE
Loni Cortez Russell, OPEEE
Tomas Carbonell, OAR
Ale Nunez, OAR
Dan Utech, AO
Alison Cassady, AO
Katie Huffling, Alliance of Nurses for Healthy Environments
Dwaign Tyndal, Alerter natives for Community and Environment
Benji Backer, American Conservation Coalition
Randi Weingarten, American Federation of Teachers
Harold Wimmer, American Lung Association
Dr. Georges Benjamin, American Public Health Association
Jose Aguto, Catholic Climate Covenant
John Podesta, center for American Progress
Anahí Naranjo, Center for Earth, Energy & Democracy
Mindy Lubber, Ceres
Nsedu Obot, Children's Environmental Health Network
Dorothy Barnett, Climate + Energy Project
Payton Wilkins, Coalition of Black Trade Unionists
Todd Tanner, Conservation Hawks
Beverly Wright, Deep South Center for Environmental Justice
Jamie Rappaport Clark, Defenders of Wildlife
Andrea Yodsampa, DEPLOY/US
Abbie Dillenm Earthjustice
Meighen Speiser, ecoAmerica
Fred Krupp, Environmental Defense Fund
Richard Moore, Environmental Justice Health Alliance
Rev. Mitch Hescox, Evangelical Environmental Network
Erich Pica, Friends of the Earth
Ruth Ann Norton, Green and Healthy Homes Initiative
Ambrose Carroll, Green the Earth
Rev. Fletcher Harper, GreenFaith
Mark Magaña, Green Latinos
Colette Pichon Battle, Gulf Coast Center for Law & Policy
Bernadette Demientieff, Gwich'in Steering Committee
Gary Cohen, Health Care Without Harm
Tom Goldtooth, Indigenous Environmental Network
Rev. Susan Hendershot, Interfaith Power & Light
Burt Lauderdale, Kentuckians for the Commonwealth
Xochitl Covarrubias, Labor Council for Latin American Advancement Los Angeles Chapter
Gene Karpinski, League of Conservation Voters
Dr. Mona Sarfaty, Medical Society Consortium on Climate and Health
Eartha Borer-Bell, Midwest Environmental Justice Network

Ai-jen Poo, National Domestic Workers Alliance
Cassandra Carmichael, National Religious Partnership for the Environment
Collin O'Mara, National Wildlife Federation
John Echohawk, Native American Rights Fund
Lisa Pohlmann, Natural Resources Council of Maine
Mitch Bernard, National Resources Defense Council
Korina Barry, NDN Collective
Nathaniel Smith, Partnership for Southern Equity
Dany Sigwalt, Power Shift Network
Melissa Gavin, RE-AMP Network
Bob Inglis RepublicEN
Lorette Picciano, Rural Coalition
Michael Brune, Sierra Club
Varshini Prakash, Sunrise Movement
Juan Parras, Texas Environmental Justice Advocacy Services
Diane Regas, The Trust for Public Land
Jamie Williams, The Wilderness Society
Whit Fosburgh, Theodore Roosevelt Conservation Partnership
Chris Wood, Trout Unlimited
Kathleen Rest, Union of Concerned Scientists
Thomas M. Conway, United Steelworkers
Keya Chatterjee, US Climate Action Network
Mahesh Ramanujam, US Green Building Council
Peggy Shepard, WE ACT for Environmental Justice
Maurice Mitchell, Working Families Party
George Behrakis, Young Conservatives for Carbon Dividends
Tori Goebel, Young Evangelicals for Climate Action
Laura Bentzen, The Partnership Project
Jasmine Harrison, The Partnership Project

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Message

From: Lia Parisien [lparisien@ecos.org]
Sent: 12/6/2021 9:57:29 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Adam Peltz [apeltz@edf.org]; Graber, Nathan R (DEC) [nathan.graber@dec.ny.gov]; Julie M. Murphy [julie.murphy@state.co.us]
CC: Barbery, Andrea [Barbery.Andrea@epa.gov]; Kenney, James, NMENV [James.Kenney@state.nm.us]; dglatt@nd.gov; cmaccartney@ecos.org
Subject: Planning for Thursday O&GC Webinar

Good afternoon Dec. 9 O&GC Presenters:

Thanks for helping to lead our webinar discussion this Thursday!

Below is a draft agenda for your review and any revisions by **tomorrow**. Also, for those who plan to use PowerPoint, please email me your slides by **COB tomorrow**, if possible, to allow ECOS staff time for review and loading.

Finally, we'd appreciate your logging into the webinar 15 minutes early on **December 9, at 1:45 p.m. Eastern,** so we can test your sound and slides. We'll plan to advance your slides on your signal unless you prefer to take over the controls!

Many thanks,
--
Lia Parisien
Executive Project Manager
Environmental Council of the States (ECOS)
(202) 266-4931
www.ecos.org

ECOS Oil & Gas Caucus (O&GC) on U.S. EPA's Methane Rulemaking & Orphan Well Challenges & Solutions
Thursday, December 9
2:00-3:15 p.m Eastern

As U.S. EPA develops a rule to reduce methane from new and existing O&G sources, states and an NGO are working to address the practical and financial challenges of orphan wells to curb air and groundwater pollution.

- Welcome, ECOS O&GC Staff Lead Lia Parisien, Executive Project Manager, ECOS
- State Perspective, ECOS O&GC Co-Chair Dave Glatt, Director, North Dakota Department of Environmental Quality (co-moderator) [2 minutes]
- State Perspective, ECOS O&GC Co-Chair Jim Kenney, Cabinet Secretary, New Mexico Environment Department (co-moderator) [2 minutes]
- U.S. EPA Proposed Methane Rule & Potential Orphan Well Approaches, Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources, EPA Office of Air & Radiation [Up to 15 minutes of presentation and 5 minutes of Q&A, moderated by Jim Kenney]

- EDF Efforts to Document Orphan Wells, Adam Peltz, Senior Attorney, Environmental Defense Fund Energy Program [Up to 15 minutes of presentation plus 5 minutes of Q&A, moderated by Dave Glatt]
- New York Use of Drones to Locate Orphan Wells , Nate Graber, Mineral Resources Specialist 2, New York Department of Environmental Conservation [Up to 10 minutes of presentation plus 5 minutes of Q&A, moderated by Jim Kenney]
- Colorado Experience with Financial Assurance for Orphan Wells, Julie Murphy, Director, Colorado Oil & Gas Conservation Commission [Up to 10 minutes of presentation plus 5 minutes of Q&A, moderated by Dave Glatt]
- Wrap-up & Adjourn [1 minute, Jim Kenney]

Message

From: Lauren Hogrewe [lauren.hogrewe@sierraclub.org]
Sent: 6/8/2021 7:01:02 PM
To: Regan, Michael [Regan.Michael@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
CC: Joshua Smith [joshua.smith@sierraclub.org]; Stephanie Kodish [skodish@npca.org]; Gloria Smith [gloria.smith@sierraclub.org]; Charles McPhedran [cmcphedran@earthjustice.org]; Graham McCahan [gmccahan@edf.org]; scott@healutah.org; sanderson@powderriverbasin.org
Subject: Conservation Organizations' Letter Re: Regional Haze: Outstanding Obligations from the First Planning Period.
Attachments: 2021-06-08 Conservation Orgs National FIP Letter to EPA & Attachments.pdf

Flag: Follow up

Dear Administrator Regan,

National Parks Conservation Association, Earthjustice, Environmental Defense Fund, Healthy Environment Alliance of Utah, Powder River Basin Resource Council, and Sierra Club (together "Conservation Organizations") respectfully submit this letter regarding "Regional Haze: Outstanding Obligations from the First Planning Period." Please find the letter and its attachments in the PDF attached below. Thank you.

Sincerely,
Lauren Hogrewe

SIERRA CLUB

Lauren Hogrewe
(she/her/hers)
Research Analyst
Sierra Club Environmental Law Program
2101 Webster St., Suite 1300
Oakland, CA 94612
Phone: (415) 977-5789
Fax: (510) 208-3140

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June 8, 2021

Via Federal Express and Email

Michael S. Regan, Administrator
Office of the Administrator (1101A)
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Regan.Michael@epa.gov

Cc: Goffman.Joseph@epa.gov;
Carbonell.Tomas@epa.gov;
Tsirigotis.Peter@epa.gov

Re: Regional Haze: Outstanding Obligations from the First Planning Period.

Dear Administrator Regan:

National Parks Conservation Association ("NPCA"), Earthjustice, Environmental Defense Fund, Healthy Environment Alliance of Utah, Powder River Basin Resource Council, and Sierra Club (together "Conservation Organizations") respectfully call on the Environmental Protection Agency ("EPA") to issue a nationwide rulemaking reconsidering and completing the first round of Regional Haze implementation plans for Nebraska, Oklahoma, Pennsylvania, Texas, Utah, and Wyoming, which were due more than 13 years ago.[1] We incorporate by reference and are attaching comments and expert reports and outstanding petitions for reconsideration submitted by Earthjustice, NPCA, and Sierra Club regarding prior actions taken in the development of the Nebraska, Pennsylvania, Texas, Utah, and Wyoming regional haze plans.

[1] *See* 40 C.F.R. § 51.308(b).

We call on EPA to issue a proposed nationwide rulemaking within four months, and a final rule by February 2022, fully correcting all deficiencies and satisfying all remaining first round regional haze obligations for these states. By this rule, EPA must ensure that all states have fully complied with the Clean Air Act's mandates to require best available retrofit technology ("BART") and require emission reductions to achieve reasonable progress towards the national goal of restoring natural visibility to America's treasured Class I national parks and wilderness areas. Completion of outstanding requirements and correction of outstanding deficiencies is required under the Act, the Regional Haze Rule, and, for several of these states, the consent decree in *National Parks Conservation Ass'n v. EPA,* No. 11-cv-01548 (ABJ) (D.D.C. Consent Decree filed Mar. 30, 2012), ECF Doc. 21, as subsequently amended.

INTRODUCTION

Congress's 1990 Clean Air Act amendments required states and EPA to remedy and eliminate human-made visibility impairment in mandatory Class I national parks and wilderness areas caused by human-made air pollution, resulting in the promulgation of the Regional Haze Rule.[2] The rule required states to submit by 2007, and every ten years thereafter, a regional haze "state implementation plan" ("SIP") containing "emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national goal" of achieving natural visibility conditions in Class I areas.[3] The first round of Regional Haze Rule plans required BART controls at the oldest and largest sources of haze-causing pollutants, including large coal-fired power plants built between 1962 and 1977.[4] Because these sources have an outsized contribution to the regional haze problem, expeditious emission reductions from these units was meant to achieve significant early progress toward meeting the national goal.[5] The Regional Haze Rule separately required the states to consider whether emission reductions should be required at any source of haze-causing pollution to ensure reasonable progress towards natural visibility. Where a state fails to submit a lawful haze SIP to EPA for approval, EPA is required to promulgate a haze federal implementation plan ("FIP") for that state.

Sulfur dioxide ("SO_2") and nitrogen oxide ("NOx") pollution are currently the main

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[2] 42 U.S.C. § 7491(a)(1).
[3] *See id.* § 7491(b)(2); in 2016, EPA revised the Regional Haze Rule and postponed the deadline for the states to submit their regional haze plans for the second planning period until July 2021. 40 C.F.R. § 51.308(f).
[4] 40 C.F.R. § 51.308(d), (e); *see also* 42 U.S.C. § 7491(b)(2)(A).
[5] Proposed Rule, Regional Haze Regulations, 62 Fed. Reg. 41,138, 41,149 (July 31, 1997) (recognizing "The provisions in the Act requiring BART appear to demonstrate Congress' intention to focus attention on this specific set of large existing sources, which are minimally controlling emissions, as possible candidates for emissions reductions needed to make reasonable progress toward the national visibility goal.").
[5] 40 C.F.R. § 51.301.

contributors to visibility impairment in national parks and wilderness areas.[6] In addition to impairing visibility, SO_2 and NOx pollution cause significant harm to human health; SO_2 and NOx react with other compounds in the air to form fine particles that penetrate deep into the lungs and can aggravate respiratory and heart diseases. Airborne fine particles are linked to increased hospital admissions, missed work and school, and premature death.[7] NOx reacts with ammonia and other particles in the atmosphere to form ground-level smog, which likewise adversely affects human health, especially for children, the elderly, and adults with respiratory illness.

DISCUSSION

I. EPA Should Issue a Nationwide Rule Completing the Round 1 Obligations for Nebraska, Pennsylvania, Texas, Utah, and Wyoming.

The scale of harmful SO_2 and NOx pollution from coal-burning power plants in Nebraska, Oklahoma, Pennsylvania, Texas, Utah, and Wyoming is staggering. Texas's coal-fired power plants, in particular, emit more SO_2 than any other state in the country.[8] In fact, the subset of Texas fossil-fuel electric generating units ("EGUs") together emit more SO_2 than all of the sources in Alabama, Arkansas, Arizona, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, New Mexico, and Utah, combined.[9] Wyoming and Utah coal plants collectively are responsible for more NOx pollution than every other state except Texas. And in Nebraska, just a single coal plant—Gerald Gentleman Station—is responsible for more than half of the state's total SO_2 emissions. This is not simply because Nebraska, Texas, Utah, and Wyoming are large states with uncommonly large power plants; it is because many of each of those states' oldest and most polluting power plants lack pollution controls commonly used in other states.

Those significant pollution impacts continue to this day due to more than a decade of intransigence by the states and inaction by EPA. Indeed, Nebraska, Pennsylvania, Texas, Utah, and Wyoming each failed to submit lawful SIPs by the 2007 deadline under the Regional Haze Rule. By 2011, EPA still had not taken final action to correct those states' deficient SIPs, so several organizations sued EPA, and on March 30, 2012, the District Court entered a consent decree requiring EPA to take final action regarding the long-overdue regional haze plans for Nebraska, Pennsylvania, and Texas among numerous other states across the country.[10]

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[6] *See, e.g.*, 82 Fed. Reg. 912, 921 (Jan. 4, 2017).
[7] *See* EPA, Sulfur Dioxide Basics, *available at* https://www.epa.gov/so2-pollution/sulfur-dioxide-basics; EPA, Health and Environmental Effects of Particulate Matter (PM), *available at* https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm.
[8] *See generally* EPA, Air Markets Program Data, *available at* https://ampd.epa.gov/ampd/.
[9] *See id.* (using query function, select states and annual emissions). The Trading Rule applies to 39 generating units, which emitted an average of 237,967 tons of SO_2 annually from 2014-2018; it does not apply to 14 coal-fired units, which emitted an average of 29,309 tons per year during that period. Texas EGU Emissions 2014-2018, EPA Docket No. EPA-R06-OAR-2016-0611-0178.
[10] *See* Consent Decree, *Nat'l Parks Conservation Ass'n v. EPA*, No. 11-cv-01548 (ABJ) (D.D.C. Mar. 30, 2012), ECF Doc. 21.

To finally remedy long-standing inaction, EPA issued a series of proposed and final FIPs between 2014 and 2017, addressing the remaining regional haze obligations for Nebraska, Texas, Utah, and Wyoming. After the change in Administrations in 2017, however, the agency reversed course, withdrawing a request for publication of a rule proposal, rescinding and replacing previously-finalized federal plans, or advancing new requirements via new rule or settlement that bore no resemblance to the earlier plans and failed to comply with the requirements of the Clean Air Act and the Regional Haze Rule. As a result, nearly 15 years after the deadline for states to submit regional haze plans, Nebraska, Pennsylvania, Texas, Utah, and Wyoming still lack complete and lawful plans satisfying each of the elements of EPA's regulations.

Accordingly, Conservation Organizations call on EPA to propose and finalize a nationwide regulation completing the first round of Regional Haze implementation plans to meet the requirements of the agency's haze rules. Specifically, we call on EPA to take the following actions:

A. Nebraska

As part of its nationwide action completing the regional haze planning process for the first planning period, EPA must re-propose and, after public comment, promptly take final action on the January 2017 federal implementation plan for the state of Nebraska, which we attach here. *See* Attachment 1. In 2012, EPA finalized a partial approval/partial disapproval of Nebraska's SIP that addressed regional haze for the first implementation period and finalized a FIP addressing the deficiencies in Nebraska's plan. In response to challenges to that plan, as well as Conservation Organizations' requests for reconsideration (Attachments 2 & 3), EPA requested and the Court granted a voluntary remand to address deficiencies in Nebraska's reasonable progress requirements at the Gerald Gentleman Station. In January 2017, the Region 7 Regional Administrator approved a revised FIP that would limit SO_2 emissions at the Gerald Gentleman Station to ensure reasonable progress toward natural visibility in South Dakota's and Colorado's Class I areas, and complete Nebraska's regional haze obligations for the first planning period.[11] That proposed FIP, however, was never published in the Federal Register. As a result, the state's regional haze plan is still incomplete. Gerald Gentleman Station, according to NPCA analysis,

[11] As explained in EPA's 2017 proposal, Gerald Gentleman Station has significant visibility impacts in South Dakota's Class I areas, Wind Cave and Badlands National Parks. Attachment 1 at 17-18. And during the first planning period interstate consultation process, 40 C.F.R. § 51.308(d)(1), Colorado requested that Nebraska reconsider whether to require additional SO_2 controls at Gerald Gentleman, given the magnitude of the power plant's impact to visibility impairment at Rocky Mountain National Park. *Id.* at 18. Despite those impacts and the availability of cost-effective controls, "Nebraska did not require any reduction in SO_2 emissions from Gerald Gentleman Station." *Id.* at 19. In light of the Regional Haze Rule's consultation requirements, which EPA had recently clarified in the Texas-Oklahoma FIP, *see infra*, the agency proposed to conclude that further SO_2 control measures for Gerald Gentleman Station were appropriate. *Id.* at 22.

ranks sixth in the nation for visibility impairing emissions, harming national parks including Badlands and Rocky Mountain National Parks. To satisfy outstanding reasonable progress obligations, the FIP needs to include requirements for Gerald Gentleman Station to install new SO_2 scrubbers as proposed in the 2017 FIP.

B. Pennsylvania

In 2015, the Third Circuit vacated in part and remanded EPA's approval of Pennsylvania's BART plan, finding that EPA failed to provide a basis for its conclusions regarding possible upgrades of control technologies, provided "scant justification" for its position regarding Pennsylvania's flawed BART analyses, applied a flawed metric for cost-effectiveness, and failed to calculate cumulative visibility impacts.[12] While the Pennsylvania Department of Environmental Protection proposed a new BART plan in 2019, Conservation Groups identified significant flaws in this plan in their comments, including the failure to account for all BART-eligible sources, failure to document important aspects of the plan, failure to analyze BART for particulate matter at electric generating units, and specific shortcomings at the Lafarge Whitehall and Lehigh Evansville plants (Attachment 4 at 4-9). Pennsylvania has never addressed these comments, or submitted a final revised BART plan to EPA. Given the six-year delay in action on remand, EPA must now issue a FIP for BART for Pennsylvania BART-eligible sources as part of a nationwide action completing the first round of regional haze plans. EPA's action should reflect the principles described in the Conservation Groups comments of 2019, including a complete description of changes in the inventory of BART-eligible sources, no consideration of visibility perceptibility in selecting potential controls, and a complete particulate matter BART analysis for EGUs.[13]

C. Texas

As part of its national rulemaking correcting and completing the states' first round haze plans, EPA must update and reissue a reasonable progress FIP for the state of Texas, together with a lawful BART plan, as described below.

1. Reasonable Progress

On January 5, 2016, EPA finalized a FIP addressing Texas's and Oklahoma's reasonable progress obligations for the first planning period, and adopting SO_2 limitations for 15 Texas EGUs.[14] Texas and several of the regulated sources challenged EPA's final action, and the

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[12] *Nat'l Parks Conservation Ass'n v. EPA*, 803 F.3d 151, 161-67 (3d. Cir. 2015).
[13] *See* Attachment 4.
[14] 81 Fed. Reg. 296 (Jan. 5, 2016). As EPA explained in issuing the final reasonable progress FIP for Texas and Oklahoma, the agency previously issued a FIP requiring the installation of scrubber retrofits at six units, located at three facilities in Oklahoma in order to meet the state's BART obligations. 76 Fed. Reg. 81,728 (Dec. 28, 2011).

United States Court of Appeals for the Fifth Circuit granted the Texas Petitioners' preliminary motion to stay the requirements of the rule pending the resolution of the merits of their challenges to the rule. EPA subsequently requested and the Court granted a voluntary remand of the 2016 rule to consider the Texas Petitioners' claims. To date, EPA has not taken final action on the remanded rule; and neither Texas nor Oklahoma have attempted to correct their long-overdue and deficient reasonable progress SIPs. As a result, there is still no Round 1 reasonable progress plan in effect for either state.

In its January 2016 plan remedying the deficiencies in Texas's and Oklahoma's reasonable progress plans, EPA followed a reasonable approach consistent with the methods that many states and EPA had used to evaluate whether emission reductions are necessary to make reasonable progress towards the national goal of eliminating human-caused pollution in national parks and wilderness areas. In fact, EPA's methods were even more deferential to, and conscious of, the complexities of the regional haze problem in Texas because it used additional screening analysis to exempt hundreds of smaller sources from having to install controls. Moreover, EPA provided a clarified interpretation of the Clean Air Act and the Regional Haze Rule's interstate consultation requirements, which will guide, and ensure uniformity in, the development of all future state and federal regional haze plans.

The final plan included emission limits for just 15 Texas EGUs, resulting in the reduction of 230,000 tons of SO_2 annually, and improving visibility in 19 national parks and wilderness areas in seven different states, including Texas and Oklahoma.[15] The 2016 reasonable progress plan would also provide public health and economic benefits to the people that live, work, and breathe the air around these power plants, as well as the thousands of people who visit and work in those national parks and wilderness areas. In fact, by reducing SO_2 emissions from just Texas EGUs, EPA's 2016 rule would save an estimated 316 lives, prevent thousands of asthma events

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When EPA reviewed Oklahoma's reasonable progress goals, however, the agency concluded that sources in Texas had significant impacts on visibility in the Wichita Mountains. Given the magnitude of these interstate impacts—indeed, the Texas EGUs at issue in the 2016 FIP contribute more pollution to Oklahoma's Wichita Mountains than all Oklahoma sources combined—EPA determined that the Oklahoma and Texas reasonable progress and long-term strategy obligations were "interconnected." 81 Fed. Reg. at 297. As with Nebraska's downwind impacts, EPA concluded that given the magnitude of the impacts of Texas's EGUs to Wichita Mountains and the states' failure to properly consult to identify and require emission reductions necessary to ensure reasonable progress toward natural visibility in all affected Class I areas, EPA disapproved both states' reasonable progress plans and issued a FIP for both states, establishing reasonable progress goals and a long-term strategy that required Texas sources to reduce emissions to protect visibility in both Oklahoma and Texas Class I areas.

[15] 79 Fed. Reg. 74,818, 74,854-55 (Dec. 16, 2014); 81 Fed. Reg. at 298, 305.

and hospitalizations, and avoid tens of thousands of lost work days *every year*, across ten states.[16] The economic benefits from these public health benefits exceed $3 billion annually.[17]

To satisfy Texas's and Oklahoma's still-outstanding reasonable progress obligations, EPA needs to update, re-propose, and finalize its 2016 reasonable progress plan, together with a corrected BART FIP for Texas EGUs as explained below. Moreover, it is critical that EPA reaffirm its clarified interpretation of the Clean Air Act and the Regional Haze Rule's interstate consultation requirements to ensure uniformity in the development of all future state and federal regional haze plans.[18]

2. Best Available Retrofit Technology

For all of the reasons set out in the Conservation Organizations' still-pending petitions for administrative reconsideration, *see* Attachments 5 and 6, EPA must also withdraw its 2020 Texas BART trading rule, and replace it with a source-specific BART rule that complies with the Clean Air Act and the Regional Haze Rule's requirements. In January 2017 EPA proposed source-specific, technology-based pollution limits for Texas generating units subject to BART.[19] The proposal would have required 18 of Texas's largest EGUs to reduce SO_2 emissions by 90-95%.[20] As with EPA's 2016 reasonable progress plan, the agency's 2017 source-specific BART rule would have provided public health and economic benefits to the people that live, work, and breathe the air around these power plants, as well as the thousands of people who visit and work in the nineteen national parks and wilderness areas affected by Texas EGU pollution. A revised public health analysis demonstrated that the implementation of EPA's 2017 proposal would have saved an estimated 677 lives, prevented thousands of asthma events and hospitalizations, and avoided tens of thousands of lost work days, every year, resulting in approximately $6.7 billion in public health benefits.[21]

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[16] *See* Thurston, Public Benefits of EPA's Proposed Rulemaking Regarding Texas and Oklahoma Regional Haze, EPA Docket No. EPA-R06-OAR-2014-0754-0071 (Apr. 18, 2015).
[17] *Id.*
[18] 79 Fed. Reg. at 74,828-30; 81 Fed. Reg. at 312-14; *see also* Attachment 1 at 17-22 (proposing to conclude that Nebraska's interstate consultation process was similarly flawed, and requiring additional emission reductions to ensure reasonable progress toward natural visibility in downwind Class I areas).
[19] 82 Fed. Reg. 912 (Jan. 4, 2017).
[20] Some of these sources overlapped with the sources addressed in EPA's 2016 reasonable progress plan for Texas and Oklahoma. Whether finalized under the reasonable progress or BART provisions of the Regional Haze Rule, EPA's source-specific emission limitations for Texas EGUs should be the same limits as those set out in the final 2016 reasonable progress plan and those set out in the proposed 2017 source-specific BART proposal.
[21] Thurston, Public Benefits of EPA's Proposed Rulemaking Regarding Best Available Retrofit Technology for Texas Sources Under the Regional Haze Rule, EPA Docket No. EPA-R06-OAR-2016-0611-0072 (May 4, 2017).

Instead of finalizing its source-specific BART proposal, however, EPA in October 2017 without notice and comment created a new intrastate SO_2 pollution trading program, which relies on the analysis underlying EPA's Cross State Air Pollution program—a trading program in which Texas has refused to participate. Rather than requiring significant SO_2 pollution reductions from Texas generating units, the pollution trading program allows Texas power plants to emit *more* SO_2 than those sources have emitted in recent years. Petitioners have filed judicial challenges and petitions for reconsideration related to that Texas trading rule.[22] Corrected and fully adequate phase I BART and reasonable progress plans are necessary to comply with the Regional Haze Rule and to help restore natural skies to Class I areas including Big Bend and Guadeloupe Mountains National Parks.

To satisfy BART and reasonable progress obligations, the nationwide FIP should reflect, at a minimum, the following requirements:

- Upgrading the SO_2 scrubbers at Limestone Units 1 and 2 to ensure reasonable progress, 81 Fed. Reg. 296 (Jan. 5, 2016).
- Upgrading the SO_2 scrubbers at Martin Lake Units 1, 2, and 3 to both ensure reasonable progress, 81 Fed. Reg. 296 (Jan. 5, 2016), and meet the Clean Air Act's BART requirements, 82 Fed. Reg. 912 (Jan. 4, 2017).
- Installing and operating a new SO_2 scrubber at Coleto Creek to both ensure reasonable progress, 81 Fed. Reg. 296 (Jan. 5, 2016), and meet the Clean Air Act's BART requirements, 82 Fed. Reg. 912 (Jan. 4, 2017).
- Installing and operating new SO_2 scrubbers at Tolk Units 171B and 172B 2 to ensure reasonable progress, 81 Fed. Reg. 296 (Jan. 5, 2016).
- Installing and operating a new SO_2 scrubber at Welsh Unit 1 to meet the Clean Air Act's BART requirements, 82 Fed. Reg. 912 (Jan. 4, 2017).
- Installing and operating new SO_2 scrubbers at W.A. Parish Units 5 and 6 to meet the Clean Air Act's BART requirements, 82 Fed. Reg. 912 (Jan. 4, 2017).
- Installing and operating new SO_2 scrubbers at Harrington Units 061B and 062B to meet the Clean Air Act's BART requirements, 82 Fed. Reg. 912 (Jan. 4, 2017).

D. Utah

For Utah, we call on EPA to reconsider and withdraw its November 27, 2020 approval of the state's BART SIP, and promptly reinstate the agency's 2016 FIP requiring selective catalytic reduction ("SCR") at Hunter units 1 and 2 and Huntington units 1 and 2.[23] For the reasons detailed in the Conservation Organizations' petition for reconsideration, Attachment 7, EPA's

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[22] *See* Attachments 5 and 6; *see also Nat'l Parks Conservation Ass'n v. EPA*, Case No. 20-1408 (proposed consolidation with Nos. 17-1253 and 20-1341) (D.C. Cir.); *Nat'l Parks Conservation Ass'n v. EPA*, Case Nos. 20-60929 and 17-60828 (5th Cir.).
[23] *See* 81 Fed. Reg. 43,894 (July 5, 2016).

November 2020 approval of the Utah BART SIP improperly permitted the state to implement a plan that would not require any new emission reductions.[24] The 2016 FIP required SCR at PacifiCorp's Hunter and Huntington coal plants in order to meet BART requirements. The NOx reductions that would have been achieved by the 2016 FIP would have protected all of Utah's iconic national parks, including Arches, Canyonlands, Zion, and Capitol Reef, as well as numerous national parks and wilderness areas beyond Utah's borders, including the Grand Canyon. And, according to an NPCA emissions analysis, the Hunter plant ranks second among all pollution sources in the nation, not just coal plants, in its contribution to haze pollution in national parks, while the Huntington plant ranks eighteenth.

To satisfy the Clean Air Act and Regional Haze Rule requirements, EPA should immediately issue a FIP for Utah that includes the following requirements:

- Installing and operating SCR technology at Hunter Units 1 and 2 to meet the Clean Air Act's BART requirements, 81 Fed. Reg. 43,894 (July 5, 2016).
- Installing and operating SCR technology at Huntington Units 1 and 2 to meet the Clean Air Act's BART requirements, 81 Fed. Reg. 43,894 (July 5, 2016).

E. Wyoming

For Wyoming, we call on EPA to reject further weakening of BART-based emissions reductions contained in the EPA's 2014 FIP and partial SIP approval and, as part of the nationwide regulation to complete round 1 FIPs, strengthen BART determinations for uncontrolled units. Notably, although EPA finalized the FIP/SIP in 2014, numerous units still are not meeting emission limits compelled by that action.[25] As a result, Wyoming's treasured Class I areas including Yellowstone and Grant Teton National Parks continue to experience unnecessary haze pollution, which is compounded by the state's massively polluting oil and gas industry. Further, because the 2014 FIP/SIP remains subject to pending litigation, EPA retains options to enforce its original determinations for BART units by (1) rejecting the pending settlement to weaken BART for the Wyodak plant, and (2) disapproving Wyoming's proposed "reassessment" of SCR requirements for Bridger Units 1 and 2. Finally, EPA should accept the Conservation Organizations' 2014 petition for reconsideration of BART controls for Naughton Units 1 and 2 and include these units in its nationwide FIP regulation. *See* Attachment 8. Consistent with PacifiCorp's stated plans to close those Naughton units by 2025, EPA's FIP should consider enforceable shutdown requirements as BART to eliminate this significant source of haze pollution. According to NPCA analysis, Wyoming is the top emitter in the nation in terms of visibility impairing emissions with the Bridger plant ranking as the third among all

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[24] *See* Attachment 7, Conservation Group's Utah Petition for reconsideration (January 21, 2021).
[25] The Tenth Circuit Court of Appeals stayed the 2019 compliance deadlines for BART units at the Dave Johnston, Wyodak, and Laramie River power plants. Further, although Bridger Units 1 and 2 have deadlines under the 2014 FIP/SIP to comply with SCR-based emissions limits by 2022 and 2021, respectively, Wyoming has submitted a "reassessment" that would eliminate these emissions limits that is now pending before EPA and PacifiCorp apparently has not taken steps to comply with SCR requirements on those units.

pollution sources. To satisfy Clean Air Act and Regional Haze Rule requirements, EPA's nationwide FIP resolving the first round of regional haze plans should also include the following requirements:

- Installing and operating new SCR technology at Naughton Units 1 and 2 to meet the Clean Air Act's BART requirements, 79 Fed. Reg. 5,032 (Jan. 30, 2014), EPA Docket No. EPA-R08-OAR-2012-0026-0253.
- Installing and operating new SCR technology at Wyodak plant to meet the Clean Air Act's BART requirements, 79 Fed. Reg. 5,032 (Jan. 30, 2014), EPA Docket No. EPA-R08-OAR-2012-0026-0253.
- Rejecting Wyoming's "reassessment" of BART for Jim Bridger Units 1 and 2, and requiring the installation of new SCRs by the existing 2022 and 2021 deadlines, or requiring an enforceable retirement to meet the Clean Air Act's BART requirements, 79 Fed. Reg. 5,032, EPA Docket No. EPA-R08-OAR-2012-0026-0253.

II. Full Compliance with First Round of Regional Haze Planning Requirements Will Further President Biden's Environmental Justice Priorities.

Under Executive Order 12,898, Federal agencies must ensure they are achieving environmental justice goals as a part of their mission. To further that, President Biden's Executive Order 13,990 directs agencies to review and correct federal regulations and agency actions over the last four years that conflict with the national objectives to advance and prioritize environmental justice, and to conserve and protect our national treasures and monuments consistent with federal law. Executive Order 14,008 builds on, and reaffirms, the Biden Administration's commitment to environmental justice, and directs EPA to strengthen the enforcement of the Clean Air Act. Under the Clean Air Act's regional haze program, EPA must consider non-air quality environmental impacts when evaluating best available retrofit technology and other emission reductions necessary to make reasonable progress toward the national goal of eliminating manmade air pollution in national parks.[26] Given the plain intent of President Biden's Executive Order that EPA consider environmental justice concerns in implementing the Clean Air Act, EPA's actions on regional haze should consider the environmental justice benefits of any final Round 1 regional haze pollution control determinations, both for sources located in disproportionately impacted communities, and further downwind. Moreover, the agency has an obligation to correct the devastating harm that occurred over the last four years due to actions that were inconsistent with environmental justice goals, or the priorities emphasized in Executive Order 13,990.

Completing and finally implementing the Regional Haze Rule's remaining BART determinations, as described in this letter, will not only further President Biden's commitment to protecting public health and the environment generally, but it will result in emission reductions and public health benefits in communities that have been historically and disproportionately

[26] 42 U.S.C. § 7491(g)(1)-(2).

impacted by air pollution from the sources in Nebraska, Pennsylvania, Texas, Utah, and Wyoming, which should have been subject to BART or reasonable progress controls during the first planning period. Indeed, as noted above the same pollutants that cause visibility impairment in national parks and wilderness areas also cause significant public health impacts. In 2005, EPA conservatively estimated the regional haze program's BART health benefits nationally at $8.4 to $9.8 billion annually.[27]

III. Nationwide First Planning Period Rulemaking of Nationwide Scope and Effect

The Clean Air Act "evinces a clear congressional intent" to centralize review in the D.C. Circuit of "matters on which national uniformity is desirable."[28] To that end, the D.C. Circuit Court of Appeals is the appropriate venue for review of "nationally applicable regulations," and actions "based on a determination of nationwide scope or effect" where EPA has published such a determination.[29] As discussed, as part of a single, nationwide action, EPA should reconsider its federal implementation plans and the agency's emission trading alternatives for Texas and Utah, and reinstate the agency's previously-proposed or finalized source-specific BART plans for those two states. In addition, EPA should re-propose and finalize the January 2017 reasonable progress FIP for Nebraska's Gerald Gentleman Station; EPA should likewise re-propose and finalize its 2016 reasonable progress plan for Texas. In doing so, EPA should reaffirm its clarified interpretation of the Regional Haze Rule's interstate consultation, which will provide the states and EPA regional offices with consistent guidance in the development of future state and federal regional haze plans. For Wyoming, EPA should enforce its original 2014 BART determination by rejecting Wyoming's Bridger reassessment and PacifiCorp's pending Wyodak settlement; and then grant Conservation Organizations' petition for reconsideration of the BART determinations for Naughton units 1-2.

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[27] EPA, Regulatory Impact Analysis for Final Clean Air Visibility Rule of the Guidelines for Best Available Retrofit Technology (BART) Determinations Under the Regional Haze Regulations, EPA-452/R-05-004 (June 2005), *available at* https://www.epa.gov/sites/production/files/2016-02/documents/bart_ria_2005_6_15.pdf. EPA's 2005 estimate likely underestimated significantly the public health benefits of EPA's rule because the agency's analysis focused primarily on implementing the BART provisions of the Regional Haze Rule, without evaluating the benefits associated with the rule's reasonable progress requirements. Moreover, EPA assumed that sources in states subject to the now-defunct Clean Air Interstate Rule, such as Texas, would not install additional source-specific controls to reduce pollution. Moreover, EPA's analysis assumed that no additional SO_2 controls for sources located in several western region states. Finally, EPA's analysis assumed that SO_2 BART emission limits of only .15 lbs/MMBtu, as opposed to the lower limits EPA subsequently has found cost effective and technically achievable. *Id.* at 7-2, Table 7-1.

[28] *Texas v. EPA*, No. 10-60961, 2011 WL 710598, at *4 (5th Cir. Feb. 24, 2011); *Tex. Mun. Power Agency v. EPA*, 89 F.3d 858, 867 (D.C. Cir. 1996); *see also Clean Air Project*, 891 F.3d at 1054 (Silberman, J., concurring) (the Clean Air Act's venue provision reflects "a clear congressional mandate: uniform judicial review of regulatory issues of national importance").

[29] 42 U.S.C. § 7607(b)(1).

To accomplish the foregoing in an expeditious and efficient manner, EPA should issue a single rulemaking correcting all of the above-described deficiencies, and publish findings that such rulemaking is both nationally applicable and based on determinations of nationwide scope and effect. Such an approach would avoid the years of additional delay and potential inconsistency from EPA acting on each state's plan separately. It would also route any court challenges to the D.C. Circuit, thereby avoiding the delay and potential for conflicting rulings and remedies from litigation is multiple circuits. Such an approach is consistent with the Act. A FIP addressing the states' remaining obligations under the Regional Haze Rule's first planning would be "nationally applicable" within the meaning of section 307(b)(1). Indeed, such a rule would apply to *all states* whose implementation plans do not satisfy the Clean Air Act's visibility requirements for the first planning period. Here, the five states that still do not have fully approved regional haze plans for the first planning period—Nebraska, Pennsylvania, Texas, Utah, and Wyoming—span four different EPA regions, four different federal circuits, and multiple time zones, providing a strong indication that any such federal implementation plan would, in fact, be nationally applicable.[30] Moreover, any FIP would necessarily provide all states and EPA regional offices with guidance as to how they are to evaluate the Clean Air Act's reasonable progress requirements; and thus, how the states and regions, in subsequent regional haze planning periods, should interpret the Clean Air Act's reasonable progress requirements and develop or approve SIP provisions necessary to make progress towards natural visibility in all Class I areas.

Even if a rulemaking addressing all remaining Round 1 regional haze requirements were not nationally applicable (and it would be), EPA should publish a finding that any such rulemaking is "based on a determination of nationwide scope and effect," thereby directing judicial review to the D.C. Circuit.[31] First, any rulemaking addressing the states' remaining Round 1 regional haze obligations would necessarily be based on a common core of knowledge and analysis, and a common interpretation of the requirements of the Clean Air Act and the Regional Haze Rule. Specifically, for the states which have outstanding Round 1 reasonable progress obligations, a national rulemaking should clarify the responsibilities of downwind and upwind states in the interstate consultation process, 40 C.F.R. § 51.308(d)(1) and (d)(3), thereby providing guidance to all states and EPA regions in their development of future state and federal regional haze plans. Any such rulemaking should be based on determinations of nationwide scope and effect about the appropriate interpretation and implementation of the Regional Haze Rule's reasonable progress requirements for the second planning period.

A determination of nationwide scope and effect would also be appropriate because in amending the Clean Air Act's venue provisions in 1977, Congress noted that the Administrator's determination that an action is of "nationwide scope or effect" would be appropriate for any

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[30] *Texas v. EPA*, 2011 WL 710598 at *3 (5th Cir. Feb. 24, 2011) (concluding that a SIP Call applying to 13 states was nationally applicable); *ATK Launch Systems, Inc. v. EPA*, 651 F.3d 1194, 1197 (10th 2011) ("That the regulation reaches geographic areas from coast to coast and beyond is, at a minimum, a strong indicator that the regulation is nationally applicable.").
[31] 42 U.S.C. § 7607(b)(1).

action that has "scope or effect beyond a single judicial circuit." H.R. Rep. No. 95–294 at 323-24, *reprinted in* 1977 U.S.C.C.A.N. 1402-03. Here, as noted above, the scope and effect of a final Round 1 regional haze rulemaking would extend to numerous judicial circuits. Under these circumstances, section 307(b)(1) and its legislative history make clear that the Administrator has authority to find the rule to be of "nationwide scope or effect" and thus to indicate that venue for challenges be in the D.C. Circuit. To ensure centralized review and the consistent application of the Clean Air Act's and Regional Haze Rule's requirements, the agency must make clear that any rulemaking addressing the states' outstanding Round 1 obligations would be nationally applicable and therefore, the D.C. Circuit is the only appropriate venue for judicial review.

CONCLUSION

Conservation Organizations appreciate your time and attention to this letter. The proposed national regional haze action described above would resolve all of the states' remaining first round regional haze obligations in a straightforward, expeditious, and comprehensive manner, while providing the states with uniform guidance in implementing the Clean Air Act's reasonable progress requirements for the second planning period and beyond. We ask you to prioritize this action and act promptly. Specifically, we call on EPA to issue a proposed nationwide rulemaking within six months, and a final rule by June 2022. We make this request without waiving any rights we may have to challenge past or future EPA action or to pursue any existing litigation.

Sincerely,

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ATTACHMENTS

Attachment 1 Proposed Approval and Promulgation of Air Quality Implementation Plans; Nebraska Regional Haze Federal Implementation Plan; Reconsideration, EPA Docket No. EPA-R07-OAR-2017-0039 (signed Jan. 18, 2017).

Attachment 2 March 8, 2016 Letter to Janet McCabe, Acting Assistant Administrator Re: EPA's Remand of the Long-Term Strategy for Nebraska to Reconsider Controls at Gerald Gentleman Station.

Attachment 3 August 31, 2012 Petition for Reconsideration of Final Approval, Disapproval and Promulgation of Implementation Plans, State of Nebraska Regional Haze State Implementation Plan and Federal Implementation Plan, 77 Fed. Reg. 40,150 (July 6, 2012), EPA Docket No. EPA-R07-OAR-2012-0158.

Attachment 4 Comment Letter, Pennsylvania Regional Haze Best Available Retrofit Technology, 49 Pa. Bull. 5065 (Aug. 31, 2019).

Attachment 5 December 15, 2017 Petition for Reconsideration of Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan 82 Fed. Reg. 48,324 (Oct. 17, 2017), EPA Docket No. EPA-R06-OAR-2016-0611; FRL-9969-07-Region 6.

Attachment 6 October 13, 2020 Petition for Partial Reconsideration of Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan EPA-R06-OAR-2016-0611.

Attachment 7 January 21, 2021 Petition for Reconsideration of Final Rule, In Re: Approval and Promulgation of Air Quality Implementation Plans; Utah; Regional Haze State and Federal Implementation Plans, 85 Fed. Reg. 75,860 (November 27, 2020), EPA Docket No. EPA-R08-OAR-2015-0463.

Attachment 8 March 31, 2014 Petition for Reconsideration, In Re: Approval and Promulgation of Implementation Plans; State of Wyoming; Regional Haze State Implementation Plan, 79 Fed. Reg. 5,032 (Jan. 30, 2014), EPA Docket No. EPA-R08-OAR-2012-0026.

Attachment 1

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6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2017-0039; FRL-_____ Region 7]

Approval and Promulgation of Air Quality Implementation Plans; Nebraska Regional Haze Federal Implementation Plan; Reconsideration

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to revise portions of the Nebraska Regional Haze Federal Implementation Plan (FIP) applicable to the Gerald Gentleman Station, owned and operated by the Nebraska Public Power District (NPPD). In 2012, EPA finalized a partial approval/partial disapproval of Nebraska's State Implementation Plan (SIP) that addressed regional haze for the first implementation period and finalized a FIP addressing the deficiencies in Nebraska's plan. EPA's final action was challenged in the United States Court of Appeals for the 8th Circuit. In the litigation, EPA requested and was granted a remand related to EPA's reliance on the Cross-State Air Pollution Rule (CSAPR) to satisfy the deficiencies in Nebraska's

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regional haze plan related to the long-term strategy (LTS) requirements at the Gerald Gentleman Station for sulfur dioxide (SO_2). Upon remand, EPA has re-evaluated our record and basis for the original FIP. In this action, EPA is proposing a revised FIP that will limit SO_2 emissions at the Gerald Gentleman Station. EPA believes that SO_2 emission reductions are needed to make reasonable progress toward Congress' natural-visibility goal at Class I areas affected by visibility-impairing emissions from Nebraska. This proposal addresses only the remanded portion of the Nebraska FIP.

DATES: Comments must be received on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Requests for a public hearing and inquiries regarding the status of the public hearing should be made to Amy Algoe-Eakin using the contact information provided below or they may consult the following link: http://www.epa.gov/region7/public notices/.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R07-OAR-2017-0039, to http://www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. EPA may publish any comment received to our public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information

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whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit http://www2.epa.gov/dockets/commenting-epa-dockets..

FOR FURTHER INFORMATION CONTACT: Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913-551-7942, or by email at algoe-eakin.amy@epa.gov.

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SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," or "our" refer to EPA. This section provides additional information by addressing the following:

I. What is Being Addressed in this Document?
II. What Action is EPA Taking?
III. Background
A. *Summary of Statutory and Regulatory Requirements of the Regional Haze Rule*
B. *Summary of 40 CFR 51.308(d)(1) and (d)(3)*
C. *History of the Nebraska Long-Term Strategy FIP Determination*
IV. EPA's Reconsideration of Long-Term Strategy for SO_2 at the Gerald Gentlemen Station
A. *Approach to Reasonable Progress and Long-Term Strategy*
1. Factor 1 - The Costs of Compliance
a. EPA's Evaluation of Costs in the 2012 Proposed and Final Rule
b. EPA's Updated Cost Evaluation
2. Factor 2 - The Time Necessary for Compliance
3. Factor 3 - The Energy and Non-Air Quality Environmental Impacts of Compliance
4. Factor 4 - The Remaining Useful Life of the Source
Regarding the analysis of remaining useful life, the BART Guidelines advise:
B. *Proposed Long-Term Strategy Determinations for Gerald Gentleman Station*
V. Statutory and Executive Order Reviews

I. What is Being Addressed in this Document?

EPA is addressing the portion of the Nebraska Regional Haze FIP[1] that was remanded by the 8th Circuit upon motion by EPA. EPA is proposing a new FIP provision to address the long-term strategy requirements of the Regional Haze Rule for SO_2 at the Gerald Gentleman Station. This is the only aspect of the FIP on

[1] 77 FR 40149 (July 6, 2012).

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which we are requesting comment. EPA is not reopening our prior partial approval and disapproval of Nebraska's Regional Haze SIP, nor is EPA soliciting comment on our previous analysis of the Nebraska SIP.

II. What Action is EPA Taking?

EPA has reviewed our record on the previous action, undertaken an analysis of the long-term strategy requirements in the FIP for Nebraska in accordance with the Regional Haze Rule and is proposing an SO_2 emission limit of 0.060 lb/mmBtu calculated on a 30-boiler operating day average rate, for each unit at the Gerald Gentleman Station. EPA believes that this SO_2 emission rate is necessary to make reasonable progress at Class 1 areas affected by sources in Nebraska and will help to achieve natural visibility conditions.

III. Background

A. Summary of Statutory and Regulatory Requirements of the Regional Haze Rule

Congress created a program for protecting visibility in the nation's national parks and wilderness areas in section 169A of the 1977 Amendments to the Clean Air Act (CAA). This section of the CAA establishes as a national goal the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment

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results from man-made air pollution."[2] It also directs states to evaluate the use of retrofit controls at certain larger, often uncontrolled, older stationary sources in order to address visibility impacts from these sources. Specifically, section 169A(b)(2)(A) of the CAA requires states to revise their SIPs to contain such measures as may be necessary to make reasonable progress towards the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate best available retrofit technology (BART) controls. These sources are referred to as "BART-eligible" sources.[3] In addition, the CAA requires states to adopt long-term strategies for making reasonable progress towards remedying visibility impairment. In the 1990 CAA Amendments, Congress amended the visibility provisions in the CAA to focus attention on the problem of regional haze, which is visibility impairment produced by a multitude of sources and activities located across a broad geographic area.[4]

[2] CAA section 169A(a)(1); 42 U.S.C. 7941(a)(1).
[3] 40 CFR 51.301.
[4] See CAA section 169B, 42 U.S.C. 7492.

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We promulgated the Regional Haze Rule in 1999, which requires states to develop and implement SIPs to ensure reasonable progress toward improving visibility in mandatory Class I Federal areas[5] by reducing emissions that cause or contribute to regional haze.[6] Under the Regional Haze Rule, states are directed to conduct BART determinations for BART-eligible sources that may be anticipated to cause or contribute to visibility in a Class I area[7] and to develop long-term strategies to address regional haze.

The Regional Haze Rule provides that the long-term strategy must include enforceable emissions limitations, compliance schedules, and other measures necessary to achieve the reasonable progress goals established by states having mandatory Class I areas.[8] There are a number of requirements a state must meet when establishing their long-term strategy, including the following: (1) states must consult with downwind states to develop coordinated management strategies that address regional haze visibility;[9] (2) where multiple states cause or contribute

[5] Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6000 acres, wilderness areas, and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). When we use the term "Class I area" in this action, we mean a "mandatory Class I Federal area."
[6] See generally 40 CFR 51.308.
[7] 40 CFR 51.308(e).
[8] 40 CFR 51.308(d)(3).
[9] 40 CFR 51.308(d)(3)(i).

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to visibility impairment in a Class I area, each state must demonstrate that it has included in their SIP all measures necessary to obtain their share of emissions reductions needed to meet the progress goal for the Class I area;[10] and (3) each state must provide and document the technical basis on which the state is relying to determine their share of emissions reductions necessary to achieve reasonable progress for the Class I area it affects.[11]

The Regional Haze Rule requires that where a state has emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I area located in another state or states, it must consult with the other state(s) to develop coordinated emissions management strategies.[12] The Regional Haze Rule requires that the state document the technical basis including modeling, monitoring, and emissions information, on which it is relying to determine their apportionment of emission reduction obligations necessary for achieving reasonable progress in each mandatory Class I area it affects.[13]

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[10] 40 CFR 51.308(d)(3)(ii).
[11] 40 CFR 51.308(d)(3)(iii)-(iv).
[12] 40 CFR 51.308(d)(3)(i).
[13] 40 CFR 51.308(d)(3)(iii).

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In addition to enacting section 169A, Congress also amended section 110 of the CAA to require that all SIPs "contain adequate provisions prohibiting ... any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will ... interfere with measures required to be included in the applicable implementation plan for any other State ... to protect visibility."[14] A Senate Committee Report described this provision and similar requirements as being "intended to equalize the positions of the States with respect to interstate pollution by making a source at least as responsible for polluting another State as it would be for polluting its own State."[15]

A full background of the Regional Haze Rule can be found in our 2012 final action as well as in other regional haze actions.[16] [17]

B. Summary of 40 CFR 51.308(d)(1) and (d)(3)

Section 51.308(d)(1) of the Regional Haze Rule requires states with Class I areas to "establish goals (expressed in deciviews) that provide for reasonable progress towards

[14] CAA Section 110(a)(2)(D)(i)(II).
[15] S. Rep. No. 95–127, at 41 (1977).
[16] 79 FR 74818 (February 16, 2014).
[17] EPA recently published revisions to the Regional Haze Rule. *See* EPA-HQ-OAR-2015-0531 (December 14, 2016) The revisions do not substantively affect 40 CFR 51.308(d) which applied to our original action and applies to this reconsideration.

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achieving natural visibility conditions."[18] In establishing a reasonable progress goal (RPG), a state must consider the four statutory factors outlined in section 169A(g)(1) of the CAA—"the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources."[19] This requirement is commonly referred to as a four-factor analysis. States analyze the four factors to determine a reasonable set of control measures that will reduce visibility impairing emissions. The visibility improvement that will result from these emission reductions is then factored into the state's reasonable progress goals.

In addition to conducting a four-factor analysis to determine what control measures are reasonable for a state's own sources, the state with a Class I area or areas, i.e., a downwind state, "must consult with those States which may reasonably be anticipated to cause or contribute to visibility impairment in the mandatory Class I Federal area,"[20] i.e., an upwind states. The purpose of the consultation requirement is to ensure that the upwind states that affect visibility in a Class I area adopt control measures sufficient to address their

[18] 40 CFR 51.308(d)(1).
[19] Id. 51.308(d)(1)(i)(A).
[20] Id. n 51.308(d)(1)(iv).

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apportionment of emission reductions necessary to achieve reasonable progress and that the downwind state's reasonable progress goals properly account for the visibility improvement that will result from the reasonable control measures identified and included in the upwind states' long-term strategies. Where a downwind state and an upwind state cannot agree on the proper apportionment of emission reductions necessary to achieve reasonable progress, the downwind state "must describe in its [SIP] submittal the actions taken to resolve the disagreement."[21]

Section 51.308(d)(3) of the Regional Haze Rule requires all states (both downwind and upwind) to "submit a long-term strategy that addresses regional haze visibility impairment for each mandatory Class I Federal area within the State and for each mandatory Class I Federal area located outside the State which may be affected by emissions from the State."[22] As explained in other actions, a state's long-term strategy is inextricably linked to the reasonable progress goals because the long-term strategy "must include enforceable emission limitations, compliance schedules, and other measures as necessary to achieve the reasonable progress goals established by states having mandatory Class I Federal areas."[23] In

[21] Id.
[22] Id. 51.308(d)(3).
[23] Id.

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establishing their long-term strategy, a state must meet a number of requirements, three of which pertain to visibility transport. First, as a corollary to section 51.308(d)(1)(iv), upwind states "must consult with [downwind] State(s) in order to develop coordinated management strategies."[24] Second, where multiple states cause or contribute to visibility impairment in a Class I area, each state must demonstrate that it has included in their implementation plan "all measures necessary to obtain its share of the emission reductions needed to meet the progress goal for the area."[25] This requirement directly addresses situations where an upwind state agrees to achieve certain emission reductions during the consultation process, and downwind states rely upon those reductions when setting their reasonable progress goals, but the upwind state ultimately fails to include sufficient control measures in their long-term strategy to ensure that the emission reductions will be achieved. Finally, each state "must document the technical basis, including modeling, monitoring and emissions information, on which the State is relying to determine its apportionment of emission reduction obligations necessary for achieving

[24] Id. 51.308(d)(3)(i).
[25] Id. 51.308(d)(3)(ii). Similarly, "[i]f the State has participated in a regional planning process, the State must ensure it has included all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process." Id.

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reasonable progress in each mandatory Class I Federal area it affects."[26] To reiterate, section 169A(g)(1) of the CAA requires states to determine "reasonable progress" by considering the four statutory factors.[27] Therefore, this provision requires states to consider both their own Class I areas and downwind Class I areas when they develop the technical basis underlying their four-factor analyses. This documentation is necessary so that the interstate consultation process can proceed on an informed basis and so that downwind states can properly assess whether any additional upwind emission reductions are necessary to achieve reasonable progress at their Class I areas. The regulations further provide that, "States may meet this requirement by relying on technical analyses developed by the regional planning organization and approved by all State participants."[28] Thus, states have the option of meeting this requirement by relying on the four-factor analyses and associated technical documentation prepared by a regional planning organization on behalf of their member states,[29] to the extent that such analyses and documentation were conducted. In

[26] Id. 51.308(d)(3)(iii).
[27] 42 U.S.C. Section 7491(g)(1).
[28] 40 CFR 51.308(d)(3)(iii).
[29] See *WildEarth Guardians v. EPA*, 2014 U.S. App. LEXIS 20145, at *55 (10th Cir. October 21, 2014) (explaining that 40 CFR 51.308(d)(3)(iii) ''permits a State conducting a reasonable-progress determination'' ''to rely on [a regional planning organization's] four-factor analysis.'').

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situations where a regional planning organization's analyses are limited, incomplete or do not adequately assess the four factors, however, then states must fill in any remaining gaps to meet this requirement.

C. History of the Nebraska Long-Term Strategy FIP Determination

On July 6, 2012, EPA took final action on Nebraska's Regional Haze SIP for the first planning period.[30] In that final action, EPA partially approved and partially disapproved the state's SIP. EPA disapproved the state's SO_2 BART determinations for Gerald Gentleman Station Units 1 and 2 and the state's long-term strategy, which had relied on the state's flawed BART determinations. The reasons for EPA's disapproval are outlined in both the proposed rule and the final rule.[31] In the same action, EPA also promulgated a FIP to address the deficiencies in Nebraska's Regional Haze Plan. For those deficiencies associated with the state's SO_2 control decisions for Gerald Gentleman Station Units 1 and 2, EPA relied on CSAPR to meet both the BART and long-term strategy requirements.[32] Specifically, EPA relied on our finding in a separate national

[30] 77 FR 40149.
[31] See 77 FR 12770 (March 2, 2012) (proposed rule); 77 FR 40149 (July 6, 2012) (final rule).
[32] The Eighth Circuit upheld EPA's SIP disapproval and BART FIP. Nebraska v. EPA, 812 F.3d 662 (8th Cir. 2016).

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rulemaking that found that CSAPR provides for greater reasonable progress on average across all affected Class I areas than source-specific BART in those states covered by CSAPR (the "Better than BART Rule").[33] In that separate rulemaking, EPA revised our regulations to provide that states could choose to rely on CSAPR as an alternative to BART. Consistent with this regulatory provision, EPA relied in our FIP on CSAPR as an alternative to BART for SO_2 emissions from the Gerald Gentleman Station. In addition, EPA concluded in our FIP that reliance on CSAPR would remedy the deficiency in Nebraska's long-term strategy associated with the state's reliance on their faulty SO_2 BART analysis for the Gerald Gentleman Station.

Subsequently, Sierra Club, the NPCA, the State of Nebraska, and NPPD filed petitions for review challenging EPA's final action in the Eighth Circuit Court of Appeals.[34] In response to arguments raised by the Sierra Club and NPCA during briefing on the petitions, EPA moved for a voluntary remand without vacatur of the long-term strategy FIP for Nebraska as it related to SO_2 for the Gerald Gentleman Station.[35] EPA explained in the motion

[33] 77 FR 33642.
[34] NPPD dismissed their petition voluntarily, but remained as an intervenor in the other petitions. See Order, Neb. Pub. Power Dist. v. EPA, No. 12-3061 (8th Cir. November 4, 2014).
[35] EPA's Motion for Partial Voluntary Remand, *Nebraska. v. EPA*, 812 F.3d 662 (8th Cir. 2015) (No.12-3084).

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that the agency's rationale for declining to require additional SO_2 controls at the Gerald Gentleman Station as part of the long-term strategy was not fully or clearly explained. EPA also stated that the explanation in the record could potentially be construed in a manner that is inconsistent with EPA's interpretation of the relevant statutory and legal requirements. As a result, EPA determined that a remand was appropriate to afford the agency an opportunity to amend or further explain our rationale for declining to require additional SO_2 controls beyond CSAPR to address the long-term strategy, more fully respond to comments submitted by the public, or to take further action if necessary.

IV. EPA's Reconsideration of Long-Term Strategy for SO_2 at the Gerald Gentlemen Station

In this action, EPA is proposing to act on the remanded portion of our FIP as it relates to long-term strategy requirements for SO_2 for the Gerald Gentleman Station. Upon reconsideration, EPA is proposing that our record for the original action is incomplete and that the complete record we have created in this action indicates that a different action is appropriate. In EPA's final action, EPA relied on the implementation of the previously adopted CSAPR FIP for all Nebraska EGUs to satisfy the long-term strategy requirements of

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the Regional Haze Rule for SO_2, including for the Gerald Gentleman Station. At the time of the final action, EPA did not further evaluate whether, with respect to the Gerald Gentleman Station, CSAPR was an appropriate and sufficient measure needed for reasonable progress towards natural visibility conditions at the Badlands, Wind Cave, and Rocky Mountain National Parks. The environmental petitioners pointed out this deficiency in their briefing challenging EPA's final action. EPA is now clarifying the record in accordance with the Regional Haze Rule.

Nebraska participated in the Central Regional Air Planning Association (CENRAP), and incorporated the CENRAP-developed visibility modeling into their regional haze SIP. The SIP relied on the CENRAP modeling, which assumed SO_2 controls at a rate of 0.15 lb/mmBtu at Gerald Gentleman Station[36]. Nebraska consulted with both South Dakota and Colorado during the first planning period. As explained in our prior action on the Nebraska regional haze SIP, source-specific CALPUFF modeling shows a significant visibility impact from Gerald Gentleman Station on South Dakota's Class I areas, Wind Cave and Badlands National Parks.[37] The Colorado Department of Public Health and the

[36] For comparison, the SO_2 emission rate at Gerald Gentleman Station was about 0.58 lb/mmBtu during 2002, which was the period used as the baseline by Nebraska when it developed its SIP and is about 0.57 lb/mmBtu in 2015. The proposed FIP emission limit is 0.060 lb/mmBtu.
[37] 77 FR at 12776.

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Environment also commented on Nebraska's regional haze SIP, requesting that the state reconsider the question of whether the Gerald Gentleman Station should install SO_2 controls, given Gerald Gentleman Station's impacts on Rocky Mountain National Park[38]. Based on their BART determination, Nebraska did not require BART-level controls at Gerald Gentleman Station as part of their long-term strategy in their regional haze SIP.

Nebraska used CENRAP CAMx photochemical source apportionment modeling to identify the pollutants (e.g., sulfates, nitrates) and source categories (e.g., elevated point EGUs) that most impact visibility at Class I areas located in surrounding states. A summary of the annual emissions used for Nebraska elevated point sources and Gerald Gentleman Station in the 2002 base year and 2018 future year CENRAP modeling is shown in table 1 of the Technical Support Document for this action.

The 2018 CENRAP modeling included an SO_2 control rate of 0.15 lb/mmBtu at Gerald Gentleman Station. The modeling showed combined Gerald Gentleman Station Units 1 and 2 SO_2 emissions decreasing from 32,152 ton per year (tpy) in 2002 to 8,732 tpy in 2018 (with controls to achieve the 0.15 lb/mmBtu SO_2 emission limit assumed to be in operation in 2018). This reduction of

[38] 77 FR 12776-12777.

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modeled SO_2 emissions at Gerald Gentleman Station helps lower the projected SO_2-caused light extinction at Badlands National Park contributed by Nebraska elevated point sources from 0.98 MM^{-1} in 2002 to 0.47 MM^{-1} in 2018. The decrease in the SO_2 extinction at Badlands National Park from Nebraska elevated point sources is due to the decrease in modeled emissions from 2002 to 2018, and in particular the decrease in modeled SO_2 emissions at Gerald Gentleman Station due to the assumption of the achievement of a 0.15 lb/mmBtu emission rate in 2018.

In 2012, EPA evaluated Nebraska's SIP and determined that Nebraska's SIP, among other things, did not appropriately address the long-term strategy requirements of the Regional Haze Rule related to Gerald Gentleman Station. Although there were modeled visibility impacts and improvements from the installation of cost-effective controls at Gerald Gentleman Station at Class I areas, Nebraska did not require any reduction in SO_2 emissions from Gerald Gentleman Station. EPA partially disapproved Nebraska's long-term strategy based on the state's deficient SO_2 control determination for Gerald Gentleman Station. EPA promulgated a FIP in which we relied on CSAPR to address this deficiency in Nebraska's SIP. Based on the modeling done by CENRAP, EPA knew at the time that Gerald Gentleman Station contributed to visibility impairment at the Wind Cave and

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Badlands National Parks in South Dakota and at Rocky Mountain National Park in Colorado, and that cost-reasonable controls were available, but EPA did not evaluate whether additional controls beyond CSAPR at Gerald Gentleman Station were required to ensure reasonable progress. As a result, the record for our FIP was incomplete.

In order to properly evaluate whether CSAPR was sufficient to satisfy Nebraska's obligation to address the visibility impacts of their emissions at the Class I areas it affects, EPA has reviewed the record from the proposed and final actions. EPA has found that the reductions expected (and now observed) from the implementation of CSAPR do not equate to the reductions presumed by the CENRAP modeling that were found to be achievable at a reasonable cost by both Nebraska and EPA. Moreover, we are proposing to conclude that the CSAPR budgets for Nebraska are inadequate to ensure reasonable progress at neighboring Class I areas.

EPA's determination in 2012 that CSAPR provides for greater reasonable progress than BART was based on an assessment that CSAPR would provide for greater visibility improvement, on average, across all affected Class I areas.[39] In our assessment

[39] 77 FR 33642 (June 7, 2012).

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of the relative impacts of CSAPR and BART on visibility, EPA considered separately the average visibility improvement across the 60 Class I areas in the eastern portion of the CSAPR modeling domain and the average impact across all 140 Class I areas in the 48 contiguous states with sufficiently complete monitoring data to support our analysis.[40] In both cases, the Agency concluded that CSAPR would provide for greater reasonable progress than BART on a regional basis. Both assessments showed, however, that BART would provide for greater visibility improvement than CSAPR in a number of Class I areas west of the Mississippi River but east of the Rocky Mountains, including at the Wind Cave and Badlands National Parks in South Dakota.[41] As EPA has explained in the past, the fact that an alternative to BART would provide for greater reasonable progress on average across a number of Class I areas does not mean that the alternative satisfies all reasonable progress requirements.[42]

The CSAPR budget for Nebraska resulted in some emission reductions of SO_2 for the state of Nebraska, but did not result in significant SO_2 emission reductions at Gerald Gentleman Station. In assessing the impacts of CSAPR on SO_2 emissions from

[40] 76 FR 82219, 82225-82227(December 30, 2011).
[41] 77 FR at 33650; TSD for CSPAR > BART found at https://www.regulations.gov/document?D=EPA-HQ-OAR-2011-0729-0014
[42] 70 FR. 39104, 39143-144 (July 6, 2005).

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Nebraska, EPA estimated that CSAPR would result in a overall 1,900 ton reduction in SO_2 emissions as compared to the state's 2014 base case emissions. Further, CSAPR did not drive significant SO_2 reductions at the Gerald Gentleman Station. Given the scale of reductions required by CSAPR in Nebraska coupled with the history outlined above regarding Nebraska's consultation with neighboring states, EPA is proposing to conclude that it is inappropriate to rely on CSAPR to ensure reasonable progress without further consideration of appropriate SO_2 control measures for Gerald Gentleman Station.

Because in our previous final action, EPA did not conduct a four-factor analysis as required by the Regional Haze Rule, in this action, EPA has undertaken a four-factor analysis to assure that we appropriately consider whether additional emission reduction measures are necessary at the Gerald Gentleman Station to fulfill the long-term strategy requirements of the Regional Haze Rule.

A. Approach to Reasonable Progress and Long-Term Strategy

To complete the reasonable progress four-factor analysis EPA must look at the following: the costs of compliance; the time necessary for compliance; the energy and non-air environmental impacts of compliance; and the remaining useful

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life of any potentially affected sources.[43] Our Reasonable Progress Guidance[44] notes the similarity between some of the reasonable progress factors and the BART factors contained in 40 CFR § 51.308(e)(1)(ii)(A), and suggests that the BART Guidelines be consulted regarding cost, energy and non-air quality environmental impacts, and remaining useful life. We are therefore relying on our BART Guidelines for assistance in quantifying and considering those reasonable progress factors, as applicable.

Each of the elements of the four-factor analysis is discussed below.

1. Factor 1 - The Costs of Compliance

a. EPA's Evaluation of Costs in the 2012 Proposed and Final Rule

In the 2012 proposed and final action, EPA and Nebraska evaluated the cost of installation of wet FGD on Gerald Gentleman Station. Nebraska, in their SIP, concluded that these costs were reasonable on a cost per ton basis for both units combined ($2,726/ton). Nebraska also evaluated controls at Gerald Gentleman Station on a dollars per deciview basis.[45]

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[43] 40 CFR 51.308(d)(1)(i).

[44] Guidance for Setting Reasonable Progress Goals Under the Regional Haze Program, June 1, 2007.

[45] As explained in the final action in 2012, the BART Guidelines require the costs of controls to be evaluated on a dollar per ton basis. In their BART determinations, Nebraska used a threshold of $40 million/dv/year; in their review

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Nebraska determined that while costs on a dollar per ton basis were reasonable, costs on a dollar per deciview basis were not reasonable.[46] Nebraska also saw water consumption of wet flue-gas desulfurization (FGD) controls as significant and concluded that because of this unique situation, wet FGD controls were unreasonable for Gerald Gentleman Station Units 1 and 2.[47]

EPA agreed with Nebraska that the cost per ton for FGD was reasonable and that Nebraska's analysis showed significant visibility improvement both at Badlands National Park and on a cumulative basis.[48] EPA also found that Nebraska inappropriately ruled out dry sorbent injection (DSI), because EPA found that costs were reasonable and visibility improvement was significant.[49]

EPA also found that Nebraska made several errors in determining the cost of controls.[50] EPA determined that Nebraska made incorrect assumptions about Gerald Gentleman Station's SO_2 emissions and the capability of certain controls. Nebraska also

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of the BART analysis for GGS, EPA concluded that Nebraska had overestimated the cost of control and underestimated the control efficiency of scrubbers and ignored the cumulative visibility impacts of controls at GGS. If Nebraska had appropriately estimated the cost of control and considered cumulative benefits, scrubbers would have been found to be cost effective on a dollars per deciview basis under the threshold set by Nebraska. See 77 FR 40157.

[46] 77 FR 12770 at 12779.

[47] Id.

[48] 77 FR 12770 at 12780.

[49] Id.

[50] Id.

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deviated from EPA's Cost Control Manual when evaluating costs.[51] EPA did our own evaluation in accordance with the Cost Control Manual and found that the cost per ton of SO_2 controls ranged from $1,972 to $2,310 for each Gerald Gentleman Station unit.[52] EPA determined that the costs for control were reasonable and visibility improvement was significant and disapproved Nebraska's SIP.[53] EPA's disapproval of Nebraska's SO_2 BART determination for Gerald Gentleman Station was upheld by the 8th Circuit and we are not reconsidering that decision in this proposed rulemaking.[54]

b. EPA's Updated Cost Evaluation

In this action, EPA has again evaluated the feasibility and costs of installing several types of SO_2 control systems at Gerald Gentleman Station.[55] Specifically, EPA has analyzed costs for DSI, spray dry absorber (SDA), and wet FGD. We have looked at each of these control technologies at various control rates to determine which rate/control scenarios are cost effective. EPA proposes to determine that spray dry absorber to meet an

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[51] Id.
[52] Id. This analysis and determination were conducted consistent with previous actions where cost of control analyses were submitted with deviations from the Control Cost Manual. 77 FR 12770 (March 2, 2012); 77 FR 40149 (July 6, 2012); 79 FR 74817 (December 26, 2014); 81 FR 295 (Janaury 5, 2016).
[53] Id.; 77 FR 40149.
[54] State of Nebraska v. EPA, 812 F.3d 662 (8th Cir. 2015).
[55] EPA has included in the record for this action documents submitted by NPPD pursuant to the CAA Section 114 request that have not been claimed as Confidential Business Information (CBI) by NPPD.

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emission limit of 0.060 lb/mmBtu are feasible at Gerald Gentleman Station and will have a cost per ton that is reasonable.[56] As explained below, EPA is proposing that a FIP emission limit of 0.060 lb/mmBtu, which is based on dry scrubbing, is necessary to make reasonable progress and will fill the gap resulting from our previous disapproval of the reasonable progress element of Nebraska's regional haze plan. This emission limit can also be met cost-effectively with wet FGD, and the owners of Gerald Gentleman Station could use wet FGD to meet a final FIP emission limit of 0.060 lb/mmBtu if EPA finalizes that limit. EPA is also proposing to conclude that an emission limit of 0.040 lb/mmBtu could be cost-effectively met with wet FGD. However, we are not proposing that an emission limit of 0.040 lb/mmBtu is necessary to make reasonable progress, because of its higher water requirements. EPA is not relying on the possible use of wet FGD to support the proposed 0.060 lb/mmBtu BART emission limit. While EPA has also investigated DSI, we are not proposing to rely on any conclusions about the cost or effectiveness of DSI. The owners of Gerald Gentleman Station may or may not be able to use DSI to meet the proposed FIP emission limit.

[56] EPA has included in the record for this action documents submitted by NPPD pursuant to the CAA Section 114 request that have not been claimed as Confidential Business Information (CBI) by NPPD.

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EPA used cost methodologies used in the IPM model, Version 5.13. These methodologies are described in detail in appendix A of the TSD, available in the docket of this proposed action.[57]

EPA evaluated the cost of DSI at Gerald Gentleman Station Units 1 and 2 using control efficiency rates of 50, 80, and 90 percent.[58] Units 1 and 2 do not differ with respect to any design feature that affects the estimated cost of DSI. EPA is proposing to find that the cost of DSI would be $2,138/ton; $2,168/ton and $2,315/ton, respectively, for these levels of control. We are proposing to conclude that each control scenario using DSI is cost effective.

EPA has also evaluated the cost of dry scrubbers using a control efficiency rate of just under 91 percent at Gerald Gentleman Station Units 1 and 2, corresponding to an emission rate of 0.060 lb/mmBtu. EPA analyzed the cost of dry scrubbers using this removal rate and emission limit because the lowest available SO_2 emission guarantees from original equipment manufacturers of SDA systems are 0.060 lb/mmBtu. EPA is proposing

[57] The use of the IPM cost model is consistent with other EPA Regional Haze actions and is based on reliable and accurate technical tools widely utilized by EPA to asses control scenarios at electric generating units and other large sources.

[58] The 50 percent rate for DSI was selected based on known operating performance of installed DSI systems. The 80 percent rate for DSI was selected based on the use of milled trona along with a baghouse. Both GGS units have baghouses installed. EPA included the higher rate (90%) for comparison to other SO_2 control technologies. As discussed in more detail in the Cost TSD, a 90% removal efficiency for a DSI system alone has not been demonstrated at any currently operating DSI system.

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to find that the cost of dry scrubbing to meet this emission limit is cost effective for both units, at $2,443/ton for Unit 1 and $2,350/ton for Unit 2. The cost of a baghouse to collect the particles from the operation of the dry scrubbers was not included in our cost estimate because Gerald Gentleman Station currently operates a baghouse on both units. EPA invites comment on the feasibility and cost-effectiveness of a higher control efficiency, and lower emission rate, using dry scrubbing at Gerald Gentleman, supported by evidence.

Finally, EPA has evaluated the cost of a wet scrubber at Gerald Gentleman Station Units 1 and 2. EPA used control efficiencies of 91 percent and 94 percent corresponding to emission rates of 0.060 and 0.040 lb/mmBtu, respectively.[59] EPA is proposing to determine that wet scrubber controls are cost effective at both units and both control efficiencies. EPA is proposing to find the costs to be $2,424/ton and $2,327/ton at 94 percent control efficiency at Units 1 and 2, respectively.

[59] EPA analyzed the cost of wet scrubbers based on limits of 0.040 and at 0.060 lb/mmBtu. The first analysis at 0.040 lb/mmBtu evaluates wet FGD which is the lowest rate that vendors of the technology will guarantee. The IPM presumptive control model uses a removal efficiency of 98 percent. Because a 98 percent removal efficiency results in SO_2 rates less than 0.040 lb/mmBtu for the Gerald Gentleman Station units, we limited the control efficiency in the cost algorithm to just under 94 percent to assure that NPPD can obtain a performance guarantee for the wet scrubber. The second analysis allows direct comparison to SDA at similar reduction efficiencies of just under 91 percent.

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EPA is proposing to find the costs to be $2,502/ton and $2,402/ton at 91 percent control efficiency at Units 1 and 2, respectively.

Based on our cost assessment, EPA is proposing to conclude that NPPD can meet an SO_2 emission limit of 0.060 lb/mmBtu with cost effective controls.

The remaining useful life affects the cost effectiveness estimates for the control technologies. As discussed in more detail in appendix A of the TSD, available in the docket of this proposal, and in section IV.A.4. below, EPA has used 30 years as the remaining useful life of the units and any new controls installed on them. EPA believes that even if the remaining useful life of the units is as short as 20 years, the proposed control rate and associated control technologies are still cost effective.

2. Factor 2 - The Time Necessary for Compliance

EPA believes five years is the appropriate time period for installation of wet FGD or SDA except where there are unusual circumstances. In response to a section 114 information request, NPPD submitted several documents that demonstrate that between 2009 and 2014 NPPD considered installing wet FGD controls on

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Gerald Gentleman Station Units 1 and 2[60]. The engineering documents and requests for bids from this process included a timeline of five years from design to completion. EPA believes this is an appropriate timeframe for installation of wet FGD controls at Gerald Gentleman Station. We believe that SDA could be installed within the same timeframe. DSI may be able to be installed in a time frame of two to three years.

Due to the timing of this action, it is highly unlikely that the SO_2 controls that EPA is proposing will be installed and operational within the first planning period, which ends in 2018. Therefore, we request that Nebraska consider the visibility improvements anticipated from any necessary FIP controls implemented after 2018 when the state develops their next regional haze SIPs due July 31, 2021.[61] Further, EPA anticipates that Colorado and South Dakota will account for the additional controls on Gerald Gentleman Station when they set 2028 reasonable progress goals in the second implementation period.

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[60] *See* NPPD Clean Air Act Section 114 Response; NPPDRH114_0000892, NPPDRH114_0001321, NPPDRH114_0001584, NPPDRH114_0002059, NPPDRH114_0005017

[61] On December 14, 2016, EPA finalized Protection of Visibility: Amendments to Requirements for State Plans rule, which moves the state deadline for the second round of regional haze SIPs to July 31, 2021. 81 FR 26942, May 4, 2016. The final rule was published on January 10, 2017. 82 FR 3078 (January 10, 2017).

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3. Factor 3 - The Energy and Non-Air Quality Environmental Impacts of Compliance

To analyze energy impacts, the BART Guidelines advise, "You should examine the energy requirements of the control technology and determine whether the use of that technology results in energy penalties or benefits."[62] As discussed above in our cost analyses for DSI, SDA, and wet FGD, our cost model allows for the cost of additional auxiliary power required for pollution controls to be included in the variable operating costs. EPA chose to include this additional auxiliary power in all cases. Consequently, we believe that any energy impacts of compliance have been adequately considered in our analyses.

Regarding the analysis of non-air quality environmental impacts, the BART Guidelines advise:

> Such environmental impacts include solid or hazardous waste generation and discharges of polluted water from a control device. You should identify any significant or unusual environmental impacts associated with a control alternative that have the potential to affect the selection or elimination of a control alternative. Some control technologies may have potentially significant secondary

[62] 70 FR 39168 (July 6, 2005).

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environmental impacts. Scrubber effluent, for example, may affect water quality or land use. Alternatively, water availability may affect the feasibility and costs of wet FGD. Other examples of secondary environmental impacts could include hazardous waste discharges, such as spent catalysts or contaminated carbon. Generally, these types of environmental concerns become important when sensitive site-specific receptors exist, or when the incremental emission reductions potential of the more stringent control is only marginally greater than the next most-effective option. However, the fact that a control device creates liquid and solid waste that must be disposed of does not necessarily argue against selection of that technology as BART, particularly if the control device has been applied to similar facilities elsewhere and the solid or liquid waste is similar to those other applications. On the other hand, where you or the source owner can show that unusual circumstances at the proposed facility create greater problems than experienced elsewhere, this may provide a basis for the elimination of that control alternative as BART.[63]

[63] 70 FR 39169 (July 6, 2005).

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As referenced above, non-air environmental impacts may also take into account water availability to operate scrubbers. The Nebraska's Regional Haze SIP, the record for our previous actions on Nebraska's SIP, and information more recently obtained from NPPD, contain extensive information about water availability in the area of Gerald Gentleman Station.

In summary, Gerald Gentleman Station is located in western Nebraska, a semi-arid region dominated by agriculture. Water quantity in western Nebraska, both surface and groundwater availability, is governed by state statute and agreements with neighboring states and Federal agencies, such as the U.S. Fish and Wildlife Service, to protect, increase, and allocate the state's water resources. Specifically, the Nebraska Department of Natural Resources has responsibility for management of hydrologically connected surface water and groundwater resources, and must identify river basins that are fully or over-appropriated. Gerald Gentleman Station is located in a portion of the Twin Platte Natural Resource District that has been designated as over-appropriated, and pursuant to their Integrated Management Plan, construction of new groundwater wells greater than 50 gallons per minute or increasing irrigated acres is prohibited. New water needs must instead be obtained

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through offsets of existing groundwater wells, such as irrigation wells, which must be retired before drilling a new groundwater well.

In addition, in 2007, the U.S. Department of the Interior, Colorado, Wyoming, and Nebraska entered into the Platte River Recovery and Implementation Program (PRRIP) to restore shortages to U.S. Fish and Wildlife Service target flows in the Platte River, thereby protecting endangered and threatened species whose habitat includes the Platte River. The threatened and endangered species identified for protection include the piping plover, pallid sturgeon, least tern, and whooping crane. Substantial offsets to current water use are required in order to meet the PRRIP needs; however, as was previously commented by the USFWS, the PRRIP inherently provides options to offset consumptive uses, and was developed knowing that it would be untenable to prevent all new water uses.[64] Thus, the approach was to devise ways to provide for the water-dependent needs of listed species while accommodating new uses.

While there is no question that any new surface water depletions to central Platte River flows in order to operate SO_2 controls would require surface or ground water offsets, those

[64] EPA-R07-OAR-2012-0158, Appendices to State Submittal Documents, Chapter 3.

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offsets could be obtained at a cost. In EPA's previous BART cost analyses for wet FGD, we factored in potentially higher costs associated with obtaining water, including the cost of obtaining the fee title to irrigated land necessary to offset the water usage of wet FGD, and still found the costs to be reasonable, increasing the cost per ton by only $313 per ton.[65] These costs would be lower for use of SDA, which uses less water and therefore would require less offsets. DSI would require less water than either wet FGD or SDA, which would be used for regular maintenance of the system.

In addition, based on information EPA received from NPPD, it appears NPPD has multiple lines of access to additional supplies of groundwater. Based on an area well survey,[66] NPPD already has access to additional water supply from groundwater wells it currently owns and leases to other parties for irrigation and livestock watering, totaling approximately 4.17 million gallons per day (173,880 gallons per hour), and currently unused groundwater well capacity of 316,800 gallons per day (13,200 gallons per hour). This capacity is more than

[65] As explained in our previous action, this figure is considered conservative for several reasons. First, NPPD's estimates of water use to operate wet FGD were 31 percent higher than the average of other facilities NDEQ provided in its SIP. Second, we did not offset the cost due to rental income from the property, value due to production of dry land crops, or the future value of the land in 20 years. 77 FR 40150, 40162.
[66] Information received from NPPD pursuant to a Clean Air Act section 114 information request issued to NPPD on March 21, 2016.

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enough to operate SDA. In addition, NPPD may acquire groundwater offsets from surrounding areas and drill new wells.

EPA also notes that the overall water requirements of scrubbers at Gerald Gentleman Station would be a very small percentage of the water use requirements for Gerald Gentleman Station overall, only approximately 0.22-0.30 percent of total plant needs, which are largely for cooling. Therefore, we do not believe that the increase in water usage due to operation of scrubbers, in general, is prohibitive.

EPA acknowledges the water availability concerns, and the great care Nebraska takes in managing limited water resources. We also acknowledge the goals of the Integrated Management Plans and obligations of the Platte River Recovery Plan. As was noted above, the BART Guidelines provide that these types of environmental concerns become important when the incremental emission reduction potential of the more stringent control is only marginally greater than the next most-effective option. As discussed in the cost analysis above, wet FGD requires approximately 2.54 million gallons per day (106,000 gallons per hour), compared to SDA at 1.85 million gallons per day (77,000 gallons per hour), and is only marginally more effective at an achievable rate of 0.040 lb/mmBtu, compared to 0.060 lb/mmBtu, respectively, a difference of 1,354 tons per year.

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The SO_2 control technologies EPA considered in our analyses - DSI, SDA, and wet FGD - are in wide use in the coal-fired electricity generation industry. All three technologies would add spent reagent to the waste stream already generated by Gerald Gentleman Station, but do not present any unusual environmental waste impacts. As discussed in our cost analyses for DSI, SDA, and wet FGD, our cost model includes waste disposal costs in the variable operating costs. Therefore, EPA believes that any non-air quality environmental impacts related to waste have been adequately considered in our analyses.

4. Factor 4 - The Remaining Useful Life of the Source

Regarding the analysis of remaining useful life, the BART Guidelines advise:

> The "remaining useful life" of a source, if it represents a relatively short time period, may affect the annualized costs of retrofit controls. For example, the methods for calculating annualized costs in EPA's OAQPS Control Cost Manual requires the use of a specified time period for amortization that varies based upon the type of control. If the remaining useful life will clearly exceed this time period, the remaining useful life essentially has no effect on control costs and on the BART determination process. Where the remaining useful life is less than the time

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> period for amortizing costs, you should use the shorter time period in your cost calculations.

In determining the cost of scrubbers in the original SIP submission, Nebraska did not provide a specific useful life for the Gerald Gentleman Station:

> The useful remaining life of Gerald Gentleman Station Units 1 and 2 is greater than 20 years under the current NPPD energy resource plan. Therefore, the remaining useful life has no impact on the annualized estimated control technology cost at this time. Nebraska Regional Haze SIP Section 10.6.4.9.

NPPD did not provide any additional information regarding the remaining useful life of the Gerald Gentleman Station Units in their section 114 response. NPPD's Integrated Resource Plan also does not provide any specific information regarding the remaining useful life of the units. The Integrated Resource Plan does indicate that NPPD intends to utilize the units for a significant period of time into the future.

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EPA has used a 30 year lifetime approach in prior actions.[67] Therefore, we have used 30 years in the cost module of the IPM model when calculating costs for controls at the Gerald Gentleman Station.

EPA sees no reason to assume that a DSI system installation, which is a much less complex and costly (capital costs, as opposed to annualized costs) technology in comparison to a scrubber installation, should have a shorter lifetime. As with an wet FGD or SDA, we expect the boiler to be the limiting factor when considering the lifetime of a coal-fired power plant. EPA has therefore similarly assumed that the lifetime of a DSI system is 30 years. We propose to conclude that Units 1 and 2 have a remaining usful life of 30 years.

B. Proposed Long-Term Strategy Determinations for Gerald Gentleman Station

EPA believes the information described above supports this proposal that an SO_2 rate of 0.060 lb/mmBtu at the Gerald Gentleman Station is necessary to make reasonable progress at Class I areas affected by sources in Nebraska. The previous record showed that there would be positive visibility benefits to the affected Class I areas, if Gerald Gentleman Station

[67] See 76 FR 52388 (August 22, 2011); 76 FR 81728 (December 28, 2011); Oklahoma v. EPA, 723 F.3d 1201 (July 19, 2013), cert. denied (U.S. May 27, 2014).

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installed SO_2 controls. Although visibility is not a required element of the four-factor analysis, EPA reviewed the visibility information from the original Nebraska Regional Haze SIP record to verify the impacts of Gerald Gentleman Station on the nearest Class I Federal Areas of Badlands, Wind Cave, and Rocky Mountain National Parks. Upon review, EPA confirmed that the existing record, which includes both the CENRAP and Nebraska CALPUFF modeling, showed significant impacts on the affected Class I areas.

Overall, both the previous CENRAP CAMx modeling and NDEQ BART CALPUFF modeling relied upon in the Nebraska Regional Haze SIP indicate a visibility improvement with the installation of SO_2 controls at Gerald Gentleman Station. The 2018 CENRAP modeling shows improvements in the visibility impairment contribution from Nebraska elevated sources at Badlands due to decreases in emissions from the SO_2 BART controls assumed at Gerald Gentleman Station in the modeling. CALPUFF modeling with either wet FGD or DSI at a control rate of 0.15 lb/mmBtu produced significant visibility improvements at the two South Dakota Class I areas and Rocky Mountain National Park when averaged over the 2001-2003 modeling period.

Therefore, although visibility is not a required element of the four-factor analysis, there will be significant visibility

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benefit to the Class I areas as a result of meeting the proposed SO_2 emission rate at Gerald Gentleman Station. By meeting this proposed rate, EPA will ensure that Nebraska is achieving their fair share of emission reductions to allow Class I areas to reach natural visibility conditions.

As discussed in more detail in the Cost TSD (Appendix A), EPA is not able to find information showing that any coal-fired units in the U.S. are currently meeting the 0.060 lb/mmBtu rate proposed in this action with the use of DSI alone. Therefore, EPA is unable to say that use of DSI at the Gerald Gentleman Station can achive the proposed 0.060 lb/mmBtu emission limit. Nevertheless, this proposed action only proposes a rate, not a control technology. Therefore, it does not foreclose NPPD from using DSI to meet the 0.060 lb/mmBtu rate, if site specific engineering factors allow. As described earlier, the IPM Model predicts DSI annualized capital and operating costs at 90 percent control are competitive with SDA and wet FGD. DSI has lower capital costs and higher operating costs, which may be a consideration that is important to NPPD. EPA wants to make clear that our proposed SO_2 emission rate of 0.060 lb/mmBtu is not tied to the feasibility of meeting this emission using DSI, since it is justified on the basis of the cost-effectiveness of both SDA and wet FGD.

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Given the regional water concerns and greater water usage, EPA is proposing to eliminate the control efficiency rate of 0.040 lb/mmBtu from further consideration based on the non-air environmental impacts of water availability, because it can only be achieved with wet FGD.[68]

Based on the four-factor analysis, EPA proposes that NPPD meet an emission rate of 0.060 lb/mmBtu on the basis of a rolling 30-boiler operating day averaging period. This rate would apply at all times, including periods of startup and shut down, which is consistent with our SSM policy.[69]

V. Statutory and Executive Order Reviews

A. Executive Order: 12866 Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This proposed action is not a "significant regulatory action" under the terms of Executive Order 12866[70] and is therefore not subject to review under Executive Orders 12866 and 13563.[71] The proposed FIP only applies to one facility. It is therefore not a rule of general applicability.

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[68] See, 79 FR 74818, 74874 (February 16, 2014); 81 FR 296 at 320 (January 5, 2016); 77 FR 18052, 18061 (March 3, 2012)

[69] This proposed control rate will require the GGS units to be retrofitted with SO_2 control technology. NPPD will be required to obtain any permits necessary under the Nebraska SIP.

[70] 58 FR 51735 (October 4, 1993).

[71] 76 FR 3821 (January 21, 2011).

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B. *Paperwork Reduction Act*

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. Section 3501 et seq. Because this rule does not affect 10 or more entities, it does not contain any information collection activities the Paperwork Reduction Act does not apply. See 5 CFR 1320(c).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) a small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small

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organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, I certify that this action will not have a significant impact on a substantial number of small entities. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This proposed rule does not impose any requirements or create impacts on small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531-1538 for state, local, or tribal governments or the private sector. The EPA has determined that the proposed action does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This action proposes to approve or disapprove

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pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132: Federalism

This action does not have Federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. This proposed rule does not impose significant economic costs on state or local governments. Thus, Executive Order 13132 does not apply to this proposed action. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials.

F. Executive Order 13175: Coordination with Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This action applies to one facility in Nebraska and will affect Federal Class I areas in South Dakota and Colorado. This action does not apply on any Indian reservation land or any other areas where EPA or an Indian tribe

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has demonstrated that a tribe has jurisdiction, or non-reservation areas of Indian county. Thus Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks

Executive Order 13045: Protection from Environmental Health Risks and Safety Risks applies to any rule that: (1) is determined to be economically significant as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate risk to children. Moreover, "regulation" or "rule" is defined in Executive Order 12866 as "an agency statement of general applicability and future effect." E.O. 12866 does not define "statement of general applicability" but this term commonly refers to statements that apply to groups or classes, as opposed to statements which apply only to named entities. The proposed FIP, therefore, is not a rule of general applicability because its requirements apply and are tailored to only one individually identified facility. Thus it is not a "rule" or "regulation" within in the meaning of E.O. 12866. However, as this action will limit emissions of SO_2, it will have a beneficial effect on children's health by reducing air pollution.

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H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution or Use

This proposed action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act

This proposed action involves technical standards. Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to us available and applicable voluntary consensus standards. This proposed rule would require the affected facility to meet the applicable monitoring requirements of 40 CFR part 75. Part 75 already incorporates a number of voluntary consensus standards. Consistent with the Agency's Performance Based Measurement (PBMS), part 75 sets forth performance criteria that allow the

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use of alternative methods to the ones set forth in part 75. The PBMS approach is intended to be more flexible and cost-effective for the regulated community; it is also intended to encourage innovation in analytical technology and improved data quality. At this time, EPA is not recommending any revisions to part 75; however, EPA periodically revises the test procedures set forth in part 75. When EPA revises the test procedures set forth in part 75 in the future, EPA will address the use of any new voluntary consensus standards that are equivalent. Currently, even if a test procedure is not set forth in part 75, EPA is not precluding the use of any method, whether it constitutes a voluntary consensus standard or not, as long as it meets the performance criteria specified; however any alternative methods must be approved through the petition process under 40 CFR 75.66 before they are used.

J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes the human health or environmental risk addressed by this proposed action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations because it increases the level of environmental

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protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This proposed FIP limits emissions of SO_2 from one facility in Nebraska.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Visibility, Interstate transport of pollution, Regional haze.

Dated: 01-18-2017 /s/ Mark Hague

January 18, 2017.

Mark Hague,
Regional Administrator,
Region 7.

IDENTIFICATION OF DOCUMENT: Proposed rule; EPA-R07-OAR-2017-0039; Approval and Promulgation of Air Quality Implementation Plans; Nebraska Regional Haze Federal Implementation Plan; Reconsideration

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For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

Part 52 – APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart CC - NEBRASKA

2. § 52.1437 is proposed to be revised to read as follows:

§ 52.1437 Visibility protection.

(b) Measures Addressing Partial Disapproval Associated with SO_2. The deficiencies associated with the SO_2 BART determination, including those provisions of the long-term strategy addressing SO_2 emissions, for Nebraska Public Power District, Gerald Gentleman Station, Units 1 and 2 identified in EPA's partial disapproval of the regional haze plan submitted by Nebraska on July 13, 2011, are satisfied by § 52.1429 and subsection (c) of this section.

(c) Requirements for Gerald Gentleman Station Units 1 and 2 affecting visibility.

(1) *Applicability.* The provisions of this section shall apply to each owner, operator, or successive owners or operators of the coal burning equipment designated as Gerald Gentleman Station Units 1 and 2.

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(2) *Compliance Dates*. Compliance with the requirements of this section is required by 5 years from the effective date of this rule for Gerald Gentleman Station Units 1 and 2.

(3) *Definitions*. All terms used in this part but not defined herein shall have the meaning given to them in the Clean Air Act and in parts 51 and 60 of this title. For the purposes of this section:

24-hour period means the period of time between 12:01 a.m. and 12 midnight.

Air pollution control equipment includes baghouses, particulate or gaseous scrubbers, sorbent injection systems, and any other apparatus utilized to control emissions of regulated air contaminants which would be emitted to the atmosphere.

Boiler-operating-day means any 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in a steam generating unit.

Heat input means heat derived from combustion of fuel in a unit and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources. Heat input shall be calculated in accordance with 40 CFR Part 75.

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Owner or Operator means any person who owns, leases, operates, controls, or supervises any of the coal burning equipment designated in paragraph (a) of this section.

Regional Administrator means the Regional Administrator of Region 7 or his/her authorized representative.

Unit means each individual coal-fired boiler covered under paragraph (a) of this section.

(4) *Emissions Limitations*. SO_2 emission limit. The sulfur dioxide emission limit for each individual unit shall be as listed in the following table in pounds per million British thermal units (lb/mmBtu) as averaged over a rolling 30 boiler-operating-day period.

Unit	SO_2 Emission limit (lbs/mmBtu)
Gerald Gentleman Station Unit 1	0.060
Gerald Gentleman Station Unit 2	0.060

For each unit, SO_2 emissions for each calendar day shall be determined by summing the hourly emissions measured in pounds of SO_2. For each unit, heat input for each boiler-operating-day shall be determined by adding together all hourly heat inputs, in millions of Btu. The 30-day rolling average SO_2 emision rate for each boiler-operating-day of the 30-day rolling average for a unit shall be determined by adding together the pounds of SO_2 from that day and the preceding 29 boiler-operating-days and

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dividing the total pounds of SO_2 by the sum of the heat input during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/mmBtu emissions of SO_2. Each 30 Boiler Operating Day Average Rate shall include all emissions that occur during all periods of operation within an operating day, including startup, shutdown and malfunction. If valid SO_2 pounds per hour or heat input is not available for any hour for a unit, that heat input and SO_2 pounds per hour shall not be used in calculation of the 30 boiler-operating-day rolling average for SO_2.

(5) *Testing and Monitoring.*

(i) No later than the compliance date of this regulation, the owner or operator shall install, calibrate, maintain and operate Continuous Emissions Monitoring Systems (CEMS) for sulfur dioxide (SO_2), diluent (%CO_2 or %O_2) and flow, for each unit listed in Section (1) in accordance with 40 CFR 60.8 and 60.13(e),(f),and (h), and appendix B of Part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. The SO_2, diluent, and flow CEMS data, expressed in units of the standard, shall be used to verify compliance for each unit.

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(ii) Continuous emissions monitoring shall apply during all periods of operation of the coal burning equipment including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO_2 and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each 15-minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventative maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid pounds per million Btu emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by EPA to provide emission data for a minimum of 18 hours in each 24-hour period and at least 22 out of 30 successive boiler operating days.

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(6) *Recordkeeping and Reporting Requirements.* Unless otherwise stated all requests, reports, submittals, notifications and other communications to the Regional Administrator required by this section shall be submitted unless instructed otherwise to the Director, Air and Waste Management Division, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219. For each unit subject to the emissions limitation in this section and upon completion of CEMS as required in this section, the owner or operator shall comply with the following requirements:

(i) The following information shall be reported to the Regional Administrator, EPA Region 7, and the Nebraska Department of Environmental Quality, for each **boiler operating day.** The report shall be submitted no later than 30 days following the end of each semi-annual calendar period (e.g. June 30, December 31).

(1) Calendar date.

(2) The average SO_2 emission rates, in lb/mmBtu, for each 30 successive boiler operating day period, ending with the last 30-day period in the semi-annual reporting period; reasons for non-compliance with the emission standards; and, description of corrective actions taken.

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(3) Identification of the boiler operating days for which pollutant or diluent data have not been obtained by an approved method for at least 75 percent of the hours of operation of the facility; justification for not obtaining sufficient data; and description of corrective actions taken.

(4) Identification of the "F" factor used for calculations, method of determination, and type of fuel combusted.

(5) Identification of times when hourly averages have been obtained based on manual sampling methods.

(6) Identification of the times when the pollutant concentration exceeded full span of the CEMS.

(7) Description of any modifications to CEMS which could affect the ability of the CEMS to comply with Performance Specifications 2 or 3 of 40 CFR 60.51 Subpart Da.

(7) *Equipment Operations.* At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the unit including the associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable

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operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the unit.

(8) *Enforcement*.

(i) Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the unit would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not the owner or operator has violated or is in violation of any standard or applicable implementation plan.

(ii) Emissions in excess of the level of the applicable emission limit or requirement that occur due to startup, shutdown or malfunction shall constitute a violation of the applicable emission limit.

Attachment 2

EARTHJUSTICE SIERRA CLUB NATIONAL PARKS CONSERVATION ASSOCIATION

March 8, 2016

Janet McCabe
Acting Assistant Administrator
Office of Air and Radiation
Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 6101A
Washington, DC 20460

Re: EPA's Remand of the Long-Term Strategy for Nebraska to Reconsider Controls at Gerald Gentleman Station

Dear Ms. McCabe,

Thank you for meeting with us on January 11, 2016 to discuss several outstanding regional haze rulemakings. We are writing to follow up regarding the pending remand of the Nebraska regional haze plan. As you know, in response to litigation we brought, EPA requested and was granted a voluntary remand to reconsider its decision regarding reasonable progress requirements at the Gerald Gentleman Station. This letter explains why EPA must not only evaluate but promptly require reasonable progress controls at Gerald Gentleman Station, which is the largest stationary source of sulfur dioxide (SO_2) and nitrogen oxides (NO_x) emissions in Nebraska and which impairs visibility at the region's Class I area national parks and wildernesses.

There are two separate legal provisions that compel EPA to require controls at Gerald Gentleman in order to make reasonable progress at affected Class I areas. First, where Nebraska sources impact the region's Class I areas and controls pass the four-factor reasonable progress analysis required by 40 C.F.R. § 51.308(d)(1)(i)(A), EPA should require such controls as part of Nebraska's long-term strategy. In recent federal implementation plans such as in Texas, EPA required controls for the sources that are large contributors to impairment and for which controls would be cost-effective and advance reasonable progress towards natural conditions. EPA must apply this same framework to Nebraska. EPA's prior analysis shows that Gerald Gentleman impairs Class I area visibility and that post-combustion controls meet the four reasonable progress factors and would help achieve reasonable progress.

Second, EPA must require controls at Gerald Gentleman in order to comply with the requirement to include an approvable long-term strategy for Class I areas that are affected by

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emissions from the state, 40 C.F.R. § 51.308(d)(3). Under EPA's approach in Texas and elsewhere, the requirement to make reasonable progress is primary and must be met regardless of the status of any reasonable progress goals, which are designed to reflect required controls. In this instance, post-combustion controls are reasonable and should be required. This is particularly true given that existing reasonable progress goals for Badlands, Wind Cave, and Rocky Mountain National Parks already reflect the reasonable, but unfulfilled, assumption of a scrubber at Gerald Gentleman, Moreover, Nebraska lags far behind neighboring in achieving reasonable progress by reducing EGU emissions, which makes controls at Gerald Gentleman especially appropriate.

I. EPA Must Be Consistent in its Application of Reasonable Progress Requirements in the Nebraska Regional Haze Plan.

As with many state plans, EPA's framework for the long-term strategy analysis in Texas, Arizona, Wyoming and Montana was to identify sources significantly impairing visibility, and to require controls deemed reasonable after conducting a four-factor analysis that included consideration of cost-effectiveness. EPA stated this position explicitly in the Texas regional haze rule, noting that, in a federal implementation plan, EPA has authority and responsibility to require controls as part of a long-term strategy if the four-factor reasonable progress analysis shows that the controls are reasonable. That same framework not only should, but must, be applied to Nebraska, given EPA's obligation to uniformly apply its regulations. *See* 40 C.F.R. §§ 56.3 - 56.5. EPA's regional consistency regulations mean that EPA cannot interpret the Regional Haze Rule as meaning one thing in one state but the opposite thing in Nebraska.

EPA's approach in the Texas regional haze plan was to prioritize controlling sources that have the largest visibility impact on affected Class I areas. EPA must apply that same approach to Nebraska's long-term strategy. When EPA does so, the number one priority is controlling Gerald Gentleman, the largest stationary source of SO_2 and NO_x emissions in Nebraska. Gerald Gentleman has no post-combustion controls for SO_2 or NO_x, and reported 2014 SO_2 and NO_x emissions of approximately 24,000 and 8,000 tons, respectively (for both units combined).

Gerald Gentleman has a cumulative impact of 8.86 deciviews at the 6 Class I areas it impairs by more than 0.5 deciviews: Badlands and Wind Cave National Parks in South Dakota; Wichita Mountains in Oklahoma; Rocky Mountain National Park in Colorado; and Hercules Glades and Mingo Wilderness Areas in Missouri. EPA's 2012 analysis concluded that Gerald Gentleman "clearly causes visibility impairment at the closest Class I area, Badlands, even without consideration of cumulative impacts." 77 Fed. Reg. 40,150 40,156 (July 6, 2012). Any analysis which prioritizes the Nebraska sources that have the largest visibility impact on Class I areas in the region would place Gerald Gentleman at the top of the list of sources to control.

If the framework EPA used for analyzing reasonable progress controls in Texas and elsewhere were applied to Nebraska, the minimum control outcome of a four-factor analysis would be a scrubber for Gerald Gentleman. EPA's 2012 analysis concluded that a dry scrubber would be feasible and cost-effective at between $1,900 and $2,100/ton (including the cost to obtain water). 77 Fed. Reg. at 40,162. Even at the outdated and inappropriately high emission rate of 0.15 lbs/MMBtu evaluated by Nebraska, EPA noted cumulative visibility benefits of 3.17

deciviews from a scrubber, including an improvement of 0.78 deciviews at Badlands. *Id.* at 40,162. The visibility benefits would be much larger with the 60% lower emission limit of 0.06 lbs/MMBtu that EPA concluded was appropriate and feasible at Gerald Gentleman and that has been required of Texas, Oklahoma, and other sources installing new scrubbers. In sum, if EPA were to conduct a four-factor analysis now, the analysis would confirm what the agency's 2012 analysis showed: operating a scrubber at Gerald Gentleman is feasible, cost-effective, and would make significant reasonable progress.

EPA's 2012 analysis likewise documented cost-effective controls for NO_x available through the use of selective catalytic reduction (SCR). Cost-effectiveness for SCR ranged from $1,500 - $1,600/ton. Based on a high emission rate of 0.08 lbs/MMBtu, compared with the 0.05 lbs/MMBtu determined to be feasible by EPA, SCR provided a minimum improvement of 3.21 deciviews cumulatively, with an improvement of at least 1.15 deciviews at Badlands National Park. 77 Fed. Reg. at 40,158. Like a scrubber, an SCR at Gerald Gentleman is feasible, cost-effective, and would make significant reasonable progress.

II. Reasonable Progress Controls at Gerald Gentleman Are Necessary to Make Reasonable Progress at Class I Areas in Neighboring States.

Requiring reasonable progress controls at Gerald Gentleman Station is necessary to fulfill Nebraska's independent obligation to develop a long-term strategy that makes reasonable progress towards natural visibility conditions at neighboring state Class I areas affected by Nebraska's emissions. *See* 40 C.F.R. § 51.308(d)(3). As articulated by EPA in recent federal implementation plans, an approvable long-term strategy must include the state's share of emission reductions needed to meet a progress goal that accounts for all reasonable control measures. *See* 81 Fed. Reg. 296, 313 (Jan. 5, 2016); *see also* 40 C.F.R. § 51.308(d)(3). The obligation to make reasonable progress extends beyond BART and is independent of specific reasonable progress goals (RPGs), which ultimately reflect rather than determine which controls are reasonable. Further, the long-term strategy needs to reflect a reasonable consultation process between the states which is based on accurate information and technically adequate analyses. 81 Fed. Reg. at 312-13.

Both longstanding EPA policy and logic dictate that long-term strategies include reasonable controls, determined through the identification and analysis process described above, regardless of the status of the RPGs meant to reflect those controls. Most recently, EPA expressed this position in the Texas FIP, where it required new scrubbers without setting specific RPGs that reflected the associated visibility improvement. EPA's rationale is that the statute defines a long-term strategy as lasting 10-15 years, 42 U.S.C. § 7491(b)(2)(B), and thus the long-term strategy can stretch beyond the 2018 RPGs if a four-factor analysis concludes that controls are reasonable. 81 Fed. Reg. at 316 ("While reasonable progress goals reflect that degree of visibility improvement attainable during the first planning period (which extends to 2018). . . the long-term strategy requirements of the program by their very nature look beyond these interim goals to the state's 'long term' approach to addressing regional haze and may include control measures and accompanying visibility improvements that extend beyond the first planning period."). EPA argues that it has authority and responsibility to require such controls in order to make reasonable progress without an associated RPG. We agree.

Staff from EPA Region 7 gave a presentation to us in which they claimed that Badlands, Wind Cave, and Rocky Mountain National Parks are on track to meet their RPGs without Gerald Gentleman reducing its emissions, and thus a scrubber is not necessary to meet the established RPGs for these areas. EPA squarely rejected this argument in Texas, noting that:

> Even when recent data from IMPROVE monitors indicate that visibility conditions in the Class I area are better than the established reasonable progress goals . . . the state must still address the requirements under § 51.308(d)(1) and (d)(3)(i) in evaluating controls for additional sources and in establishing reasonable progress goals for its Class I areas.

81 Fed. Reg. at 342.

In states such as Arizona, Arkansas, Texas, and Wyoming, EPA has required reasonable progress controls without updating the RPGs for affected Class I areas to reflect the improvement from the reasonable progress controls. Requiring SCR at Gerald Gentleman as a reasonable progress measure would be similar in that it makes reasonable progress, but is not reflected in existing RPGs for affected Class I areas. The shortcoming of an existing RPG to reflect needed emission reductions is not a barrier to requiring reasonable controls.

Requiring a scrubber as a reasonable progress control at Gerald Gentleman would merely implement the controls already assumed by affected states and the relevant regional planning organizations and reflected in established RPGs. Colorado and South Dakota relied on modeling from the Central Regional Air Partnership (CENRAP), which Nebraska participated in, and the Western Regional Air Partnership (WRAP) in setting RPGs for Badlands, Wind Cave, and Rocky Mountain National Parks. In the course of consultation, Colorado specifically asked that Nebraska reconsider its failure to require SO_2 controls at Gerald Gentleman to help make progress at Rocky Mountain National Park.

However, neither Nebraska nor EPA required Gerald Gentleman to install scrubbers. For well over a decade, the facility has emitted SO_2 at roughly 0.6 lbs/MMBtu, 10 times higher than the limit achievable with scrubbers. The failure to require the controls at Gerald Gentleman which the CENRAP states assumed would be installed and operated undermines the good-faith consultation engaged in by all states.

III. Nebraska Has Not Done its Fair Share to Reduce Emissions.

EPA's approach in Texas is consistent with the regulations and statute, and is also sound policy. By contrast, EPA's approach to date in Nebraska has been to reward Nebraska for sidestepping requirements of the Regional Haze Rule and achieving close to no reductions, while other states have fulfilled their obligations. EPA's approach in Nebraska sends a message to states that it is acceptable to delay action and rely on neighboring states to carry the burden of reducing emissions.

It is predictable that if an analysis is conducted toward the very end of the planning period, some states may have reduced emissions by more than projected. Delaying action on a

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SIP for long enough may unjustly result in a perceived lack of need to reduce emissions to make reasonable progress. EPA cannot give Nebraska a free pass simply because final action on the Nebraska plan has taken longer than finalization of other plans.

Indeed, Nebraska has been a free-rider that has benefitted from other states reducing their emissions while final action on the Nebraska long-term strategy has been outstanding. EPA Region 7 presented us with an analysis showing that from 2002 – 2014, SO_2 emissions from EGUs in EPA Region 7 decreased by approximately 50 percent. According to the data which Region 7 staff presented, over that same time period, SO_2 emissions from EGUs in Nebraska decreased by only 26 percent. Thus, Nebraska has made only half of the progress in reducing SO_2 emissions from its power plants as other states in Region 7 have. It also lags in relative NOx reductions compared to other Region 7 states.

For all these reasons, we urge EPA to promptly undertake a four-factor analysis of reasonable progress controls at Gerald Gentleman Station. As part of this analysis, EPA should update the cost and cost-effectiveness calculations for scrubbers and SCR, and perform visibility modeling to determine the benefits from those controls. Based on EPA's 2012 analysis, we are confident that an updated analysis will once again show that post-combustion controls are feasible, cost-effective, and would significantly improve visibility.

Please do not hesitate to contact us with any questions.

Sincerely,

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Attachment 3

EARTHJUSTICE

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

August 31, 2012

Via Federal Express and Email

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Re: Petition for Reconsideration of Final Approval, Disapproval and Promulgation of Implementation Plans, State of Nebraska Regional Haze State Implementation Plan and Federal Implementation Plan, 77 Fed. Reg. 40150 (July 6, 2012). Docket ID No. EPA-R07-OAR-2012-0158

Dear Administrator Jackson, Regional Administrator Brooks, and Section Chief Jay:

Pursuant to Section 307(d)(7)(B) of the Clean Air Act (the "CAA" or the "Act"), 42 U.S.C. § 7607(d)(7)(B), the National Parks Conservation Association and the Sierra Club (collectively, the "Conservation Organizations") respectfully petition the Administrator of the Environmental Protection Agency ("EPA" or the "Agency") to reconsider the final rule partially approving and disapproving Nebraska's Regional Haze State Implementation Plan and

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Promulgating a Federal Implementation Plan (collectively, the "Haze Plan"), 77 Fed. Reg. 40150 (July 6, 2012).

EPA should reconsider the regional haze plan for Nebraska for two broad sets of reasons. First, the D.C. Circuit recently vacated the Cross State Air Pollution Rule (the "Transport Rule"),[1] which EPA had approved as satisfying both the SO_2 and NO_x BART requirements at the Gerald Gentleman Station coal-fired power plant ("Gerald Gentleman"). The Conservation Organizations could not have commented on the impact of the court's decision, since it was issued after the close of the public comment period. Moreover, the court's opinion requires EPA to reconsider its approval of the Nebraska regional haze SIP, since the SIP cannot meet legal requirements by relying on a rule that has now been vacated and is unenforceable.

Second, even if the Transport Rule were not vacated, EPA should reconsider its approval of the Transport Rule as satisfying the NO_x BART requirements for Gerald Gentleman. EPA's final NO_x BART determination for Gerald Gentleman was entirely different from its proposed determination, and EPA gave no notice to the Conservation Organizations that it was considering reliance on the Transport Rule to satisfy NO_x BART requirements at Gerald Gentleman. As a result, the Conservation Organizations had no opportunity to comment on the final NO_x BART determination for Gerald Gentleman. Additionally, the final NO_x BART determination suffers from multiple legal flaws: the plain language of the CAA prevents EPA from approving the Transport Rule as an alternative to BART in this case; EPA's final rule fails to comply with its own regulations for approving an alternative to source-specific BART determinations; the Transport Rule will result in fewer emissions reductions in Nebraska than source-specific BART and will allow air quality in Class I areas to deteriorate; and EPA's decision to substitute the Transport Rule for source-specific BART at Gerald Gentleman is inherently inconsistent and arbitrary. For all these reasons, EPA should reconsider the entire Nebraska regional haze SIP approval and FIP, especially the BART determinations for Gerald Gentleman.

INTRODUCTION AND BACKGROUND

The Conservation Organizations represent Nebraskans and people throughout the nation who care deeply about protecting the air quality in our national parks and wilderness areas in the Midwest and Great Plains. Congress established "as a national goal the prevention of any future, and remedying of any existing, impairment of visibility in the mandatory class I Federal areas which impairment results from manmade air pollution."[2] 42 U.S.C. § 7491(a)(1). In order to protect their "intrinsic beauty and historical and archeological treasures," the regional haze

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[1] EME Homer City Generation, L.P. v. Environmental Protection Agency, --- F.3d ---, 2012 WL 3570721 (D.C. Cir. 2012).

[2] "Manmade air pollution" is defined as "air pollution which results directly or indirectly from human activities." 42 U.S.C. § 7491(g)(3).

program establishes a national regulatory floor and requires states to design and implement programs at least as stringent as this floor to curb haze-causing emissions within their jurisdictions.[3] To implement the haze program, a state is required to design a plan to reduce and eventually eliminate haze from air pollution sources within its borders that may reasonably be anticipated to cause or contribute to visibility impairment for any Class I area located within or beyond that state's boundaries. When a state plan fails to establish a program that is at least as stringent as the national floor, EPA has an obligation to promulgate a federal implementation plan or "FIP." See 42 U.S.C. § 7410(c)(1).

Each SIP/FIP must provide "emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress towards meeting the national goal." 42 U.S.C. § 7491(b)(2). Two of the most critical features of a regional haze SIP/FIP are requirements for (1) the installation of BART technology for major stationary sources of pollution and (2) a long-term strategy for making reasonable progress towards the national visibility goal. 40 C.F.R. § 51.308(d)(1)(i)(B). EPA requires each regional haze plan to demonstrate that it will achieve natural visibility conditions in the nation's Class I areas by 2064, or to establish why meeting this goal is unreasonable. See id.

BART limits are required for major stationary sources that were in existence on August 7, 1977 and began operating after August 7, 1962, and that emit air pollutants that may reasonably be anticipated to cause or contribute to any impairment of visibility in a Class I area. 42 U.S.C. § 7491(b)(2)(A). The term "major stationary source" is defined as a source that has the potential to emit 250 tons or more of any pollutant and falls within one of 26 categories of industrial sources defined by the Act. Id. § 7491(g)(7). A source is subject to BART if it meets the above criteria and is responsible for a significant visibility impact in a Class I area. 40 C.F.R. Part 51, Appendix Y. BART must be installed and operated no later than five years after the SIP/FIP approval. Id. § 51.302(c)(4)(iv). Gerald Gentleman is a major stationary source subject to BART.

BART is defined by the CAA and EPA regulation as:

> an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality (sic) environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

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[3] See H.R. Rep. No. 95-294, at 203-04 (1977).

40 C.F.R. § 51.301; 42 U.S.C. § 7491(g). This definition establishes the framework for conducting a BART analysis. The agency must first identify the "best system of continuous emission reduction" for each relevant pollutant, which often produces a list of technologies that can be employed. 40 C.F.R. § 51.301. Once the best technology (or technologies) is selected, the agency should then apply the five-factor test (from the statute, incorporated into the regulation) to determine the best emission limitation achievable from that technology.

Emissions from Nebraska, in particular emissions from the Gerald Gentleman Station coal-fired power plant, impact at least six Class I areas, including Badlands and Wind Cave National Parks in South Dakota, Rocky Mountain National Park in Colorado, Hercules Glades and Mingo Wildernesses in Missouri, and Wichita Mountains Wilderness in Oklahoma. These Class I areas preserve the region's inspiring landscapes, rare geologic formations, and diverse wildlife and vegetation. They serve as living museums of our nation's history. Visitors from across the nation are drawn to these lands and the resulting tourism benefits state and local economies.

The Gerald Gentleman coal plant is the single largest Nebraska source of haze-causing pollutants and is subject to BART because it causes or contributes to visibility impairment in six Class I areas. See Letter from Nathan Miller, Air Quality Analyst, NPCA to Chrissy Wolfersberger, EPA at 21-23 (May 2, 2012) (Docket EPA-RO7-OAR-2012-0158-0048) (hereinafter Conservation Organization Comments). Because of the magnitude of the impact electrical generating units ("EGUs") like Gerald Gentleman have on these amazing landscapes, Congress directed EPA to impose the "best" air pollution control requirements on these sources to achieve the greatest progress toward eliminating anthropogenic sources of visibility impairment.

As set forth in the comments of NPCA, Sierra Club, Plains Justice, and NEAC dated May 2, 2012 (incorporated by this reference), BART for nitrogen oxides emissions from Gerald Gentleman is the emission limitation based on the best NO_x control which is achieved with Selective Catalytic Reduction ("SCR") technology. In the final rule for Nebraska, with no additional opportunity for public comment, EPA changed its position from approval of Nebraska's determination that low-NO_x burners represented BART to control emissions of NO_x at Gerald Gentleman, to a determination that Nebraska's proposal of low-NO_x burner technology as BART for NO_x emissions was inadequate ("not supported by the record") to satisfy the CAA's BART requirements. Yet, EPA still approved low-NO_x burner technology as a "strengthening" of the Nebraska SIP if coupled with the application of the Cross-State Air Pollution Rule. 77 Fed. Reg. at 40151, 40158-40160.

While EPA correctly concluded that low-NO_x burners are not BART, EPA's determination to substitute the Transport Rule for BART is contrary to the CAA and arbitrary and capricious. As set forth below, EPA's final rule regarding BART for both SO_2 and NO_x emissions from Gerald Gentleman is legally and factually unsupportable.

ARGUMENT

I. EPA MUST RECONSIDER ITS FINAL RULE FOR NEBRASKA'S REGIONAL HAZE IMPLEMENTATION PLAN.

The CAA provides that a party may seek judicial review in a Circuit Court of Appeals of a final decision on an implementation plan, but only of those issues and objections raised in comments to the agency. 42 U.S.C. § 7607(b), (d)(7)(B). If a person raising an objection can demonstrate that the objection arose after the period for public comment (but within the time specified for judicial review) or that it was impracticable to raise the objection during the comment period, and that the objection is of central relevance to the outcome of the final decision, the Administrator shall convene a proceeding for reconsideration of the final decision. 42 U.S.C. § 7607(d)(7)(B). This petition meets the statutory test for reconsideration for at least two broad reasons.

First, the D.C. Circuit vacated the Transport Rule after the close of the public comment period, and thus it was impossible for the Conservation Organizations to comment on the implications of the court's decision on a regional haze plan that relies on the Transport Rule to satisfy NO_x and SO_2 BART requirements. Plainly, EPA must reconsider its reliance on a rule that is now vacated and unenforceable.

Second, it was impracticable for the Conservation Organizations to comment on the final NO_x BART determination for Gerald Gentleman, because it relied on the Transport Rule, which EPA had not previously identified as an option it was considering to satisfy NO_x BART requirements at Gerald Gentleman. Moreover, even if the Transport Rule had not been vacated, reliance on the Transport Rule to satisfy the NO_x BART requirements at Gerald Gentleman is improper. For these two, independent reasons, the Administrator must convene a proceeding for reconsideration of the decision to substitute the Transport Rule for source-specific BART for SO_2 and NO_x emissions from Gerald Gentleman.

A. <u>The Conservation Organizations Could Not Have Raised Their Objections During the Public Comment Period.</u>

The Conservation Organizations' two sets of objections to the BART determinations for Gerald Gentleman could not have been raised during the public comment period because the grounds for objection arose after the public comment period. First, the Conservation Organizations object to the regional haze plan relying on the Transport Rule, since the Transport Rule has been vacated and is unenforceable. Because the D.C. Circuit vacated the Transport Rule after the close of the public comment period, the grounds for this objection did not arise until it was too late to comment on this issue. Second, even if the Transport Rule were not vacated, the Conservation Organizations object to the final NO_x BART determination for Gerald

Gentleman, which relies on the Transport Rule and low-NO_x burners. It was impracticable to comment on the propriety of the Transport Rule satisfying the NO_x BART requirements because EPA gave no indication in the proposed rule that it was considering the Transport Rule as satisfying NO_x BART requirements at Gerald Gentleman.

1. The D.C. Circuit Court decision vacating the Transport Rule arose months after the comment period closed and after EPA issued its final decision.

In its final Nebraska regional haze plan, EPA substituted SO_2 and NO_x allocations under the Transport Rule for source-specific BART determinations at Gerald Gentleman. On August 21, 2012, the D.C. Circuit Court of Appeals vacated the Transport Rule. EME Homer City Generation, L.P. v. Environmental Protection Agency, --- F.3d ---, 2012 WL 3570721 (D.C. Cir. 2012). Assuming, simply for the sake of argument, that a Transport Rule could ever satisfy BART requirements, a rule that has been vacated and is now unenforceable cannot meet the BART requirements. Because the D.C. Circuit decision occurred well after the comment period on EPA's proposal and final decision to substitute the Transport Rule for BART, it was impossible for the Conservation Organizations to comment on or object to the substitution on the grounds that the Transport Rule is vacated and not enforceable.

2. The Conservation Organizations' objections to EPA's final decision on NO_x BART for Gerald Gentleman arose after the public comment period and it was impracticable to raise the objections during the comment period.

In its initial proposal to approve Nebraska's BART determination for NO_x emissions from Gerald Gentleman, EPA proposed to approve Nebraska's determination that low-NO_x burners are BART. EPA did not propose or even mention the Transport Rule as a substitute, alternative, or supplement to Nebraska's NO_x BART determination. See generally 77 Fed. Reg. 12770, 12781-82 (Mar. 2, 2012). This is in stark contrast to EPA's proposal to substitute and approve the Transport Rule as BART for SO_2 emissions from Gerald Gentleman. Id. at 12780-81.

Because EPA did not propose the Transport Rule as BART or a substitute for BART for NO_x emissions from Gerald Gentleman, the Conservation Organizations did not comment on the Transport Rule as BART for NO_x. Nor did any other person or entity, including the Federal Land Managers ("FLMs"), submit comments on the propriety of relying on the Transport Rule to satisfy the NO_x Bart requirements at Gerald Gentleman. See generally Conservation Organization Comments and Letter from Susan Johnson, Chief, Policy, Planning and Permit Review Branch, National Park Service to Chrissy Wolfersberger, Air Planning and Development Branch, EPA Region 7 (Mar. 30, 2012) (Docket EPA-R07-OAR-2012-0158-0048 and 0027) [hereinafter National Park Service Comments]. It would have been impractical and irrelevant for the Conservation Organizations to submit comments on something that EPA was not proposing.

Furthermore, it was reasonable for the Conservation Organizations and the FLMs to read EPA's proposal as not including the Transport Rule for NO_x given that EPA explicitly proposed and discussed the Transport Rule for SO_2 emissions from Gerald Gentleman. The Conservation Organizations and the FLMs had no notice of the Transport Rule as BART for NO_x issue and no reason to believe that EPA was proposing or would propose the Transport Rule for NO_x. The Conservation Organizations cannot be required to comment on all possibilities, real or imagined, that are not actually proposed by the agency. See, e.g., Portland Cement Ass'n v. Envt'l Prot. Agency, 665 F.3d 177, 186 (D.C. Cir. 2011) ("While we certainly require some degree of foresight on the part of commenters, we do not require telepathy. . . . To hold otherwise would encourage strategic vagueness on the part of agencies and overly defensive, excessive commentary on the part of interested parties ...").

It was only after the comment period had closed that EPA, in its final NO_x BART decision for Gerald Gentleman, concluded that low-NO_x burners, standing alone, would be insufficient. Instead, EPA found that the Transport Rule was BART for NO_x, and approved low-NO_x burners as a "strengthening" of the SIP. 77 Fed. Reg. at 40151, 40158-40160. The Conservation Organizations' objections, set forth below, to the substitution of the Transport Rule as BART for NO_x from Gerald Gentleman, could not have been raised during the public comment period and it was impractical for the Conservation Organizations to comment on a proposal that did not exist.

II. THE CONSERVATION ORGANIZATIONS' OBJECTIONS ARE OF CENTRAL RELEVANCE TO THE FINAL RULE.

A. The Objections Relate to the Primary Rationale for the BART Determinations for Gerald Gentleman.

As set forth in detail below, the Conservation Organizations object to EPA's decision that the Transport Rule satisfies both the SO_2 and NO_x BART requirements for Gerald Gentleman. The final regional haze plan relies on only the Transport Rule to satisfy the SO_2 BART requirements at Gerald Gentleman, based on EPA's national rule finding that the transport would make greater reasonable progress than would BART. Similarly, the plan relies on the Transport Rule to satisfy the NO_x BART requirements at Gerald Gentleman—but also approves the state's proposal for low-NO_x burners as a supplemental, SIP strengthening measure. Here too, EPA relied on its national "CSAPR is better than BART" rule, in which EPA found that the Transport Rule would make greater reasonable progress than would BART, to conclude that the Transport Rule could satisfy NO_x BART requirements at Gerald Gentleman.

For both SO_2 and NO_x, the Transport Rule is the central component of the final BART determinations for Gerald Gentleman. The Conservation Organizations' objections to reliance

on the Transport Rule therefore are of central relevance to the final BART determinations for Gerald Gentleman.

Moreover, the Conservation Organizations' objections are of central relevance to EPA's rationale for concluding that the Transport Rule can satisfy BART requirements. EPA has concluded that it is legally permissible to substitute the Transport Rule for BART and that the evidence indicates that the Transport Rule will make greater reasonable progress than would BART. The Conservation Organizations' objections undermine these rationales by showing that as a general matter it is impermissible to substitute any program for source-specific BART requirements; and even if it were permissible to approve an alternative to BART, the Transport Rule is not an acceptable alternative because, in the case of Gerald Gentleman in particular and Nebraska sources in general, it would not improve visibility more than would BART. See generally, Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. EPA, December 2011, (Docket ID EPA-HQ-OAR-2011-0729).

B. The Objections Demonstrate That the BART Determinations for Gerald Gentleman Are Unlawful and Must Be Revised.

If the central relevance prong requires showing that on the merits the rule should be revised, both sets of objections raised in this petition satisfy the central relevance test. The vacatur of the Transport Rule means that the Nebraska haze plan does not include enforceable emissions limitations for Gerald Gentleman and therefore does not conform to the requirements of the CAA. Moreover, even if the Transport Rule were not vacated, EPA's final NO_x BART determination for Gerald Gentleman is arbitrary and capricious. Because EPA cannot rely on the Transport Rule as BART, EPA must prepare new source-specific BART determinations for SO_2 and NO_x emissions from Gerald Gentleman.

1. The D.C. Circuit Court's vacatur of the Transport Rule necessitates reconsideration of the entirety of Nebraska's Haze SIP.

The Transport Rule has been vacated and is no longer an enforceable requirement for major stationary sources such as Gerald Gentleman. As a result, it does not meet the requirements of the CAA to require BART for SO_2 and NO_x emissions at Gerald Gentleman.

The CAA requires that each state design and implement a plan that contains such emission limits, schedules of compliance, and other measures as may be necessary to make reasonable progress in meeting the goal of returning Class I areas to natural conditions. 42 U.S.C. § 7491(b)(2). The state's obligations include requiring BART-subject sources to "procure, install, and operate, as expeditiously as practicable." Id. at § 7491(b)(2)(A). Emissions limitation is defined as a requirement established by the state or EPA. Id. at § 7602(k). "As expeditiously as practicable" is defined as in no event later than five years after the date of plan approval. Id. at § 7491(g)(4). Under the applicable EPA regulations, haze plans

generally must include long-term strategies and those must include *enforceable* emission limitations. 40 C.F.R. § 51.308(d)(3). Specific to BART, haze plans must include emissions limits that are BART and schedules of compliance with the BART requirements. Id. at 50.308(e). To complete the BART process, a state or EPA "must establish *enforceable* emission limits that reflect the BART requirements and require compliance within a given period of time." Id. 40 C.F.R. Pt. 51, App. Y, V (emphasis added). The enforceable emission limit must be established "for each subject emission unit at the source and for each pollutant subject to review that is emitted from the source." Id. Lastly, each BART determination must be included in the state's SIP, and elements of the SIP must be legally enforceable against the relevant sources. 42 U.S.C. §§ 7491(b)(2), 7410(a)(2)(A).

With the Transport Rule vacated, the Nebraska Haze Plan no longer complies with these requirements for enforceable BART limits and schedules of compliance. Therefore, EPA is required to reconsider the Nebraska Haze Plan and determine and impose enforceable source-specific BART emissions limits at Gerald Gentleman.[4]

2. *Even if the Transport Rule had not been vacated, EPA's final NO_x BART determination for Gerald Gentleman violates the Clean Air Act and should be reconsidered.*

In its proposed regional haze rule for Nebraska, EPA proposed to approve Nebraska's determination that low-NO_x burner technology was BART for Gerald Gentleman Units 1 and 2. 77 Fed. Reg. at 12782. The Conservation Organizations objected, presenting evidence that Selective Catalytic Reduction ("SCR") technology was BART under the required factors for BART analysis in the CAA and EPA's implementing regulations. See Conservation Organization Comments at 9-20 (incorporated herein by this reference). In its final rule, published on July 6, 2012, EPA reversed course regarding low-NO_x burners for Gerald Gentleman and agreed with the Conservation Organizations and other commenters such as the NPS that there was no support for low-NO_x burners as BART. 77 Fed. Reg. at 40158.

EPA found that Nebraska, in failing to follow the Cost Control Manual, made a number of errors requiring adjustment to the cost of SCR for Gerald Gentleman, and that such adjustments demonstrate SCR technology is cost-effective and results in better emission reductions than originally estimated by Nebraska and much better emissions reductions than low-NO_x burners. 77 Fed. Reg. at 40158-59. EPA also agreed that if Nebraska had conducted visibility modeling at the control rate of 0.05 lbs/MMBtu, the rate SCR is capable of attaining, visibility improvements from SCR would likely be greater than claimed by Nebraska. Id. at 40159. EPA concludes, "[t]herefore, as described here and in section II of this notice, it appears

[4] Even if EPA decides to utilize some other alternative to BART, EPA must at a minimum revise and re-notice for comment, its analysis and justification for any BART or alternative to BART decision it makes relative to Gerald Gentleman and the Nebraska Haze Plan.

that Nebraska's NO_x BART determination of LNB and OFA at a rate of 0.23 lbs/MMBtus for GGS Units 1 and 2, by itself, is not supported by the record." Id. at 40159; see also id. at 40151.

In its final decision, EPA nonetheless abandons the evidence in support of SCR as BART and instead makes an entirely unsupported conclusion that "the trading programs in the Transport Rule achieve greater reasonable progress towards … achieving natural visibility conditions in Class I areas than source specific BART." Id. at 40159. EPA makes this statement in a general fashion, citing to no specifics relative to Nebraska or Class I areas affected by Nebraska sources. EPA further states, with no explanation, that low-NO_x burners will "strengthen" the application of the Transport Rule to Gerald Gentleman. Id. Finally, EPA claims that with the Transport Rule and the approval of low-NO_x burners, EPA need not conclude its analysis of whether SCR is BART for Gerald Gentleman Units 1 and 2. Id.

EPA's adoption of the Transport Rule as BART for Gerald Gentleman, with or without low-NO_x burners as "strengthening" measures, is contrary to the requirements of the CAA and is not supported by the evidence. Since the final Nebraska regional haze plan violates the CAA, EPA should reconsider the final rule and bring the final BART determinations for Gerald Gentleman, and the entire plan, into compliance with the statute.

a. The plain language of the CAA precludes EPA from approving the Transport Rule as an alternative to or substitute for BART.

The Transport Rule cannot substitute for BART because the plain language of the CAA mandates that each SIP "contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national goal [of attaining natural visibility conditions] . . . including" BART. 42 U.S.C. § 7491(b)(2)(A). The plain language of the statute provides that EPA's regulations "shall require" each SIP to contain various elements, and those elements must include BART as a minimum requirement of every haze SIP. BART is a floor.

The statute then specifies the *only* circumstances in which EPA may exempt a source from BART, none of which apply here. Id. § 7491(c). Further, the CAA provision that allows some limited exemptions from BART makes plain that any such exemption must be assessed and determined on a source-specific, not state or nation-wide, basis. Id. at § 7491(c)(1) (specifying that the exemption from BART requirements is available only upon EPA's determination that the source does not or will not, by itself or in combination with other sources, emit an air pollutant which is anticipated to cause impairment of visibility in a Class I area.).

The exemption section also very explicitly provides that EPA may exempt a source (or sources) from the source-specific BART requirements only where the Federal Land Managers concur with the exemption. In their comments, the FLMs have made repeatedly clear they do not concur in the substitution of the Transport Rule for source-specific BART in Nebraska and

they do not concur in the substitution of the Transport Rule for BART in the national rule. See U.S. Forest Service Comments (Docket ID EPA-HQ-OAR-2011-0729-0246, attachment 1); and Letter from Willie R. Taylor, Director, Office of Environmental Policy and Compliance, U. S. Department of the Interior to EPA (Feb. 28, 2012) (Docket ID EPA-HQ-OAR-2011-0729-0300).

EPA's interpretation of the statute, in which a State may substitute an alternative for BART at any time, for any reason, cannot be reconciled with Congress specifying very narrow standards for exempting a source from BART.[5]

b. EPA's wholly unsupported claim that the Transport Rule will make more progress at the Class I areas affected by Gerald Gentleman than BART violates EPA's own regulations for approving a BART alternative.

Even if EPA could approve an alternative to BART, EPA's proposed determination does not satisfy its own legal test for a BART alternative, 40 C.F.R. § 51.308(e)(2)-(4). First, the Transport Rule is not eligible to be a BART alternative because the regional haze rule requires any alternative to be "surplus to those reductions resulting from measures adopted to meet requirements of the CAA as of the baseline date of the SIP." 40 C.F.R. § 51.308(e)(2)(iv). The Transport Rule is required by "the good neighbor" provision of the CAA, section 110(a)(2)(D)(i)(I), 42 U.S.C. § 7410(a)(2)(D)(i)(I). EPA has already adopted the Transport Rule and incorporated it into a FIP for Nebraska,[6] such that the Transport Rule was adopted as of the baseline date of the Nebraska regional haze SIP. Accordingly, even if the Transport Rule were not vacated, the Transport Rule would achieve no surplus reductions and therefore is not eligible to be a BART alternative under 40 C.F.R. § 51.308(e)(2)(iv).

Second, EPA failed to make a Nebraska-specific demonstration that the Transport Rule is better than BART, and instead relied on averaging the impacts of the Transport Rule from all

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[5] If EPA relies on D.C. Circuit Court of Appeals decisions upholding its interpretation of the statute, that application is incorrect as such an interpretation of those cases fails to conform to the plain language of the CAA. To the extent those cases are read to allow EPA to substitute the Transport Rule for BART in the manner proposed here, the cases are incorrect in that the D.C. Circuit Court of Appeals has rewritten the statute by failing to give effect to the plain language requiring each SIP to include BART and by disregarding the very specific parameters in the statute for exemptions from BART. See Ctr. for Energy & Econ. Dev. v. EPA, 398 F.3d 653 (D.C. Cir. 2005); Utility Air Regulatory Group v. EPA, 471 F.3d 1333, 1340 (D.C. Cir. 2006). Furthermore, these decisions are not binding precedent in the 8th Circuit, which has jurisdiction over EPA's approval of the Nebraska regional haze SIP.

[6] See 77 Fed. Reg. at 40159-60 (". . . the existing Transport Rule FIP, which already applies to Nebraska . . .").

sources subject to BART across all affected Class I areas.[7] If a state seeks to adopt a BART alternative, the state must make "a demonstration that the emissions trading program or other alternative measure will achieve greater reasonable progress than would have resulted from the installation and operation of BART at all sources subject to BART in the State and covered by the alternative program." 40 C.F.R. § 51.308(e)(2)(i). Each state must compare the impacts of BART to the impacts of the alternative program, and this comparison focuses on each source within the state that is subject to BART and covered by the alternative program. Id. § 51.308(e)(2)(i)(A)-(C) (requiring the state to list BART-eligible sources "within the State," to list BART-eligible sources covered by the trading program "within the State," and to analyze the best system of continuous emission control technology and associated emissions reductions for each source subject to BART and covered by the alternative program "within the State."). EPA's regulations offer only one route for approving an alternative to BART: a state-by-state demonstration that an alternative program will make greater reasonable progress than would BART. EPA is subject to the same obligation in approving a SIP or proposing a FIP. Because EPA's national rule does not purport to demonstrate that the Transport Rule is better than BART in Nebraska, as required by 40 C.F.R. § 51.308(e)(2)(i), EPA's national rule provides no legal basis for substituting the Transport Rule for BART in the Nebraska regional haze plan.

Third, EPA's "Better than BART" determination for the Transport Rule fails to account for the geographic and temporal uncertainties in emissions reductions under the Transport Rule—uncertainties inherent in a cap-and-trade program such as the Transport Rule. BART is a technology that must be installed and operated year-round, which allows regulatory agencies to predict with a high level of certainty the emissions reductions that will result from BART in turn ensuring improvement in visibility on the 20% best and 20% worst days in Class I areas. By contrast, the Transport Rule allows trading of emissions allowances between sources, including between sources in different states, rather than imposing a fixed emission limit for each source. EPA's proposed "Better than BART" rule does not and likely cannot assess the unknown impact of complex trading under the Transport Rule on the Class I areas affected by Nebraska sources. EPA cannot say with any assurance that it knows the impacts to Class I areas in Nebraska as it has not modeled the vagaries of trading between and within states coupled with the complex differences in geography and weather patterns that will affect a specific Class I area.

It is arbitrary and capricious for EPA to exempt the Transport Rule from the legal test that would otherwise govern approval of a BART alternative, and which, as explained above, would require a state-by-state demonstration that the Transport Rule makes as much progress as would BART. EPA has provided no justification for subjecting the Transport Rule to a different legal standard than other BART alternatives. Unless and until EPA provides a rational basis for treating the Transport Rule differently than other BART alternatives, any regulation purporting

[7] In the Transport Rule, EPA defined "affected Class I areas" in two ways, modeling the impacts of the Transport Rule upon 140 Class I areas in the lower 48 states, but upon only 60 Class I areas in the states subject to the Transport Rule. 76 Fed. Reg. 82219, 82224-25 (Dec. 30, 2011).

to allow states to adopt the Transport Rule as a BART alternative without following the regulations at 40 C.F.R. § 51.308(e)(2)-(3) is arbitrary and capricious.

c. EPA's claim that the Transport Rule is better than BART for Nebraska is contrary to the evidence.

EPA purports only to show that the Transport Rule is better than BART nationwide. But neither EPA nor Nebraska has attempted to demonstrate that the Transport Rule is better than BART for Nebraska or Class I areas like Wind Cave or Badlands that are affected by Gerald Gentleman. As pointed out by the National Park Service in its comments dated March 30, 2012, "the Nebraska emission limits under the Transport Rule do not require any additional controls for electric generating units in Nebraska." National Park Service Comments at 2. The Park Service further emphasizes that the Transport Rule allocations allow Gerald Gentleman to avoid any additional controls and that EPA's own modeling shows that *visibility will be poorer under the Transport Rule* for Badlands and Wind Cave National Parks than in the case of source-specific BART controls. Id.

As explained below, the Conservation Organizations' analysis also demonstrates that the Transport Rule will not improve visibility more than BART for Nebraska.[8] Cf. Letter from Abigail Dillen, Earthjustice, to EPA (Feb. 28, 2011), Docket EPA-HQ-OAR-2011-0729-0246; Letter from Abigail Dillen, Earthjustice, to EPA (Mar. 27, 2012), Docket EPA-HQ-OAR-2011-0729-0316 [hereinafter, collectively referred to as Conservation Organization Comments on the Better Than BART Rule]. This is true whether one compares the visibility improvement from the Transport Rule and BART at only Gerald Gentleman or at all Nebraska sources covered by the Transport Rule and BART.

i. The Transport Rule does not provide greater reasonable progress at Class I areas impacted by Gerald Gentleman than does BART.

The comparison of emissions reductions at Gerald Gentleman under source-specific BART and the Transport Rule requires first establishing the likely consequences of each rule at the units. The combination of combustion controls and Selective Catalytic Reduction ("SCR") is the only appropriate selection as source-specific BART. However, Nebraska initially proposed

[8] In its proposed, nationwide "Better than BART" determination for the Transport Rule, EPA compared total EGU emissions if BART were installed at all BART-eligible facilities with total EGU emissions under the Transport Rule. See 76 Fed. Reg. 82,224-25. It is unclear why EPA examined BART-eligible facilities, given that BART applies only to subject-to-BART facilities. Moreover, it is unclear why EPA assumed that the Transport Rule would not also apply alongside BART, since the Transport Rule and BART are not mutually exclusive programs, but rather would both be in effect.

that combustion controls alone, specifically low-NO_x Burners ("LNB") and Overfire Air ("OFA"), qualified as BART; EPA's proposed rule agreed with this conclusion.

In its final rule, EPA reversed course, agreeing with the Conservation Organizations and other commenters such as the NPS that there was no support for LNB/OFA as BART. 77 Fed. Reg. at 40158. EPA concluded, "[t]herefore, as described here and in section II of this notice, it appears that Nebraska's NO_x BART determination of LNB and OFA at a rate of 0.23 lbs/MMBtus for GGS Units 1 and 2, by itself, is not supported by the record." Id. at 40159; see also id. at 40151. Although EPA's analysis fell short of conducting its own BART determination, it did demonstrate that for LNB/OFA plus SCR, "the cost effectiveness and deciview improvement are within a range that many states and EPA have found to be reasonable for NO_x BART controls." EPA thus undermined Nebraska's principal rationale for rejecting SCR as BART.

The Conservation Organizations' analysis similarly presents evidence that basic combustion controls plus Selective Catalytic Reduction ("SCR") technology is BART. See Conservation Organization Comments. The National Park Service likewise determined that an emission limit equivalent to "the application of combustion controls plus SCR is BART for NO_x at GGS Units 1 and 2." National Park Service Comments, Attachment at 8. The record thus demonstrates two points: first, that LNB/OFA alone cannot be BART, and second, that LNB/OFA plus SCR is the appropriate selection as BART.

Projecting the tons of NO_x emitted per year with the installation of combustion controls plus SCR depends on several assumptions, including the capacity factor. EPA's final rule finds that the combination of combustion controls and SCR will result in annual emissions of 3,323 tons of NO_x at a rate of 0.05 lbs/mmbtu. This value represents the maximum potential emissions at that rate because it was calculated using the maximum heat input of 15,175.5 mmbtu/hr and 100% capacity factor.[9] Instead, assuming a capacity factor of 94%, based on recent historic usage, results in somewhat lower emissions of 3,124 tons per year.[10] Assuming a higher emission rate of 0.08 lbs/mmbtu, as Nebraska did, would result in emissions of 5,317 tons of NO_x per year, according to EPA, and 4,998 at a capacity factor of 94%.

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[9] Nebraska Regional Haze Final Rule Appendices B, C, D, E, F and G, EPA Appendix D, Document ID: EPA-R07-OAR-2012-0158-0049. See also REVISED Best Available Retrofit Technology (BART) Analysis for Units 1 & 2, Gerald Gentleman Station, Sutherland, Nebraska, March 2008, at 15. Included as part of the Nebraska Regional Haze SIP, Appendix 10.6. Appendices to State Submittal Documents – Chapter 10; 10.1 through 10.6, Document ID: EPA-R07-OAR-2012-0158-0008.

[10] Based on data from EPA's Clean Air Markets Database, 2009-2011, http://ampd.epa.gov/ampd/.

With regard to emissions under the Transport Rule, as part of its December 30, 2011 proposed rule allowing states to rely on the Transport Rule in lieu of source-specific BART limits, EPA projected SO_2 and NO_x emissions for each electrical generating unit (EGU) under three scenarios: 2015 Base Case (assuming no Transport Rule and no BART controls applied), 2015 Nationwide BART (assuming BART applied to all BART EGUs) and 2015 Transport Rule Plus BART Elsewhere (assuming Transport Rule at Transport Rule states including Nebraska and assuming BART applies in all other states). To estimate emissions projections in these scenarios, EPA used the Integrated Planning Model (IPM).[11] According to EPA, "[t]he IPM provides forecasts of least-cost capacity expansion, electricity dispatch, and emission control strategies for meeting electricity demand subject to environmental, transmission, dispatch, and reliability constraints."[12]

Based on this model, EPA projected NO_x emissions for Gerald Gentleman Units 1 and 2 if the Transport Rule applied in lieu of BART. These emissions, along with the Transport Rule allocations and average annual emissions from 2001-2003 (baseline period for the Nebraska Regional Haze plan) and 2009-2011 (most recent complete emissions data), are shown below.

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[11] See Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. EPA, December 2011, at 9 (Docket ID EPA-HQ-OAR-2011-0729-0014).

[12] Id. Also, as noted previously, EPA's modeling cannot fully account for the geographic and temporal uncertainties in emissions reductions under the Transport Rule—uncertainties inherent in a cap-and-trade program such as the Transport Rule. EPA's IPM estimates do not and likely cannot assess emissions reductions with the same degree of certainty as results from BART. Therefore, EPA cannot say with any assurance that it knows the true range of potential impacts to Class I areas in Nebraska under the Transport Rule as compared to BART.

Table 1. Projected and Actual NO_x Emissions[13] for Gerald Gentleman Units 1 and 2.

Unit #	Average NO_x Emissions 2001 to 2003		Average NO_x Emissions 2009 to 2011		EPA's Projected NO_x Emissions Under 2014 Transport Rule [14]		EPA's Projected NO_x Emissions Under Base Case 2014 Scenario[15]		Transport Rule NO_x Allocations[16]	
	Tons	lb/ MMBtu	Tons	lb/ MMBtu	Tons	lb/ MMBtu	Tons	lb/ MMBtu	Original tons[17]	Revised tons[18]
1	13,408	0.47	4,972	0.21	5,496	0.21	5,496	0.21	4,571	5,256
2	8,894	0.33	8,783	0.34	4,705	0.19	8,952	0.35	5,014	5,765
Total	*22,303*		*13,756*		*10,201*		*14,448*		*9,585*	*11,021*

EPA's projected NO_x emissions are based on the "Original" Transport Rule allocations, which reflect the emission totals from the final Transport Rule promulgated on August 8, 2011, 76 Fed. Reg. 48208 and the July 11, 2011 proposed, 76 Fed. Reg. 40662, regarding the ozone-season NO_x emissions in five states.[19] These original allocations have since been revised several times, increasing Nebraska's and Gerald Gentleman's allowances, as reflected in the "Revised" Transport Rule NO_x allocations above.[20] These revisions added 1,436 tons of NO_x and 1,393

[13] Actual emissions downloaded from EPA's Clean Air Markets Database. http://ampd.epa.gov/ampd/.

[14] Regional Haze Revisions Transport Rule as BART Alternative NPRM IPM Run Control Scenario: Parsed File Transport Rule BART 2014, Document ID: EPA-HQ-OAR-2011-0729-0006.

[15] Regional Haze Revisions Transport Rule as BART Alternative NPRM IPM Run Control Scenario: ParsedFile_Transport_Basecase_2014, Document ID: EPA-HQ-OAR-2011-0729-0004.

[16] Gerald Gentleman's allocations are the same regardless of year.

[17] Allowance Allocation Final Rule Technical Support Document (TSD) – Unit Level Allocations under the Federal Implementation Plan (FIP), Document ID: EPA-HQ-OAR-2009-0491-4519.

[18] Complete Transport Rule Allocations, reflecting "unit-level allocations incorporating all adjustments finalized in the Supplemental Notice of Final Rulemaking (Dec. 2011), the February Revisions Rule (Feb. 7, 2012), and the June Revisions Rule (June 5, 2012)," http://www.epa.gov/airtransport/techinfo.html.

[19] See Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. EPA, December 2011, at 9 (Docket ID EPA-HQ-OAR-2011-0729-0014).

[20] On February 21, 2012, and June 12, 2012, EPA finalized increases to the emission budgets for several states, including the NO_x and SO_2 budgets for Nebraska. 77 Fed. Reg. 10342; 77 Fed. Reg. 34830.

tons of SO_2 to Gerald Gentleman's allocations, increases of nearly 15% and 5%, respectively. EPA has made no effort to project emissions under the Transport Rule reflecting the revised, increased pollution allowances.[21] Thus, EPA's existing IPM estimates (and related visibility modeling) underestimate projected emissions from the Transport Rule and attendant impacts to Class I areas.

Based on the original Transport Rule allocations,[22] EPA has projected that, under the Transport Rule, emissions from Gerald Gentleman Units 1 and 2 will be approximately 25% lower than existing average emissions from 2009-2011. EPA's IPM modeling projected NO_x emissions that are higher (10,201 tons) than the Gerald Gentleman units' original allocations under the Transport Rule (9,585 tons), meaning that EPA's IPM modeling assumed the plant will buy pollution credits, instead of, or in addition to, reducing pollution through installation of controls to meet the Transport Rule.

As discussed above, if proper source-specific NO_x BART determinations were required at Gerald Gentleman Units 1 and 2, the units would be required to install SCR systems and to reduce emissions to well below the projected NO_x emission rates under the Transport Rule. The table below provides a comparison of projected NO_x emissions from Gerald Gentleman Units 1 and 2 based on the lower, original Transport Rule allocations and emissions estimated under source-specific BART.

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[21] EPA did perform a sensitivity analysis to investigate the impact of these emissions increases on the projected emissions and visibility, but it only estimates the impact of these increases rather than actually re-modeling. Further, EPA only examines the impact of changes in the emissions budgets of Texas and Georgia on average visibility improvement across 60 and 140 Class I areas in the Transport Rule region and nationwide respectively. It does not provide revised emission projections or visibility impacts for Gerald Gentleman or any other Nebraska sources. See Sensitivity Analysis Accounting for Increase in Texas and Georgia Transport Rule State Emissions Budgets, May 29, 2012, Document ID EPA-HT_OAR-2011-0729-0323.

[22] Emissions projections based on the original allocations are no longer valid because EPA revised the original allocations so as to increase the allocations for Nebraska, including Gerald Gentleman in particular.

Table 2. Projected NO_x Emissions Under Transport Rule vs. Source-Specific BART at Gerald Gentleman Units 1 and 2.

	TRANSPORT RULE[23]	BART[24]
Total, NO_x tons per year	10,201	3,323

With SCR installed at Gerald Gentlemen Units 1 and 2, NO_x emissions would be 67% lower than the emissions levels projected by EPA to be emitted under the Transport Rule , and 70% lower than Gerald Gentleman's increased Transport Rule NO_x allowances, despite the fact that EPA's estimate of NO_x emissions assumes the maximum potential heat input. Based on this evidence, EPA has not claimed and cannot claim that the Transport Rule will result in greater NO_x emission reductions at Gerald Gentleman Units 1 and 2 than a source-specific BART determination.

This significant difference in emissions would undoubtedly be reflected in a difference in reasonable progress at Class I areas impacted by Gerald Gentleman Units 1 and 2. Although no modeling was performed to reflect the specific emission levels discussed above, the existing modeling demonstrates that lower NO_x emissions in this case lead to significantly lower visibility impacts. Table 3 gives the results from modeling performed for the BART determination, illustrating the lower visibility impacts associated with lowering NO_x emissions that hold true under either of two possible SO_2 emission scenarios.

[23] Regional Haze Revisions Transport Rule as BART Alternative NPRM IPM Run Control Scenario, Parsed File CSAPR BART 2014, Document ID: EPA-HQ-OAR-2011-0729-0006.

[24] Nebraska Regional Haze Final Rule Appendices B, C, D, E, F, and G, EPA Appendix D, Document ID: EPA-R07-OAR-2012-0158-0049. See also REVISED Best Available Retrofit Technology (BART) Analysis for Units 1 & 2, Gerald Gentleman Station, Sutherland, Nebraska, March 2008, at 14, included as part of the Nebraska Regional Haze SIP, Appendix 10.6. Appendices to State Submittal Documents – Chapter 10; 10.1 through 10.6, Document ID: EPA-R07-OAR-2012-0158-0008.

Table 3. Visibility Modeling Results at Badlands National Park, One of Six Class I Areas at Which Gerald Gentleman Units 1 and 2 Contribute to Haze.[25]

SO2 Scenario	NO_x Emissions Modeled, tons per year	Average Impact, 2001-2003, dv
High SO_2 Emissions (without SO_2 controls)	15,287	2.27
	5,317	1.78
	Difference	*0.49*
Low SO_2 Emissions (with SO_2 controls)	15,287	1.31
	5,317	0.62
	Difference	*0.69*

Given the significant difference in emissions between the Transport Rule and source-specific BART, and the impact this difference in NO_x emissions would have on visibility, EPA cannot claim that the Transport Rule will improve visibility more than would BART.

ii. EPA has not demonstrated that the Transport Rule provides greater emissions reductions or reasonable progress at Class I areas impacted by Nebraska's emissions than does BART.

In addition, EPA cannot claim that the Transport Rule will result in lower NO_x emissions or greater reasonable progress from all EGUs in Nebraska as compared to BART. EPA's IPM modeling projects NO_x emissions from EGUs in Nebraska to be 30.2 thousand tons under the 2014 BART scenario, and 28.1 thousand tons under the 2014 Transport Rule scenario.[26] This projection of the Transport Rule emissions as 7% lower than under BART is incorrect for two reasons.

First, as described above, the IPM model runs for the EPA's proposed CSAPR better than BART rule were based on the original Transport Rule allocations. However, the NO_x allocations were subsequently revised—upwards—not just for Gerald Gentleman, but for Nebraska as a

[25] Revised Best Available Retrofit Technology (BART) Analysis for Units 1 & 2, Gerald Gentleman Station, Sutherland, Nebraska, March 2008, at 42-43. Included as part of the Nebraska Regional Haze SIP, Appendix 10.6. Appendices to State Submittal Documents – Chapter 10; 10.1 through 10.6, Document ID: EPA-R07-OAR-2012-0158-0008.

[26] See Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. EPA, December 2011, at 11 (Docket ID EPA-HQ-OAR-2011-0729-0014).

whole. The overall Nebraska Transport Rule NO_x budget was increased by 14%, as shown in Table 4 below. Nebraska's SO_2 budget was also increased by 3,110 tons per year.[27]

Second, as EPA acknowledged, EPA's IPM modeling inadvertently failed to account for BART requirements at Gerald Gentleman Unit 2 as a BART-eligible unit.[28] With a proper NO_x BART determination based on combustion controls and SCR and a limit of 0.05 lb/MMBtu, NO_x emissions from Gerald Gentleman Unit 2 should have been projected to be approximately 6,483—6,581 tons lower than EPA's estimates that were based on the incorrect assumption that Unit 2 was not BART-eligible.[29] Even if EPA only assumed that Nebraska's proposed NO_x BART limit of 0.23 lb/MMBtu (which was rejected as inadequate) would be met, then NO_x emissions should have been 615—1,065 tons per year lower.[30,31] Table 4 estimates the impact of including Unit 2's BART reductions on the predicted NO_x emissions.

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[27] Initial Transport Rule allocations called for 65,052 tons per year. 76 Fed. Reg. 48466. Current revisions call for a budget of 68,162 tons per year. 77 Fed. Reg. 34833.

[28] See Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. EPA, December 2011, at 10 n.9, 49 n.32 (Docket ID EPA-HQ-OAR-2011-0729-0014).

[29] EPA data inputs for Unit 2 include a capacity of 700 MW, a heat rate of 10526 Btu/kWh, an uncontrolled NO_x rate of 0.319 lbs/mmbtu, and an annual capacity factor of 78.8%, resulting in input emissions of 8,112 tons NO_x per year. See EPA NEEDS v. 4.10 database and Appendix 9-3 of the Documentation for EPA Base Case v.4.10, both available at http://www.epa.gov/airmarkt/progsregs/epa-ipm/BaseCasev410.html. Use of input emissions is somewhat conservative compared to the projected emissions for Unit 2 under the BART and Base Case Scenarios (8,952 tons NO_x per year). For a BART determination of 0.05 lbs/mmbtu, EPA's final rule states that emissions from both units would total 3,323 tons per year (conservatively assuming 100% capacity factor). 77 Fed. Reg. 40158. Dividing that among the units according to their respective heat input capacity (as calculated from the NEEDS data) results in 1,630 tons per year attributable to Unit 2. Assuming a recent historical capacity factor of 94%, this decreases to 1,532 tons per year.

[30] For a BART determination of 0.23 lbs/mmbtu, EPA's final rule states that emissions from both units would total 15,287 tons per year (conservatively assuming 100% capacity factor). 77 Fed. Reg. 40158. Dividing that among the units according to their respective heat input capacity (as calculated from the NEEDS data) results in 7,497 tons per year attributable to Unit 2. Assuming a recent historical capacity factor of 94%, this decreases to 7,048 tons per year.

[31] EPA claims that including Gerald Gentleman Unit 2 as a BART-eligible unit would not impact overall, nationwide NO_x emissions. Id. at 49 n.32. EPA has provided no support for this contention. EPA's finding that LNB/OFA alone are not supportable as BART demonstrates EPA's claim is clearly untrue. Even Nebraska's proposed—and, according to EPA's final rule,

Table 4. EPA's Projected NO_x Emissions Under 2014 BART Scenario and 2014 Transport Rule Scenarios for Nebraska.

2014 BART Scenario[32]	Revised 2014 BART, Accounting for BART at Gerald Gentleman Unit 2[33]	2014 Transport Rule Scenario[34]	2014 Transport Rule Original Allocations[35]	2014 Transport Rule Revised Allocations[36]
30,200 tons	23,717 tons	28,100 tons	26,440 tons	30,039 tons

Third, EPA's BART assumptions used in the IPM modeling failed to account for the requirements of source-specific BART at Unit 1. It appears that because its existing emissions meet presumptive BART, EPA assumed that no further controls would be applied to Unit 1 to meet NO_x BART in its 2014 BART IPM modeling.[37] However, as discussed above, EPA has found that NO_x BART would require more than the application of LNB/OFA to both units. Had EPA properly accounted for sources-specific BART in its 2014 BART emissions projects, namely the use of SCR on both units, NO_x emissions for Nebraska and Gerald Gentleman Units 1 and 2 would be much lower than projected by EPA.

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inadequate—BART determination called for a combined limit requiring Unit 2's emissions to be well below EPA's assumed emissions for Unit 2 in the 2014 BART scenario.

[32] See Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. EPA, December 2011, at 11 (Docket ID EPA-HQ-OAR-2011-0729-0014).

[33] Projected NO_x Emissions for Nebraska under the 2014 BART scenario—Emissions Reductions Attributable to Application of BART at Unit 2 = 30,200 tons per year—6,483 tons per year = 23,717 tons per year. See supra note 30 for calculation of BART-related reductions. As we have not re-run EPA's IPM modeling, this is only an estimate. However, we note that EPA's modeling assumed and reflected a capacity factor for Unit 2 of 78.8%, whereas the BART-related emissions reflect a capacity factor of 100%. This makes our calculation of the BART-related reductions conservative; adjusting one of the capacity factors to match the other would lead to greater BART-related reductions and lower overall emissions from Nebraska under a BART scenario.

[34] See Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. EPA, December 2011, at 11 (Docket ID EPA-HQ-OAR-2011-0729-0014).

[35] 76 Fed. Reg. 48388.

[36] 77 Fed. Reg. 34833.

[37] See Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. EPA, December 2011, at 5 (Docket ID EPA-HQ-OAR-2011-0729-0014).

Correcting for the errors inherent in the IPM-predicted emissions for the 2014 BART and Transport Rule scenarios for Nebraska means increasing the NO_x emissions associated with the Transport Rule scenario by almost 3,600 tons per year while decreasing the NO_x emissions associated with the BART scenario by approximately 6,400 tons or more. Likewise, SO_2 emissions, according to EPA, would need to be decreased by 12,000 tons under the BART scenarios to correct for the failure to include Unit 2 as BART-eligible,[38] and would be increased by 3,110 tons under the Transport Rule to account for increased emission budgets. These errors and their impacts are summarized in Table 5 below. EPA cannot claim, based on existing evidence, that the Transport Rule provides greater emission reductions from Nebraska sources.

Table 5: Approximate Impact of Errors on Nebraska Emissions Under BART and CSAPR Scenarios.

Error	Impact on Nebraska NO_x Emissions Under BART	Impact on Nebraska NO_x Emissions Under CSAPR	Impact on Nebraska SO_2 Emissions Under BART	Impact on Nebraska SO_2 Emissions Under CSAPR
Failure to Include Unit 2 as BART-eligible	+6,400 tons	0	+12,000 tons	0
Increases in Nebraska's Emissions Budget[39]	0	- 3,599 tons	0	- 3,110 tons

EPA's data and the Conservation Organizations' analysis also demonstrates that, even with thousands of unwarranted tons of NO_x and SO_2 added to EPA's BART scenario and removed from EPA's Transport Rule scenario, the Transport Rule will not improve visibility more than BART for Nebraska. See Conservation Organization Comments on the Better Than BART Rule.

Specifically, EPA's modeling of the BART and Transport Rule scenarios shows that BART would achieve greater progress towards improving visibility in three of the six Class I areas impacted by Gerald Gentleman Units 1 and 2. As shown in Table 6 below, EPA's analysis shows that BART is better than the Transport Rule at Badlands National Park on the worst 20%

[38] See Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. EPA, December 2011, at 10 n.9. (Docket ID EPA-HQ-OAR-2011-0729-0014).

[39] On February 21, 2012, and June 12, 2012, EPA finalized increases to the emission budgets for several states including the NO_x and SO_2 budgets for Nebraska. 77 Fed. Reg. 10342; 77 Fed. Reg. 34830.

days, at Wind Cave National Park on both the best and the worst 20% days than the Transport Rule, and at Hercules Glades Wilderness on the 20% best days.

Table 6. Class I Areas Impacted by Gerald Gentleman Station Where EPA's Modeling Shows BART Will Improve Visibility More Than the Transport Rule.[40, 41]

Class I Area	Location	Visibility Improvement that BART Provides over the Transport Rule on 20% Best Days Based on EPA's Emissions Projections and Modeling	Visibility Improvement that BART Provides over the Transport Rule on 20% Worst Days Based on EPA's Emissions Projections and Modeling
Badlands National Park	South Dakota	No difference between the Transport Rule and BART	0.1 deciview
Wind Cave National Park	South Dakota	0.1 deciview	0.1 deciview
Hercules Glades Wilderness	Missouri	0.2 deciview	EPA modeled the Transport Rule as showing greater improvement than BART for this Class I area

EPA did not model impacts at the Mingo Wilderness area with its IPM emission projections under BART and the Transport Rule for its December 30, 2011 proposal to rely on the Transport Rule in lieu of BART. But given the proximity of Mingo to Hercules Glades, it seems likely that BART may be shown to be better than the Transport Rule on at least the 20% best days at Mingo, as was shown at Hercules Glades.

In any event, these modeling results fail to reflect NO_x or SO_2 BART at Gerald Gentleman Unit 2 (which would mean approximately 6,400 tons of NO_x and 12,000 tons of SO_2 that would be removed from the air). Thus, the visibility improvements of BART compared to the Transport Rule would be even greater than shown above. As such, in its 2014 BART scenario, EPA likely understated the visibility benefits from the application of BART.

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[40] Data from Table 3-5 of EPA's Technical Support Document for Demonstration of the Transport Rule as a BART Alternative (at 34-36).

[41] Visibility improvement is based on emissions projections under EPA's 2014 BART and CSAPR scenarios. Again, the BART scenario overestimates NO_x emissions from Gerald Gentleman; the CSAPR scenario underestimates NO_x and SO_2 emissions from Gerald Gentleman, as well as Nebraska as a whole (and several other states whose emission budgets increased).

Thus, EPA cannot claim that the Transport Rule provides greater emission reductions from Nebraska's sources, or greater reasonable progress at the Class I areas impacted by those sources. Furthermore, EPA has actually admitted that its modeling demonstrates, even without the revisions allowing more pollutant emissions from Nebraska sources, that air quality will actually deteriorate in Badlands and Wind Cave National Parks under the Transport Rule. The National Park Service pointed this out in its comments on the proposed rule. See National Park Service Comments at 2. This violates EPA's own regional haze regulations, which, as one criteria, authorize an alternative to BART only if under the alternative "[v]isibility does not decline in any Class I area." 40 C.F.R. § 51.308(e)(3)(i).[42]

3. EPA's final decision to approve low-NO_x Burners for Gerald Gentleman as a "strengthening" of the Transport Rule is arbitrary and capricious.

EPA's final NO_x BART determination for Gerald Gentleman is seriously flawed and must be reconsidered because it is both unsupported and internally inconsistent.

EPA has found that Nebraska's proposed NO_x BART determination for Gerald Gentleman Units 1 and 2 – low-NO_x burners with a combined emission rate of 0.23 lbs/MMBtu – was flawed and not supported by the record. 77 Fed. Reg. at 40151. In particular, EPA agreed with the comments from the Conservation Organizations and the FLMs and found that Nebraska overstated the costs of SCR technology for NO_x control at Gerald Gentleman. Id. at 40158. EPA found that Nebraska had not properly used the Cost Control Manual and adjusted a number of cost estimates accordingly. Id. EPA also adjusted the emissions control figures for SCR showing better emissions control than assumed by Nebraska (although still much less than what has plainly been demonstrated for SCR.) Id. Table 2. EPA concludes that SCR is cost-effective, id. at 40159, and that "it appears that Nebraska's NO_x BART determination of LNB and OFA at a rate of 0.23 lbs/MMBtu for Gerald Gentleman Units 1 and 2, by itself, is not supported by the record." Id. Finally, EPA agreed that if Nebraska had conducted visibility modeling at the control rate of 0.05 lbs/MMBtu, the rate SCR is capable of attaining, visibility improvements from SCR would be greater than stated in Nebraska's SIP submission, id. at 40159, further demonstrating that SCR is BART for Gerald Gentleman. While EPA found that low-NO_x burners with a rate of 0.23 lbs/MMBtu are not supported as the best available retrofit technology to reduce NO_x emissions at Gerald Gentleman, EPA did not complete the BART analysis which was necessary in order for EPA to comply with the requirements of the CAA and for EPA to make a proper comparison between BART and the Transport Rule. As demonstrated by the Conservation Organizations and by the FLMs in their original comments, a true BART analysis would have shown that SCR is BART for Gerald Gentleman NO_x emissions. Id. EPA's failure

[42] As explained previously, EPA has made no effort to project emissions under the Transport Rule reflecting the revised, increased pollution allowances promulgated on February 21, 2012 meaning EPA's visibility modeling for the Better than BART rule overstates projected emissions reductions from the Transport Rule and attendant impacts to Class I areas.

to actually complete the process of a proper BART analysis is a violation of EPA's legal obligations under the CAA which expressly require EPA to promulgate a Federal implementation plan (in whole or in part) that fully complies with the requirements of the CAA, wherever EPA finds that at State submission is inadequate or incomplete. See 42 U.S.C. §§ 7410(c) and (k).

Instead of completing the BART assessment in compliance with the CAA and its own rules, EPA simply "found," with no discussion or description of what facts supported this "finding," that the Transport Rule would achieve greater reasonable progress toward achieving natural visibility conditions in "Class I areas"[43] than source-specific BART "in those states covered by the Transport Rule," presumably including Nebraska. Id. EPA includes no further discussion of the Transport Rule or why it believes that the Transport Rule will make greater reasonable progress in Badlands and Wind Cave National Parks (or other Class I areas affected by pollution from Gerald Gentleman). EPA then approves Nebraska's SIP for NO_x emissions from Gerald Gentleman—the very same SIP determination that it found inadequate and not in compliance with the law—by claiming that it "strengthens" the Nebraska SIP "in conjunction with the existing Transport Rule FIP." EPA did not further analyze BART for Gerald Gentleman NO_x emissions. Id.

EPA's acknowledgment that the state's proposed BART determination of low-NO_x burners is inadequate cannot be reconciled with EPA's approval of the state's proposed BART determination as strengthening the SIP. EPA claims that the Transport Rule is better than BART. Yet if the SIP results in more emissions reductions and more visibility improvement than would BART, it is hard to understand how a technology that is not as effective as BART could strengthen the SIP. EPA does not provide an explanation in the final rule.

Moreover, the available evidence undermines EPA's conclusion that low-NO_x burners strengthen the SIP. EPA has estimated that under the Transport Rule, in 2014, Gerald Gentleman Units 1 and 2 would emit NO_x emissions at a combined rate of .20 lb/MMBtu. See EPA, Technical Support Documents for Demonstration of the Transport Rule as a BART Alternative (Dec. 2011). However, EPA approved the state's proposal for low-NO_x burners, which contains an enforceable emissions limit of .23 lb/MMBtu, averaged across the two units. 77 Fed. Reg. at 40159, 40168; 77 Fed. Reg. at 12779. At the very least, EPA should have explained how a requirement with a higher emissions limit than other measures EPA was promulgating would strengthen the SIP, as EPA claimed. Yet the final rule lacks any such explanation.

In short, EPA does not explain how it statements—that the record does not support low-NO_x burners as BART because more cost-effective technologies appear available; the Transport

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[43] EPA does not describe which Class I areas it thinks will make greater reasonable progress from Gerald Gentleman not installing SCR controls.

Rule would achieve greater emissions reductions and visibility improvement than BART; but that low-NO_x burners would somehow strengthen a plan based on the Transport Rule—can all simultaneously be true. The available evidence indicates that low-NO_x burners will not strengthen the SIP, as EPA claimed in the final rule. As a result, EPA's approval of the state's proposal for low-NO_x burners at Gerald Gentlemen is arbitrary and capricious and, under the CAA requirements for review and approval of SIPs, EPA has an affirmative obligation to reconsider it decision in the Nebraska haze SIP and in its reconsideration, EPA must conform to the requirements of 42 U.S.C. §§ 7410(c) and (k) to engage in a full source-specific BART analysis for Gerald Gentleman whether that is to impose source-specific BART controls or for the purpose of a proper comparison to any proposed BART alternative.

CONCLUSION

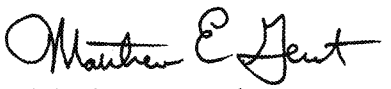
Pursuant to 42 U.S.C. §§ 7607(b) and (d)(7)(B) EPA should reconsider its final decision on the Nebraska Regional Haze Plan based upon the following events and errors:

1. EPA's decision to substitute the Transport Rule for SO_2 and NO_x BART must be reconsidered in light of the vacatur of the Transport Rule, which decision occurred after the comment period and final decision and which is of central relevance to the Nebraska haze plan;

2. EPA's substitution of the Transport Rule for BART for NO_x emissions from Gerald Gentleman for the first time in its final decision published July 6, 2012, must be reconsidered as the Conservation Organizations had no opportunity to comment on the decision and EPA's decision is contrary to law, and arbitrary and capricious. The issues with substituting the Transport Rule are central to the Nebraska haze plan and emissions control at Gerald Gentleman.

Please contact the undersigned if you have any questions. Thank you for your consideration.

Sincerely,

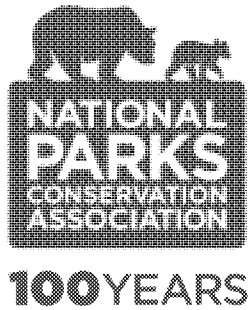


Matthew E. Gerhart
Janette K. Brimmer

cc: Stephanie Kodish, National Parks Conservation Ass'n
Kristin Henry, Sierra Club
Susan Johnson, National Park Service

Attachment 4

CLEAN AIR COUNCIL



October 31, 2019

Policy Office
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
Attn: Jessica Shirley, Director

Re: Pennsylvania Regional Haze Best Available Retrofit Technology
49 Pa. Bull. 5065 (Aug. 31, 2019)

Dear Director Shirley:

The National Parks Conservation Association, Sierra Club, Clean Air Council, and Earthjustice submit the following comments on the Department's proposed rule for the state implementation plan for regional haze in Pennsylvania.[1] The Department's proposal would revise determinations for best available retrofit technology (BART) for several sources in Pennsylvania. However, the Department must revise its proposal to, among other things, better document the Department's conclusions and better inform the public, reconsider at least one source-specific BART determination, and present a complete analysis for electric generating units.

I. Background

A. Conservation Groups

[1] The Department extended the time for submitting these comments to October 31, 2019 by e-mail from Jesse Walker, Assistant Counsel, dated September 20, 2019.

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The National Parks Conservation Association (NPCA) is a national nonprofit organization with 1.4 million members nationwide dedicated to protecting and enhancing America's national parks for present and future generations. NPCA advocates for national parks, educates decision-makers and the public about the importance of preserving the parks, and works to strengthen and uphold the laws that protect the parks. NPCA has 17,304 members in Pennsylvania that care deeply about air quality and protecting vistas at the region's Class I areas, including Shenandoah National Park. Moreover, NPCA members value the local economies supported by recreation and tourism at national parks, and the health of park visitors, staff and neighboring communities who breathe the same pollutants that mar the scenic views at our parks.

The Sierra Club is a national nonprofit environmental organization with over 775,000 members nationwide, including 30,579 in Pennsylvania. The Sierra Club's mission is to explore, enjoy, and protect the wild places of the Earth, to practice and promote the responsible use of the Earth's resources and ecosystems, to educate and enlist humanity to protect and restore the quality of the natural and human environment, and to use all lawful means to carry out those objectives.

The Council is a non-profit environmental organization headquartered in Philadelphia, Pennsylvania. The Council maintains an office in Pittsburgh. For 50 years, the Council has worked to improve air quality across Pennsylvania. The Council has members throughout the Commonwealth who support its mission to protect everyone's right to a healthy environment, including members in Allegheny County. The Council has approximately 35,000 activist members.

Earthjustice is a non-profit public interest law firm dedicated to protecting the magnificent places, natural resources, and wildlife of this earth, and to defending the right of all people to a healthy environment.

B. Regional Haze and Best Available Retrofit Technology

In 1977, Congress amended the Clean Air Act to provide national parks and other "mandatory Class I Federal areas" with the highest degree of protection from visibility impairment. 42 U.S.C. § 7491. Congress set a national goal of preventing and remedying all human-caused visibility impairment at national parks and other Class I areas. *Id.* § 7491(a)(1). This national goal is to be achieved through, among other things, the installation of BART controls at certain "major stationary sources," whose emissions "may reasonably be anticipated to cause or contribute to" visibility impairment at Class I areas. *Id.* § 7491(b)(2)(A); *see also* 40 C.F.R. § 51.308(e).

In 1999, EPA issued the Regional Haze Rule to address visibility impairment caused by "numerous anthropogenic sources located over a wide geographic area." 40 C.F.R. §§ 51.301. The goal of the Regional Haze Rule is to eliminate human-caused visibility impairment at all Class I areas. 40 C.F.R. § 51.308(d)(1). To accomplish this goal, the states or EPA must develop regional haze plans for each state that include BART and a long-term strategy to ensure reasonable progress toward the natural visibility goal. *Id.* §§ 51.308(d)(1), (d)(3).

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Under the Clean Air Act and EPA regulations, sources must apply BART, which means "an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction." 40 C.F.R. § 51.301. In determining BART, EPA and state implementing agencies such as the Department must take into consideration:

> the costs of compliance, the energy and nonair quality environmental impacts of compliance, any existing pollution control technology in use at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology[.]

42 U.S.C. § 7491(g). In its BART Guidelines, EPA describes the requirements for a five-step case-by-case analysis to determine BART. 40 C.F.R. Part 51, Appendix Y. These steps are as follows:

- identify all available retrofit control technologies;
- eliminate technically infeasible options;
- evaluate control effectiveness of remaining control technologies;
- evaluate impacts and document the results; and,
- evaluate visibility impacts.

Id. at BART Guidelines, § IV.D.

C. The Pennsylvania Regional Haze State Implementation Plan

In 2010, the Department submitted revisions to the Pennsylvania Haze Plan.[2] The submission identified 34 Pennsylvania sources that are subject to BART.[3] EPA published its proposed approval of the 2010 Haze Plan on January 26, 2012 (77 Fed. Reg. 3984). National Parks Conservation Association, Sierra Club, Clean Air Council, and Earthjustice filed comments[4] and EPA issued its final approval of the final 2010 Haze Plan on July 13, 2012 (77 Fed. Reg. 41,279).

After environmental and public health groups petitioned for review of the final 2010 Haze Plan,[5] EPA took a voluntary remand of the rule.[6] On April 13, 2014 (79 Fed. Reg. 24,340), EPA reissued its final limited approval of the 2010 Haze Plan. Environmental and public health groups again petitioned for review, and after briefing and argument, the Third Circuit vacated EPA's rule to the extent it approved Pennsylvania's source-specific BART analysis and remanded it to EPA. *Nat'l Parks Conservation Ass'n v. EPA*, 803 F.3d 151 (3d. Cir. 2015). Among other things, the Court found that EPA failed to provide a basis for its conclusions regarding possible upgrades of control technologies, provided "scant justification" for its

[2] 77 Fed. Reg. at 3989.
[3] 2010 Haze Plan Narrative at 55.
[4] EPA-R03-OAR-2012-0002-0033 (Feb. 12, 2012).
[5] No. 12-3534 (3d Cir.).
[6] *Id.* ECF No. 003111427503.

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position regarding Pennsylvania's flawed BART analyses, applied a flawed metric for cost-effectiveness, and failed to calculate cumulative visibility impacts. *Id.* at 161-67.

In response to the remand, the Department proposed the 2019 Haze Plan, 49 Pa. Bull. 5065. Among other things, the proposal describes the Department's approach to BART, lists remaining sources subject to BART, and determines BART for these sources.

II. Comments

A. The Department Should Provide a Complete Accounting of BART-Eligible Sources

In its 2010 Haze Plan, the Department identified 34 BART-eligible sources.[7] But in the current proposal, the Department only identifies three sources for which it reviews BART.

Given the critical role that BART plays in reducing regional haze, the remand of EPA's approval of the Department's prior haze plan for errors in BART, we request that the Department provide, in its response to comments, a list of the 34 sources identified in the 2010 Haze Plan showing:

- which are retired;
- which are electric generating units covered for nitrogen oxides (NOx) and sulfur dioxide (SO_2) by the Cross State Air Pollution Rule "better than BART," for which we also request that the Department show annual emissions by source and emissions controls by source;
- which electric generating units must be analyzed for particulate matter BART; and
- which are above the 0.2 deciview threshold either for particulate matter for electric generating units or for the combination of SO_2, NOx, and particulate matter for non-electric generating units.

B. The Department Fails to Document Important Aspects of the 2019 Haze Plan

Control efficiencies are a critical aspect of any BART analysis, which should document control efficiencies at the most stringent control levels.[8] However, the 2019 Haze Plan offers little to no documentation to support control efficiency figures claimed by the facilities, which the Department appears to accept at face value.

Further, there does not appear to be any documentation (e.g., vendor quotes, actual costs from a similar facility, generally accepted estimates) provided to support any of the capital control costs provided by any of the facility BART determinations, or documentation that the Department questioned any of these costs. The Department may treat any confidential business

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[7] 2010 Haze Plan Narrative at 55.

[8] *See* the final BART Rule at 70 Fed. Reg. 39,166: "It is important, however, that in analyzing the technology you take into account the most stringent emission control level that the technology is capable of achieving."

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information as such in accordance with its procedures, but such information must at least be provided to the Department for its review.[9]

For instance, the entire Lafarge Whitehall cost analyses consists of five summary tables, with no documentation of capital or other costs. While Lafarge offers operating life for three of these cost summaries—14 years for selective noncatalytic reduction optimization and upgrading the existing dry sorbent injection system, and 15 years for a wet scrubber—these equipment lifetimes are low in comparison to those assumed in many other BART analyses.[10] Neither Lafarge nor the Department offers any justification for these reduced lifetimes, or why they should be distinguished from those typically used in the first planning period. Short equipment lifetimes such as these serve to greatly increase annualized costs.

In addition, Lafarge uses a capital recovery factor of 0.944 in its cost analysis of its existing dry absorbent addition using hydrated lime, which appears to be inconsistent with its assumed 14 year equipment lifetime and any reasonable interest rate. This figure should have been 0.0944, which would have resulted in an annualized capital cost of $28,421, instead of Lafarge's figure of $284,213. This would have reduced the total annual costs to $329,494, which would in turn have reduced the dry sorbent injection cost effectiveness from $1,531 to $824.

Lafarge also assumes a 2% charge for insurance in its cost summaries, while EPA's Control Cost Manual specifies that charge is 1%. This can have a significant effect. For instance, increasing the insurance charge from 1% to 2% adds $746,970 to the total indirect costs for its wet scrubber cost.[11] Documentation of these and the above control costs is a fundamental aspect of a BART evaluation, which the Department should confirm by its own review. The Department should correct all the errors in its BART analyses, ensure they conform to the Control Cost Manual, and formally reconsider all of its BART analyses.

Finally, the Department has not documented a key aspect of its proposal regarding particulate matter from electric generating units--that "there were no BART- eligible EGUs that exceeded the 0.2 deciview threshold for PM impacts." The Department provides (at 9) only a general statement based on its review of MANE-VU modeling regarding Penn State and National Weather Service data. Instead, the Department must document where the actual modeling upon which it relies can be found. Further, the Department must provide a sector-by-sector analysis of how its current emissions inventory differs from that assumed in the MANE-VU modeling, and how those differences may have impacted that modeling.

C. The Department Should Not Consider Visibility Perceptibility in Selecting Potential Controls

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[9] For instance, Lafarge states on pdf page 51, Appendix B1, in relation to its cost summary for a LNB for Kiln 3, "Cost of equipment based on quotes obtained for internal capital request project in 2006 and again in 2011."

[10] For example, the typical equipment lifetime assumed for dry sorbent injection, scrubbers, selective noncatalytic reduction, and selective catalytic reduction installations for coal-fired power plants in the regional haze program has been 30 years. EPA has consistently taken the position that if this lifetime is not utilized, the units in question should execute an enforceable commitment to retire earlier.

[11] *See* the EPA Air Pollution Control Cost Manual, Chapter 2, section 2.6.5.8.

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The Department, Lafarge, Lehigh, and Monroe all appear to consider visibility perceptibility (1 – 2 dv) in BART analyses.[12] EPA has made it clear in the BART Rule that perceptibility is not a consideration in the selection of potential controls.[13] Consequently, the Department should make it clear in its 2019 Haze Plan that perceptibility is not a consideration in its BART analyses.

D. The Department Must Reconsider the BART Determination for Lehigh Evansville

The Lehigh Evansville Cement Plant has a maximum base case total visibility impact of 0.444 dv at the Shenandoah National Park and 0.382 at the Brigantine Wildlife Refuge.[14] At the plant, Kilns 1 and 2 require review for BART.

The Lehigh plant installed selective noncatalytic reduction (SNCR) systems on both Kilns 1 and 2, but dismantled them due to high maintenance issues. However, subsequent technical advancements in SNCR applied to kilns have caused Lehigh to consider it as potential BART controls. Lehigh has installed dry sorbent injection on both kilns to control SO_2.

Lehigh incorporates a BART visibility threshold of 0.5 deciview into its analyses, citing to it in several places as a partial justification for no further controls.[15] However, the Department has determined that a lower threshold of 0.2 deciview is appropriate. Consequently, the Department should not approve any Lehigh analysis using an inconsistent and therefore improper threshold.

For nitrogen oxides, the Department considers two types of SNCR systems redesigned from that which was dismantled by Lehigh: mid-kiln injection SNCR and riser injection SNCR.[16] However, the Department only considers reduction efficiencies of 20% and 10%, respectively, and does not provide any documentation to support these choices.[17] These figures are likely inappropriately low.[18] The Department should therefore provide documentation to support these figures or re-analyze SNCR using higher efficiencies from similar SNCR cement plant

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[12] *See, e.g.*, the Lehigh Cement BART analysis memo, page 7. Also, the Department appears to consider perceptibility on page 7 of its Lehigh BART memo when it quotes from EPA's Visibility Monitoring Guidance. This quotation is out of context; EPA was explaining why the deciview scale is used, not that BART should consider perceptibility.

[13] *See* 70 Fed. Reg. 39,129: "[W]e disagree that the degree of improvement should be contingent upon perceptibility. Failing to consider less-than-perceptible contributions to visibility impairment would ignore the CAA's intent to have BART requirements apply to sources that contribute to, as well as cause, such impairment."

[14] *See* Table 4 of Appendix C2 - PADEP BART Review Memo Lehigh Evansville.

[15] *See, e.g.*, the Lehigh Evansville Cement BART analysis pages 1-2, and 3-3.

[16] *See* page 8 of the Lehigh Evansville Cement plant BART review memo.

[17] The Department states these efficiencies were provided by Lehigh, but as indicated, Lehigh's BART report dismisses SNCR types as infeasible. This should be clarified.

[18] *See* AAPCA 2016 Spring Meeting, Panel: NOx Controls Updates, April 28-29, 2016, Timothy L. Matz, Corporate Director of Environmental Affairs Lehigh Hanson, Inc: "SNCR Results in Reduction in NOx -Typically between 35% and 65%." Page 11. https://www.cleanairact.org/events/documents/AAPCA2016SpringMeeting-postmeeting.pptx. *See also* the presentation NOx Control With SNCR Technology Cement Plants, given by Industrial Accessories Company, page 17: actual SNCR installation efficiencies are cited for many cases and range up to 85%. http://www.iac-intl.com/wp-content/uploads/2016/09/IAC_NOx-Control-in-Cement_SNCR-Technology.pdf.

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installations. The Department indicates that the maximum potential visibility improvements from implementing these SNCR technologies at both kilns would be 0.07 dv (mid-kiln injection, Brigantine) and 0.035 dv (riser injection, at both Brigantine and Shenandoah). The Department does not consider either type of SNCR to be BART. Modest improvements in efficiencies (e.g., 30%) are not expected to result in significant visibility improvements over those cited above. However, maximum efficiencies approaching the upper range are expected to result in significant visibility benefits. In addition, the Department's cost-effectiveness calculations of $2,524/ton (mid-kiln injection) and $1,216/ton (riser injection) are well within the range of many controls that were found to be BART in the first planning period. These cost-effectiveness values would further improve with higher removal efficiencies. The Department should also provide documentation for these costs and modeling projections, which are simply summarized in its analysis and do not appear to be present in the Lehigh BART analysis.

Regarding selective catalytic reduction (SCR) for NOx, Lehigh claims "[t]here are no full scale SCR systems in operation at cement kilns in the United States," and dismisses SCR as infeasible.[19] However, as the Department notes, a consent decree required SCR at the Lafarge Joppa plant in Illinois, which is the same type of kiln as that used at the Lehigh Evansville plant.[20] As Lafarge itself noted in its 2014 annual report, SCR "installed at Joppa plant reduced NOx by up to 80%."[21] The Lafarge Holcim[22] cement plant in Midlothian, Texas also installed SCR with a reported efficiency of at least 70%.[23]

The Department did perform a BART analysis assuming the use of SCR, but despite the information cited above, it assumed an efficiency of only 42%. It did not provide any documentation for that figure and otherwise offers no support for the unreasonably low efficiency. The Department calculated a cost-effectiveness of $10,903/ton. The Department projected visibility benefits of 0.145 deciview and 0.148 deciview at Shenandoah and Brigantine, respectively, but again there is no documentation of this modeling. As to this cost-effectiveness and modeling, the Department should also provide documentation in its evaluation, which it simply summarized in its analysis, and which does not appear to be present in the submitted Lehigh analysis.

Thus, the Department should revisit and, as necessary, revise its analysis for SNCR and SCR. We believe that, depending on a complete assessment of SCR, at a minimum, year-round operation of SNCR should be BART. The Department should also revisit and reassess BART controls for particulate matter.

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[19] On page 9 of its Lehigh BART analysis memo, the Department states that "Lehigh evaluated the use of SCR on their two long dry kilns." However, it does not appear to be a part of the Lehigh BART analysis on the Department's website.

[20] *See* https://www.epa.gov/enforcement/lafarge-north-america-inc-clean-air-act-settlement.

[21] *See* Annual Report, Registration Document, Lafarge 2014, page 141. https://www.lafargeholcim.com/sites/lafargeholcim.com/files/atoms/files/03232015-press_publication-2014_annual_report-uk.pdf.

[22] Lafarge and Holcim have recently merged.

[23] *See* https://www.midlothianmirror.com/news/20170718/holcim-makes-environmental-improvements-with-new-regulation-updates.

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E. The Department Should Present a Meaningful and Complete Electric Generating Unit Particulate Matter BART Analyses

The Department acknowledges that it must provide a PM BART analysis for the electric generating units covered by Cross State Air Pollution Rule for NOx and SO_2. However, it states only:

> In reviewing the MANE-VU modeling, there were no BART- eligible EGUs that exceeded the 0.2 deciview threshold for PM impacts, using either the Fifth Generation Penn State/National Center for Atmospheric Research Mesoscale Model (MM5) or National Weather Service (NWS) meteorology data.

At 9. Thus, the Department's position is that all of the electric generating units modeled out of PM BART requirements. The Department must describe where that modeling can be found in the technical record, and explain its use of its prior modeling, which is now is quite old. At a minimum, the Department should provide a sector-by-sector analysis of how its current emissions inventory differs from that assumed in the MANE-VU modeling, and how those differences may have impacted that modeling.

F. The Department Should Ensure that the Version of its Haze Plan it Presents to the Public is in Fact the Most Current and Reflects Proper Consideration of Updates and Corrections

From a review of Appendix E, the Department has revised its BART cost-effectiveness calculations in response to the FLM comments. In some cases, the cost-effectiveness values were revised downward quite significantly. In other cases, it does not appear that the Department has actually presented the revised cost-effectiveness figures.[24] However, in either case, it does not appear that the Department has formally reconsidered the BART factors in light of these significant changes to cost-effectiveness.

For example, despite a number of errors identified by the FLMs, which the Department has acknowledged, the Department has not required any revisions to the BART reports by the companies themselves. In addition, the Department revised none of its BART determinations.[25] Lastly, the main body of the 2019 Haze Plan itself has not been revised. The Department states only:

> DEP reviewed the National Park Service cost analyses concerns. The BART determinations remain unchanged following the review of the National Park Service's comments, because after reviewing and updating the cost analyses as suggested, these updates do not change the determinations.

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[24] For example, in responding to the NPS's comment concerning the Lehigh Cement SO_2 analysis that it should have used an interest rate of 5.25 – 5.5%, the Department agreed but did not present the revised cost-effectiveness calculation. Instead, it merely stated, "Although each cost effectiveness decreased marginally, the decreases are not significant to alter DEP's original conclusion for each SO_2 control device."

[25] *See, e.g.*, Appendix B2, "Northeast Regional Office Review Memorandum on Lafarge Whitehall Best Available Retrofit Technology Analysis (BART), dated 9/7/2017.

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Appendix E at 1. Consequently, the Department did not truly reconsider that application of the BART factors in response to the Third Circuit's remand, and instead must consider these factors and revise the 2019 Haze Plan accordingly.

Conclusion

For the reasons described in this letter, the Department:

- Must provide a complete inventory describing changes in the inventory of BART-eligible sources;
- Must document important aspects of its 2019 Haze Plan, and provide the current version of the Plan to the public;
- Must not consider visibility perceptibility in selecting potential controls;
- Must reconsider its BART determination for Lehigh Evansville; and,
- Must present a complete particulate matter BART analysis for electric generating units.

Thank you for considering our comments on the Department's proposal.

Signed,

/s/

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Attachment 5

December 15, 2017

BY FEDERAL EXPRESS AND E-MAIL

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Re: Petition for Reconsideration of *Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan* (Oct. 17, 2017); EPA–R06–OAR–2016–0611; FRL–9969–07–Region 6

Pursuant to Section 307(d)(7)(B) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7607(d)(7)(B), National Parks Conservation Association ("NPCA"), Sierra Club, and Environmental Defense Fund (collectively, "Petitioners") respectfully petition the Administrator of the Environmental Protection Agency ("the Administrator" or "EPA") to reconsider certain aspects of the rule captioned as "Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan," which was published at 82 Fed. Reg. 48,324 (Oct. 17, 2017) (hereinafter, the "Trading Rule"). As explained below, the Trading Rule is unlawful, arbitrary, and capricious because (1) the Trading Rule was adopted without following notice and comment requirements; (2) EPA provided no rational basis for abandoning its January 2017 best available retrofit technology ("BART") proposal in favor of the Trading Rule; (3) the Trading Rule fails to satisfy the requirement that a BART alternative achieve greater reasonable progress than the installation and operation of BART; (4) EPA's finding that the Trading Rule satisfies Texas' section 110(a)(2)(D)(i)(II) visibility transport plan requirements is unlawful, arbitrary, and capricious; (5) EPA cannot lawfully adopt the Trading Rule's intrastate trading scheme because it is too late to do so; (6) the Rule includes provisions that would unlawfully suspend the intrastate trading scheme by the mere submission of a state implementation plan; (7) the Rule's treatment of retired electric generating units is arbitrary and capricious; (8) the supplemental allowance pool provision is

arbitrary; and (9) EPA failed to recognize that this rule is based on a determination of nationwide scope and effect.

The grounds for the objections raised in this petition arose after the period for public comment and are of central relevance to the outcome of the rule. The Administrator must therefore "convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed." 42 U.S.C. § 7607(d)(7)(B).[1]

BACKGROUND

A. *Haze Pollution from Texas Power Plants*

Because many Texas power plants lack the pollution controls widely used in other states,[2] Texas sources emit more sulfur dioxide ("SO_2") than sources in any other state, by far.[3] Sulfur dioxide, or SO_2, contributes to both hazy skies and health problems downwind. Sulfur dioxide reacts with other compounds in the air to form fine particles that penetrate sensitive parts of the lungs and can aggravate respiratory and heart diseases. Airborne fine particles are linked to increased hospital admissions, missed work and school, and premature death.[4]

SO_2 emissions from Texas cause visible air pollution in at least 15 national parks, monuments, and wilderness areas across seven states.[5] Among these are Big Bend National Park

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[1] Because judicial review of the Trading Rule is available by the filing of a petition for review within sixty days of the publication date—that is, by December 16, 2017—the grounds for the objections arose "within the time specified for judicial review." 42 U.S.C. § 7607(d)(7)(B).

Note: as explained in detail in Section II below, Petitioners maintain that the Trading Rule is not a final agency action and that the U.S. District Court for the District of Columbia has jurisdiction and authority to remedy EPA's failure to take final agency action required by the applicable consent decree. Petitioners are therefore filing this reconsideration petition out of an abundance of caution, and because, if the district court denies Petitioners' pending motion to enforce the consent decree, EPA would still be obligated to correct the legal violations discussed below.

[2] *See* EPA, FIP Cost TSD at 1, Docket ID No. EPA-R06-OAR-2014-0754-0008, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2014-0754-0008.

[3] *See generally* EPA, Air Markets Program Data, *available at* https://ampd.epa.gov/ampd/.

[4] *See* EPA, Sulfur Dioxide Basics, *available at* https://www.epa.gov/so2-pollution/sulfur-dioxide-basics; EPA, Health and Environmental Effects of Particulate Matter (PM), *available at* https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm.

[5] EPA, BART Screening TSD at 40, Docket ID No. EPA-R06-OAR-2016-0611-0005, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0005; *see also* EPA, BART Modeling TSD at App. E, Docket ID No. EPA-R06-OAR-2016-0611-0006, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0006. In its screening and modeling analysis, EPA evaluated the impacts of the BART-eligible electric generating units in Texas at 15 different Class I areas, including: Breton Wilderness Area in Louisiana; Big Bend and Guadalupe Mountains National Parks in Texas; Wichita Mountains National Wildlife Refuge in Oklahoma; Caney Creek and Upper Buffalo Wilderness Areas in Arkansas; Bandelier National Monument, Salt Creek, Wheeler Park, White Mountains, and Pecos Wilderness Areas, and Carlsbad Caverns National Park in New Mexico; Hercules-Glades Wilderness Area and Mingo National Wildlife Refuge in Missouri; and

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and Guadalupe Mountains National Park in west Texas, which contain spectacular scenic views that draw visitors from around the world. The National Park Service has noted that "[t]he scenic beauty of Big Bend National Park is often spoiled by haze that obscures its many vistas."[6] This haze is primarily caused by emissions of SO_2 and other pollutants from power plants and other anthropogenic sources.[7]

Texas' air pollution does not stop at its borders. For example, Texas sources cause significant visibility impairment at the Wichita Mountains Wilderness Area in Oklahoma that are "several times greater than the impact from Oklahoma's own point sources." 79 Fed. Reg. 74,818, 74,822 (Dec. 16, 2014).

B. *The Clean Air Act's Regional Haze Program*

Recognizing the "intrinsic beauty and historical and archaeological treasures" of the national parks and wilderness areas,[8] Congress established "as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." 42 U.S.C. § 7491(a)(1). In 1990, after finding that the EPA and the states had not made adequate progress toward reducing visibility impairment in the nation's Class I areas,[9] Congress amended the Clean Air Act to curb emissions that may reasonably be anticipated to cause or contribute to visibility impairment at national parks and wilderness areas. *Id.* § 7492.

In order to achieve the goal of natural visibility in Class I areas, Congress instructed states to submit "implementation plan[s]" containing "emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward the national goal." 42 U.S.C. § 7491(b)(2). As a critical, minimum element of any regional haze plan, the state (or EPA, where the state fails to do so) must require BART controls at fossil fuel-fired power plants and other major stationary sources that "may reasonably be anticipated to cause or contribute to any impairment of visibility in any mandatory Class I Federal area," and were in existence in

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Great Sand Dunes National Park in Colorado. *See* BART Screening TSD at 73-74; BART Modeling TSD at 85-90. In its 2015 regional haze rulemaking for Texas and Oklahoma, EPA also noted pollution impacts from several of the same generating units at San Pedro National Park, Bosque del Apache Wilderness Area, and Gila Wilderness Area in New Mexico, and Rocky Mountain National Park in Colorado. *See* "TX116-007-33 Vis modeling summary" spreadsheet, Docket ID No. EPA-R06-OAR-2014-0754-0007, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2014-0754-0007, relevant portions (attached as Ex. A).

[6] NPS, *Understanding Haze in Big Bend National Park, available at* http://www.nps.gov/bibe/learn/nature/upload/Bravo_Fact_Sheet.pdf.

[7] *See, e.g.*, Technical Support Document for the Oklahoma and Texas Regional Haze Federal Implementation Plans at A-17 (Nov. 2014), Docket ID No. EPA-R06-OAR-2016-0611-0052, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0052 (hereinafter, "Reasonable Progress FIP TSD").

[8] H.R. Rep. No. 95-294, at 203-04 (1977), *reprinted in* 1977 U.S.C.C.A.N 1077, 1282.

[9] Areas designated as mandatory Class I Federal areas (or Class I for short) consist of national parks exceeding 6,000 acres, national wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. *See* 42 U.S.C. § 7472(a).

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1977, but were not in operation before 1962. 42 U.S.C. § 7491(b)(2)(A); 40 C.F.R. § 51.308(e).

BART is defined as "*an emission limitation* based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility." 40 C.F.R. § 51.301 (emphasis added). When determining BART, the states and EPA must analyze "the best system of continuous emission control technology available" by taking into consideration five factors: (1) the costs of compliance, (2) the energy and non-air quality environmental impacts of compliance, (3) existing pollution controls at the source, (4) the remaining useful life of the source, and (5) the degree of visibility improvement from pollution controls. *Id.* § 51.308(e)(1)(ii)(A). BART compels these older, disproportionately-polluting sources to install up-to-date and cost-effective pollution controls.

Under the statute and EPA's implementing regulations, the default approach to meeting the BART requirements is for a state to consider the five statutory factors on a case-by-case basis "for each major stationary source." 42 U.S.C. § 7491(b)(2)(A); 40 C.F.R. § 51.308(e)(1)(ii)(A). EPA's regulations allow states to adopt "an emissions trading program or other alternative measure" rather than set BART limits on a case-by-case basis if the applicable standards for using an alternative are met. 40 C.F.R. § 51.308(e)(2).

An alternative to BART "must achieve greater reasonable progress than would be achieved through the installation and operation of BART." *Id.* A state may demonstrate that an alternative program makes greater reasonable progress than BART by proving that under the alternative program, the clear weight of evidence shows that the alternative would achieve greater reasonable progress than BART, *id.* § 51.308(e)(2)(i)(E), or that (1) visibility does not decline in any Class I area and (2) there is an overall improvement in visibility compared to BART at all affected Class I areas. *Id.* § 51.308(e)(3)(i)-(ii).

C. *Procedural Background*

Despite the enormous amounts of haze pollution produced by Texas sources, both Texas and EPA have delayed for decades in developing and implementing a clean-up plan. It has been 40 years since Congress first announced the requirement that states were to develop plans to install the BART at large, aging pollution sources contributing significantly to impaired scenic views, 42 U.S.C. § 7491(b)(2); ten years since the deadline for states to submit such plans, 40 C.F.R. § 51.308(b); and over five years since the original deadline set forth in the governing consent decree for EPA to take final action on a Texas haze plan.[10]

1. Texas' inadequate state implementation plan

Texas failed to submit a haze plan to EPA by the 2007 deadline set by Congress. In 2009, EPA published an official finding to that effect. 74 Fed. Reg. 2392 (Jan. 15, 2009). In

[10] Consent Decree at 3-5, *Nat'l Parks Conservation Ass'n v. EPA*, No. 1:11-cv-01548 (ABJ) (D.D.C. Mar. 30, 2012) (ECF Doc. 21).

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response, Texas submitted a proposed haze plan to EPA in 2009, two years after the original deadline.[11]

Despite Texas' enormous impact on the visibility of its Class I areas and those in other states, Texas submitted a Regional Haze plan that did not require a single source to install controls or reduce emissions to protect visibility in Class I areas. 81 Fed. Reg. 296, 300 (Jan. 5, 2016). Instead, Texas relied on the emission trading program in EPA's Clean Air Interstate Rule ("CAIR") as an alternative to making BART determinations for all eligible sources, including those at issue in this rule.[12] The D.C. Circuit Court of Appeals had invalidated CAIR in 2008—nearly a year *before* Texas submitted its state implementation plan ("SIP") proposal to EPA for review in March 2009. *See North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir.), *modified,* 550 F.3d 1176 (D.C. Cir. 2008). In response to the D.C. Circuit's ruling invalidating CAIR, in 2012, EPA disapproved the haze plans of 14 states, including Texas, which had relied on CAIR to satisfy the BART requirements. 77 Fed. Reg. 33,642, 33,653 (June 7, 2012).

2. EPA's Better-than-BART Rule

In 2011, in response to the D.C. Circuit's decision invalidating CAIR, EPA promulgated the Cross-State Air Pollution Rule ("CSAPR"), which required 28 states in the eastern U.S., including Texas, to curb power plant emissions of SO_2 and nitrogen oxides ("NO_X") that cross state lines and significantly contribute to violations of ozone and fine-particle standards in other states. 76 Fed. Reg. 48,208 (Aug. 8, 2011). Promulgated under the Clean Air Act's "good neighbor" provision, 42 U.S.C. § 7410(a)(2)(D)(I), CSAPR allowed sources to trade emission allowances with other sources in the same or different states. *Id.* at 48,348. For each state regulated under CSAPR, EPA contemporaneously promulgated a federal implementation plan ("FIP") allocating that State's emission budget among its in-state electric generating units ("EGUs" or "generating units"). *Id.* at 48,271, 48,284-87.

In 2012, EPA published a rule, 77 Fed. Reg. 33,642 (the "Better-than-BART" Rule), which exempted EGUs covered by the CSAPR trading program from meeting source-specific BART requirements under the Regional Haze Rule. EPA justified the Better-than-BART Rule with computer modeling purporting to show that CSAPR satisfied both criteria of the agency's test for a valid BART alternative, namely, that when compared to EPA's "presumptive" BART emission limits, implementation of CSAPR (1) does not cause visibility to decline in any Class I area, and (2) there is an overall improvement in visibility, determined by comparing the average differences between BART and the alternative over all affected Class I areas, *see* 40 C.F.R. § 51.308(e)(3). As part of that modeling analysis, EPA also conducted a "Sensitivity Analysis,"

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[11] *See* Texas Commission on Environmental Quality, Revisions to the State Implementation Plan (SIP) Concerning Regional Haze, Project No. 2007-016-SIP-NR (Feb. 25, 2009), *available at* https://www.tceq.texas.gov/airquality/sip/bart/haze_sip.html.

[12] EPA issued CAIR in 2005. That rule required 28 states, including Texas, to reduce emissions of SO_2 and NO_X that significantly contribute to, or interfere with maintenance of, the 1997 National Ambient Air Quality Standard ("NAAQS") for ozone and $PM_{2.5}$. 70 Fed. Reg. 25,162 (May 12, 2005). EPA subsequently determined that those states could also rely on CAIR's cap-and-trade emissions trading program to meet their obligations under the Regional Haze Rule to address BART for EGUs. 70 Fed. Reg. 39,104 (July 6, 2005).

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which purported to demonstrate that CSAPR remained a valid "better-than-BART" alternative despite subsequent increases in the emission budgets for Texas and Georgia.[13] In that Sensitivity Analysis, EPA concluded that CSAPR would remain a valid alternative to BART so long as SO_2 emissions from Texas plants remained below 317,000 tons per year.[14]

3. EPA's obligation to address Texas' regional haze requirements

The Clean Air Act required EPA formally to approve or disapprove Texas' regional haze plan within 18 months of submittal. 42 U.S.C. § 7410(k). By 2011, EPA still had not taken final action on Texas's 2009 submittal. In August 2011, Petitioners sued EPA, and on March 30, 2012, the District Court entered a consent decree requiring EPA to take final action on the Texas regional haze plan by a date certain. *See* Consent Decree, *NPCA v. EPA*, No. 1:11-cv-01548 (ABJ) (D.D.C. entered Mar. 30, 2012) (ECF Doc. 21) (hereinafter "Consent Decree").

In December 2015, EPA issued a final rule approving in part and disapproving in part Texas' regional haze plan, as well as portions of Oklahoma's "interconnected" plan. *See* 81 Fed. Reg. at 296, 346 (hereinafter, the "Reasonable Progress Rule"). As required by the Clean Air Act, 42 U.S.C. § 7410(c)(1), EPA issued a partial federal plan to correct the deficiencies in Texas' SIP relating to the so-called reasonable progress elements of the Regional Haze Rule. 81 Fed. Reg. at 297. EPA explicitly declined, however, to take final action concerning Texas' BART determinations for EGUs. *See, e.g.*, 81 Fed. Reg. at 346. Instead, EPA determined that as a result of the D.C. Circuit's decision remanding the Texas CSAPR budgets, *EME Homer City Generation, L.P. v. EPA*, 795 F.3d 118 (D.C. Cir. 2015) (hereinafter, "*Homer City II*"), neither EPA nor Texas could not rely on CSAPR as an alternative to BART for Texas EGUs. 81 Fed. Reg. at 302.[15]

In July 2016, the Fifth Circuit stayed EPA's disapproval and promulgation of a FIP addressing the reasonable progress portions of Texas's regional haze plan. *See Texas* v. *EPA*, 829 F.3d 405 (5th Cir. 2016). The Fifth Circuit subsequently granted EPA's motion requesting voluntary remand of the rule so that the agency could reconsider its reasonable progress determinations, which are distinct from the BART requirements at issue here.

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[13] EPA, Memorandum, Sensitivity Analysis Accounting for Increases in Texas and Georgia Transport Rule State Emissions Budgets (May 29, 2012), Docket ID No. EPA-HQ-OAR-2011-0729-0323 (hereinafter, "CSAPR BART Sensitivity Memo").

[14] 82 Fed. Reg. at 48,353.

[15] EPA formally issued its proposal to withdraw its federal plan to include Texas in the CSAPR emissions trading program in November 2016, and finalized the withdrawal in September 2017. 81 Fed. Reg. 78,954 (Nov. 10, 2016); 82 Fed. Reg. 45,481 (Sept. 29, 2017). Petitioners NPCA and Sierra Club have petitioned for reconsideration and judicial review of a separate aspect of that rulemaking, which determined that CSAPR remains better than BART for the states remaining in the program, despite the withdrawal of Texas. *See Petition for Partial Reconsideration of Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas; Final Rule; 82 Fed. Reg. 45,481 (Sept. 29, 2017); EPA-HQ-OAR-2016-0598; FRL-9968-46-OAR* (filed Nov. 28, 2017); Petition for Review, *Nat'l Parks Conservation Ass'n v. EPA*, No. 17-1253 (D.C. Cir. Nov. 28, 2017).

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4. *The January 2017 BART Proposal*

In January 2017, EPA published its BART proposal for Texas electric generating units. *See* 82 Fed. Reg. 912 (Jan. 4, 2017) (hereinafter, the "proposed rule" or "BART proposal"). EPA's proposal carefully and methodically reviewed BART-eligible units for cost-effective controls and analyzed each of the five statutory BART factors consistent with prior EPA regulations and guidance. *See id.* at 921-47 (citing numerous Technical Support Documents such as the BART Screening TSD, BART FIP TSD, Cost TSD, BART Modeling TSD).

In addition to the voluminous technical analyses performed by EPA, the agency solicited public comments for four months, 82 Fed. Reg. 11,516 (Feb. 24, 2017), and held a public hearing in Austin, Texas on the proposed rule, 82 Fed. Reg. at 912. During the comment period, over 3,600 people from Texas, Oklahoma, New Mexico, and Arkansas submitted comments to EPA seeking a final Texas BART Rule as strong as the proposal.[16] Petitioners also submitted detailed comments covering numerous technical and legal issues.[17] Because EPA had not proposed any trading program whatsoever for Texas, nor given any indication that it was considering one in the proposal, Petitioners could not and did not comment on specific defects of the trading program EPA has now purported to finalize.

EPA estimated that its proposed FIP would reduce harmful SO_2 emissions by approximately 194,000 tons per year,[18] which would produce cleaner air in national parks, wilderness areas, and other areas throughout Texas and surrounding states. Twelve of the units proposed for source-specific BART limits have operated for decades without installing any post-combustion controls for SO_2.[19] EPA's analysis in the proposed rule indicated that new scrubbers would dramatically improve visibility at a reasonable cost and meet the other BART factors. 82 Fed. Reg. at 926-38. EPA's analysis also showed that the scrubber upgrades would significantly

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[16] As of December 15, 2017, EPA has not yet posted all of these comments to the docket.

[17] *See generally* Comments of NPCA and Sierra Club (May 5, 2017), Docket ID No. EPA-HQ-OAR-2016-0611-0083, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0083 ("NPCA/SC Comments"); Comments of Environmental Defense Fund (May 5, 2017), *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0081.

[18] EPA, Technical Support Document for the Texas Regional Haze BART Federal Implementation Plan at 2 (Dec. 2016), Docket ID No. EPA-R06-OAR-2016-0611-0004 (hereinafter, "BART FIP TSD"). Note, EPA explains in its BART FIP TSD (page 2, footnote 7) that this figure is the "[s]um of estimated reductions due to all proposed controls calculated from a baseline of the 2011-2015 five-year average of the SO_2 annual emissions, excluding the maximum and minimum values." Consequently, we recognize that in comparing it to the 2016 SO_2 emission figure of 218,291 tons that EPA cites in its Trading Rule that we are not making an exact apples-to-apples comparison due to differing emission years and differences in the units covered by the BART proposal and the Trading Rule.

[19] Fayette units 1 and 2 recently installed wet scrubbers. Of the 14 units for which EPA proposed to set BART limits based on the use of new scrubbers, only the two Fayette units have already installed scrubbers.

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improve visibility for approximately $1000 per ton or less, which is a fraction of the cost of most SO_2 BART controls.[20]

The proposed BART limits would have resulted in visibility, public health, and economic benefits for the entire region. Dr. George Thurston, a leading public health expert, submitted evidence that the proposed rule would prevent tens of thousands of asthma attacks, 678 premature deaths, more than 100,000 lost or limited work days every year, and would save more than $6.7 billion in public health and lost productivity costs annually.[21] These figures were "conservatively estimate[d]."[22] In Oklahoma alone, these benefits total over $771 million *each year,* including the benefits of preventing over 2,100 asthma attacks, 78 deaths, and more than 9,400 missed work days every year.[23] The annual benefits to Oklahoma City are valued at more than $185 million, and to Tulsa, at more than $156 million.[24] In Dallas, the pollution reductions are predicted to save 62 lives per year. The total public health-related benefits for Dallas are valued at over $623 million.[25] In Houston, the pollution reductions are predicted to save 60 lives per year, with the total health-related benefits valued at over $606 million.[26]

5. The Trading Rule

After the change in Administration, and three weeks before the consent decree deadline to issue a final BART rule for Texas, EPA sought a 16-month extension to allow Texas time to develop a state implementation plan that would create a "flexible" sulfur dioxide pollution intrastate trading program, rather than place any emission limits on the plants identified as subject-to-BART in the proposal. EPA further represented that it had entered into a Memorandum of Agreement with Texas under which Texas would develop a state plan incorporating the trading scheme, which EPA would then approve.[27] Agreeing with Petitioners, the district court rejected EPA's request for more time, noting that "Texas has had ample time to develop, submit, and negotiate a compliant state implementation plan if that was its actual preference."[28] Thus, EPA was required to issue a final, federal BART action by the consent

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[20] *See* NPCA/SC Comments at 34-38.

[21] Report of George D. Thurston Regarding the Public Health Benefits of EPA's Proposed Rulemaking at 17-18 (May 4, 2017), Docket ID No. EPA-R06-OAR-2016-0611-0072, https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0072 (hereinafter "Thurston Report").

[22] *Id.* at 17.

[23] *Id.* at 19; Thurston BART BenMap Appendix at Table 2, Docket ID No. Docket ID No. EPA-R06-OAR-2016-0611-0072, https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0072 (hereinafter, "Appendix to Thurston Report").

[24] Thurston Report at 20; Appendix to Thurston Report at Table 3.

[25] Thurston Report at 20.

[26] *Id.*; Appendix to Thurston Report at Table 3.

[27] 82 Fed. Reg. at 48,327.

[28] Order at 7, *Nat'l Parks Conservation Ass'n v. EPA*, No. 1:11-cv-01548 (ABJ) (D.D.C. Aug. 31, 2017) (ECF Doc. 96).

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decree's September 2017 deadline (later extended from September 9 to September 30 to accommodate Hurricane Harvey response activities).

The Trading Rule bears no resemblance to the proposed rule. *See generally* 82 Fed. Reg. 48,324. Instead of setting source-specific, technology-based pollution limits for BART sources, EPA created an entirely new trading program that applies only to Texas sources. Having abandoned the source-specific BART proposal in favor of this trading scheme, EPA concluded it was "not necessary to respond" to comments on the proposed source-specific rule. *Id.* at 48,332, 48,333. The emissions trading scheme adopted in the Trading Rule is so complicated that it occupies 17 pages of single-spaced text in the Federal Register, *id.* at 48,364-80, yet not a single sentence of the rule appeared in the proposed rule. This newly invented trading scheme would not result in any emission reductions because the total SO_2 credits available would exceed the total SO_2 emissions that the covered generating units emitted in 2016. *See id.* at 48,358, 48,359, 48,360.

EPA MUST CONVENE A RECONSIDERATION PROCEEDING AS TO THE TRADING RULE

I. Petitioners are entitled to reconsideration of the Trading Rule.

Under the Clean Air Act, the Administrator "shall convene a proceeding for reconsideration of the rule" if a petitioner demonstrates: 1) that it was impracticable to raise the objection during the public comment period or the grounds for the objection arose after the close of the public comment period; and 2) that the objection is of central relevance to the outcome of the rule. 42 U.S.C. § 7607(d)(7)(B). The objections presented in this petition plainly satisfy both requirements. First, the grounds for Petitioners' objections "arose after the period for public comment," *id.*, which closed on May 5, 2017.[29] The full grounds for these objections did not arise until, in the Trading Rule published on October 17, 2017, EPA abandoned the BART determinations made in its proposed rule, *see* 82 Fed. Reg. 912, and adopted a new intrastate emissions trading scheme. Additionally, the intrastate trading scheme was not mentioned at all in the January 2017 proposed rule (nor in the December 2014 proposal), and EPA did not even suggest that it was considering such a scheme. Given that Petitioners had no prior notice of the intrastate trading scheme adopted in the Trading Rule, it would have been impracticable for Petitioners to raise these objections during the public comment period.[30]

Second, as explained in detail in Sections II-X below, each of Petitioners' objections is "of central relevance to the outcome of the rule," 42 U.S.C. § 7607(d)(7)(B), in that they demonstrate that the Trading Rule is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." *Id.* § 7607(d)(9)(A). For example, Petitioners contend that if EPA had properly applied 40 C.F.R. § 51.308(e)(2), it would have concluded that its intrastate trading

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[29] *See* 82 Fed. Reg. 11,516 (extending comment period to May 5).

[30] As explained *infra* in Sections IV.B and VI, there are several issues discussed in this petition that were raised with reasonable specificity during the public comment period, such that Petitioners may seek judicial review on those issues under 42 U.S.C. § 7607(d)(7)(B). Petitioners nonetheless discuss those issues in this petition for two reasons: first, to make clear that this intrastate trading scheme, which EPA never proposed, fails numerous regulatory requirements; and second to underscore how thoroughly unlawful the Trading Rule is.

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scheme could not be promulgated, because it will achieve less progress toward natural visibility than the installation and operation of BART at these Texas generating units. The same holds true for other deficiencies discussed below—the objections all go to the validity of the approach EPA ultimately adopted without opportunity for comment.

Because both of the Clean Air Act's prerequisites for reconsideration are met, 42 U.S.C. § 7607(d)(7)(B), EPA "lack[s] discretion not to address the claimed errors." *North Carolina v. EPA*, 531 F.3d 896, 927 (D.C. Cir. 2008).

II. The Trading Rule is unlawful because it was promulgated without following notice and comment requirements.

In the Trading Rule, EPA adopted a FIP that consists of an intrastate pollution trading program for certain electric generating units in Texas. This Rule violates the Clean Air Act because it was issued without following the Act's requirements for promulgating a FIP. Under the Act, a FIP can be promulgated only by following the public notice and comment procedures set forth in 42 U.S.C. § 7607(d). *See* 42 U.S.C. § 7607(d)(1)(B), (d)(2)-(6). EPA, however, bypassed these requirements in promulgating the Trading Rule: the agency adopted an entirely new plan, one that never went through the notice and comment process. Because EPA's adoption of the Trading Rule violates the Clean Air Act, on reconsideration EPA should discard its unlawfully adopted trading scheme and, instead, take final action on the BART proposal published in the proposed rule.

As a threshold matter, Petitioners note that EPA's failure to follow the Clean Air Act's notice and comment requirements is the subject of a pending motion in the U.S. District Court for the District of Columbia. *See* Pls.' Mot. to Enforce Decree, *Nat'l Parks Conservation Ass'n v. EPA*, Civil Action No. 1:11-cv-01548 (ABJ), ECF No. 103 (filed Oct. 13, 2017). This motion seeks to enforce a consent decree provision that required EPA to sign a "notice of final rulemaking promulgating a FIP for Texas to meet the BART requirements for EGUs that were due by December 17, 2007 under EPA's regional haze regulations."[31] In their motion, Petitioners explained that because an agency action taken in flagrant violation of notice and comment requirements is not a lawful final action, EPA's Trading Rule violates the CAA and the consent decree. To remedy EPA's violations, and to enforce the consent decree, Petitioners requested that the district court direct EPA to promptly promulgate a final rule that complies with notice and comment procedures. EPA opposed this motion, and has argued that the district court lacks jurisdiction to adjudicate it.

Although Petitioners maintain that the Trading Rule is not a final action under the CAA, and that the district court has jurisdiction and authority to order a remedy for EPA's failure to take final agency action, Petitioners present this objection to EPA out of an abundance of caution. If the district court denies Petitioners' motion on jurisdictional grounds, EPA would still be obligated to correct its CAA violation. This violation is described further below.

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[31] Consent Decree ¶ 4.a.ii(a). The text of this consent decree is contained in ECF documents numbers 21, 86, and 91 in *National Parks Conservation Association v. EPA*, Civil Action No. 1:11-cv-01548 (ABJ) (D.D.C.).

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A. The Clean Air Act's notice and comment requirements

Under the Clean Air Act, a federal implementation plan cannot be adopted without following the public notice and comment procedures set forth in 42 U.S.C. § 7607(d). *See* 42 U.S.C. § 7607(d)(1)(B), (d)(2)-(6). Among other things, EPA must first publish a proposed rule in the Federal Register that is accompanied by a statement of basis and purpose and specifies a comment period. *Id.* § 7607(d)(3). The statement of basis and purpose must include a summary of the factual data on which the proposed rule is based, the methodology used in obtaining and analyzing the data, and the major legal interpretations and policy considerations underlying the proposed rule. *Id.* EPA must allow any person to submit comments, and in addition, shall give interested persons an opportunity for the oral presentation of data, views, or arguments. *Id.* § 7607(d)(5). These and other public participation requirements in § 7607(d) build on those in the Administrative Procedure Act, and are even more protective of notice and comments rights.

B. The Trading Rule circumvents the CAA's notice and comment procedures.

EPA did not follow the Clean Air Act's notice and comment requirements with respect to the central component of its Trading Rule – the newly invented intrastate trading program. Because EPA never proposed or provided for public comment on this trading scheme, the Trading Rule was not lawfully promulgated under the Clean Air Act.

In the January 2017 proposed rule, EPA established source-specific SO_2 emission limits, that would require the installation and operation of modern SO_2 controls, for Texas generating units that are subject to the Act's mandate for BART. *See generally* 82 Fed. Reg. 912. The BART proposal's SO_2 emission limits would have cut haze-causing pollution from Texas power plants by approximately 194,000 tons compared to recent emission levels.[32]

But in the Trading Rule, EPA abandoned its proposal to require source-specific SO_2 limits, and instead adopted an entirely new intrastate emissions trading program that did not appear in the proposal at all. In contrast to the proposed rule, the Trading Rule would not result in any reduction in haze-causing pollution. In fact, the Trading Rule would allow a potential increase of 74,813 tons above 2016 levels.[33] By adopting a trading program that was never proposed, EPA plainly failed to follow the rulemaking procedures required by the Clean Air Act.

Moreover, any suggestion that the Trading Rule is a "logical outgrowth" of the BART proposal would be meritless. The logical outgrowth doctrine has no application here. Instead, that doctrine applies where a rule merely clarifies its proposal, or where the agency put commenters on notice that it was considering approaches different from the proposal. *See, e.g.*, *Daimler Trucks N. Am. v. EPA*, 737 F.3d 95 (D.C. Cir. 2013) (no logical outgrowth where proposal offered no indication agency was considering change that was ultimately adopted, and

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[32] BART FIP TSD at 2.

[33] Under the trading program, the maximum annual allowances are 293,104 tons, and actual emissions in 2016 were 218,291 tons. *See* 82 Fed. Reg. at 48,358, 48,360. EPA states that in 2016, the sources covered by the trading program emitted 218,291 tons of sulfur dioxide. *Id.* at 48,358. EPA states that the trading program limits annual emissions from covered sources to between 248,393 and 293,104 tons. *Id.* at 48,359. Therefore, the trading program authorizes covered sources to emit more than they actually emitted in 2016.

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where change went beyond mere clarification). Here, the logical outgrowth doctrine does not apply because (i) the intrastate trading scheme is an entirely new program that bears no resemblance to the BART proposal, and (ii) EPA provided no notice that it was considering an intrastate trading program instead of source-specific SO_2 emission limits.

EPA cannot credibly claim that its trading program is just a clarification of the January 2017 proposed rule. The central thrust of the BART proposal was to require source-specific pollution limits based on the best available retrofit technology for each source. In order to adopt its wholly different trading program, EPA had to add dozens of pages of regulatory and explanatory text that appeared nowhere in the BART proposal. *See, e.g.*, 82 Fed. Reg. at 48,353-61, 48,363-80. And the Trading Rule is dramatically different in substance from the BART proposal, so much so, in fact, that EPA said it was "not necessary to respond" to comments on the proposed source-specific rule. *Id.* at 48,333.34 Moreover, instead of requiring limits for each of the relevant plants reflective of the BART controls, which EPA anticipated would reduce sulfur dioxide emissions by approximately 194,000 tons per year below recent levels, EPA is instituting a trading program in which the emissions cap is above the plants' 2016 emissions.[35]

The record also demonstrates that EPA provided no notice of its intrastate trading program. The proposed rule contained no mention whatsoever of this trading program, much less a summary of the factual data and new legal interpretations on which EPA ultimately relied to justify that program. Nor was there even the slightest suggestion in the proposed rule that EPA might consider adopting an intrastate trading program for Texas in lieu of the source-specific retrofit controls that the proposal set out in detail with extensive justification. *See* 82 Fed. Reg. 912. Indeed, the word "trading" appears nowhere in the BART proposal at all.

Accordingly, the Trading Rule's adoption of an entirely new program that was not even suggested in the proposal plainly does not qualify as a logical outgrowth. *Envtl. Integrity Project v. EPA*, 425 F.3d 992, 996 (D.C. Cir. 2005) (logical outgrowth doctrine did not apply where rule was "surprisingly distant" from proposal, as the court has "refused to allow agencies to use the rulemaking process to pull a surprise switcheroo on regulated entities"); *Int'l Union v. Mine Safety and Health Admin.*, 407 F.3d 1250, 1259-60 (D.C. Cir. 2005) ("The 'logical outgrowth'

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[34] The Response to Comments document EPA prepared for the Trading Rule indicates the extent to which the action is a completely new rule, never before proposed. For many of the comments submitted on the proposal, EPA responds that the comment is no longer relevant, because the Trading Rule adopts a scheme that does not implicate the issues the commenter raised. *See, e.g.*, Modeling Response to Comments at 19, Docket ID No. EPA-R06-OAR-2016-0611-0088, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0088 (noting that because EPA is not finalizing the source-specific rule it had proposed, "[t]herefore, comments concerning the emissions utilized in our subject to BART modeling for the sources participating in the SO2 trading program are no longer relevant"); *id.* at 28 (comment raised by company regarding the BART proposal "is no longer relevant" given the trading plan EPA adopted).

[35] Note: the projected reduction of 194,000 tons of SO_2 emissions in the BART proposal is relative to a 2011-15 baseline. *See* BART FIP TSD at 2 n.7. Because the 74,813-ton figure mentioned on the preceding page is a comparison between the Trading Rule's allowance emissions and 2016 emissions, that figure cannot be directly compared to the 194,000-ton figure.

doctrine does not extend to a final rule that is a brand new rule . . . nor does it apply where interested parties would have had to divine the Agency's unspoken thoughts.").

Nor can EPA claim that the Trading Rule is a logical outgrowth of the December 2014 proposed rule, 79 Fed. Reg. 74,818. That proposal, which predated *Homer City II*, said nothing about an intrastate trading program – it was neither proposed nor an issue that EPA invited comment upon. Consequently, any logical outgrowth argument based on that proposal would be baseless.[36]

Any attempt to characterize the Trading Rule as a logical outgrowth of the December 2014 proposed rule would also fail because that rulemaking had been completed before the instant rulemaking even commenced. The BART provisions in the December 2014 proposed rule were abandoned due to *Homer City II*, and EPA otherwise took final action on that proposed rule in December 2015. *See* 81 Fed. Reg. at 298-307 (summary of final actions). Notably, when EPA opened up a public comment period following its promulgation of the January 2017 BART proposal, the agency did not invite comments on the since-abandoned December 2014 proposal. Instead, EPA sought comments on the proposal it had just released – i.e., the January 2017 proposed rule.[37]

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[36] In the Trading Rule, EPA implies that its adoption of the trading program was justified because two Texas state agencies and two power companies filed comments advocating such an approach. 82 Fed. Reg. at 48,327. To be clear, these comments, and EPA's rationale for its adoption of the Trading Rule, have no bearing on whether this rule is a logical outgrowth of the BART proposal. The fact that commenters advocated for a wholly different approach than proposed did not provide any notice to the public that the agency itself was proposing or even considering such an approach. Indeed, the D.C. Circuit has "made clear that the fact that some commenters actually submitted comments addressing the final rule is of little significance. The agency must *itself* provide notice of a regulatory proposal." *Ass'n of Private Sector Colleges v. Duncan*, 681 F.3d 427, 462 (D.C. Cir. 2012) (citation omitted) (internal quotation marks omitted).

Nor is EPA's complete disregard of the required notice and comment procedures cured by Petitioner Sierra Club and NPCA's comments against "relying on a BART alternative such as the C[ross] S[tate] A[ir] P[ollution] R[ule] trading program." NPCA/SC Comments at 17. While EPA certainly should have considered these comments and responded to them in the context of the Trading Rule, these Petitioners still lacked an opportunity to comment on information that only became apparent in the Trading Rule – such as the specifics of EPA's intrastate trading scheme or the absence of any coherent rationale for adopting that scheme. NPCA and Sierra Club submitted comments on BART alternatives solely in response to industry comments at the January 10, 2017 public hearing, and to industry comments on the proposal to withdraw Texas from CSAPR. *See, e.g.*, Transcript of January 10, 2017 Public Hearing on EPA's Clean Air Plan Proposal for Texas Regional Haze at 22, Docket ID No. EPA-R06-OAR-2016-0611-0057, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0057. The comments were not based on, or responding to, any actual or implied proposal by EPA itself to adopt such an alternative.

[37] That the December 2014 proposal was part of a different rulemaking process is further confirmed by the fact that EPA did not include that proposal or any of the supporting technical analysis *in this docket* "on the date of the publication of the proposed rule," as required by the Clean Air Act. 42 U.S.C. § 7607(d)(3); *see also id.* § 7607(d)(4)(B)(ii) (all drafts of the proposed rule "shall be placed in the docket no later than the date of proposal of the rule"). Thus, if the Trading Rule had been a logical outgrowth of this earlier proposal (which it wasn't), the Rule would necessarily violate these CAA provisions.

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By circumventing the Clean Air Act's notice and comment procedures, EPA's adoption of the Trading Rule also violated the Act's requirement that a rule "be accompanied by a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations during the comment period." *Id.* § 7607(d)(6)(B). EPA violated this requirement by failing to respond to Petitioners' comments, such as Petitioners' discussion explaining that CSAPR is not better than BART. The agency had a clear duty to respond to such comments. This is especially so given the Trading Rule's implicit reliance on CSAPR in purporting to justify the trading scheme.[38] But EPA failed to respond to Petitioners' comments, asserting that such comments were beyond the scope of this rulemaking.[39] EPA's disregard of this statutory requirement represents an independent violation of the CAA.

By failing to follow the Clean Air Act's notice and comment requirements, EPA committed multiple violations of the Act. To the extent these violations could be characterized as procedural,[40] they amply meet the criteria set forth in 42 U.S.C. § 7607(d)(9)(D) for reversal based on procedural violations. First, EPA's violations were arbitrary and capricious. *See* 42 U.S.C. § 7607(d)(9)(D)(i). In the Trading Rule, EPA adopted an entirely new trading program

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[38] *See, e.g.*, 82 Fed. Reg. at 48,330 ("The BART alternative is designed to achieve SO_2 emission levels from Texas sources similar to the SO_2 emission levels that would have been achieved under CSAPR."); *id.* ("Accordingly, by the measure of CSAPR better than BART, the SO_2 BART FIP for Texas' BART-eligible EGUs participating in the trading program will achieve greater reasonable progress than BART with respect to SO_2.").

[39] *See, e.g.*, 82 Fed. Reg. at 48,338 ("This comment in its discussion of the 2016 sensitivity analysis and other particulars raises issues that are addressed in the record for that separately finalized action. This comment falls outside of the scope of our action here."); *id.* at 48,335; Legal Response to Comments (Sept. 2017) ("Legal RTC") at 6, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0087 ("The legal and technical determinations of the CSAPR-Better-than-BART rule are subject to judicial review under existing challenges and a separate administrative record, as indicated by the comment. Any challenges raised with regard to the present rulemaking and outside that litigation may be time-barred or directed to the wrong forum. As such, we do not believe that the incorporation of arguments from a brief filed with the D.C. Circuit concerning a separate regulatory determination warrants responses here, in this rulemaking, and that to offer responses here would suggest some basis for collateral, time-barred arguments that are out of the scope of this action."); Legal RTC at 8 ("With regard to the application of CSAPR SO_2 budgets in the finalized BART alternative, we note that the alternative does not 'set a higher (more lenient) SO_2 budget for Texas' and it does not authorize sources 'to emit more SO_2 than they were authorized to emit under the original CSAPR rule.' Thus, the assumptions that the comment suggests would be no longer valid remain valid. Because our allocations conform to the original CSAPR Rule, we decline to reanalyze whether CSAPR makes greater reasonable progress than BART with our SO_2 BART alternative.").

In failing to respond to Petitioners' comments, EPA also reneged on its commitment to "provide written responses to all significant oral and written comments received on our [BART] proposal." 82 Fed. Reg. at 912.

[40] EPA's failure to follow the Clean Air Act's rulemaking procedures is not only a procedural violation; it is also substantive, because EPA has unlawfully adopted an intrastate trading scheme that would eviscerate the strong BART emission limits of the proposed rule. Because the Trading Rule is not a lawful action, and is not even a final agency action, Petitioners need not make a showing under 42 U.S.C. § 7607(d)(9)(D). Petitioners make this showing as purely as a protective matter.

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that was never proposed, and of which Petitioners had no notice. This blatant disregard of the Act's notice and comment procedures is unlawful, arbitrary, and capricious. Second, in filing the present petition, Petitioners have satisfied § 7607(d)(9)(D)(ii). Third, EPA's violations "were so serious and related to matters of such central relevance to the rule that there is a substantial likelihood that the rule would have been significantly changed if such errors had not been made." *See id.* § 7607(d)(8) (cited in *id.* § 7607(d)(9)(D)(iii)). If EPA had obeyed the law by following notice and comment procedures, it would have learned of the serious substantive objections detailed below – objections demonstrating that the Trading Rule contravenes CAA requirements (including 42 U.S.C. § 7491 and the Regional Haze Rule), and is otherwise arbitrary and capricious. There is thus a substantial likelihood that the rule would have been significantly different if EPA had not made the errors identified by Petitioners. Petitioners therefore satisfy the requirements of 42 U.S.C. § 7607(d)(9)(D).

III. EPA provided no rational basis for abandoning the BART proposal in favor of the Trading Rule.

One of the key requirements of the Clean Air Act is that, in promulgating a rule, EPA must provide "an explanation of the reasons for any major changes in the promulgated rule from the proposed rule." 42 U.S.C. § 7607(d)(6)(A)(ii). The Trading Rule violates this requirement because EPA failed to adequately explain its decision to scrap the BART proposal's strong, source-specific SO_2 emission limits in favor of an intrastate emissions trading scheme.

In the proposed rule, EPA proposed source-by-source BART determinations for generating units in Texas subject to BART. Those determinations apply the five-factor BART analysis to those generating units.[41] Consequently, the BART proposal is supported by, *inter alia*, detailed, source-specific analyses of the cost of SO_2 controls, the level of control achievable by different technologies, estimated emissions reductions, and projected visibility improvement from operation of such controls. *See generally* BART FIP TSD; *see also* 82 Fed. Reg. at 921-45.

In the Trading Rule, EPA does not question the validity and rigor of any of these source-specific analyses. Nor does EPA claim that any aspect of its BART proposal was flawed. EPA identified no errors in the BART proposal, and did not even respond to most of the comments submitted on the proposal.[42] And EPA does not even attempt to demonstrate that the intrastate trading program would achieve greater reasonable progress than the source-specific BART

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[41] BART is defined as "an emission limitation based on the degree of reduction achievable through the application of the *best* system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility." 40 C.F.R. § 51.301 (emphasis added). When determining BART, the states and EPA must analyze "the best system of continuous emission control technology available" by taking into consideration five factors: (1) the costs of compliance, (2) the energy and non-air quality environmental impacts of compliance, (3) existing pollution controls at the source, (4) the remaining useful life of the source, and (5) the degree of visibility improvement from pollution controls. *Id.* § 51.308(e)(1)(ii)(A).

[42] *See, e.g.*, 82 Fed. Reg. at 48,352 ("We are not finalizing our evaluation of whether individual sources are subject to BART. As a consequence, we believe that it is not necessary to respond to the merits of comments concerning source-specific visibility benefits of controls on these units, because we are not finalizing requirements based on those controls.").

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required under the proposed rule. The Trading Rule assiduously avoids making comparisons between the BART proposal and the intrastate trading scheme.[43]

EPA's only rationale for concocting this intrastate trading program is that it was suggested by some commenters, including the State of Texas, and EPA gave "particular weight" to the State's views. *See, e.g.*, 82 Fed. Reg. at 48,333 ("Due to the comments we received requesting a BART alternative in lieu of source-specific BART determinations, we are finalizing an intrastate SO_2 trading program as an alternative to source-by-source BART and to meet the interstate visibility transport requirements."); *id.* at 48,327. This rationale does not satisfy the CAA's mandate that a rule must include "an explanation of the reasons for any major changes in the promulgated rule from the proposed rule." 42 U.S.C. § 7607(d)(6)(A)(ii). By failing to provide *any* explanation for why this trading program is purportedly better than the proposed rule's source-specific BART determinations, EPA has violated the Act.

EPA also never explained why it was appropriate to give greater weight to some comments than to others—i.e., why the agency followed the State's and Luminant's suggestion while rejecting other commenters' recommendation to finalize the January 2017 BART proposal. *See, e.g.*, NPCA/SC Comments at 26-40 (explaining why EPA should finalize its source-specific determinations for SO_2 BART). EPA received comments from all sides of this issue, so it had a duty to explain why it acted on some comments and rejected others.

EPA's suggestion, that the State's request for a trading program justifies abandonment of the proposed rule's source-specific BART determinations, is particularly misplaced. The Clean Air Act does establish a cooperative state-federal framework, but the fact that states have responsibilities under the Act does not empower EPA to jettison CAA requirements simply because a state expressed its "views," 82 Fed. Reg. at 48,327. *See, e.g.*, 81 Fed. Reg. at 308 ("[O]ur review of SIPs is not limited to a ministerial review and approval of a state's decisions . . . . [T]he CAA directs us to act if a state fails to submit a SIP, submits an incomplete SIP, or submits a SIP that does not meet the statutory requirements. Thus, the CAA provides us with a critical oversight role in ensuring that SIPs meet the CAA's requirements."); *Oklahoma v. EPA*, 723 F.3d 1201, 1223 (10th Cir. 2013) ("Once the EPA issued findings that Oklahoma failed to submit the required SIP under the Regional Haze Rule, the EPA had an obligation to promulgate a FIP. The statute itself makes clear that the mere *filing* of a SIP by Oklahoma does not relieve the EPA of its duty."). The State of Texas is free to submit a proposed SIP for EPA's review, and such SIP could ultimately be adopted if it meets CAA requirements. (Indeed, the BART proposal made clear that EPA would "work with the State . . . if it chooses to develop a SIP to meet these overdue Regional Haze requirements and replace or avoid a finalized FIP." 82 Fed.

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[43] EPA tries to downplay the significance of its BART proposal, stating its disagreement with the notion "that merely proposed determinations of BART in the context of a possible FIP set a stringency threshold for a demonstration set forth in a hypothetical SIP," and arguing that "[p]roposed determinations are only proposals." 82 Fed. Reg. at 48,336. In doing so, however, the agency ignores the fact that the BART proposal's technical analyses were not questioned at all in the Trading Rule. EPA cannot simply sweep away the exhaustive findings it made in the proposed rule. *See, e.g.*, *U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 650 (D.C. Cir. 2016) (holding that "[b]ecause its justifications for the final rule contradict earlier findings, the EPA must provide some reasoning to explain why its final decision runs counter to the evidence before the agency") (citations omitted).

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Reg. at 915.) But, to date, Texas has not done so, and the possibility of a future SIP does not affect EPA's *present* obligation to take final action on the BART proposal.[44]

IV. The Trading Rule fails to satisfy the requirement that a BART alternative achieve greater reasonable progress than BART.

The Trading Rule is unlawful, arbitrary, and capricious because it fails the regulatory requirement that a BART alternative "achieve greater reasonable progress than would be achieved through the installation and operation of BART." 40 C.F.R. § 51.308(e)(2). EPA has conducted multiple analyses demonstrating that BART would reduce SO_2 emissions from Texas generating units far more than would CSAPR, and the Trading Rule is even more lenient than CSAPR. This is true regardless of whether presumptive BART, or the more stringent source-specific BART in the proposed rule, is used as the benchmark for comparing the Trading Rule. Because the Trading Rule would not achieve greater reasonable progress than BART, the trading scheme violates 40 C.F.R. § 51.308(e)(2), and must be withdrawn and replaced with a lawful rule.

A. The clear weight of evidence demonstrates that the trading program will not make greater reasonable progress than BART.

The clear weight of evidence demonstrates that the Trading Rule would not achieve greater reasonable progress than would be achieved through BART, 40 C.F.R. § 51.308(e)(2). EPA claims that "this BART alternative will result in SO_2 emissions from Texas EGUs that will be similar to emissions anticipated under CSAPR." 82 Fed. Reg. at 48,327. But EPA has already determined that CSAPR would not achieve anywhere near the emissions reductions that source-specific BART would achieve in Texas. Indeed, the agency has done so in three separate rulemakings.

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[44] The violations described in this Section are substantive, both because 42 U.S.C. § 7607(d)(6)(A)(ii) only applies when a promulgated rule has "major changes" from the proposed rule, and because EPA's failure to provide "an explanation of the reasons for any major changes" means that the Trading Rule itself is incomplete and legally deficient. Petitioners therefore need not make a showing under § 7606(d)(9)(D).

But, to the extent the violations described in this Section could be characterized as procedural, they easily satisfy the criteria set forth in 42 U.S.C. § 7607(d)(9)(D) for reversal based on procedural violations. First, EPA's violations were arbitrary and capricious. *See id.* § 7607(d)(9)(D)(i). In the Trading Rule, EPA utterly failed to meet the requirements of 42 U.S.C. § 7607(d)(6)(A)(ii). This blatant disregard of a CAA requirement is unlawful, arbitrary, and capricious. Second, in filing the instant petition, Petitioners have satisfied § 7607(d)(9)(D)(ii). Third, EPA's violations "were so serious and related to matters of such central relevance to the rule that there is a substantial likelihood that the rule would have been significantly changed if such errors had not been made." *See id.* § 7607(d)(8) (cited in *id.* § 7607(d)(9)(D)(iii)). If EPA had complied with § 7607(d)(6)(A)(ii), the agency would have been forced to grapple with the legal shortcomings of the Trading Rule, including the Rule's promulgation without following notice and comment procedures, and the fact that EPA's intrastate trading scheme would achieve less reasonable progress than the installation and operation of BART. There is thus a substantial likelihood that the Trading Rule would have been significantly different if EPA had not made the errors identified by Petitioners. Petitioners therefore satisfy the requirements of 42 U.S.C. § 7607(d)(9)(D).

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First, in the January 2017 BART proposal, EPA determined that source-specific BART would reduce SO_2 emissions by approximately 194,000 tons per year, "a larger reduction than projected under CAIR or CSAPR." BART FIP TSD at 2. According to EPA, the source-specific BART proposal "achieves reductions at large sources of SO_2 emissions (e.g., Monticello, Martin Lake and Big Brown), that have significant impacts on Class I areas in nearby states." *Id.*

The BART proposal was the culmination of years of technical work by EPA staff. EPA sent two rounds of information requests to the facilities subject to BART in order to gather source-specific data. *Id.* at 12-21. Using the responses to EPA's information requests, as well as other data reported to EPA and other agencies, EPA considered each of the five statutory BART factors for each source. *See, e.g., id.* at 25-78. EPA's detailed analyses span hundreds of pages, in several technical support documents and other documents. And after completing those analyses, EPA ultimately concluded that CSAPR would achieve *less* reasonable progress than the installation and operation of BART. *Id.* at 2. Given that EPA expects SO_2 emissions under the Trading Rule to be similar to emissions under CSAPR, 82 Fed. Reg. at 48,327, EPA's analysis shows that the Trading Rule, like CSAPR, would improve visibility less than would BART. For this reason alone, the Trading Rule violates 40 C.F.R. § 51.308(e)(2).[45]

Second, in the original Better-than-BART rulemaking, EPA found that CSAPR would result in higher SO_2 emissions than presumptive BART for Texas sources. Specifically, EPA concluded that Texas sources would emit 139,300 tons of SO_2 if presumptive BART limits were required, but would emit nearly double that amount, 266,600 tons, under CSAPR.[46] EPA later increased Texas' SO_2 budget by 50,517 tons. 81 Fed. Reg. at 78,963 n.58. As a result, Texas' allowed emissions under CSAPR were 316,517 tons, over double the emissions under EPA's 2011 analysis of presumptive BART.

By allowing higher SO_2 emissions, CSAPR would result in less visibility improvement than under BART. When EPA increased Texas' SO_2 budget by 50,517 tons, the agency conducted sensitivity analyses of its visibility modeling for the Better-than-BART Rule to account for significant changes to CSAPR.[47] However, it did not present detailed information on the visibility impacts from Texas emission sources on the Class I areas impacted by Texas' emissions. Using EPA's own methodology, we have done just that, which we summarize in

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[45] It is important to note that EPA has not revised, or even questioned, any aspect of the technical analysis of source-specific BART that EPA conducted for the January 2017 BART proposal. And EPA cannot simply ignore its own technical analyses, because the agency failed to identify any errors in those technical analyses.

[46] *See* EPA, Technical Support Document for Demonstration of the Transport Rule as a BART Alternative at 10, Table 2-4 (Dec. 2011), Docket ID No. EPA-HQ-OAR-2011-0729-0014, *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2011-0729-0014.

[47] *See* CSAPR BART Sensitivity Memo at Table 2.

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Table 1 below.[48] This update of EPA's analysis indicates that BART achieves greater overall visibility improvement[49] than CSAPR.

In particular, Table 1 shows that even before EPA increased Texas' SO_2 budget by 50,157 tons, presumptive BART would have achieved greater aggregate visibility improvement than CSAPR on the 20% best days. And after EPA increased Texas' SO_2 budget, the results indicate that presumptive BART would have achieved more visibility improvement in the aggregate than CSAPR on the 20% worst days as well.

Table 1: Updated Version of EPA's Comparison of Visibility Improvement Under CSAPR vs. BART at Texas Sources[50]

		20 % Best Days Visibility Improvement (dv)				20 % Worst Days Visibility Improvement (dv)			
Class I Area Name	State	CSAPR + BART-elsewhere	CSAPR + BART-elsewhere after EPA Adjustment	BART - 2014 Base Case	Better Visibility under BART before or after EPA Adjustment?	CSAPR + BART-elsewhere	CSAPR + BART-elsewhere after EPA Adjustment	BART - 2014 Base Case	Better Visibility under BART before or after EPA Adjustment?
Big Bend NP	TX	0.2	0.15	0.2	Y – After	1.1	0.80	1.0	Y – After
Caney Creek Wilderness	AR	0.4	0.29	0.6	Y – Before	3.2	2.34	2.2	N
Carlsbad Caverns NP	TX	0.1	0.07	0.1	Y – After	0.9	0.66	0.8	Y – After
Guadalupe Mountains NP	TX	0.1	0.07	0.1	Y – After	0.9	0.66	0.8	Y – After
Hercules-Glades Wilderness	MO	0.6	0.44	0.8	Y – Before	2.5	1.83	1.7	N

[48] The visibility information in Table 1 is taken from EPA's CSAPR better-than-BART demonstration, which EPA relies on to justify the Trading Rule. *See, e.g.*, 82 Fed. Reg. at 48,330, 48,342.

[49] We refer here to an overall improvement in visibility, or aggregate visibility improvement, to follow the same methodology that EPA used in the Better-than-BART Rule (as well as updates to that Rule). In purporting to demonstrate that CSAPR achieves greater reasonable progress than BART, EPA relies on 40 C.F.R. § 51.308(e)(3)(ii), which requires that "[t]here is an overall improvement in visibility, determined by comparing the average differences between BART and the alternative over all affected Class I areas."

[50] Table 1 is an updated version of the analysis contained in EPA's CSAPR BART Sensitivity Memo. To generate the table, we used EPA's methodology to correct the "CSAPR +BART Elsewhere" columns to reflect the additional 50,157 tons per year SO_2 added to Texas' CSAPR budget. We did this by applying the 0.73 proportionality constant EPA calculated in the CSAPR BART Sensitivity Memo to the 20% best and worst days. This analysis is presented in the spreadsheet attached as Exhibit B.

Salt Creek	NM	0.1	0.07	0.2	Y – Before	0.7	0.51	0.7	Y – After
Upper Buffalo Wilderness	AR	0.5	0.37	0.6	Y – Before	2.5	1.83	1.4	N
White Mountain Wilderness	NM	0.1	0.07	0.2	Y – Before	0.6	0.44	0.5	Y – After
Wichita Mountains	OK	0.2	0.15	0.2	Y – After	1.6	1.17	1.2	Y – After
Totals		**2.3**	**1.7**	**3.0**		**14.0**	**10.2**	**10.3**	

The "CSAPR + BART Elsewhere" columns represent the change in deciviews ("dv") due to the effects of CSAPR within the transport region and source-by-source BART outside that region (elsewhere). The next columns use EPA's methodology to correct the "CSAPR + BART Elsewhere" columns for the additional 50,157 tons per year SO_2 added to Texas' budget. This is done by applying the 0.73 proportionality constant EPA calculated in the CSAPR BART Sensitivity Memo to the 20% best and worst days. The next columns represent the BART base case modeling. The last columns indicate whether better visibility resulted from BART or CSAPR before or after the application of the 0.73 proportionality constant.[51] The "Totals" row indicates that the overall visibility improvement from BART on the 20% best days (3 dv) exceeds that from CSAPR (1.7 dv), and similarly the improvement from BART on the 20% worst days (10.3 dv) exceeds that from CSAPR (10.2 dv).

Third, during the rulemaking to remove Texas from CSAPR's SO_2 trading program – published on the same day that the Trading Rule was signed – EPA yet again confirmed that SO_2 emissions under BART would be dramatically lower than under CSAPR. Specifically, EPA found that requiring Texas sources to install BART would reduce SO_2 emissions by between 127,300 and 177,800 tons relative to emissions under CSAPR. 81 Fed. Reg. at 78,963. EPA concluded that removing Texas sources from CSAPR and requiring them to install BART controls would "improv[e] projected air quality in this scenario relative to projected air quality in both the Nationwide BART scenario and the base case scenario (in which the projected SO_2 emissions from Texas EGUs would not change)." *Id.*

In short, in three separate rulemakings—the January 2017 BART proposal, the Better-than-BART rulemaking, and the withdrawal of Texas from CSAPR rulemaking—EPA has found that CSAPR results in higher SO_2 emissions from Texas generating units than does BART. This remains true regardless of whether CSAPR is compared to presumptive BART or source-specific BART.[52] As shown in Table 1 above, these significantly higher emissions translate into greater

[51] Prior to correcting for the additional 50,157 tons per year of SO_2, some of the Class I Areas experienced better visibility improvement for the 20% best days under source-by-source BART than under CSAPR. These are represented as "Y-before." By contrast, after correcting for the additional 50,157 tons per year of SO_2, some of the Class I Areas experienced better visibility improvement for the 20% worst days under source-by-source BART than under CSAPR. These are represented as "Y-after."

[52] While we have mentioned EPA's original and updated Better than BART analyses, and updated such analyses in Table 1, Petitioners do not agree that presumptive BART is the appropriate benchmark to use in an analysis of whether an alternative makes greater reasonable progress than BART. We refer to EPA's use of presumptive BART in the Better than BART analyses only to point out that even

visibility impairment in the region's Class I areas. EPA's own analyses therefore refute the agency's claim that the Trading Rule, which allows "SO_2 emissions from Texas EGUs . . . similar to emissions anticipated under CSAPR," 82 Fed. Reg. at 48,327, would achieve greater reasonable progress than BART. Contrary to EPA's claims, *see* 82 Fed. Reg. at 48,327, 48,336, the "clear weight of evidence" demonstrates that the intrastate trading program will achieve *less* reasonable progress than BART. The Trading Rule therefore violates 40 C.F.R. § 51.308(e)(2)(i)(E).[53]

B. EPA unlawfully failed to compare the intrastate trading program to BART, and instead compared the trading program to CSAPR.[54]

A BART alternative cannot be approved unless there is a demonstration that the alternative would achieve greater reasonable progress than BART. 40 C.F.R. § 51.308(e)(2). This demonstration "must be based on," among other things, "[a]n analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each source within the State subject to BART and covered by the alternative program." *Id.* § 51.308(e)(2)(i)(C). The Trading Rule fails to include an analysis of BART at each source that is subject to BART and covered by the trading scheme, as required by 40 C.F.R. § 51.308(e)(2)(i)(C).

The Regional Haze Rule specifies how BART must be analyzed for the purpose of determining whether an alternative makes greater reasonable progress than BART. BART "must" be analyzed "as provided for in paragraph (e)(1) of this section," which describes the five

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presumptive BART achieves greater reasonable progress than CSAPR—and, by extension, the even more permissive Trading Rule—in Texas. For the Trading Rule, EPA should have compared visibility improvement under the Trading Rule versus source-specific BART limits. In addition, while in Table 1 we update EPA's approach to assessing visibility impacts, we do not support that approach. To accurately compare visibility impacts from the Trading Rule and BART, EPA must conduct new modeling.

[53] Finally, EPA failed to follow its own regulations for determining whether the clear weight of evidence demonstrates that an alternative achieves greater reasonable progress than BART. In revising the regulations governing BART alternatives, EPA specified a three-step process for making a weight of the evidence determination: (1) Use information and data that can inform the decision; (2) Recognize the relative strengths and weaknesses of the information; and (3) Carefully consider all the information to reach a conclusion. 71 Fed. Reg. 60,612, 60,622 (Oct. 13, 2006); *see also* 81 Fed. Reg. 43,894, 43,896 (July 5, 2016). The Trading Rule does not even mention, much less follow, this three-step process, and therefore EPA has unlawfully failed to follow its own regulations for how to make a clear weight of evidence determination under 40 C.F.R. § 51.308(e)(2).

[54] In comments on the proposed rule, Petitioners NPCA and Sierra Club argued that if EPA were to consider any BART alternative, EPA would have to compare the visibility improvement from the alternative program to the improvement from source-specific BART. *See* NPCA/SC Comments at 25-26. EPA responded that it does not agree that the BART Proposal is the benchmark for judging an alternative program. 82 Fed. Reg. at 48,336. Having raised this objection with reasonable specificity during the public comment period, Petitioners may seek judicial review on this issue under 42 U.S.C. § 7607(d)(7)(B). Nonetheless, in seeking reconsideration of the Trading Rule, Petitioners discuss this issue here to clarify that *this* intrastate trading scheme does not satisfy 40 C.F.R. § 51.308(e)(2)-(3), and to highlight yet another fatal flaw in the Trading Rule.

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factors that must be considered for each source, "unless the emissions trading program or other alternative measure has been designed to meet a requirement other than BART (such as the core requirement to have a long-term strategy to achieve the reasonable progress goals established by States)." 40 C.F.R. § 51.308(e)(2)(i)(C). If that exception applies, the state can determine BART "for similar types of sources within a source category based on both source-specific and category-wide information, as appropriate." *Id.*

EPA claims that because its trading program has been "designed to meet multiple requirements other than BART," 82 Fed. Reg. at 48,356—namely, the interstate transport requirements and the long-term strategy provisions—the agency does not have to analyze BART. EPA is wrong on both counts: the trading program was not designed to meet requirements other than BART; and even if it were, that would merely allow the agency to analyze BART on a category-wide basis, and would not relieve EPA of the obligation to analyze BART altogether.

1. The trading scheme is not designed to meet requirements other than BART.

EPA's claim that the Trading Rule was designed to meet requirements other than BART has no merit. First, EPA cannot credibly claim that the trading program was "designed to" meet the Clean Air Act's visibility transport requirements, because EPA has not made any determination of the trading program's visibility impacts on other states. To support the notion that the Trading Rule was designed to meet interstate visibility transport requirements, *see* 82 Fed. Reg. at 48,332, EPA cites a 2013 guidance document[55] stating that states can meet such requirements by pointing "to measures that limit visibility-impairing pollutants and ensure that the resulting reductions conform with any mutually agreed emission reductions under the relevant regional haze regional planning organization (RPO) process." *Id.*

Here, the regional planning process for Texas and surrounding states was conducted more than a decade ago, and assumed that states would implement CAIR. EPA argues that because the Trading Rule would reduce more emissions than CAIR, the Rule achieves the emission reductions that other states and Texas agreed Texas would achieve, and therefore the Rule is designed to satisfy the interstate visibility transport requirements. 82 Fed. Reg. at 48,332. This argument has no merit. EPA cannot use CAIR as the benchmark for whether the interstate visibility transport requirements are met, given that CAIR was invalidated years ago by the D.C. Circuit, *North Carolina v. EPA*, 531 F.3d 896, 903 (D.C. Cir. 2008), and has been replaced by CSAPR, 76 Fed. Reg. 48,208. Moreover, EPA disapproved Texas' regional haze plan precisely because it relied on CAIR. 77 Fed. Reg. 33,642. It is arbitrary and capricious for EPA to now turn around and claim that interstate visibility transport requirements are satisfied because the emissions reductions in CAIR will be achieved. Further, as noted above, EPA provides no support for its claim that the emission levels assumed in the CENRAP modeling are sufficient to assure that Texas' emissions do not interfere with other states' visibility plans.

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[55] EPA, "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and (2)" (Sept. 2013), Docket ID No. EPA-R06-OAR-2016-0611-0104, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0104.

Nor can EPA bypass the source-specific analyses required by 51.308(e)(2)(i)(C) by simply asserting that its trading scheme was "designed to be part of the long-term strategy [] to meet [] reasonable progress requirements." 82 Fed Reg. at 48,356. The "long-term strategy must include enforceable emissions limitations, compliance schedules, and other measures as necessary to achieve the reasonable progress goals established by States having mandatory Class I Federal areas." 40 C.F.R. § 51.308(d)(3). Given that the long-term strategy consists of all the measures in a regional haze plan, EPA's assertion that BART requirements are designed to meet the long-term strategy requirements would mean that the exception would swallow the rule in 40 C.F.R. § 51.308(e)(2)(i)(C). EPA's claim that the BART Rule is somehow designed to meet the reasonable progress requirements is also contradicted by EPA's statement elsewhere in the Rule that it is not taking action on the reasonable progress elements that the Fifth Circuit remanded to the agency. 82 Fed. Reg. at 48,332 ("However, the EPA is not determining at this time that this final action fully resolves the EPA's outstanding obligations with respect to reasonable progress that resulted from the Fifth Circuit's remand of our reasonable progress FIP. We intend to take future action to address the Fifth Circuit's remand.").

2. Even if the trading program were designed to meet requirements other than BART, EPA has unlawfully failed to analyze BART for sources subject to BART and covered by the trading program.

Even if the Trading Rule were designed to meet requirements other than BART—which it is not—EPA would still have violated 40 C.F.R. § 51.308(e)(2)(i)(C) by failing to analyze BART for the sources subject to BART and covered by the trading program. If a state seeks to adopt an alternative to BART, "[f]or all such emission trading programs or other alternative measures," the state "must" submit "[a]n analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each source within the State subject to BART and covered by the alternative program." 40 C.F.R. § 51.308(e)(2)(i)(C). There is no exception to this requirement.

Instead, the Regional Haze Rule provides an exception to the default rule for *how* BART must be analyzed. The default rule is that BART must be analyzed "as provided for in paragraph (e)(1)," *id.*, meaning that each of the five statutory BART factors must be analyzed for each BART source. But if "the emissions trading program or other alternative measure has been designed to meet a requirement other than BART . . . the State may determine the best system of continuous emission control technology and associated emission reductions for similar types of sources within a source category based on both source-specific and category-wide information, as appropriate." *Id.*

Here, assuming that the trading program is designed to meet a requirement other than BART, that merely authorizes EPA to analyze BART based on "category-wide information" in addition to source-specific information. It does not relieve EPA of the obligation to analyze BART at all. EPA made this clear in the preamble to the rule adding this provision to the Regional Haze Rule, in which EPA explained that its goal was to allow states to use simplifying assumptions to calculate BART for comparison purposes, not to eliminate altogether the obligation to analyze BART:

> States should have the ability to develop a BART benchmark based on simplifying assumptions as to what the most-stringent BART is likely to achieve. The regulations finalized today therefore provide that where an emissions trading program has been designed to meet a requirement other than BART, including the reasonable progress requirement, the State may establish a BART benchmark based on an analysis that includes simplifying assumptions about BART control levels for sources within a source category.

71 Fed. Reg. at 60,618. EPA's complete failure to analyze BART for the sources covered by the trading program therefore violates 40 C.F.R. § 51.308(e)(2)(i)(C).

This is not a minor, technical error. EPA deliberately avoided comparing the trading program to either presumptive BART or source-specific BART because the agency knows that the Trading Rule would not achieve greater visibility improvement than BART. EPA has concluded that source-specific BART or presumptive BART would reduce SO_2 emissions by approximately 194,000 or 120,000 tons per year,[56] respectively, whereas the Trading Rule would not decrease emissions at all relative to 2016 emissions. EPA flouted its own regulations mandating a comparison between the trading program and BART because the agency's own, prior analyses demonstrate that the trading program cannot possibly satisfy the regulatory standard of achieving greater reasonable progress than BART.

C. The Trading Rule's reliance on the CSAPR Better than BART analysis is arbitrary and capricious.

EPA's reliance on the CSAPR Better than BART analysis is fundamentally flawed, for several reasons. The agency relies on the Better than BART analysis to purportedly demonstrate that the Trading Rule achieves greater reasonable progress than BART. *See, e.g.*, 82 Fed. Reg. at 48,329, 48,330, 48,336, 48,342. EPA's basic argument is that CSAPR would achieve greater reasonable progress than BART, and the Trading Rule will achieve the same or greater emission reductions than CSAPR, therefore the Trading Rule will make greater reasonable progress than BART. This argument ignores critical factual and legal differences between CSAPR and the Trading Rule, as explained below.

1. EPA cannot rely on an analysis of CSAPR because Texas is no longer in CSAPR for SO_2.

The Regional Haze Rule purports to give only those states that are in CSAPR the option of relying on CSAPR to satisfy BART. *See* 40 C.F.R. § 51.308(e)(4). EPA cannot rely on the CSAPR Better than BART analysis because Texas is not in CSAPR for SO_2, and the intrastate trading program applies to only Texas.

In the original and subsequent EPA analyses purporting to show that CSAPR makes greater reasonable progress than BART, EPA claimed to satisfy the two-part test in 40 C.F.R. § 51.308(e)(3): "(i) [v]isibility does not decline in any Class I area, and (ii) [t]here is an overall improvement in visibility, determined by comparing the average differences between BART and

[56] BART FIP TSD at 2.

the alternative over all affected Class I areas." *See* 77 Fed. Reg. at 33,644. To satisfy the second part of this test, EPA compared CSAPR and BART by examining the expected visibility improvement averaged across all affected Class I areas. In the original Better than BART Rule, updates to that rule, and in every subsequent regional haze plan in which EPA or a state has relied on the Better-than-BART Rule, EPA has maintained that the agency is not required to demonstrate that CSAPR achieves greater reasonable progress than BART in any particular state. *See, e.g., id.* at 33,650; 82 Fed. Reg. at 45,494.

But that is precisely what EPA must demonstrate here, because the Trading Rule applies to only a single state: Texas. There is no logical or legal basis for using the CSAPR Better than BART analysis, which looked at the average visibility improvement across Class I areas in the eastern part of the country, when evaluating the Trading Rule, which applies to Texas alone.

Having withdrawn Texas from CSAPR for SO_2, 82 Fed. Reg. at 45,481, EPA cannot rely on the reasonable progress achieved by CSAPR in states other than Texas to demonstrate that a Texas-specific trading scheme would achieve greater reasonable progress than BART. In particular, under both of the provisions governing the demonstration for a BART alternative, an alternative covering only Texas sources cannot rely on visibility improvement at Class I areas that results from emission reductions at non-Texas sources. Under 40 C.F.R. § 51.308(e)(2)(i)(E), EPA must compare a BART alternative to "the installation and operation of BART *at the covered sources*." (emphasis added). Here, by relying on the Better than BART analysis, EPA improperly compares the Trading Rule to a BART substitute required at sources in other states. Those sources are not "covered sources" because those non-Texas sources are not covered by the Trading Rule.

Under section 51.308(e)(3), EPA must compare a BART alternative to BART "over all affected Class I areas." Here, the Class I areas "affected" by the Trading Rule are not the same Class I areas affected by CSAPR, given that any pollution reductions achieved by the Trading Rule would be from Texas alone, whereas CSAPR can take credit for emission reductions across numerous states.

Additionally, the Regional Haze Rule allows a state to rely on an alternative to BART only if the state demonstrates that the alternative in question—not some other program—would achieve greater reasonable progress than BART. *See* 40 C.F.R. § 51.308(e)(2)(i) (requiring that "*the* emissions trading program" achieve greater reasonable progress than BART), (e)(3) ("If the distribution of emissions is not substantially different than under BART, and *the alternative measure* results in greater emission reductions, then the alternative measure may be deemed to achieve greater reasonable progress."), *id.* (where the emissions distribution is different, EPA must conduct dispersion modeling showing "overall improvement in visibility, determined by comparing the average differences between BART *and the alternative* over all affected Class I areas.") (emphasis added for each provision). The Regional Haze Rule's repeated reference to "the" trading program, along with the requirement that EPA evaluate BART against "the" BART alternative suggests that the demonstration must focus on the alternative that is actually adopted in lieu of BART—not some other program. Here, the Trading Rule does not adopt CSAPR as an alternative measure for satisfying SO_2 BART, and therefore the regulations do not allow EPA to rely on the purported visibility benefits from CSAPR in evaluating whether the Trading Rule achieves greater reasonable progress than BART.

2. EPA has repeatedly found that BART would reduce emissions far more than CSAPR at Texas sources.

EPA's primary rationale for the Trading Rule—that CSAPR would achieve greater reasonable progress than BART for Texas sources—is flatly contradicted by EPA's own analyses. EPA claims that the Trading Rule is a lawful alternative to BART because the Rule will result in emissions "no greater than" the emissions projected under CSAPR. 82 Fed. Reg. at 48,336. But EPA has concluded that when Texas sources are examined separately, SO_2 emissions would be dramatically higher under CSAPR than under BART. As a result, regardless of whether one uses the "clear weight of evidence" test in 40 C.F.R. § 51.308(e)(2)(i)(E), or the two-part test in 40 C.F.R. § 51.308(e)(3), the Trading Program is not a lawful alternative to BART.

In the BART proposal, EPA determined that CSAPR would result in higher SO_2 emissions from Texas sources than source-specific BART would achieve. Specifically, EPA concluded that source-specific BART would reduce SO_2 emissions by 194,000 tons per year, "a larger reduction than projected under CAIR or CSAPR." BART FIP TSD at 2.

As mentioned *supra* in Section IV.A, Texas' allowed SO_2 emissions under CSAPR were 316,517 tons, well over double the BART emissions under EPA's 2011 analysis.[57] Table 1, *supra* in Sec. IV.A, shows that under Texas' updated CSAPR budget, overall visibility would be worse under CSAPR than it would be under BART at affected Class I areas.

In responding to the remand of CSAPR, EPA reiterated that SO_2 emissions under BART would be dramatically lower than under CSAPR. Specifically, EPA found that requiring Texas sources to install BART would reduce SO_2 emissions by between 127,300 and 177,800 tons relative to emissions under CSAPR. 81 Fed. Reg. at 78,963. EPA concluded that removing Texas sources from CSAPR and requiring them to install BART controls would "improv[e] projected air quality in this scenario relative to projected air quality in both the Nationwide BART scenario and the base case scenario (in which the projected SO_2 emissions from Texas EGUs would not change)." *Id.*

In sum, every EPA analysis has reached the same conclusion: when Texas is examined separately, CSAPR would achieve less reasonable progress than BART. Given EPA's premise that the Trading Rule will achieve similar emission reductions and visibility gains as CSAPR, EPA's prior analyses demonstrate that the Trading Rule, like CSAPR, would achieve less reasonable progress than BART for the Class I areas affected by Texas sources.

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[57] *See* EPA, Technical Support Document for Demonstration of the Transport Rule as a BART Alternative at 10, Table 2-4 (Dec. 2011), Docket ID No. EPA-HQ-OAR-2011-0729-0014; 81 Fed. Reg. at 78,963 n.58.

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3. The Trading Rule authorizes SO_2 emissions above Texas' CSAPR budget for SO_2, so it is arbitrary and capricious to rely on the CSAPR Better than BART analysis.

Even if CSAPR would achieve greater reasonable progress than BART for Texas sources, which it would not, the Trading Rule would allow Texas sources to emit more SO_2 than under CSAPR. This is an additional reason why EPA's reliance on the CSAPR Better than BART analysis to justify the Trading Rule is arbitrary and capricious.

In the most recent update to the Better-than-BART Rule, EPA rejected the suggestion that the agency could increase Texas' CSAPR budget for SO_2 and still rely on the CSAPR Better-than-BART Rule to satisfy BART. *See* 82 Fed. Reg. at 45,487 ("[B]ecause of the increased SO2 budget, such a SIP would not 'meet[] the requirements of . . . § 52.39' and therefore would not allow the state to rely on its EGUs' participation in the CSAPR SIP trading program as an alternative to source-specific BART for SO2."). *Id.* EPA explained that:

> To the extent the commenters are suggesting that the D.C. Circuit's holdings in *EME Homer City II* require the Agency to find that a SIP with a revised, higher SO2 budget would somehow satisfy the CSAPR-better-than-BART rule despite its plain language, the Agency disagrees. . . . the CSAPR-better-than-BART rule rests on an evaluation of the projected visibility impacts from CSAPR implementation assuming the final CSAPR Phase 2 budget stringencies (including the 2012 CSAPR budget revisions, which were accounted for in the analysis for the final CSAPR-better-than-BART rule). Given this, continuing to enforce the CSAPR-better-than-BART rule's requirement that a state's participation in CSAPR through a SIP must "meet[] the requirements of . . . § 52.39"—including the requirement for a state budget no less stringent than was analyzed for purposes of promulgating the rule—is entirely reasonable.

Id. n.47.

Texas' revised CSAPR budget for SO_2 was 317,100 tons per year. 81 Fed. Reg. at 78,963 n.58. However, the Trading Rule does not limit Texas' SO_2 emission to 317,100 tons or less per year.

Starting in 2019, the Trading Rule makes 238,393 tons of allowances available, plus a supplemental allowance pool that can grow as high as 54,711 tons per year, for total allowances of 293,104 tons per year. *See* 82 Fed. Reg. at 48,358-60 (to be codified at 40 C.F.R. §§ 97.910, 97.912). However, several Texas sources that were included in CSAPR are not subject to the Trading Rule, and these sources emit approximately 27,446 tons per year. *Id.* at 48,358. In total, the Trading Rule authorizes Texas sources to emit up to 320,550 tons of SO_2 per year—higher than the 317,100 tons per year that EPA assumed Texas sources would emit under CSAPR.

In sum, the Trading Rule authorizes Texas sources to emit more than the 317,100 tons per year below which EPA's Better than BART analysis purports to show that CSAPR improves visibility more than BART. Given that the Trading Rule authorizes SO_2 emissions that exceed the level above which EPA claims CSAPR no longer achieves greater reasonable progress than

BART, it was arbitrary and capricious for EPA to conclude that the Trading Rule is a lawful BART alternative based on EPA's prior CSAPR findings. In addition, as explained above, EPA has found on three separate occasions that BART would reduce emissions more than CSAPR at Texas sources. As a result, it was arbitrary and capricious for EPA to rely on the Better than BART analysis to conclude that the Trading Rule would achieve greater reasonable progress than BART.

4. EPA violated the Regional Haze Rule by failing to determine which units are subject to BART.

The Trading Rule fails to satisfy the requirement that an alternative achieve greater reasonable progress than BART, 40 C.F.R. § 51.308(e)(2)(i)(E), (e)(3), because EPA has not even determined which sources are subject to BART in the first place. EPA states that "we do not deem it necessary to finalize subject-to-BART findings for these EGUs for these pollutants." 82 Fed. Reg. at 48,328. In particular, EPA declined to determine whether Coleto Creek is subject to BART and declined to respond to comments concerning its subject-to-BART modeling. *Id.* at 48,351-52. Without deciding which sources are subject to BART, EPA cannot possibly demonstrate that the Trading Rule achieves greater reasonable progress than BART, as required by 40 C.F.R. § 51.308(e)(2)(i)(E), (e)(3). Furthermore, EPA's failure to determine which sources are subject to BART is yet another reason EPA violated the requirement to determine BART for purposes of comparing the Trading Rule to BART, *see* 40 C.F.R. § 51.308(e)(2)(i)(C) (requiring an analysis of BART "for each source within the State subject to BART and covered by the alternative program").

5. EPA arbitrarily failed to assess the impact of Texas' withdrawal from CSAPR.

EPA's reliance on the CSAPR Better than BART analysis is also arbitrary and capricious because the agency failed to consider the low prices of SO_2 allowances in the CSAPR program. Consequently, there is no reasonable basis to conclude that CSAPR will result in meaningful emissions reductions, because electric generating unit owners will simply purchase allowances instead of installing SO_2 controls. In its rule removing Texas from CSAPR for SO_2, EPA concedes that the price of SO_2 allowances for the CSAPR program is currently lower than when CSAPR was originally promulgated, and thus emissions reductions would be lower than originally expected. *See* 82 Fed. Reg. at 45,493.

Despite recognizing that the change in allowance prices may affect emissions, EPA performed no meaningful analysis in its Trading Rule—or anywhere else—of the impact of Texas' removal from CSAPR on the price of the CSAPR allowances. This is an especially glaring omission, considering EPA's acknowledgement that Texas' exit from the SO_2 CSAPR program will result in an additional 22,300 allowances remaining in the Group 2 SO_2 CSAPR market, which will result in a decrease in the price of SO_2 allowances. *Id.* The price of SO_2 allowances impacts the distribution of SO_2 emissions. Because EPA relied on modeling and allowance cost thresholds to set the SO_2 CSAPR budgets, but did not consider the impact of allowance pricing on CSAPR, the CSAPR Better than BART demonstration is flawed. And because the Trading Rule relies on that Better than BART demonstration, the Trading Rule, in turn, is equally flawed.

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On reconsideration, if EPA were to continue to rely on the CSAPR better than BART analysis—which it should not, for all the reasons explained in this petition—EPA must consider how the pricing and availability of SO_2 allowances affects the integrity of the CSAPR emissions trading program. And the agency should perform additional technical analysis regarding the adequacy of EPA's emissions shifting analysis, including an analysis on the expected price of SO_2 allowance pricing with Texas no longer participating in CSAPR.

V. EPA's finding that the Trading Rule satisfies Texas' CAA Section 110(a)(2)(D)(i)(II) visibility transport plan requirements is unlawful, arbitrary, and capricious.

EPA also violated several Clean Air Act requirements when it concluded that the Trading Rule satisfies the CAA section 110(a)(2)(D)(i)(II) visibility transport plan requirements for Texas. EPA's finding, 82 Fed. Reg. at 48,332, violates the Act's notice and comment requirements, as well as the specific requirement that the agency provide "an explanation of the reasons for any major changes in the promulgated rule from the proposed rule." 42 U.S.C. § 7607(d)(6)(A)(ii). The Trading Rule violates these requirements because EPA failed to propose that its intrastate trading scheme would satisfy section 110(a)(2)(D)(i)(II), and because the agency failed to explain the reversal of its prior finding that section 110(a)(2)(D)(i)(II) requirements would be met through source-specific BART.

In the January 2017 proposed rule, EPA found that its source-specific BART proposal, together with Texas' participation in CSAPR for NOx, would satisfy these requirements. *See* 82 Fed. Reg. at 917. EPA's rationale was that this combination would produce greater emission reductions and visibility benefits than assumed under CAIR or CSAPR alone, and that the source-specific BART requirements would cut the most significant emissions from large sources. *Id.* ("We are proposing this action based on the reasoning that our BART FIP will achieve more emission reductions than projected under CAIR or CSAPR and the reductions are occurring at sources that have particularly large impacts on Class I areas outside of Texas.").

In the Trading Rule, however, EPA adopted a totally different position that was never proposed. First, the agency relied on its newly invented intrastate trading program, not source-specific BART, to meet the visibility transport obligation. Second, EPA based that reliance on a totally new rationale, namely, that the SO_2 reductions it predicted from the trading program would be consistent with emissions reductions modeled by the now-defunct CENRAP under a regional haze planning organization process. *Id.* at 48,332. The public never had a chance to comment on this totally new rationale, which is baseless on its face. That CENRAP used emission assumptions in its modeling does not show that those assumptions were in fact sufficient to assure non-interference by Texas' emissions with measures required to protect visibility in other states. Moreover, the states whose visibility is impacted by Texas include states that were not members of CENRAP, such as New Mexico and Colorado.[58] If EPA had proposed this approach, Petitioners would have submitted detailed comments showing why the CENRAP emissions assumptions are not adequate to meet the visibility transport requirements. Because the Trading Rule purports to satisfy Texas' section 110(a)(2)(D)(i)(II) obligations

[58] *See, e.g.*, EPA, BART Modeling TSD at App. E, Docket ID No. EPA-R06-OAR-2016-0611-0006 at 85-102, *available at* https://www.regulations.gov/document?D=EPA-R06-OAR-2016-0611-0006.

through a never-proposed approach, the Rule violates the CAA's notice and comment requirements. By failing to explain the Trading Rule's radical departure from the rationale set forth in the proposed rule, EPA violated 42 U.S.C. § 7607(d)(6)(A)(ii) as well.

EPA's reliance on the Trading Rule to satisfy the section 110(a)(2)(D)(i)(II) is also arbitrary and capricious. EPA claims that the Trading Rule reduces emissions as much as CAIR would have, and the central states agreed that their respective interstate visibility transport obligations would be met through implementation of CAIR. *See* 82 Fed. Reg. at 48,332. But as explained above, *supra* Sec. IV.B.1, EPA cannot use CAIR—which has been invalidated by the D.C. Circuit and replaced by EPA—as the benchmark for whether the Trading Rule meets the interstate visibility transport requirements. And there is no rational basis for EPA's new rationale of relying on the emission levels assumed in CENRAP modeling as a basis for finding that Texas' emissions will not interfere with other states' visibility plans. Moreover, as noted above, some states whose visibility is impacted by Texas were not members of CENRAP, and thus the CENRAP process could not have determined what emissions limits were necessary to satisfy Texas' obligations regarding New Mexico and Colorado.

In addition, for all of the reasons explained elsewhere in this petition, the Trading Rule suffers from multiple procedural and substantive flaws. Given that the Trading Rule is unlawful, it cannot satisfy Texas' interstate visibility transport obligations.

To the extent the above violations could be characterized as procedural,[59] they amply meet the criteria set forth in 42 U.S.C. § 7607(d)(9)(D) for reversal based on procedural violations. First, EPA's violations were arbitrary and capricious. *See* 42 U.S.C. § 7607(d)(9)(D)(i). As explained above, in the Trading Rule, EPA adopted an entirely new approach to the section 110(a)(2)(D)(i)(II) requirements—one that was never proposed, and of which Petitioners had no notice. This blatant disregard of the Act's notice and comment procedures is unlawful, arbitrary, and capricious. EPA's complete failure to meet the requirements of 42 U.S.C. § 7607(d)(6)(A)(ii) was likewise unlawful, arbitrary, and capricious. Second, in filing the present petition, Petitioners have satisfied § 7607(d)(9)(D)(ii). Third, EPA's violations "were so serious and related to matters of such central relevance to the rule that there is a substantial likelihood that the rule would have been significantly changed if such errors had not been made." *See id.* § 7607(d)(8) (cited in *id.* § 7607(d)(9)(D)(iii)). If EPA had proposed relying on the CENRAP assumptions in the proposed rule, it would have learned that those assumptions cannot meet the visibility transport requirements, and are otherwise arbitrary and capricious.[60] And if EPA had complied with § 7607(d)(6)(A)(ii), the agency would have

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[59] EPA's failure to follow the Clean Air Act's rulemaking procedures, and its disregard of 42 U.S.C. § 7607(d)(6)(A)(ii), are not only procedural violations; they are also substantive, because EPA abandoned the strong emission limits it previously proposed to satisfy section 110(a)(2)(D)(i)(II), and because, by failing to provide "an explanation of the reasons for [] major changes" from the BART proposal, EPA's Trading Rule is incomplete and legally deficient. Because the Trading Rule is not lawful action, and is not even a final agency action, Petitioners need not make a showing under § 7606(d)(9)(D). Petitioners make this showing purely as a protective matter.

[60] For example, Petitioners would have submitted adverse comments explaining that it would be arbitrary to rely on CENRAP's modeling, which was based on CAIR (a defunct and judicially-invalidated program), and that EPA's reliance cannot satisfy the visibility transport requirements.

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been forced to confront the radical differences between the proposed rule's approach to section 110(a)(2)(D)(i)(II) and the Trading Rule's arbitrary approach. Accordingly, there is a substantial likelihood that the Trading Rule would have been significantly different if EPA had not made the errors identified by Petitioners. Petitioners therefore satisfy the requirements of 42 U.S.C. § 7607(d)(9)(D).

VI. EPA cannot lawfully adopt the Trading Rule's intrastate trading scheme because it is too late to do so.

The Trading Rule is also unlawful because even *if* the intrastate trading scheme would reduce SO_2 emissions—it would not, as explained above—those emission reductions would occur too late. Under the Regional Haze Rule, any BART alternative must include a "requirement that all necessary emission reductions take place during the period of the first long-term strategy for regional haze." *See* 40 C.F.R. § 51.308(e)(2)(iii). Because the first planning period ends in 2018,[61] any BART alternative would need to achieve "all necessary emission reductions" by next year. *See, e.g.*, 77 Fed. Reg. 36,044, 36,053 (June 15, 2012) ("Section 308(e)(2) requires that all emission reductions for the alternative program take place by 2018 . . . ."); 77 Fed. Reg. 28,825, 28,832 (May 16, 2012) ("Under 40 CFR 51.308(e)(2)(iii)–(iv), all emission reductions for the alternative program must take place by 2018 . . .".); 77 Fed. Reg. 18,052, 18,075 (Mar. 26, 2012).[62] The Trading Rule fails this requirement, because the intrastate trading program does not even *begin* until January 1, 2019. 82 Fed Reg. at 48,330, 48,368. Thus, because EPA cannot ensure that the necessary SO_2 reductions would take place by the end of the first planning period in 2018, the Trading Rule is unlawful.[63]

EPA's claim, that "the end of the first planning period of the first long-term strategy for Texas is 2021," 82 Fed. Reg. at 48,330; Legal RTC at 7, is meritless and contrary to EPA's consistent statements identifying 2018 as the close of the first planning period. *See, e.g.*, 77 Fed. Reg. at 36,053; 77 Fed. Reg. at 28,832; 77 Fed. Reg. at 18,075. Indeed, the authority that EPA relies upon for this claim makes clear that the opposite is true. In its January 2017 revisions to the Regional Haze Rule, EPA stated unequivocally that the changes it made—including

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[61] *See, e.g.*, *Yazzie v. EPA*, 851 F.3d 960, 970 n.8 (9th Cir. 2017) (noting dispute among parties as to the exact date on which first planning period ends, the latter of which is Dec. 31, 2018); 77 Fed. Reg. at 33,647 (noting that 2018 is "the end of the first regional haze planning period"); 64 Fed. Reg. 35,714, 35,760 (July 1, 1999) (referencing 2018 as "the end of the first long-term progress period").

[62] The same is not true of source-specific BART itself. Thus, *compliance* alternatives with *source-specific BART* are permitted to extend past the first planning period.

[63] In comments on the proposed rule, Petitioners NPCA and Sierra Club noted that any BART alternative would be too late because emissions reductions would need to occur by 2018. *See* NPCA/SC Comments at 23-24. As discussed in the text, EPA responded to this comment in its Legal RTC. Because Petitioners raised this objection with reasonable specificity during the public comment period, they are entitled to seek judicial review on this issue. 42 U.S.C. § 7607(d)(7)(B). Petitioners are nonetheless discussing this issue in this reconsideration petition for two reasons: first, to make clear that *this* intrastate trading scheme, which EPA never proposed, fails the timing requirement of 40 C.F.R. § 51.308(e)(2)(iii); and second, by highlighting yet another fatal flaw in the Trading Rule, to underscore how thoroughly unlawful this Rule is.

postponing the beginning of the second planning period to 2021—were not intended to change requirements for the first planning period:

> All of these changes apply to periodic comprehensive state implementation plans developed for the second and subsequent implementation periods and to progress reports submitted subsequent to those plans. These changes do not affect the development and review of state plans for the first implementation period or the first progress reports due under the 1999 Regional Haze Rule.

82 Fed. Reg. 3078, 3080 (Jan. 10, 2017). Because any BART alternative would need to achieve all necessary emission reductions by 2018, and because the Trading Rule fails to do so, that rule is unlawful, arbitrary, and capricious. 42 U.S.C. § 7607(d)(9)(A).

VII. The Trading Rule is unlawful because Texas' mere submittal of a SIP would suspend key provisions of the trading program.

The Trading Rule is also unlawful because it allows EPA to suspend key provisions of the intrastate trading program if Texas merely submits a SIP revision (*i.e.*, in situations where the SIP revision has been submitted for review, but not approved by EPA). This feature of the Trading Rule is a blatant violation of the Clean Air Act, and it further demonstrates the unlawfulness of the Rule.

The Clean Air Act prescribes a specific process for the review and approval of a SIP (or SIP revision). If a state submits a SIP, EPA must determine within six months whether the submission is complete. 42 U.S.C. § 7410(k)(1)(A). If the plan is complete, EPA then has one year to determine whether the plan comports with legal requirements and to either approve or disapprove the plan, in whole or in part. *Id.* EPA may not approve a plan "if the revision would interfere with any. . . applicable requirement" of the Clean Air Act. *Id.* § 7410(l). And the promulgation of a SIP is subject to the Act's rulemaking requirements, *id.* § 7607(d)(1)(B), including notice and an opportunity for public comment, *id.* § 7607(d)(2)-(6).

And the process is no different in situations where a SIP has been proposed to replace a previously enacted FIP; under § 7407(d)(1)(B), EPA must go through the CAA's rulemaking procedures. Simply put, no provision of the Act allows the mere submission of a SIP to suspend operation of a FIP. Yet, that is precisely what the Trading Rule allows. Section 97.921 provides:

> (a) By November 1, 2018, the Administrator will record in each Texas SO_2 Trading Program source's compliance account the Texas SO_2 Trading Program allowances allocated to the Texas SO_2 Trading Program units at the source in accordance with § 97.911(a) for the control periods in 2019, 2020, 2021, and 2022. *The Administrator may delay recordation of Texas SO_2 Trading Program allowances for the specified control periods if the State of Texas submits a SIP revision before the recordation deadline.*

> (b) By July 1, 2019 and July 1 of each year thereafter, the Administrator will record in each Texas SO_2 Trading Program source's compliance account the Texas SO_2 Trading Program allowances allocated to the Texas SO_2 Trading Program units at the source in accordance with § 97.911(a) for the control period in the fourth year after the year of the applicable recordation deadline under this paragraph. *The Administrator may delay recordation of the Texas SO_2 Trading Program allowances for the applicable control periods if the State of Texas submits a SIP revision by May 1 of the year of the applicable recordation deadline under this paragraph.*

40 C.F.R. § 97.921(a), (b) (emphases added). Under § 97.921(a), allowances are assigned to all of the sources that participate in the program via § 97.911(a) for the years 2019, 2020, 2021, and 2022. Under § 97.911(b), the allowance assignment deadline is moved for assigning allowances thereafter. If these allowances are not assigned due to the submission of an unspecified Texas SIP, the trading program cannot function.

These provisions are unlawful, arbitrary, and capricious for at least three reasons. First, by permitting the mere submittal of a SIP to suspend the central component of the Trading Rule, these provisions flout the Act's rulemaking requirements. Second, assuming, *arguendo*, that the trading program were a permissible BART alternative—it plainly is not, for the many reasons identified in this petition—suspension of the program would mean that there is no functioning BART alternative in place. This would be a clear violation of 42 U.S.C. § 7491(b)(2)(A) and 40 C.F.R. § 51.308(e), both of which require a plan implementing SO_2 BART.[64] Third, the Trading Rule does not include any provision that would resume the intrastate trading program if the State's proposed SIP were found to be deficient. In other words, these provisions would allow the trading program to be suspended indefinitely simply because the State submitted a proposed SIP. This violates the Clean Air Act and is arbitrary and capricious.

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[64] The Act makes clear that EPA's FIP responsibilities, *see* 42 U.S.C. § 7410(c)(1)(A)-(B), are not discharged simply because a state submitted a SIP. As the Tenth Circuit explained in a case involving Oklahoma's regional haze plan:

> Once the EPA issued findings that Oklahoma failed to submit the required SIP under the Regional Haze Rule, the EPA had an obligation to promulgate a FIP. The statute itself makes clear that the mere *filing* of a SIP by Oklahoma does not relieve the EPA of its duty. And the petitioners do not point to any language that requires the EPA to delay its promulgation of a FIP until it rules on a proposed SIP. As the EPA points out, such a rule would essentially nullify any time limits the EPA placed on states. States could forestall the promulgation of a FIP by submitting one inadequate SIP after another.

Oklahoma v. EPA, 723 F.3d 1201, 1223 (10th Cir. 2013) (emphasis in the original).

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VIII. The Trading Rule's treatment of retired generating units is arbitrary and capricious.

The Trading Rule is also arbitrary and capricious because, through its treatment of retired generating units that are subject to BART, the trading program arbitrarily increases the emission allowances under the program. There are two respects in which this feature of the Trading Rule is arbitrary: first, by including an already retired unit, Welsh 2, in the trading program; and second, through its treatment of retired units more generally.

Welsh unit 2, which was subject to BART, retired in April 2016.[65] In the proposed rule, EPA appropriately acknowledged this fact and, logically, did not propose SO_2 BART controls for this unit. *See* 82 Fed. Reg. at 921 ("Welsh Unit 2 retired in April, 2016."). But in the Trading Rule, EPA ignores this fact, and includes Welsh 2 in the intrastate trading program. EPA does not even acknowledge, much less explain, its change in position as to how the retirement of Welsh 2 should be treated. This unit—which retired 17 months before EPA's adoption of the Trading Rule—has been assigned an allowance of 7,050 tons of SO_2. *Id.* at 48,357 (Tbl. 8). EPA's decision to increase the trading program's allowable SO_2 emissions in defiance of facts it previously admitted is plainly arbitrary. This also directly undercuts the visibility goals that BART is intended to promote. Moreover, by flooding the trading program with SO_2 allowances that are not tied to an operating unit, EPA's decision will decrease the price of allowances, creating a further disincentive to install meaningful SO_2 controls.

Even aside from Welsh unit 2, the Trading Rule's treatment of retired units is arbitrary and capricious. In particular, a retired unit's allowances are permitted to survive for an arbitrarily long time following that unit's retirement. This again contravenes the Clean Air Act's reasonable progress goals, and would further flood the market with unnecessary allowances.

Under the intrastate trading program, a retired generating unit's allowances are not immediately retired. Instead, a retired unit does not lose its allowances until five years after the year in which it ceases operations:

> Notwithstanding paragraph (a)(1) of this section, if a unit provided an allocation pursuant to the table in paragraph (a)(1) of this section does not operate, starting after 2018, during the control period in two consecutive years, such unit will not be allocated the Texas SO_2 Trading Program allowances provided in paragraph (a)(1) of this section for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year. All Texas SO_2 Trading Program allowances that would otherwise have been allocated to such unit will be allocated under the Texas Supplemental Allowance Pool under 40 CFR 97.912.

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[65] *See* SWEPCO, *Welsh Power Plant Retrofit of Units 1 and 3*, available at https://www.swepco.com/global/utilities/lib/docs/info/projects/Welsh/WelshPlant.pdf (last visited Dec. 14, 2017) (attached as Ex. C).

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40 C.F.R. § 97.911(a)(2). Because it allows the owners of retired units to hold allowances until long after the unit would even arguably need them, the Trading Rule is arbitrary and capricious.[66]

The Trading Rule's treatment of allowances for retired units is especially arbitrary given the large number of generating units that are projected to retire before the trading program even begins. By including the phrase "starting after 2018," § 97.911(a)(2) grandfathers into the trading program any unit that retires before the January 1, 2019 start date. And Luminant has announced its intention to retire a number of such units: Monticello, Big Brown, and Sandow units are slated to retire in early 2018.[67] Likewise, CPS Energy announced several years ago that it would retire JT Deely units 1 and 2 by the end of 2018.[68] Given that EPA was aware of announced plans to retire some generating units before the trading program even began,[69] the Trading Rule should have included a provision removing these units' allowances upon confirmation that they ceased operation. EPA's failure to include such a provision, together with its disregard for the fact that Welsh 2 has already retired, will flood the trading program with up to 74,313 tons of unnecessary allowances. In addition, the Trading Rule does not assess the potential impact this large surplus of allowances would have on the value of allowances, which is a fundamental driving force of any allowance trading program.

The arbitrariness of § 97.911(a)(2) can be illustrated by considering the trading rule's treatment of allowances for the seven Luminant units retiring in January 2017. Under that provision, it appears that Luminant will not lose those allowances until minimally 2023, and potentially 2024, depending on how the "fifth year after the first such year" is interpreted:

Year	Action
2018	Retirement of seven Luminant units (Not counted because § 97.911(a)(2) "start[s] after 2018")
2019	First full year of not operating under § 97.911(a)(2)
2020	Second full year of not operating under § 97.911(a)(2)
2021	
2022	
2023	"fifth year after the first such year," counting the first year
2024	"fifth year after the first such year," not counting the first year

[66] This is compounded by the fact that, if a unit operates for as little as one hour during the first two years after the announced retirement, that unit retains all of its allowances. 40 C.F.R. § 97.911(a)(2). This provision amplifies the problem of excess allowances within the trading program.

[67] *Luminant Announces Decision to Retire Its Monticello Power Plant* (Oct. 6, 2017), available at https://hub.vistraenergy.com/luminant-announces-decision-to-retire-its-monticello-power-plant/; *Luminant Closes Two Texas Power Plants* (Oct. 13, 2017), available at https://hub.vistraenergy.com/luminant-closes-two-texas-power-plants/ (attached as Ex. C).

[68] *Grid operator notified: Deely coal plant operations to be indefinitely suspended in 2018* (Oct. 28 2013), available at https://newsroom.cpsenergy.com/coal-plant-operations-suspended-2018/ (attached as Ex. C).

[69] EPA was plainly aware of the announced plans to retire JT Deely by the end of 2015, as it was mentioned in the Reasonable Progress Rule. 81 Fed. Reg. at 332.

As the table above demonstrates, Luminant will continue to receive allowances for these seven retired units for years after the units actually retire. Such allowances will presumably be available for the company to use on other units, trade, or bank.[70]

IX. The Trading Rule's supplemental allowance pool provision is arbitrary.

40 C.F.R. § 97.912 is unlawful, arbitrary, and capricious because, far from reducing SO_2 emissions to improve visibility at the Class I Areas impacted by these Texas generating units, this provision would allow SO_2 emissions to increase over time. Section 97.912 regulates how compliance assistance will be provided to any unit that finds itself in the position of not holding enough allowances to cover its year-end SO_2 emissions.

This provision's treatment of Coleto Creek is unreasonably permissive because § 97.912(a)(3)(i) allows Coleto Creek to increase its emissions to an unspecified level without incurring any penalty. 82 Fed. Reg. at 48,370. Section 97.912(a)(3)(i) states:

> For Coleto Creek (ORIS 6178), if the source is identified under paragraph (a)(1) of this section, the Administrator will allocate and record in the source's compliance account an amount of allowances from the Supplemental Allowance Pool equal to the lesser of the amount calculated for the source under paragraph (a)(2) of this section or the total number of allowances in the Supplemental Allowance Pool available for allocation under paragraph (b) of this section.

Paragraph (a)(2) simply determines how much Coleto Creek's SO_2 emissions exceed its allowances. Thus, under § 97.912(a)(3)(i), if Coleto Creek requires more allowances to be in compliance, those allowances will be provided up to the amount held in the supplemental allowance pool. Because that pool's *starting* balance is 10,000 tons, and given that Coleto Creek's 2016 SO_2 emissions totaled 8,231 tons,[71] § 97.912(a)(3)(i) would allow this unit to more than double its 2016 SO_2 emissions. And nothing in the Trading Rule would prevent Coleto Creek from increasing its SO_2 emissions to even higher levels, if and when the special allowance pool has accumulated allowances in excess of 10,000 tons.

Even apart from its treatment of Coleto Creek, § 97.912 is arbitrary and capricious because it facilitates increases in SO_2 emissions. Once Coleto Creek has availed itself of any needed allowances, § 97.912(a)(3)(ii) provides that any other power plants that also need compliance assistance can divide up the remaining allowances. If the needed allowances exceed what remains in the supplemental allowance pool, then the remaining allowances are distributed proportionally. These provisions underscore that, far from reducing SO_2 emissions, the Trading Rule is designed to allow current SO_2 emissions to increase.

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[70] When Luminant finally loses its allowances from these retirements, it appears they will be moved to the Supplemental Allowance Pool (up to its maximum of 54,711 tons) which will then be used to ensure that other generating units remain compliant with the trading program's already-permissive SO2 budgets.

[71] *See* EPA, Clean Air Markets Data, *available at* https://ampd.epa.gov/ampd/.

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X. The Trading Rule is based on a determination of nationwide scope and effect.

For the reasons explained above, EPA should withdraw the Trading Rule and replace it with a BART FIP that complies with CAA requirements. And because it is too late to implement a BART alternative, *see* 40 § 51.308(e)(2)(iii), the agency should take final action on the source-specific BART determinations it made in the January 2017 proposed rule. Nevertheless, if EPA ignores CAA requirements and insists on retaining its intrastate trading scheme, on reconsideration the agency must publish a finding that the Trading Rule "is based on a determination of nationwide scope or effect." 42 U.S.C. § 7607(b)(1). Such a finding is necessary because the Trading Rule is plainly based on such a determination, and thus should be reviewed in the United States Court of Appeals for the District of Columbia.[72]

The Clean Air Act establishes that petitions for review of nationally applicable actions, as well as any action based on a determination of nationwide scope or effect, are to be filed in the D.C. Circuit. *Id.* As explained below, the Trading Rule is based on at least two determinations of nationwide scope and effect. EPA therefore had an obligation to find that the Trading Rule is based on such determinations, and the agency should have published in the Federal Register its finding, together with a statement that challenges to the Rule should be filed in the D.C. Circuit.[73]

First, the Trading Rule is based on a determination of nationwide scope or effect because the Rule purports to be "designed to achieve SO_2 emission levels from Texas sources similar to the SO_2 emission levels that would have been achieved under CSAPR." 82 Fed. Reg. at 48,330. The Trading Rule's emission budget for Texas is purportedly based on the emissions budget for Texas under CSAPR,[74] and the Trading Rule's regulatory provisions are modeled after CSAPR. This is demonstrated by a side-by-side comparison of the regulatory provisions governing the states subject to the CSAPR SO_2 trading program, 40 C.F.R. §§ 97.701-735, and those for the new Trading Rule, 40 C.F.R. §§ 97.901-935.[75] Because the Trading Rule's provisions are

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[72] The public was given no opportunity to comment on the proper venue for judicial review of the Trading Rule. The January 2017 proposed rule did not include any suggestion that EPA was considering the adoption of an intrastate trading program. It was not until the Trading Rule's promulgation that EPA announced a trading alternative for Texas sources that is purportedly "designed to achieve SO_2 emission levels from Texas sources similar to the SO_2 emission levels that would have been achieved under CSAPR." 82 Fed. Reg. at 48,330. The public thus did not have an opportunity to comment on the venue implications of EPA's new trading scheme. Because the grounds for Petitioners' objection arose after the public comment, and because it would have been impracticable to raise an objection within the time allowed for public comment, this objection is appropriate for reconsideration. 42 U.S.C. § 7607(d)(7)(B).

[73] If EPA fails to publish such a finding on reconsideration (and fails to withdraw this unlawful Trading Rule), subsequent legal challenges to the Trading Rule would still be properly venued in the D.C. Circuit pursuant to 42 U.S.C. § 7607(b)(1). Nonetheless, EPA should make an explicit finding of nationwide scope and effect to avoid the delay and expense of potential venue disputes.

[74] As noted above, however, under the Trading Rule Texas generating units could be permitted to emit more SO_2 than had been allowed under CSAPR.

[75] *Compare, e.g.*, 40 C.F.R. §§ 97.701-735 (CSPAR program enumerating definitions for affected sources, establishing procedures for determining applicability, retired unit exemptions, general provisions,

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modeled on CSAPR's regulations, the Trading Rule is, on its face, based on a determination of nationwide scope and effect.

Second, the Trading Rule is also "based on a determination of nationwide scope or effect" because, in support of its claim that the Trading Rule achieves greater reasonable progress than source-specific BART, EPA relies upon the 2012 nationwide determination that CSAPR provides greater reasonable progress than BART, as well as EPA's subsequent updates to that analysis. 82 Fed. Reg. at 48,353, 48,357, 48,359-60. As discussed above, to rely on the implementation of an emissions trading program in lieu of source-specific BART, EPA must demonstrate that the alternative achieves greater reasonable progress than BART. 40 C.F.R. § 51.308(e)(2). In the Trading Rule, EPA declined to conduct the modeling required by § 51.308(e)(3), and instead relied on the agency's 2012 CSAPR Better than BART determination. 82 Fed. Reg. at 48,357 (acknowledging that the 2012 demonstration purportedly showing that "CSAPR as finalized and amended in 2011 and 2012 meets the Regional Haze Rule's criteria for a demonstration of greater reasonable progress than BART . . . . *is the primary evidence that the Texas trading program achieves greater reasonable progress than BART*") (emphasis added). EPA has previously admitted that the CSAPR Better than BART Rule is a nationally applicable rule. *See, e.g.*, 82 Fed. Reg. at 45,495-96 (finding that the rule withdrawing Texas from CSAPR and updating the Better than BART Rule is nationally applicable and publishing a finding that the rule is based on a determination of nationwide scope and effect). Indeed, challenges to that 2012 analytic demonstration remain pending in the D.C. Circuit Court of Appeals. Because the Trading Rule is explicitly based upon that nationwide 2012 modeling demonstration—*i.e.*, an analytic determination of nationwide scope and effect—EPA must make a "nationwide scope and effect finding" if it fails to withdraw the Trading Rule.

Such a finding would also be necessary to ensure consistency with EPA's separate, recent rulemaking withdrawing Texas from CSAPR—a rule EPA found was national in scope. *Id.* at 45,495. In withdrawing Texas from the CSAPR program, EPA recognized that, although the rule directly impacted only Texas and Florida, it had implications for multiple states. For that reason, EPA determined that "retaining review in the D.C. Circuit is appropriate and avoids the potential" for inconsistent judicial determinations relating to the CSAPR program or the underlying 2012 "Better than BART" determination. *Id.* Additionally, EPA determined that its findings regarding Texas' interstate transport obligations with respect to a NAAQS was "based on a common core of factual findings and analyses concerning the transport of pollutants between the different states subject to CSAPR, which is a nationally applicable program." *Id.* Here, the Trading Rule is similarly based on findings concerning the transport of pollutants between the different states subject to CSAPR emission budgets. Indeed, the Trading Rule cites to the 2012 Better than BART demonstration, as well as EPA's September 29, 2017 rule determining that CSAPR remains better than BART despite the withdrawal of Texas. *See, e,g.*, 82 Fed. Reg. at 48,326, 48,353. EPA previously concluded that each of those rules were national in scope and effect. Because the Trading Rule is based on those nationwide rules, review of the Rule's trading program must likewise be in the D.C. Circuit.

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administrative appeal procedures, allowance allocations, a supplemental allowance pool, designated representatives, compliance accounts, recordation procedures, transfer procedures, banking procedures and limits, and establishing general monitoring, recordkeeping, and reporting requirements), *with* 40 C.F.R. §§ 97.901-935.

Refusing to include a "nationwide scope and effect" finding in the Trading Rule – and thus increasing the possibility that the D.C. Circuit does not review challenges to the Rule – also creates a significant risk of inconsistent judicial determinations relating to key aspects of the Trading Rule. As noted, the Trading Rule relies on both the 2012 Better than BART determination, as well as EPA's September 29, 2017 update to that determination. Both of those rules are already under review in the D.C. Circuit. If the Trading Rule were not likewise reviewed by that court, there would be a greater risk of inconsistent judicial decisions regarding national aspects of the Trading Rule. By contrast, a finding that venue for review of the Trading Rule lies in the D.C. Circuit would be consistent with the purpose of the Clean Air Act venue provision to "centralize review of 'national' SIP issues in the D.C. Circuit." *Texas v. EPA*, 2011 WL 710598, at *4 (citations omitted).

For the reasons explained throughout this petition, EPA must reconsider the Trading Rule, and should withdraw the Rule and finalize the source-specific BART determinations required by the Regional Haze Rule. Nevertheless, if the agency refuses to withdraw the Trading Rule, the agency must, consistent with 42 U.S.C. § 7607(b)(1), publish a finding that this Rule is based on a determination of nationwide scope or effect.

CONCLUSION

For all the foregoing reasons, EPA must reconsider the Trading Rule, and the Rule should be withdrawn and replaced with a BART FIP that complies with the Clean Air Act and Regional Haze Rule.

Sincerely,

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Exhibit A

Note: changing selections in pulldown menus will change the data in summary spreadsheets

dv summary -	Estimated deciview improvement from actual emissions (3-yr average annual emissions 2009-2013 eliminating min and max year baseline) dv improvement from average natural conditions "clean" and 2018 modeled conditions "dirty" summarizes data in DSI_low, DSI_high, SDA, WFGD, and WFGD_upgrade spreadsheets with baseline emission set at "3yr average 2009-2013 (eliminate max and min)"
ext. summary -	Estimated change in extinction from baseline emissions to controlled emissions (Using baseline of actual emissions and baseline of 2018 projected emissions (w/ CAIR)) summarizes data in DSI_low, DSI_high, SDA, WFGD, and WFGD_upgrade spreadsheets with baseline set at "3yr average 2009-2013 (eliminate max and min)" and baseline set at "2018"
summary table -	summarized dv improvement from each level of control
proposal total vis 2018 -	Calculated delta-dv improvement (2018 "dirty" background conditions) from all proposed controls beyond the 2018 CENRAP projected visibility conditions including CAIR reductions
proposal total vis actual -	Calculated delta-dv improvement from all proposed controls based on reducing actual emissions data presented for both "dirty" and "clean" background
2018 RPG calcs -	Calculation of adjusted RPG and time to reach natural conditions (NC II) with implementation of proposed upgrades and retrofits
$ and controls -	summary of estimated control costs and controlled emission levels (See FIP Cost TSD for additional information)
DSI_low, DSI_high, SDA, WFGD, WFGD_upgrade -	Using calculated slope from "control effectiveness factor" spreadsheet, calculates the change in extinction estimated from reduction in emission from chosen baseline and controlled emission level (controlled emission level from "$ and controls" worksheet) Calculate delta dv from change in extinction for a variety of background conditions including "clean" avg. natural background and "dirty" 2018 modeled background selectable baseline emissions include "3yr average 2009-2013 (eliminate max and min)," "2018," "max 2009-2013," and "Average 2009-2013"
no_control -	Using calculated slope from "control effectiveness factor" worksheet, calculates the extinction estimated from chosen baseline emission level Calculate delta dv from change in extinction for a variety of background conditions including "clean" avg. natural background and "dirty" 2018 modeled background selectable baseline emissions include "3yr average 2009-2013 (eliminate max and min)," "2018," "max 2009-2013," and "Average 2009-2013"

control effectiveness factor -	Change in extinction per change in ton emissions. Calculated slope from linear fit of data for each facility and Class I area, taken from "sorted PSAT results" worksheet
background -	natural background conditions and projected 2018 visibility conditions for each Class I area. used to estimate delta-dv for "clean" and "dirty" background
baseline emissions data -	calculated baseline emissions "3yr average 2009-2013 (eliminate max and min)," "2018," "max 2009-2013," and "Average 2009-2013" based on CEM data available in worksheet
PSAT results -	Environ modeling results for 2018 basecase, low control and high control runs modeled extinction at each Class I area for each tagged unit (high/low runs) or facility (2018 run)
sorted PSAT results -	Modeling results from "PSAT results" worksheet, sorted by facility slope, correlation, and intercept for a linear fit to the data are calculated for each facility and Class I area Calculated slope is the "control effectiveness factor" relating change in extinction to change in ton of emissions
visibility -	Using calculated slope from "control effectiveness factor" spreadsheet, calculates the change in extinction estimated from reduction in emission from chosen baseline and inputted % reduction emission level Calculate delta dv from change in extinction for a variety of background conditions including "clean" avg. natural background and "dirty" 2018 modeled background selectable baseline emissions include "3yr average 2009-2013 (eliminate max and min)," "2018," "max 2009-2013," and "Average 2009-2013"

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Estimated deciview improvement from actual emissions (3-yr average annual emissions 2009-2013 eliminating min and max year)

Wichita Mountains

	Visibility modeling results:			dv improvement 2018 background (environ)						dv improvement (avg. natural conditions)				
	Unit #	Facility		DSI_low	DSI_high	SDA	WFGD	WFGD_upgrade		DSI_low	DSI_high	SDA	WFGD	WFGD_upgrade
1	1	Big Brown	Big Brown 1	0.045	0.081	0.085	0.088	#N/A		0.225	0.401	0.423	0.436	#N/A
2	2	Big Brown	Big Brown 2	0.045	0.081	0.086	0.088	#N/A		0.226	0.403	0.425	0.438	#N/A
3	1	Coleto Creek	Coleto Creek 1	0.021	0.038	0.039	0.040	#N/A		0.105	0.189	0.196	0.200	#N/A
4	lim 1	Limestone	Limestone lim 1	#N/A	#N/A	#N/A	#N/A	0.027		#N/A	#N/A	#N/A	#N/A	0.135
5	lim 2	Limestone	Limestone lim 2	#N/A	#N/A	#N/A	#N/A	0.030		#N/A	#N/A	#N/A	#N/A	0.149
6	1	Martin Lake	Martin Lake 1	#N/A	#N/A	#N/A	#N/A	0.047		#N/A	#N/A	#N/A	#N/A	0.234
7	2	Martin Lake	Martin Lake 2	#N/A	#N/A	#N/A	#N/A	0.040		#N/A	#N/A	#N/A	#N/A	0.202
8	3	Martin Lake	Martin Lake 3	#N/A	#N/A	#N/A	#N/A	0.037		#N/A	#N/A	#N/A	#N/A	0.185
9	1	Monticello	Monticello 1	0.026	0.047	0.050	0.051	#N/A		0.132	0.236	0.249	0.254	#N/A
10	2	Monticello	Monticello 2	0.024	0.043	0.046	0.047	#N/A		0.121	0.217	0.229	0.233	#N/A
11	3	Monticello	Monticello 3	#N/A	#N/A	#N/A	#N/A	0.036		#N/A	#N/A	#N/A	#N/A	0.181
12	4	Sandow	Sandow 4	#N/A	#N/A	#N/A	#N/A	0.062		#N/A	#N/A	#N/A	#N/A	0.312
13	171b	Tolk	Tolk 171b	0.004	0.006	0.006	0.007	#N/A		0.018	0.032	0.033	0.034	#N/A
14	172b	Tolk	Tolk 172b	0.004	0.007	0.007	0.007	#N/A		0.020	0.035	0.036	0.037	#N/A
15	5	WA Parish	WA Parish 5	0.012	0.022	0.023	0.023	#N/A		0.062	0.111	0.114	0.117	#N/A
16	6	WA Parish	WA Parish 6	0.013	0.024	0.025	0.025	#N/A		0.067	0.120	0.124	0.127	#N/A
17	7	WA Parish	WA Parish 7	0.011	0.019	0.020	0.020	#N/A		0.054	0.097	0.099	0.102	#N/A
18	8	WA Parish	WA Parish 8	#N/A	#N/A	#N/A	#N/A	0.003		#N/A	#N/A	#N/A	#N/A	0.015
19	1	Welsh	Welsh 1	0.012	0.019	0.021	0.022	#N/A		0.059	0.094	0.105	0.109	#N/A
20	2	Welsh	Welsh 2	0.012	0.019	0.021	0.022	#N/A		0.060	0.096	0.106	0.111	#N/A
21	3	Welsh	Welsh 3	0.012	0.020	0.022	0.023	#N/A		0.063	0.101	0.111	0.116	#N/A

Big Bend

	Visibility modeling results:			dv improvement 2018 background (environ)						dv improvement (avg. natural conditions)				
	Unit #	Facility		DSI_low	DSI_high	SDA	WFGD	WFGD_upgrade		DSI_low	DSI_high	SDA	WFGD	WFGD_upgrade
1	1	Big Brown	Big Brown 1	0.012	0.021	0.022	0.023	#N/A		0.046	0.082	0.086	0.089	#N/A
2	2	Big Brown	Big Brown 2	0.012	0.021	0.022	0.023	#N/A		0.046	0.082	0.087	0.089	#N/A
3	1	Coleto Creek	Coleto Creek 1	0.018	0.033	0.034	0.035	#N/A		0.071	0.128	0.133	0.136	#N/A
4	lim 1	Limestone	Limestone lim 1	#N/A	#N/A	#N/A	#N/A	0.008		#N/A	#N/A	#N/A	#N/A	0.033
5	lim 2	Limestone	Limestone lim 2	#N/A	#N/A	#N/A	#N/A	0.009		#N/A	#N/A	#N/A	#N/A	0.036
6	1	Martin Lake	Martin Lake 1	#N/A	#N/A	#N/A	#N/A	0.008		#N/A	#N/A	#N/A	#N/A	0.030
7	2	Martin Lake	Martin Lake 2	#N/A	#N/A	#N/A	#N/A	0.007		#N/A	#N/A	#N/A	#N/A	0.026
8	3	Martin Lake	Martin Lake 3	#N/A	#N/A	#N/A	#N/A	0.006		#N/A	#N/A	#N/A	#N/A	0.023
9	1	Monticello	Monticello 1	0.003	0.005	0.005	0.006	#N/A		0.011	0.020	0.021	0.022	#N/A
10	2	Monticello	Monticello 2	0.003	0.005	0.005	0.005	#N/A		0.010	0.018	0.019	0.020	#N/A
11	3	Monticello	Monticello 3	#N/A	#N/A	#N/A	#N/A	0.004		#N/A	#N/A	#N/A	#N/A	0.015
12	4	Sandow	Sandow 4	#N/A	#N/A	#N/A	#N/A	0.026		#N/A	#N/A	#N/A	#N/A	0.102
13	171b	Tolk	Tolk 171b	0.002	0.003	0.003	0.003	#N/A		0.007	0.012	0.013	0.013	#N/A
14	172b	Tolk	Tolk 172b	0.002	0.003	0.003	0.004	#N/A		0.008	0.014	0.014	0.014	#N/A
15	5	WA Parish	WA Parish 5	0.007	0.013	0.013	0.014	#N/A		0.028	0.051	0.052	0.054	#N/A
16	6	WA Parish	WA Parish 6	0.008	0.014	0.015	0.015	#N/A		0.031	0.055	0.057	0.058	#N/A
17	7	WA Parish	WA Parish 7	0.006	0.011	0.012	0.012	#N/A		0.025	0.044	0.046	0.047	#N/A
18	8	WA Parish	WA Parish 8	#N/A	#N/A	#N/A	#N/A	0.002		#N/A	#N/A	#N/A	#N/A	0.007
19	1	Welsh	Welsh 1	0.001	0.002	0.002	0.002	#N/A		0.005	0.008	0.008	0.009	#N/A
20	2	Welsh	Welsh 2	0.001	0.002	0.002	0.002	#N/A		0.005	0.008	0.009	0.009	#N/A
21	3	Welsh	Welsh 3	0.001	0.002	0.002	0.002	#N/A		0.005	0.008	0.009	0.009	#N/A

Guadalupe Mountains

	Visibility modeling results:			dv improvement 2018 background (environ)					dv improvement (avg. natural conditions)				
	Unit #	Facility		DSI_low	DSI_high	SDA	WFGD	WFGD_upgrade	DSI_low	DSI_high	SDA	WFGD	WFGD_upgrade
1	1	Big Brown	Big Brown 1	0.014	0.024	0.026	0.027	#N/A	0.054	0.096	0.101	0.105	#N/A
2	2	Big Brown	Big Brown 2	0.014	0.025	0.026	0.027	#N/A	0.054	0.097	0.102	0.105	#N/A
3	1	Coleto Creek	Coleto Creek 1	0.006	0.010	0.011	0.011	#N/A	0.023	0.041	0.043	0.044	#N/A
4	lim 1	Limestone	Limestone lim 1	#N/A	#N/A	#N/A	#N/A	0.009	#N/A	#N/A	#N/A	#N/A	0.037
5	lim 2	Limestone	Limestone lim 2	#N/A	#N/A	#N/A	#N/A	0.010	#N/A	#N/A	#N/A	#N/A	0.041
6	1	Martin Lake	Martin Lake 1	#N/A	#N/A	#N/A	#N/A	0.010	#N/A	#N/A	#N/A	#N/A	0.041
7	2	Martin Lake	Martin Lake 2	#N/A	#N/A	#N/A	#N/A	0.009	#N/A	#N/A	#N/A	#N/A	0.036
8	3	Martin Lake	Martin Lake 3	#N/A	#N/A	#N/A	#N/A	0.008	#N/A	#N/A	#N/A	#N/A	0.033
9	1	Monticello	Monticello 1	0.004	0.006	0.007	0.007	#N/A	0.014	0.025	0.027	0.027	#N/A
10	2	Monticello	Monticello 2	0.003	0.006	0.006	0.006	#N/A	0.013	0.023	0.024	0.025	#N/A
11	3	Monticello	Monticello 3	#N/A	#N/A	#N/A	#N/A	0.005	#N/A	#N/A	#N/A	#N/A	0.019
12	4	Sandow	Sandow 4	#N/A	#N/A	#N/A	#N/A	0.017	#N/A	#N/A	#N/A	#N/A	0.069
13	171b	Tolk	Tolk 171b	0.012	0.022	0.022	0.023	#N/A	0.048	0.085	0.087	0.090	#N/A
14	172b	Tolk	Tolk 172b	0.013	0.024	0.024	0.025	#N/A	0.052	0.094	0.095	0.098	#N/A
15	5	WA Parish	WA Parish 5	0.003	0.006	0.006	0.006	#N/A	0.013	0.023	0.024	0.024	#N/A
16	6	WA Parish	WA Parish 6	0.004	0.006	0.007	0.007	#N/A	0.014	0.025	0.026	0.027	#N/A
17	7	WA Parish	WA Parish 7	0.003	0.005	0.005	0.005	#N/A	0.011	0.020	0.021	0.021	#N/A
18	8	WA Parish	WA Parish 8	#N/A	#N/A	#N/A	#N/A	0.001	#N/A	#N/A	#N/A	#N/A	0.003
19	1	Welsh	Welsh 1	0.002	0.003	0.003	0.003	#N/A	0.007	0.011	0.012	0.012	#N/A
20	2	Welsh	Welsh 2	0.002	0.003	0.003	0.003	#N/A	0.007	0.011	0.012	0.012	#N/A
21	3	Welsh	Welsh 3	0.002	0.003	0.003	0.003	#N/A	0.007	0.011	0.012	0.013	#N/A

All other Class I areas modeled (BAND, BOAP, BRET, CACR, CAVE, GICL, GRSA, HEGL, MING, PECO, ROMO, SACR, SAPE, UPBU, WHIT, WHPE)

	Visibility modeling results:			dv improvement 2018 background (environ)					dv improvement (avg. natural conditions)				
	Unit #	Facility		DSI_low	DSI_high	SDA	WFGD	WFGD_upgrade	DSI_low	DSI_high	SDA	WFGD	WFGD_upgrade
1	1	Big Brown	Big Brown 1	0.073	0.131	0.138	0.143	#N/A	0.308	0.553	0.584	0.602	#N/A
2	2	Big Brown	Big Brown 2	0.073	0.132	0.139	0.143	#N/A	0.309	0.556	0.586	0.604	#N/A
3	1	Coleto Creek	Coleto Creek 1	0.026	0.047	0.049	0.050	#N/A	0.092	0.165	0.171	0.175	#N/A
4	lim 1	Limestone	Limestone lim 1	#N/A	#N/A	#N/A	#N/A	0.046	#N/A	#N/A	#N/A	#N/A	0.197
5	lim 2	Limestone	Limestone lim 2	#N/A	#N/A	#N/A	#N/A	0.051	#N/A	#N/A	#N/A	#N/A	0.218
6	1	Martin Lake	Martin Lake 1	#N/A	#N/A	#N/A	#N/A	0.173	#N/A	#N/A	#N/A	#N/A	0.800
7	2	Martin Lake	Martin Lake 2	#N/A	#N/A	#N/A	#N/A	0.149	#N/A	#N/A	#N/A	#N/A	0.691
8	3	Martin Lake	Martin Lake 3	#N/A	#N/A	#N/A	#N/A	0.137	#N/A	#N/A	#N/A	#N/A	0.632
9	1	Monticello	Monticello 1	0.063	0.114	0.120	0.123	#N/A	0.290	0.520	0.549	0.561	#N/A
10	2	Monticello	Monticello 2	0.058	0.105	0.111	0.113	#N/A	0.267	0.479	0.505	0.515	#N/A
11	3	Monticello	Monticello 3	#N/A	#N/A	#N/A	#N/A	0.087	#N/A	#N/A	#N/A	#N/A	0.398
12	4	Sandow	Sandow 4	#N/A	#N/A	#N/A	#N/A	0.074	#N/A	#N/A	#N/A	#N/A	0.277
13	171b	Tolk	Tolk 171b	0.066	0.119	0.121	0.125	#N/A	0.214	0.385	0.392	0.404	#N/A
14	172b	Tolk	Tolk 172b	0.073	0.131	0.132	0.137	#N/A	0.236	0.424	0.427	0.442	#N/A
15	5	WA Parish	WA Parish 5	0.024	0.044	0.045	0.046	#N/A	0.098	0.176	0.181	0.186	#N/A
16	6	WA Parish	WA Parish 6	0.026	0.047	0.049	0.050	#N/A	0.106	0.191	0.197	0.202	#N/A
17	7	WA Parish	WA Parish 7	0.021	0.038	0.039	0.040	#N/A	0.085	0.154	0.158	0.162	#N/A
18	8	WA Parish	WA Parish 8	#N/A	#N/A	#N/A	#N/A	0.006	#N/A	#N/A	#N/A	#N/A	0.024
19	1	Welsh	Welsh 1	0.032	0.051	0.056	0.058	#N/A	0.146	0.233	0.258	0.269	#N/A
20	2	Welsh	Welsh 2	0.032	0.052	0.057	0.059	#N/A	0.149	0.238	0.263	0.274	#N/A
21	3	Welsh	Welsh 3	0.034	0.054	0.060	0.062	#N/A	0.155	0.248	0.275	0.287	#N/A

Control cost ($/ton)

Unit #	Facility		DSI_low	DSI_high	SDA	WFGD	WFGD_upgrade*
1	Big Brown	Big Brown 1	$ 2,223	$ 2,996	$ 1,377	$ 1,255	#N/A
2	Big Brown	Big Brown 2	$ 2,201	$ 2,944	$ 1,373	$ 1,257	#N/A
1	Coleto Creek	Coleto Creek 1	$ 2,792	$ 3,460	$ 2,356	$ 2,278	#N/A

lim 1	Limestone	Limestone lim 1	#N/A	#N/A	#N/A	#N/A	$ 500
lim 2	Limestone	Limestone lim 2	#N/A	#N/A	#N/A	#N/A	$ 500
1	Martin Lake	Martin Lake 1	#N/A	#N/A	#N/A	#N/A	$ 500
2	Martin Lake	Martin Lake 2	#N/A	#N/A	#N/A	#N/A	$ 500
3	Martin Lake	Martin Lake 3	#N/A	#N/A	#N/A	#N/A	$ 500
1	Monticello	Monticello 1	$ 2,728	$ 3,420	$ 2,012	$ 1,937	#N/A
2	Monticello	Monticello 2	$ 3,086	$ 3,845	$ 2,254	$ 2,170	#N/A
3	Monticello	Monticello 3	#N/A	#N/A	#N/A	#N/A	$ 500
4	Sandow	Sandow 4	#N/A	#N/A	#N/A	#N/A	$ 500
171b	Tolk	Tolk 171b	$ 3,084	$ 3,592	$ 3,178	$ 3,204	#N/A
172b	Tolk	Tolk 172b	$ 2,828	$ 3,221	$ 2,998	$ 3,019	#N/A
5	WA Parish	WA Parish 5	$ 2,559	$ 2,995	$ 2,441	$ 2,389	#N/A
6	WA Parish	WA Parish 6	$ 2,699	$ 3,229	$ 2,401	$ 2,334	#N/A
7	WA Parish	WA Parish 7	$ 2,805	$ 3,296	$ 2,559	$ 2,542	#N/A
8	WA Parish	WA Parish 8	#N/A	#N/A	#N/A	#N/A	$ 500
1	Welsh	Welsh 1	$ 3,718	$ 4,019	$ 3,489	$ 3,508	#N/A
2	Welsh	Welsh 2	$ 3,611	$ 3,879	$ 3,438	$ 3,454	#N/A
3	Welsh	Welsh 3	$ 3,690	$ 3,998	$ 3,368	$ 3,379	#N/A

* approximate cost/ placeholder actual cost based on CBI data

SDA
Baseline index: 3yr average 2009-2013 (elim) <----- *Choose baseline*
2

Change in extinction (Mm-1)

No.	Unit #	Facility		Baseline emissions	controlled emissions	tons reduced	BAND (4)	BIBE (5)	BOAP (6)	BRET (7)	CACR (8)	CAVE (9)	GICL (10)
1	1	Big Brown	Big Brown 1	30667.22033	0	30667.22033	0.0035	0.1363	0.0107	0.0494	0.3943	0.1510	0.0065
2	2	Big Brown	Big Brown 2	30814.37367	0	30814.37367	0.0035	0.1370	0.0108	0.0496	0.3962	0.1517	0.0066
3	1	Coleto Creek	Coleto Creek 1	16059.31067	0	16059.31067	0.0032	0.2133	0.0168	0.0082	0.0127	0.0646	0.0137
4	lim 1	Limestone	Limestone lim 1	10912.50933	0	10912.50933	0.0015	0.0631	0.0052	0.0102	0.1932	0.0672	0.0034
5	lim 2	Limestone	Limestone lim 2	11946.36067	0	11946.36067	0.0017	0.0691	0.0057	0.0111	0.2115	0.0735	0.0037
6	1	Martin Lake	Martin Lake 1	24494.92533	0	24494.92533	0.0017	0.0524	0.0050	0.0771	1.1378	0.0688	0.0035
7	2	Martin Lake	Martin Lake 2	21580.41733	0	21580.41733	0.0015	0.0462	0.0044	0.0679	1.0024	0.0606	0.0031
8	3	Martin Lake	Martin Lake 3	19940.02	0	19940.02	0.0014	0.0426	0.0041	0.0628	0.9262	0.0560	0.0029
9	1	Monticello	Monticello 1	17864.781	0	17864.781	0.0018	0.0334	0.0033	0.0550	0.5905	0.0393	0.0019
10	2	Monticello	Monticello 2	16429.34767	0	16429.34767	0.0017	0.0307	0.0030	0.0506	0.5430	0.0362	0.0017
11	3	Monticello	Monticello 3	13856.60833	0	13856.60833	0.0014	0.0259	0.0025	0.0427	0.4580	0.0305	0.0015
12	4	Sandow	Sandow 4	22289.21167	0	22289.21167	0.0051	0.1931	0.0192	0.0190	0.1088	0.1225	0.0119
13	171b	Tolk	Tolk 171b	10031.389	0	10031.389	0.0418	0.0205	0.0237	0.0102	0.0112	0.1340	0.0129
14	172b	Tolk	Tolk 172b	11033.65033	0	11033.65033	0.0460	0.0226	0.0261	0.0112	0.0123	0.1474	0.0142
15	5	WA Parish	WA Parish 5	14157.28967	0	14157.28967	0.0016	0.0848	0.0115	0.0103	0.1280	0.0363	0.0077
16	6	WA Parish	WA Parish 6	15306.79967	0	15306.79967	0.0017	0.0917	0.0124	0.0111	0.1384	0.0392	0.0083
17	7	WA Parish	WA Parish 7	12334.96967	0	12334.96967	0.0014	0.0739	0.0100	0.0090	0.1116	0.0316	0.0067
18	8	WA Parish	WA Parish 8	2585.883333	0	2585.883333	0.0003	0.0155	0.0021	0.0019	0.0234	0.0066	0.0014
19	1	Welsh	Welsh 1	8083.911	0	8083.911	0.0009	0.0141	0.0017	0.0252	0.3199	0.0185	0.0008
20	2	Welsh	Welsh 2	8255.512667	0	8255.512667	0.0009	0.0144	0.0017	0.0258	0.3267	0.0189	0.0008
21	3	Welsh	Welsh 3	8608.802	0	8608.802	0.0010	0.0150	0.0018	0.0269	0.3407	0.0197	0.0009
						327253.2933	0.12351264	1.395513	0.181889	0.635129	7.386705	1.374042	0.114188

change in dv at 2018 environ (PSAT run) background

No.	Unit #	Facility		Baseline emissions	controlled emiss	tons reduced	BAND (4)	BIBE (5)	BOAP (6)	BRET (7)	CACR (8)	CAVE (9)	GICL (10)
1	1	Big Brown	Big Brown 1	30667.22033	0	30667.22033	0.0010	0.0233	0.0025	0.0060	0.0363	0.0271	0.0016
2	2	Big Brown	Big Brown 2	30814.37367	0	30814.37367	0.0010	0.0234	0.0025	0.0060	0.0365	0.0272	0.0016
3	1	Coleto Creek	Coleto Creek 1	16059.31067	0	16059.31067	0.0009	0.0365	0.0039	0.0010	0.0012	0.0116	0.0032
4	lim 1	Limestone	Limestone lim 1	10912.50933	0	10912.50933	0.0004	0.0108	0.0012	0.0012	0.0178	0.0120	0.0008
5	lim 2	Limestone	Limestone lim 2	11946.36067	0	11946.36067	0.0005	0.0118	0.0013	0.0014	0.0195	0.0132	0.0009
6	1	Martin Lake	Martin Lake 1	24494.92533	0	24494.92533	0.0005	0.0089	0.0012	0.0094	0.1052	0.0123	0.0008
7	2	Martin Lake	Martin Lake 2	21580.41733	0	21580.41733	0.0004	0.0079	0.0010	0.0083	0.0927	0.0109	0.0007
8	3	Martin Lake	Martin Lake 3	19940.02	0	19940.02	0.0004	0.0073	0.0010	0.0076	0.0856	0.0100	0.0007
9	1	Monticello	Monticello 1	17864.781	0	17864.781	0.0005	0.0057	0.0008	0.0067	0.0545	0.0071	0.0005
10	2	Monticello	Monticello 2	16429.34767	0	16429.34767	0.0005	0.0052	0.0007	0.0062	0.0501	0.0065	0.0004
11	3	Monticello	Monticello 3	13856.60833	0	13856.60833	0.0004	0.0044	0.0006	0.0052	0.0422	0.0055	0.0003
12	4	Sandow	Sandow 4	22289.21167	0	22289.21167	0.0015	0.0330	0.0045	0.0023	0.0100	0.0220	0.0028
13	171b	Tolk	Tolk 171b	10031.389	0	10031.389	0.0122	0.0035	0.0056	0.0012	0.0010	0.0240	0.0031
14	172b	Tolk	Tolk 172b	11033.65033	0	11033.65033	0.0134	0.0039	0.0061	0.0014	0.0011	0.0265	0.0034
15	5	WA Parish	WA Parish 5	14157.28967	0	14157.28967	0.0005	0.0145	0.0027	0.0013	0.0118	0.0065	0.0018
16	6	WA Parish	WA Parish 6	15306.79967	0	15306.79967	0.0005	0.0157	0.0029	0.0014	0.0127	0.0070	0.0020
17	7	WA Parish	WA Parish 7	12334.96967	0	12334.96967	0.0004	0.0126	0.0023	0.0011	0.0103	0.0057	0.0016
18	8	WA Parish	WA Parish 8	2585.883333	0	2585.883333	0.0001	0.0026	0.0005	0.0002	0.0022	0.0012	0.0003
19	1	Welsh	Welsh 1	8083.911	0	8083.911	0.0003	0.0024	0.0004	0.0031	0.0295	0.0033	0.0002
20	2	Welsh	Welsh 2	8255.512667	0	8255.512667	0.0003	0.0025	0.0004	0.0031	0.0301	0.0034	0.0002

11	12	13	14	15	16	17	18	19	20	21	22	
GRSA	GUMO	HEGL	MING	PECO	ROMO	SACR	SAPE	UPBU	WHIT	WHPE	WIMO	all but WIMO and TX
0.0012	0.1510	0.2191	0.0284	0.0033	0.0019	0.0848	0.0047	0.1470	0.0530	0.0033	0.7557	1.1621
0.0012	0.1517	0.2202	0.0285	0.0033	0.0019	0.0852	0.0047	0.1477	0.0533	0.0033	0.7593	1.1677
0.0014	0.0646	0.0136	0.0058	0.0052	0.0011	0.0596	0.0061	0.0335	0.0357	0.0052	0.3517	0.2865
0.0006	0.0672	0.0603	0.0105	0.0010	0.0007	0.0345	0.0018	0.0653	0.0212	0.0010	0.2917	0.4775
0.0006	0.0735	0.0660	0.0115	0.0011	0.0008	0.0378	0.0020	0.0715	0.0232	0.0011	0.3194	0.5227
0.0005	0.0688	0.2854	0.0347	0.0017	0.0008	0.0357	0.0023	0.2908	0.0268	0.0017	0.4631	1.9743
0.0005	0.0606	0.2514	0.0305	0.0015	0.0007	0.0315	0.0020	0.2562	0.0236	0.0015	0.4080	1.7394
0.0004	0.0560	0.2323	0.0282	0.0014	0.0007	0.0291	0.0019	0.2367	0.0218	0.0014	0.3770	1.6072
0.0005	0.0393	0.2649	0.0250	0.0015	0.0010	0.0407	0.0015	0.1380	0.0251	0.0015	0.4408	1.1915
0.0004	0.0362	0.2436	0.0230	0.0014	0.0009	0.0374	0.0014	0.1269	0.0231	0.0014	0.4054	1.0958
0.0004	0.0305	0.2054	0.0194	0.0012	0.0008	0.0315	0.0012	0.1070	0.0195	0.0012	0.3419	0.9242
0.0006	0.1225	0.0281	0.0069	0.0058	0.0025	0.0784	0.0083	0.0975	0.0658	0.0058	0.6638	0.5862
0.0227	0.1340	0.0158	0.0026	0.0192	0.0119	0.1829	0.0197	0.0038	0.0939	0.0192	0.0594	0.6256
0.0249	0.1474	0.0174	0.0029	0.0211	0.0131	0.2012	0.0217	0.0042	0.1033	0.0211	0.0653	0.6881
0.0007	0.0363	0.0217	0.0154	0.0023	0.0000	0.0270	0.0028	0.0719	0.0229	0.0023	0.2056	0.3624
0.0007	0.0392	0.0235	0.0166	0.0025	0.0000	0.0292	0.0030	0.0777	0.0248	0.0025	0.2223	0.3918
0.0006	0.0316	0.0189	0.0134	0.0020	0.0000	0.0235	0.0024	0.0626	0.0200	0.0020	0.1792	0.3157
0.0001	0.0066	0.0040	0.0028	0.0004	0.0000	0.0049	0.0005	0.0131	0.0042	0.0004	0.0376	0.0662
0.0001	0.0185	0.1129	0.0100	0.0007	0.0006	0.0192	0.0007	0.0774	0.0113	0.0007	0.1972	0.6004
0.0001	0.0189	0.1153	0.0102	0.0007	0.0006	0.0196	0.0007	0.0791	0.0115	0.0007	0.2014	0.6132
0.0002	0.0197	0.1202	0.0106	0.0007	0.0006	0.0204	0.0007	0.0825	0.0120	0.0007	0.2100	0.6394
0.058664	1.374042	2.539913	0.336514	0.077968	0.04064	1.113967	0.090046	2.190423	0.696079	0.077968	6.955742	

11	12	13	14	15	16	17	18	19	20	21	22							
GRSA	GUMO	HEGL	MING	PECO	ROMO	SACR	SAPE	UPBU	WHIT	WHPE	WIMO	all but WIMO and TX	largest		second largest			
0.0003	0.0271	0.0205	0.0033	0.0011	0.0004	0.0156	0.0016	0.0147	0.0126	0.0011	0.0898	0.1457	0.0898	WIMO	0.036347	CACR	0.036347	CACR
0.0003	0.0272	0.0206	0.0033	0.0011	0.0004	0.0156	0.0016	0.0148	0.0127	0.0011	0.0902	0.1464	0.0902	WIMO	0.036522	CACR	0.036522	CACR
0.0003	0.0116	0.0013	0.0007	0.0017	0.0002	0.0109	0.0021	0.0034	0.0085	0.0017	0.0417	0.0527	0.0417	WIMO	0.03645	BIBE	0.011588	CAVE
0.0001	0.0120	0.0056	0.0012	0.0003	0.0002	0.0063	0.0006	0.0065	0.0051	0.0003	0.0346	0.0599	0.0346	WIMO	0.017794	CACR	0.017794	CACR
0.0001	0.0132	0.0062	0.0013	0.0003	0.0002	0.0069	0.0007	0.0071	0.0055	0.0003	0.0378	0.0655	0.0378	WIMO	0.019481	CACR	0.019481	CACR
0.0001	0.0123	0.0268	0.0040	0.0006	0.0002	0.0066	0.0008	0.0291	0.0064	0.0006	0.0549	0.2045	0.1052	CACR	0.054922	WIMO	0.105237	CACR
0.0001	0.0109	0.0236	0.0035	0.0005	0.0002	0.0058	0.0007	0.0256	0.0056	0.0005	0.0484	0.1801	0.0927	CACR	0.048371	WIMO	0.092657	CACR
0.0001	0.0100	0.0218	0.0033	0.0005	0.0001	0.0053	0.0006	0.0237	0.0052	0.0005	0.0447	0.1663	0.0856	CACR	0.044686	WIMO	0.085584	CACR
0.0001	0.0071	0.0248	0.0029	0.0005	0.0002	0.0075	0.0005	0.0138	0.0060	0.0005	0.0523	0.1268	0.0545	CACR	0.052279	WIMO	0.054475	CACR
0.0001	0.0065	0.0228	0.0027	0.0005	0.0002	0.0069	0.0005	0.0127	0.0055	0.0005	0.0481	0.1166	0.0501	CACR	0.048068	WIMO	0.050087	CACR
0.0001	0.0055	0.0193	0.0022	0.0004	0.0002	0.0058	0.0004	0.0107	0.0046	0.0004	0.0405	0.0983	0.0422	CACR	0.040526	WIMO	0.042227	CACR
0.0001	0.0220	0.0026	0.0008	0.0019	0.0005	0.0144	0.0029	0.0097	0.0157	0.0019	0.0788	0.0936	0.0788	WIMO	0.033005	BIBE	0.021984	CAVE
0.0053	0.0240	0.0015	0.0003	0.0062	0.0026	0.0336	0.0068	0.0004	0.0224	0.0062	0.0070	0.1324	0.0336	SACR	0.024048	CAVE	0.033626	SACR
0.0059	0.0265	0.0016	0.0003	0.0068	0.0028	0.0370	0.0075	0.0004	0.0247	0.0068	0.0077	0.1456	0.0370	SACR	0.026454	CAVE	0.036992	SACR
0.0002	0.0065	0.0020	0.0018	0.0007	0.0000	0.0050	0.0010	0.0072	0.0055	0.0007	0.0244	0.0486	0.0244	WIMO	0.014482	BIBE	0.011787	CACR
0.0002	0.0070	0.0022	0.0019	0.0008	0.0000	0.0054	0.0010	0.0078	0.0059	0.0008	0.0263	0.0525	0.0263	WIMO	0.015659	BIBE	0.012745	CACR
0.0001	0.0057	0.0018	0.0015	0.0006	0.0000	0.0043	0.0008	0.0063	0.0048	0.0006	0.0212	0.0423	0.0212	WIMO	0.012617	BIBE	0.010269	CACR
0.0000	0.0012	0.0004	0.0003	0.0001	0.0000	0.0009	0.0002	0.0013	0.0010	0.0001	0.0044	0.0089	0.0044	WIMO	0.002644	BIBE	0.002152	CACR
0.0000	0.0033	0.0106	0.0011	0.0002	0.0001	0.0035	0.0002	0.0077	0.0027	0.0002	0.0233	0.0632	0.0295	CACR	0.023347	WIMO	0.029477	CACR
0.0000	0.0034	0.0108	0.0012	0.0002	0.0001	0.0036	0.0002	0.0079	0.0028	0.0002	0.0238	0.0645	0.0301	CACR	0.023844	WIMO	0.030103	CACR

21	3	Welsh	Welsh 3	8608.802	0	8608.802	0.0003	0.0026	0.0004	0.0033	0.0314	0.0035	0.0002
						327253.2933	0.03591583	0.238324	0.042611	0.077305	0.681688	0.246567	0.02704

change in dv at annual average Natural Conditions background

							4	5	6	7	8	9	10
No.	**Unit #**	**Facility**		**Baseline emissions**	**controlled emiss**	**tons reduced**	**BAND**	**BIBE**	**BOAP**	**BRET**	**CACR**	**CAVE**	**GICL**
1	1	Big Brown	Big Brown 1	30667.22033	0	30667.22033	0.0025	0.0908	0.0071	0.0216	0.1824	0.1068	0.0048
2	2	Big Brown	Big Brown 2	30814.37367	0	30814.37367	0.0025	0.0913	0.0071	0.0217	0.1833	0.1073	0.0049
3	1	Coleto Creek	Coleto Creek 1	16059.31067	0	16059.31067	0.0023	0.1417	0.0111	0.0036	0.0059	0.0458	0.0101
4	lim 1	Limestone	Limestone lim 1	10912.50933	0	10912.50933	0.0011	0.0421	0.0035	0.0044	0.0898	0.0476	0.0025
5	lim 2	Limestone	Limestone lim 2	11946.36067	0	11946.36067	0.0012	0.0461	0.0038	0.0049	0.0982	0.0521	0.0027
6	1	Martin Lake	Martin Lake 1	24494.92533	0	24494.92533	0.0012	0.0350	0.0033	0.0337	0.5175	0.0488	0.0026
7	2	Martin Lake	Martin Lake 2	21580.41733	0	21580.41733	0.0011	0.0308	0.0029	0.0297	0.4573	0.0430	0.0023
8	3	Martin Lake	Martin Lake 3	19940.02	0	19940.02	0.0010	0.0285	0.0027	0.0274	0.4232	0.0397	0.0021
9	1	Monticello	Monticello 1	17864.781	0	17864.781	0.0013	0.0223	0.0022	0.0240	0.2719	0.0279	0.0014
10	2	Monticello	Monticello 2	16429.34767	0	16429.34767	0.0012	0.0205	0.0020	0.0221	0.2503	0.0257	0.0013
11	3	Monticello	Monticello 3	13856.60833	0	13856.60833	0.0010	0.0173	0.0017	0.0186	0.2115	0.0217	0.0011
12	4	Sandow	Sandow 4	22289.21167	0	22289.21167	0.0036	0.1284	0.0127	0.0083	0.0507	0.0867	0.0088
13	171b	Tolk	Tolk 171b	10031.389	0	10031.389	0.0298	0.0137	0.0156	0.0045	0.0052	0.0948	0.0095
14	172b	Tolk	Tolk 172b	11033.65033	0	11033.65033	0.0328	0.0151	0.0172	0.0049	0.0057	0.1042	0.0105
15	5	WA Parish	WA Parish 5	14157.28967	0	14157.28967	0.0012	0.0566	0.0076	0.0045	0.0596	0.0257	0.0057
16	6	WA Parish	WA Parish 6	15306.79967	0	15306.79967	0.0012	0.0612	0.0082	0.0049	0.0644	0.0278	0.0061
17	7	WA Parish	WA Parish 7	12334.96967	0	12334.96967	0.0010	0.0493	0.0066	0.0039	0.0519	0.0224	0.0049
18	8	WA Parish	WA Parish 8	2585.883333	0	2585.883333	0.0002	0.0104	0.0014	0.0008	0.0109	0.0047	0.0010
19	1	Welsh	Welsh 1	8083.911	0	8083.911	0.0006	0.0094	0.0011	0.0110	0.1482	0.0131	0.0006
20	2	Welsh	Welsh 2	8255.512667	0	8255.512667	0.0007	0.0096	0.0011	0.0113	0.1513	0.0134	0.0006
21	3	Welsh	Welsh 3	8608.802	0	8608.802	0.0007	0.0101	0.0012	0.0117	0.1578	0.0140	0.0006
						327253.2933	0.08810501	0.93048	0.1199	0.277353	3.397002	0.973432	0.084247

change in dv at 20%W NC

							4	5	6	7	8	9	10
No.	**Unit #**	**Facility**		**Baseline emissions**	**controlled emiss**	**tons reduced**	**BAND**	**BIBE**	**BOAP**	**BRET**	**CACR**	**CAVE**	**GICL**
1	1	Big Brown	Big Brown 1	30667.22033	0	30667.22033	0.0018	0.0664	0.0055	0.0150	0.1231	0.0773	0.0034
2	2	Big Brown	Big Brown 2	30814.37367	0	30814.37367	0.0019	0.0667	0.0055	0.0150	0.1237	0.0777	0.0034
3	1	Coleto Creek	Coleto Creek 1	16059.31067	0	16059.31067	0.0017	0.1037	0.0086	0.0025	0.0040	0.0332	0.0070
4	lim 1	Limestone	Limestone lim 1	10912.50933	0	10912.50933	0.0008	0.0308	0.0027	0.0031	0.0605	0.0345	0.0017
5	lim 2	Limestone	Limestone lim 2	11946.36067	0	11946.36067	0.0009	0.0337	0.0029	0.0034	0.0662	0.0377	0.0019
6	1	Martin Lake	Martin Lake 1	24494.92533	0	24494.92533	0.0009	0.0256	0.0026	0.0234	0.3512	0.0353	0.0018
7	2	Martin Lake	Martin Lake 2	21580.41733	0	21580.41733	0.0008	0.0225	0.0023	0.0206	0.3100	0.0311	0.0016
8	3	Martin Lake	Martin Lake 3	19940.02	0	19940.02	0.0007	0.0208	0.0021	0.0190	0.2868	0.0288	0.0015
9	1	Monticello	Monticello 1	17864.781	0	17864.781	0.0010	0.0163	0.0017	0.0167	0.1838	0.0202	0.0010
10	2	Monticello	Monticello 2	16429.34767	0	16429.34767	0.0009	0.0150	0.0015	0.0153	0.1691	0.0186	0.0009
11	3	Monticello	Monticello 3	13856.60833	0	13856.60833	0.0008	0.0126	0.0013	0.0129	0.1428	0.0157	0.0008
12	4	Sandow	Sandow 4	22289.21167	0	22289.21167	0.0027	0.0940	0.0098	0.0058	0.0341	0.0628	0.0061
13	171b	Tolk	Tolk 171b	10031.389	0	10031.389	0.0223	0.0100	0.0121	0.0031	0.0035	0.0686	0.0066
14	172b	Tolk	Tolk 172b	11033.65033	0	11033.65033	0.0246	0.0110	0.0133	0.0034	0.0039	0.0755	0.0073

0.0000	0.0035	0.0113	0.0012	0.0002	0.0001	0.0037	0.0002	0.0082	0.0029	0.0002	0.0249	0.0673	0.0314	CACR	0.024865	WIMO	0.031394 CACR
0.013835	0.246567	0.23807	0.038854	0.025144	0.008713	0.204622	0.031081	0.218953	0.166012	0.025144	0.824923						

11	12	13	14	15	16	17	18	19	20	21	22						
GRSA	**GUMO**	**HEGL**	**MING**	**PECO**	**ROMO**	**SACR**	**SAPE**	**UPBU**	**WHIT**	**WHPE**	**WIMO**	**all but WIMO and TX**	**largest**		second largest		
0.0009	0.1068	0.1022	0.0129	0.0026	0.0014	0.0558	0.0037	0.0690	0.0380	0.0026	0.4446	0.6142	0.4446	WIMO	0.182383	CACR	0.182383 CACR
0.0009	0.1073	0.1027	0.0129	0.0026	0.0014	0.0561	0.0038	0.0693	0.0382	0.0026	0.4467	0.6171	0.4467	WIMO	0.183251	CACR	0.183251 CACR
0.0010	0.0458	0.0064	0.0026	0.0041	0.0008	0.0393	0.0049	0.0158	0.0256	0.0041	0.2094	0.1834	0.2094	WIMO	0.141732	BIBE	0.045817 CAVE
0.0004	0.0476	0.0282	0.0048	0.0008	0.0005	0.0227	0.0014	0.0307	0.0152	0.0008	0.1740	0.2544	0.1740	WIMO	0.089783	CACR	0.089783 CACR
0.0004	0.0521	0.0309	0.0052	0.0008	0.0006	0.0249	0.0016	0.0336	0.0167	0.0008	0.1903	0.2785	0.1903	WIMO	0.098247	CACR	0.098247 CACR
0.0004	0.0488	0.1330	0.0157	0.0014	0.0006	0.0235	0.0018	0.1360	0.0192	0.0014	0.2748	0.9399	0.5175	CACR	0.274772	WIMO	0.517451 CACR
0.0003	0.0430	0.1172	0.0139	0.0012	0.0005	0.0207	0.0016	0.1199	0.0169	0.0012	0.2425	0.8297	0.4573	CACR	0.242472	WIMO	0.457267 CACR
0.0003	0.0397	0.1084	0.0128	0.0011	0.0005	0.0192	0.0015	0.1108	0.0156	0.0011	0.2242	0.7675	0.4232	CACR	0.224246	WIMO	0.423234 CACR
0.0003	0.0279	0.1235	0.0113	0.0012	0.0007	0.0268	0.0012	0.0647	0.0180	0.0012	0.2618	0.5778	0.2719	CACR	0.261755	WIMO	0.271874 CACR
0.0003	0.0257	0.1136	0.0104	0.0011	0.0007	0.0247	0.0011	0.0596	0.0166	0.0011	0.2410	0.5317	0.2503	CACR	0.240974	WIMO	0.2503 CACR
0.0003	0.0217	0.0959	0.0088	0.0009	0.0006	0.0208	0.0009	0.0503	0.0140	0.0009	0.2036	0.4490	0.2115	CACR	0.20362	WIMO	0.211516 CACR
0.0004	0.0867	0.0132	0.0031	0.0046	0.0018	0.0516	0.0066	0.0458	0.0472	0.0046	0.3915	0.3496	0.3915	WIMO	0.128444	BIBE	0.086696 CAVE
0.0160	0.0948	0.0074	0.0012	0.0152	0.0086	0.1200	0.0158	0.0018	0.0672	0.0152	0.0357	0.4278	0.1200	SACR	0.094791	CAVE	0.120002 SACR
0.0176	0.1042	0.0081	0.0013	0.0167	0.0094	0.1319	0.0174	0.0020	0.0739	0.0167	0.0392	0.4704	0.1319	SACR	0.104212	CAVE	0.131913 SACR
0.0005	0.0257	0.0102	0.0070	0.0018	0.0000	0.0178	0.0023	0.0338	0.0164	0.0018	0.1230	0.1958	0.1230	WIMO	0.059584	CACR	0.059584 CACR
0.0005	0.0278	0.0110	0.0076	0.0020	0.0000	0.0192	0.0024	0.0365	0.0178	0.0020	0.1329	0.2117	0.1329	WIMO	0.064406	CACR	0.064406 CACR
0.0004	0.0224	0.0089	0.0061	0.0016	0.0000	0.0155	0.0020	0.0294	0.0143	0.0016	0.1072	0.1706	0.1072	WIMO	0.051934	CACR	0.051934 CACR
0.0001	0.0047	0.0019	0.0013	0.0003	0.0000	0.0033	0.0004	0.0062	0.0030	0.0003	0.0226	0.0358	0.0226	WIMO	0.01091	CACR	0.01091 CACR
0.0001	0.0131	0.0528	0.0045	0.0005	0.0004	0.0126	0.0005	0.0364	0.0081	0.0005	0.1179	0.2913	0.1482	CACR	0.117915	WIMO	0.148213 CACR
0.0001	0.0134	0.0539	0.0046	0.0005	0.0004	0.0129	0.0005	0.0372	0.0083	0.0005	0.1204	0.2974	0.1513	CACR	0.120403	WIMO	0.151335 CACR
0.0001	0.0140	0.0562	0.0048	0.0006	0.0004	0.0135	0.0006	0.0388	0.0086	0.0006	0.1255	0.3101	0.1578	CACR	0.125524	WIMO	0.157761 CACR
0.041454	0.973432	1.185484	0.152733	0.061692	0.02926	0.732783	0.072138	1.027336	0.499039	0.061692	4.128668						

11	12	13	14	15	16	17	18	19	20	21	22	
GRSA	**GUMO**	**HEGL**	**MING**	**PECO**	**ROMO**	**SACR**	**SAPE**	**UPBU**	**WHIT**	**WHPE**	**WIMO**	**all but WIMO and TX**
0.0006	0.0773	0.0705	0.0082	0.0018	0.0009	0.0428	0.0026	0.0461	0.0268	0.0018	0.3496	0.4283
0.0006	0.0777	0.0709	0.0082	0.0018	0.0009	0.0430	0.0026	0.0463	0.0270	0.0018	0.3513	0.4304
0.0007	0.0332	0.0044	0.0017	0.0028	0.0005	0.0301	0.0035	0.0105	0.0181	0.0028	0.1642	0.1321
0.0003	0.0345	0.0195	0.0030	0.0005	0.0003	0.0174	0.0010	0.0205	0.0107	0.0005	0.1364	0.1772
0.0003	0.0377	0.0213	0.0033	0.0006	0.0004	0.0191	0.0011	0.0224	0.0117	0.0006	0.1492	0.1939
0.0003	0.0353	0.0918	0.0100	0.0009	0.0004	0.0181	0.0013	0.0910	0.0135	0.0009	0.2157	0.6433
0.0002	0.0311	0.0809	0.0088	0.0008	0.0004	0.0159	0.0011	0.0802	0.0119	0.0008	0.1903	0.5675
0.0002	0.0288	0.0748	0.0082	0.0008	0.0003	0.0147	0.0011	0.0741	0.0110	0.0008	0.1759	0.5247
0.0002	0.0202	0.0852	0.0072	0.0008	0.0005	0.0206	0.0008	0.0433	0.0127	0.0008	0.2054	0.3965
0.0002	0.0186	0.0784	0.0066	0.0008	0.0005	0.0189	0.0008	0.0398	0.0117	0.0008	0.1891	0.3648
0.0002	0.0157	0.0661	0.0056	0.0006	0.0004	0.0160	0.0007	0.0336	0.0099	0.0006	0.1597	0.3079
0.0003	0.0628	0.0091	0.0020	0.0031	0.0012	0.0396	0.0047	0.0306	0.0333	0.0031	0.3077	0.2483
0.0116	0.0686	0.0051	0.0007	0.0104	0.0058	0.0921	0.0111	0.0012	0.0475	0.0104	0.0279	0.3124
0.0128	0.0755	0.0056	0.0008	0.0115	0.0064	0.1013	0.0123	0.0013	0.0522	0.0115	0.0307	0.3436

15	5	WA Parish	WA Parish 5	14157.28967	0	14157.28967	0.0009	0.0414	0.0059	0.0031	0.0401	0.0186	0.0039
16	6	WA Parish	WA Parish 6	15306.79967	0	15306.79967	0.0009	0.0447	0.0063	0.0034	0.0434	0.0201	0.0043
17	7	WA Parish	WA Parish 7	12334.96967	0	12334.96967	0.0008	0.0361	0.0051	0.0027	0.0350	0.0162	0.0034
18	8	WA Parish	WA Parish 8	2585.883333	0	2585.883333	0.0002	0.0076	0.0011	0.0006	0.0073	0.0034	0.0007
19	1	Welsh	Welsh 1	8083.911	0	8083.911	0.0005	0.0069	0.0009	0.0076	0.1000	0.0095	0.0004
20	2	Welsh	Welsh 2	8255.512667	0	8255.512667	0.0005	0.0070	0.0009	0.0078	0.1021	0.0097	0.0004
21	3	Welsh	Welsh 3	8608.802	0	8608.802	0.0005	0.0073	0.0009	0.0081	0.1064	0.0101	0.0004
						327253.2933	0.06600778	0.680185	0.092767	0.192529	2.297176	0.704573	0.05863

change in dv at 2018 Environ projected

							4	5	6	7	8	9	10
No.	**Unit #**	**Facility**		**Baseline emissions**	**controlled emiss**	**tons reduced**	**BAND**	**BIBE**	**BOAP**	**BRET**	**CACR**	**CAVE**	**GICL**
1	1	Big Brown	Big Brown 1	30667.22033	0	30667.22033	0.0010	0.0254	0.0028	#NUM!	0.0394	0.0295	0.0018
2	2	Big Brown	Big Brown 2	30814.37367	0	30814.37367	0.0010	0.0256	0.0028	#NUM!	0.0396	0.0296	0.0018
3	1	Coleto Creek	Coleto Creek 1	16059.31067	0	16059.31067	0.0010	0.0398	0.0043	#NUM!	0.0013	0.0126	0.0038
4	lim 1	Limestone	Limestone lim 1	10912.50933	0	10912.50933	0.0004	0.0118	0.0014	#NUM!	0.0193	0.0131	0.0009
5	lim 2	Limestone	Limestone lim 2	11946.36067	0	11946.36067	0.0005	0.0129	0.0015	#NUM!	0.0211	0.0143	0.0010
6	1	Martin Lake	Martin Lake 1	24494.92533	0	24494.92533	0.0005	0.0098	0.0013	#NUM!	0.1142	0.0134	0.0010
7	2	Martin Lake	Martin Lake 2	21580.41733	0	21580.41733	0.0004	0.0086	0.0011	#NUM!	0.1005	0.0118	0.0009
8	3	Martin Lake	Martin Lake 3	19940.02	0	19940.02	0.0004	0.0080	0.0011	#NUM!	0.0928	0.0109	0.0008
9	1	Monticello	Monticello 1	17864.781	0	17864.781	0.0005	0.0062	0.0008	#NUM!	0.0591	0.0077	0.0005
10	2	Monticello	Monticello 2	16429.34767	0	16429.34767	0.0005	0.0057	0.0008	#NUM!	0.0543	0.0070	0.0005
11	3	Monticello	Monticello 3	13856.60833	0	13856.60833	0.0004	0.0048	0.0007	#NUM!	0.0458	0.0059	0.0004
12	4	Sandow	Sandow 4	22289.21167	0	22289.21167	0.0015	0.0361	0.0050	#NUM!	0.0109	0.0239	0.0033
13	171b	Tolk	Tolk 171b	10031.389	0	10031.389	0.0124	0.0038	0.0061	#NUM!	0.0011	0.0261	0.0036
14	172b	Tolk	Tolk 172b	11033.65033	0	11033.65033	0.0136	0.0042	0.0067	#NUM!	0.0012	0.0287	0.0039
15	5	WA Parish	WA Parish 5	14157.28967	0	14157.28967	0.0005	0.0158	0.0030	#NUM!	0.0128	0.0071	0.0021
16	6	WA Parish	WA Parish 6	15306.79967	0	15306.79967	0.0005	0.0171	0.0032	#NUM!	0.0138	0.0076	0.0023
17	7	WA Parish	WA Parish 7	12334.96967	0	12334.96967	0.0004	0.0138	0.0026	#NUM!	0.0111	0.0062	0.0018
18	8	WA Parish	WA Parish 8	2585.883333	0	2585.883333	0.0001	0.0029	0.0005	#NUM!	0.0023	0.0013	0.0004
19	1	Welsh	Welsh 1	8083.911	0	8083.911	0.0003	0.0026	0.0004	#NUM!	0.0320	0.0036	0.0002
20	2	Welsh	Welsh 2	8255.512667	0	8255.512667	0.0003	0.0027	0.0004	#NUM!	0.0326	0.0037	0.0002
21	3	Welsh	Welsh 3	8608.802	0	8608.802	0.0003	0.0028	0.0005	#NUM!	0.0340	0.0038	0.0002
						327253.2933	0.03648191	0.260368	0.046927	#NUM!	0.739286	0.267861	0.031531

change in dv at 20%B NC

							4	5	6	7	8	9	10
No.	**Unit #**	**Facility**		**Baseline emissions**	**controlled emiss**	**tons reduced**	**BAND**	**BIBE**	**BOAP**	**BRET**	**CACR**	**CAVE**	**GICL**
1	1	Big Brown	Big Brown 1	30667.22033	0	30667.22033	0.0030	0.1153	0.0086	0.0289	0.2551	0.1358	0.0062
2	2	Big Brown	Big Brown 2	30814.37367	0	30814.37367	0.0030	0.1158	0.0087	0.0291	0.2563	0.1365	0.0062
3	1	Coleto Creek	Coleto Creek 1	16059.31067	0	16059.31067	0.0029	0.1797	0.0135	0.0048	0.0083	0.0583	0.0130
4	lim 1	Limestone	Limestone lim 1	10912.50933	0	10912.50933	0.0013	0.0535	0.0042	0.0060	0.1258	0.0606	0.0032
5	lim 2	Limestone	Limestone lim 2	11946.36067	0	11946.36067	0.0015	0.0585	0.0046	0.0065	0.1376	0.0664	0.0035
6	1	Martin Lake	Martin Lake 1	24494.92533	0	24494.92533	0.0015	0.0444	0.0040	0.0451	0.7189	0.0621	0.0033
7	2	Martin Lake	Martin Lake 2	21580.41733	0	21580.41733	0.0013	0.0392	0.0036	0.0398	0.6361	0.0547	0.0029
8	3	Martin Lake	Martin Lake 3	19940.02	0	19940.02	0.0012	0.0362	0.0033	0.0368	0.5891	0.0506	0.0027
9	1	Monticello	Monticello 1	17864.781	0	17864.781	0.0016	0.0283	0.0026	0.0322	0.3795	0.0356	0.0018
10	2	Monticello	Monticello 2	16429.34767	0	16429.34767	0.0015	0.0260	0.0024	0.0296	0.3496	0.0327	0.0017
11	3	Monticello	Monticello 3	13856.60833	0	13856.60833	0.0012	0.0220	0.0020	0.0250	0.2956	0.0276	0.0014
12	4	Sandow	Sandow 4	22289.21167	0	22289.21167	0.0045	0.1629	0.0155	0.0111	0.0710	0.1103	0.0113
13	171b	Tolk	Tolk 171b	10031.389	0	10031.389	0.0367	0.0174	0.0191	0.0060	0.0073	0.1206	0.0123
14	172b	Tolk	Tolk 172b	11033.65033	0	11033.65033	0.0404	0.0192	0.0210	0.0066	0.0081	0.1326	0.0135

0.0004	0.0186	0.0070	0.0045	0.0013	0.0000	0.0136	0.0016	0.0226	0.0116	0.0013	0.0964	0.1363
0.0004	0.0201	0.0076	0.0048	0.0014	0.0000	0.0148	0.0017	0.0244	0.0125	0.0014	0.1041	0.1473
0.0003	0.0162	0.0061	0.0039	0.0011	0.0000	0.0119	0.0014	0.0197	0.0101	0.0011	0.0840	0.1188
0.0001	0.0034	0.0013	0.0008	0.0002	0.0000	0.0025	0.0003	0.0041	0.0021	0.0002	0.0177	0.0249
0.0001	0.0095	0.0364	0.0029	0.0004	0.0003	0.0097	0.0004	0.0243	0.0057	0.0004	0.0924	0.1993
0.0001	0.0097	0.0372	0.0029	0.0004	0.0003	0.0099	0.0004	0.0248	0.0058	0.0004	0.0944	0.2035
0.0001	0.0101	0.0387	0.0031	0.0004	0.0003	0.0103	0.0004	0.0259	0.0061	0.0004	0.0984	0.2122
0.030119	0.704573	0.817619	0.09735	0.042433	0.019871	0.562298	0.050825	0.686683	0.352026	0.042433	3.240455	

11	12	13	14	15	16	17	18	19	20	21	22	
GRSA	**GUMO**	**HEGL**	**MING**	**PECO**	**ROMO**	**SACR**	**SAPE**	**UPBU**	**WHIT**	**WHPE**	**WIMO**	**all but WIMO and TX**
0.0004	0.0295	0.0210	#NUM!	0.0012	0.0005	0.0153	0.0017	0.0152	0.0141	0.0012	0.0874	#NUM!
0.0004	0.0296	0.0211	#NUM!	0.0012	0.0005	0.0154	0.0017	0.0152	0.0142	0.0012	0.0879	#NUM!
0.0004	0.0126	0.0013	#NUM!	0.0019	0.0003	0.0108	0.0022	0.0035	0.0095	0.0019	0.0406	#NUM!
0.0002	0.0131	0.0058	#NUM!	0.0003	0.0002	0.0062	0.0006	0.0067	0.0056	0.0003	0.0337	#NUM!
0.0002	0.0143	0.0063	#NUM!	0.0004	0.0002	0.0068	0.0007	0.0074	0.0062	0.0004	0.0369	#NUM!
0.0002	0.0134	0.0273	#NUM!	0.0006	0.0002	0.0065	0.0008	0.0300	0.0071	0.0006	0.0535	#NUM!
0.0001	0.0118	0.0241	#NUM!	0.0005	0.0002	0.0057	0.0007	0.0264	0.0063	0.0005	0.0471	#NUM!
0.0001	0.0109	0.0222	#NUM!	0.0005	0.0002	0.0053	0.0007	0.0244	0.0058	0.0005	0.0435	#NUM!
0.0001	0.0077	0.0253	#NUM!	0.0005	0.0003	0.0074	0.0005	0.0142	0.0067	0.0005	0.0509	#NUM!
0.0001	0.0070	0.0233	#NUM!	0.0005	0.0003	0.0068	0.0005	0.0131	0.0062	0.0005	0.0468	#NUM!
0.0001	0.0059	0.0197	#NUM!	0.0004	0.0002	0.0057	0.0004	0.0110	0.0052	0.0004	0.0395	#NUM!
0.0002	0.0239	0.0027	#NUM!	0.0021	0.0007	0.0142	0.0030	0.0101	0.0175	0.0021	0.0768	#NUM!
0.0065	0.0261	0.0015	#NUM!	0.0068	0.0032	0.0331	0.0071	0.0004	0.0250	0.0068	0.0068	#NUM!
0.0071	0.0287	0.0017	#NUM!	0.0075	0.0035	0.0364	0.0078	0.0004	0.0275	0.0075	0.0075	#NUM!
0.0002	0.0071	0.0021	#NUM!	0.0008	0.0000	0.0049	0.0010	0.0074	0.0061	0.0008	0.0237	#NUM!
0.0002	0.0076	0.0022	#NUM!	0.0009	0.0000	0.0053	0.0011	0.0080	0.0066	0.0009	0.0256	#NUM!
0.0002	0.0062	0.0018	#NUM!	0.0007	0.0000	0.0042	0.0009	0.0065	0.0053	0.0007	0.0207	#NUM!
0.0000	0.0013	0.0004	#NUM!	0.0001	0.0000	0.0009	0.0002	0.0014	0.0011	0.0001	0.0043	#NUM!
0.0000	0.0036	0.0108	#NUM!	0.0002	0.0001	0.0035	0.0002	0.0080	0.0030	0.0002	0.0227	#NUM!
0.0000	0.0037	0.0110	#NUM!	0.0002	0.0002	0.0035	0.0002	0.0082	0.0031	0.0002	0.0232	#NUM!
0.0000	0.0038	0.0115	#NUM!	0.0003	0.0002	0.0037	0.0003	0.0085	0.0032	0.0003	0.0242	#NUM!
0.016695	0.267861	0.242951	#NUM!	0.027702	0.010869	0.201459	0.032509	0.226032	0.185336	0.027702	0.803472	

11	12	13	14	15	16	17	18	19	20	21	22	
GRSA	**GUMO**	**HEGL**	**MING**	**PECO**	**ROMO**	**SACR**	**SAPE**	**UPBU**	**WHIT**	**WHPE**	**WIMO**	**all but WIMO and TX**
0.0011	0.1358	0.1362	0.0181	0.0035	0.0018	0.0683	0.0050	0.0963	0.0495	0.0035	0.5436	0.8211
0.0011	0.1365	0.1368	0.0182	0.0035	0.0019	0.0686	0.0050	0.0968	0.0498	0.0035	0.5461	0.8250
0.0013	0.0583	0.0085	0.0037	0.0055	0.0010	0.0481	0.0066	0.0221	0.0334	0.0055	0.2567	0.2364
0.0005	0.0606	0.0377	0.0067	0.0010	0.0007	0.0279	0.0019	0.0429	0.0198	0.0010	0.2134	0.3413
0.0006	0.0664	0.0412	0.0073	0.0011	0.0008	0.0305	0.0021	0.0470	0.0217	0.0011	0.2334	0.3735
0.0005	0.0621	0.1770	0.0221	0.0018	0.0008	0.0288	0.0025	0.1897	0.0250	0.0018	0.3366	1.2851
0.0004	0.0547	0.1561	0.0195	0.0016	0.0007	0.0254	0.0022	0.1673	0.0220	0.0016	0.2971	1.1352
0.0004	0.0506	0.1443	0.0180	0.0015	0.0007	0.0235	0.0020	0.1547	0.0204	0.0015	0.2749	1.0505
0.0004	0.0356	0.1644	0.0159	0.0016	0.0010	0.0328	0.0016	0.0904	0.0235	0.0016	0.3207	0.7867
0.0004	0.0327	0.1513	0.0146	0.0015	0.0009	0.0302	0.0015	0.0832	0.0216	0.0015	0.2953	0.7242
0.0003	0.0276	0.1277	0.0124	0.0013	0.0008	0.0255	0.0013	0.0702	0.0182	0.0013	0.2496	0.6118
0.0005	0.1103	0.0175	0.0044	0.0061	0.0024	0.0632	0.0089	0.0640	0.0614	0.0061	0.4790	0.4584
0.0200	0.1206	0.0099	0.0017	0.0203	0.0116	0.1468	0.0212	0.0025	0.0876	0.0203	0.0438	0.5438
0.0220	0.1326	0.0109	0.0018	0.0223	0.0127	0.1614	0.0233	0.0028	0.0963	0.0223	0.0482	0.5978

15	5	WA Parish	WA Parish 5	14157.28967	0	14157.28967	0.0014	0.0719	0.0093	0.0060	0.0835	0.0328	0.0073
16	6	WA Parish	WA Parish 6	15306.79967	0	15306.79967	0.0015	0.0777	0.0100	0.0065	0.0903	0.0354	0.0079
17	7	WA Parish	WA Parish 7	12334.96967	0	12334.96967	0.0012	0.0626	0.0081	0.0053	0.0728	0.0286	0.0063
18	8	WA Parish	WA Parish 8	2585.883333	0	2585.883333	0.0003	0.0132	0.0017	0.0011	0.0153	0.0060	0.0013
19	1	Welsh	Welsh 1	8083.911	0	8083.911	0.0008	0.0120	0.0014	0.0148	0.2074	0.0167	0.0008
20	2	Welsh	Welsh 2	8255.512667	0	8255.512667	0.0008	0.0122	0.0014	0.0151	0.2118	0.0171	0.0008
21	3	Welsh	Welsh 3	8608.802	0	8608.802	0.0008	0.0128	0.0014	0.0157	0.2207	0.0178	0.0008
						327253.2933	0.10844764	1.18073	0.146528	0.372105	4.74018	1.238836	0.108404

baseline Average 2009-2013	1
3yr average 2009-2013 (eliminate max and min)	2
Max 2009-2013	3
2018	4

0.0006	0.0328	0.0136	0.0098	0.0024	0.0000	0.0218	0.0030	0.0472	0.0214	0.0024	0.1509	0.2627
0.0007	0.0354	0.0147	0.0106	0.0026	0.0000	0.0236	0.0033	0.0510	0.0232	0.0026	0.1630	0.2840
0.0005	0.0286	0.0118	0.0086	0.0021	0.0000	0.0190	0.0026	0.0412	0.0187	0.0021	0.1316	0.2289
0.0001	0.0060	0.0025	0.0018	0.0004	0.0000	0.0040	0.0006	0.0086	0.0039	0.0004	0.0277	0.0481
0.0001	0.0167	0.0704	0.0064	0.0007	0.0005	0.0155	0.0007	0.0509	0.0106	0.0007	0.1447	0.3983
0.0001	0.0171	0.0719	0.0065	0.0007	0.0006	0.0158	0.0007	0.0519	0.0108	0.0007	0.1478	0.4067
0.0001	0.0178	0.0749	0.0068	0.0008	0.0006	0.0165	0.0008	0.0542	0.0113	0.0008	0.1540	0.4240
0.051805	1.238836	1.579346	0.214721	0.08246	0.039511	0.897105	0.096763	1.434864	0.650066	0.08246	5.05821	

Exhibit B

Read Me

This spreadsheet reproduces the Texas portion of the calculations from the CSPAR BART sensitivity memo from Brian Timin to Docket ID No. EPA-HQ-OAR-2011-0729: Regional Haze: Revisions to Provisions Governing Alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations, Limited SIP Disapprovals, and Federal Implementation Plans, dated 5/29/12. It applies the corrections from the above referenced memo to the projected visibility improvement results for the 2nd prong test summarized in Table 3-5 of the Document, "Technical Support Document for Demonstration of the Transport Rule as a BART Alternative," December 2011. It demonstrates that for Texas Class I areas and some of the Class I Areas in adjacent states, implementation of BART wold have resulted in more visibility improvement than CSAPR.

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The table below replicates Table 2 from the 5/29/12 CSPAR BART sensitivity memo from Brian Timin, with the addition of the calculation of the adjustment factors for Texas and Georgia discussed on the top of page 5 of that document. Note that EPA calculates a factor of 0.48 for Gerogia, which is a conservative rounding up of the factor calculated here.

State	2014 Base Case SO2 Emissions [tons]	2014 TR + BART-elsewhere SO2 Emissions (estimate from IPM used in air quality modeling) [tons]	SO2 Emissions Decrease from TR (as modeled) [tons]	2014 Budget Increase [tons]	SO2 Emissions Decrease from TR with Increased Budget [tons]	EPA's Resulting Emission Factor
Texas	453,332	266,627	-186,705	50,157	-136,548	0.731
Georgia	170,300	93,600	-76,700	40,334	-36,366	0.474
Total	623,632	360,227	-263,405	90,491	-172,914	

The table below is reproduced from Table 3 of the 5/29/12 CSPAR BART sensitivity memo from Brian Timin. It includes the Class I areas most affected by Texas emissions and the modeled visibility improvement from the Transport Rule + BART-elsewhere case (in deciviews). The 0.73 proportionality factor was calculated in the Brian Timin memo to correct for the increase of 50,157 tpy SO2 that was

Class I Area Name	State	TR + BART-elsewhere 20% Best Days (change in dv)	TR + BART-elsewhere 20% Best Days Proportionally Reduced by 0.73 (change in dv)	TR + BART-elsewhere 20% Worst Days (change in dv)	TR + BART-elsewhere 20% Worst Days Proportionally Reduced by 0.73 (change in dv)
Big Bend NP	TX	-0.2	-0.15	-1.1	-0.80
Caney Creek Wilderness	AR	-0.4	-0.29	-3.2	-2.34
Carlsbad Caverns NP	TX	-0.1	-0.07	-0.9	-0.66
Guadalupe Mountains NP	TX	-0.1	-0.07	-0.9	-0.66
Hercules-Glades Wilderness	MO	-0.6	-0.44	-2.5	-1.83
Salt Creek	NM	-0.1	-0.07	-0.7	-0.51

Upper Buffalo Wilderness	AR	-0.5	-0.37	-2.5	-1.83
White Mountain Wilderness	NM	-0.1	-0.07	-0.6	-0.44
Wichita Mountains	OK	-0.2	-0.15	-1.6	-1.17

In the above and below, improvements in visibility are represented by negative numbers, as this was used in the original analysis. Note that the reduction in TX emissions of 27% due to the increase in TX's SO2 budget of 50,157 tpy does not affect the "no degredation" test because all the modified visibility changes are still negative (some improvement).

Class I Areas (IMPROVE Site)	State	2014 Base Case Visibility 20% Best Days (dv)	2014 Base Case Visibility 20% Worst Days (dv)	TR + BART-elsewhere 20% Best Days (change in dv)	TR + BART-elsewhere 20% Best days Proportionally Reduced by 0.73 (change in dv)	TR + BART-elsewhere 20% Worst Days (change in dv)	TR + BART-elsewhere 20% Worst days Proportionally Reduced by 0.73 (change in dv)	BART - 2014 Base Case 20% Best Days (change in dv)	BART - 2014 Base Case 20% Worst Days (change in dv)
Acadia NP	ME	8.0	20.1	0.0		-1.1		0.0	-0.8
Badlands NP	SD	6.3	16.0	-0.1		-0.6		-0.1	-0.7
Bandelier NM	NM	4.2	11.1	-0.1		-0.3		-0.1	-0.4
Big Bend NP	TX	5.4	16.3	-0.2	-0.15	-1.1	-0.80	-0.2	-1.0
Black Canyon of the Gunnison	CO	2.3	9.5	-0.1		-0.1		-0.1	-0.1
Bosque del Apache	NM	5.6	13.0	-0.1		-0.6		-0.1	-0.6
Boundary Waters Canoe Area	MN	5.8	18.8	-0.1		-1.2		-0.1	-1.0
Brigantine	NJ	13.2	25.4	-0.4		-2.5		-0.2	-1.6
Caney Creek Wilderness	AR	11.3	24.4	-0.4	-0.29	-3.2	-2.34	-0.6	-2.2
Carlsbad Caverns NP	TX	5.2	15.5	-0.1	-0.07	-0.9	-0.66	-0.1	-0.8
Cohutta Wilderness	GA	12.9	26.6	-0.8		-3.8		-0.5	-2.3
Dolly Sods Wilderness	WV	10.3	27.1	-1.1		-5.7		-0.8	-3.2
Eagles Nest Wilderness	CO	0.4	8.3	0.0		-0.1		0.0	-0.1
Everglades NP	FL	11.5	20.4	-0.3		-1.0		-0.3	-0.7
Flat Tops Wilderness	CO	0.4	8.3	0.0		-0.1		0.0	-0.1
Great Gulf Wilderness	NH	6.7	19.2	-0.1		-1.8		-0.1	-1.3
Great Sand Dunes NM	CO	3.5	11.3	-0.1		-0.2		-0.1	-0.2
Great Smoky Mountains NP	TN	12.2	27.0	-0.8		-3.7		-0.7	-2.0
Guadalupe Mountains NP	TX	5.2	15.5	-0.1	-0.07	-0.9	-0.66	-0.1	-0.8
Hercules-Glades Wilderness	MO	12.2	25.2	-0.6	-0.44	-2.5	-1.83	-0.8	-1.7
Isle Royale NP	MI	6.4	19.9	-0.1		-1.0		-0.2	-0.9
James River Face Wilderness	VA	12.9	25.8	-0.9		-4.2		-0.5	-2.1
Joyce-Kilmer-Slickrock Wildern	TN	12.2	27.0	-0.8		-3.7		-0.7	-2.0

La Garita Wilderness	CO	2.3	9.5	-0.1		-0.1		-0.1	-0.1
Linville Gorge Wilderness	NC	10.3	26.0	-0.7		-4.3		-0.5	-2.3
Lostwood	ND	7.9	18.8	-0.1		-0.5		-0.1	-0.5
Lye Brook Wilderness	VT	5.5	20.7	-0.1		-2.6		-0.1	-1.7
Maroon Bells-Snowmass Wilde	CO	0.4	8.3	0.0		-0.1		0.0	-0.1
Mammoth Cave NP	KY	15.3	29.5	-1.2		-5.1		-0.9	-2.8
Medicine Lake	MT	6.5	17.7	0.0		-0.3		0.0	-0.3
Mesa Verde NP	CO	3.2	11.4	-0.1		-0.3		-0.1	-0.3
Moosehorn	ME	8.4	19.0	0.0		-1.0		0.0	-0.8
Mount Zirkel Wilderness	CO	1.0	9.2	0.0		-0.1		0.0	-0.1
North Absaroka Wilderness	WY	1.5	11.1	0.0		0.0		0.0	0.0
Okefenokee	GA	13.9	24.1	-0.9		-2.5		-0.7	-1.7
Otter Creek Wilderness	WV	10.3	27.1	-1.1		-5.7		-0.8	-3.2
Pecos Wilderness	NM	1.0	9.0	-0.1		-0.2		-0.1	-0.2
Presidential Range-Dry River W	NH	6.7	19.2	-0.1		-1.8		-0.1	-1.3
Rawah Wilderness	CO	1.0	9.2	0.0		-0.1		0.0	-0.1
Roosevelt Campobello Internat	ME	8.4	19.0	0.0		-1.0		0.0	-0.8
Cape Romain	SC	13.6	24.0	-0.7		-2.9		-0.4	-1.9
Rocky Mountain NP	CO	2.0	12.2	0.0		-0.1		0.0	-0.1
Salt Creek	NM	7.3	17.1	-0.1	-0.07	-0.7	-0.51	-0.2	-0.7
San Pedro Parks Wilderness	NM	1.2	9.9	-0.2		-0.3		-0.2	-0.4
Seney	MI	6.9	23.3	-0.1		-1.6		0.0	-1.5
Shenandoah NP	VA	9.0	26.2	-0.8		-5.0		-0.6	-3.0
Shining Rock Wilderness	NC	6.3	24.8	-0.7		-3.8		-0.5	-2.1
Sipsey Wilderness	AL	14.5	26.5	-0.9		-3.7		-0.9	-2.1
Theodore Roosevelt NP	ND	6.8	17.0	0.0		-0.3		0.0	-0.4
UL Bend	MT	4.2	15.2	0.0		-0.1		0.0	-0.1
Upper Buffalo Wilderness	AR	11.3	24.7	-0.5	-0.37	-2.5	-1.83	-0.6	-1.4
Voyageurs NP	MN	6.6	18.4	-0.1		-1.0		-0.1	-0.8
Washakie Wilderness	WY	1.5	11.1	0.0		0.0		0.0	0.0
West Elk Wilderness	CO	0.4	8.3	0.0		-0.1		0.0	-0.1
Weminuche Wilderness	CO	2.3	9.5	-0.1		-0.1		-0.1	-0.1
White Mountain Wilderness	NM	3.1	12.3	-0.1	-0.07	-0.6	-0.44	-0.2	-0.5
Wheeler Peak Wilderness	NM	1.0	9.0	-0.1		-0.2		-0.1	-0.2
Wind Cave NP	SD	4.6	15.1	0.0		-0.3		-0.1	-0.4
Wichita Mountains	OK	9.1	21.7	-0.2	-0.15	-1.6	-1.17	-0.2	-1.2
Wolf Island	GA	13.9	24.1	-0.9		-2.5		-0.7	-1.7
Eastern Class I Areas Average (60 Areas)				-0.3		-1.6		-0.2	-1.0

The above information is taken from Table 3-5 of the Document, "Technical Support Document for Demonstration of the Transport Rule as a BART Alternative," December 2011. As can be seen from a comparison to the first table, it also includes BART base case modeling results. In above, only Class I Areas in TX or those in surrounding states EPA identified in the Brian Timin memo as being impacted by TX's SO2 emissions were examined.

		20 % Best Days Visibility Improvement (dv)				20 % Worst Days Visibility Improvement (dv)			
Class I Area Name	State	TR + BART-elsewhere	TR + BART-elsewhere after TX Adjustment	BART - 2014 Base Case	Better Visibility under BART before or after TX Adjustment?	TR + BART-elsewhere	TR + BART-elsewhere after TX Adjustment	BART - 2014 Base Case	Better Visibility under BART before or after TX Adjustment?
Big Bend NP	TX	0.2	0.15	0.2	Y - After	1.1	0.80	1.0	Y - After
Caney Creek Wilderness	AR	0.4	0.29	0.6	Y - Before	3.2	2.34	2.2	N
Carlsbad Caverns NP	TX	0.1	0.07	0.1	Y - After	0.9	0.66	0.8	Y - After
Guadalupe Mountains NP	TX	0.1	0.07	0.1	Y - After	0.9	0.66	0.8	Y - After
Hercules-Glades Wilderness	MO	0.6	0.44	0.8	Y - Before	2.5	1.83	1.7	N
Salt Creek	NM	0.1	0.07	0.2	Y - Before	0.7	0.51	0.7	Y - After
Upper Buffalo Wilderness	AR	0.5	0.37	0.6	Y - Before	2.5	1.83	1.4	N
White Mountain Wilderness	NM	0.1	0.07	0.2	Y - Before	0.6	0.44	0.5	Y - After
Wichita Mountains	OK	0.2	0.15	0.2	Y - After	1.6	1.17	1.2	Y - After
Totals		2.3	1.7	3.0		14.0	10.2	10.3	

The above table summarizes the analysis for the Class I Areas most affected by Texas emissions. For the sake of clarity, changes in visibility from baselines which were previously represented as negative numbers, have been changed to positive numbers to more intuitively represent visibility improvement. As can be seen, in every Texas Class I Area and in every adjacent Class I Area EPA identified was impacted by Texas emissions, better visibility improvement resulted in the 20% best days and/or the 20% worst days from source-by-source BART than through CSAPR.

Exhibit C

Welsh Power Plant
Retrofit of Units 1 and 3

AEP SOUTHWESTERN ELECTRIC POWER COMPANY
A unit of American Electric Power

Quick Facts: About Welsh Power Plant

- **Location: Cason, Texas**
- **Stack height: 325 feet**
- **Average annual coal use: 6.5 million tons**
- **Coal yard storage capacity: 1.3 million tons**
- **Average daily coal use: 17,500 tons**
- **Annual payroll: $9 million**
- **Certified Tree Farm (first one for AEP in Texas)**

How We Generate Electricity

Coal arrives by rail and is stored in the plant's coal yard. Conveyor belts carry the coal from the yard into the plant where pulverizers grind the coal into a fine, talcum powder-like consistency. The powdered coal is injected into the boilers where it burns at high temperatures, turning water that circulates in the boilers into steam.

The steam is then directed into the turbines, where it turns blades (much like wind turning a windmill). The spinning turbine drives a generator that produces electricity.

Because electricity cannot be stored, it is generated the instant a customer needs it. The generators produce electricity at 18,000 volts. Transformers outside the plant step up the voltage to 345,000 volts so that it can be transmitted efficiently to customers' homes and businesses.

Welsh Plant's three generating units provide total capacity of 1,584 megawatts (MW). Units 1, 2 and 3 became operational in 1977, 1980 and 1982 respectively, each with capacity of 528 MW.

Welsh Plant is a base load, coal-fueled, power plant located southeast of Mt. Pleasant in Titus County, Texas. The three units use sub-bituminous coal mined from the Powder River Basin in Wyoming and shipped to East Texas via rail.

The Welsh plant is 28 percent of SWEPCO's capacity, with a net value of $247 million for all three units. SWEPCO made a commitment in 2011 to retire Unit 2 by April 2016.

SWEPCO has begun a retrofit of Units 1 and 3 at a total investment cost of $411 million to meet the environmental compliance deadline of April 2015 (extended to April, 2016). The unit retrofits are the highest value for SWEPCO's customers.

Retrofit Decision and Local Community Impact

- 133 SWEPCO employees affected
- Additional employment effect to local contractors
- $4.126 million in local taxes, including $2.6 million for Daingerfield-Lone Star ISD and $235,000 to Northeast Texas Community College
- $278,000 in Texas state taxes

Southwestern Electric Power Company and American Electric Power

Southwestern Electric Power Company (SWEPCO), is an operating unit of American Electric Power. SWEPCO serves 524,000 customers in Louisiana, Texas and Arkansas. SWEPCO's headquarters are in Shreveport, La. American Electric Power is one of the largest electric utilities in the United States, delivering electricity to more than 5 million customers in 11 states. AEP ranks among the nation's largest generators of electricity, owning nearly 36,000 megawatts of generating capacity in the U.S. AEP also owns the nation's largest electricity transmission system, a nearly 39,000-mile network that includes more 765-kilovolt extra-high voltage transmission lines than all other U.S. transmission systems combined. AEP's headquarters are in Columbus, Ohio.

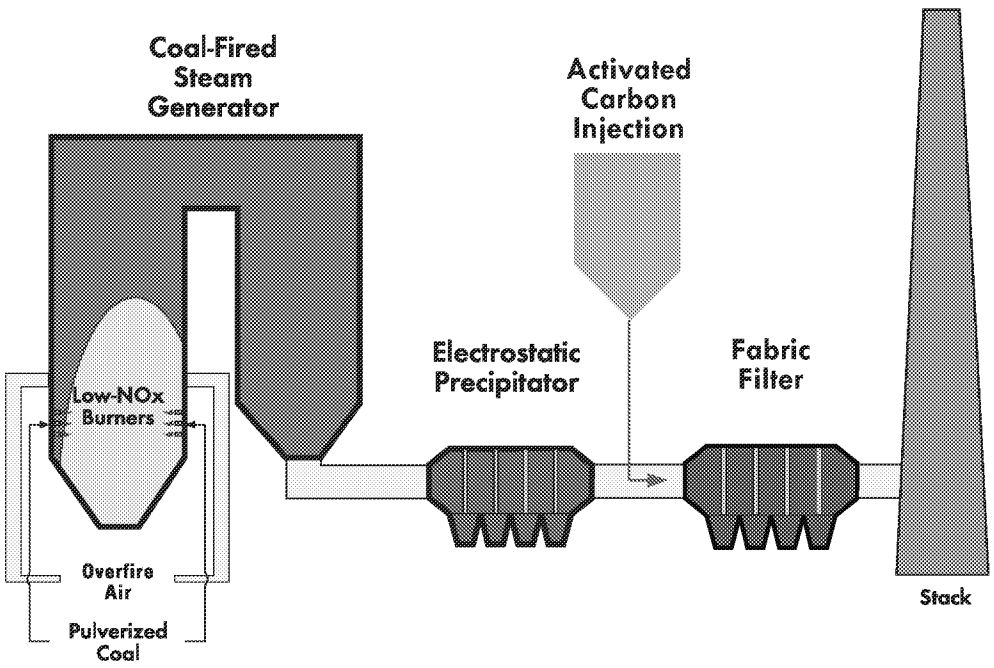
Protecting the Environment

AEP operates Welsh Plant under its Environmental Leadership Principles, which state in part: "We will actively seek to prevent pollution by minimizing our emissions to the environment. We will pay particular attention to the protection of the surrounding environment at existing facilities, company-owned land and when planning new facilities." Welsh Plant meets or exceeds the environmental standards set by state and federal regulations.

Welsh Plant employees take great pride in providing electricity while protecting air and water quality, recycling materials and maintaining an exemplary record of public and work safety.

- Low-NOx burners along with an overfire air system reduce nitrogen oxide (NOx) emissions by up to 60 percent. Low NOx burners control the way coal is burned to reduce the formation of NOx, a precursor to ozone, and an overfire air design injects air above the burning zone to enhance combustion. This infusion of air limits the formation of nitrogen dioxide, thereby reducing the formation of NOx.
- Electrostatic precipitators (ESP) remove more than 99 percent of all fly ash particles produced by coal combustion. In precipitators, fly ash from burning coal passes through electrically-charged plates, which pull the ash particles out of the exhaust gas stream. The ash can be marketed for use in land reclamation, in concrete and lightweight aggregate and in the production of paints, plastics and other products to reduce the amount of product that is landfilled.
- Powdered Activated Carbon Injection (ACI) is utilized downstream of the ESP to reduce mercury emissions below newly enacted environmental standards. ACI works by adsorbing the mercury from the gas produced during coal combustion.
- A new Fabric Filter will be installed to capture the powdered activated carbon and the mercury it has removed from the process. The Fabric Filter, which contains thousands of fabric bags, works like an air filter on an automobile by allowing gases to pass through while capturing particulate matter such as powdered activated carbon and fly ash. The bags are periodically pulsed with compressed air to remove the captured material into hoppers below. The material is then transported to the plant landfill for disposal.
- Welsh Plant uses an automated continuous emission monitoring system (CEMS) to monitor stack gas emissions. This highly accurate system helps ensure compliance with clean air requirements for sulfur dioxide, NOx and carbon dioxide emissions and opacity.

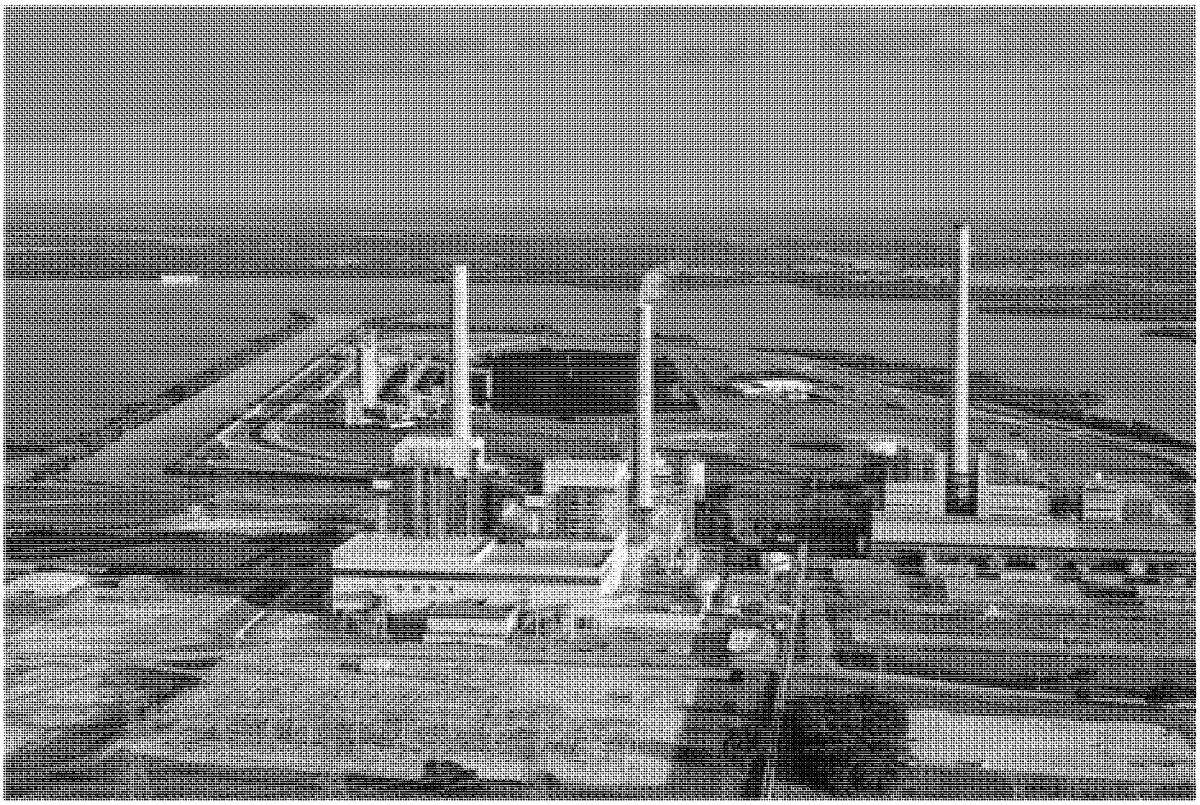
Welsh Power Plant Emission Control Equipment



EXC0002

Grid operator notified: Deely coal plant operations to be indefinitely suspended in 2018

By CPS Energy on October 28, 2013



As part of its long range planning, CPS Energy on Friday notified the Electric Reliability Council of Texas (ERCOT) of its intent to suspend operations indefinitely at JT Deely Units 1 and 2, effective Dec. 31, 2018.

The company's Board of Trustees is expected to approve a resolution that formally confirms the decision at its Nov. 18 meeting.

The Deely units have supplied the Greater San Antonio community with 871 megawatts of reliable, affordable electricity since 1977. The written notification is the definitive step toward closing the plant that sits on Calaveras Lake in southeast Bexar County.

In 2011, CEO Doyle Beneby proposed retiring the Deely units 15 years ahead of schedule in order to avoid spending upwards of $550 million in environmental retrofits that would have upgraded the units in advance of new regulatory emissions requirements.

In 2012, CPS Energy purchased the 800-MW Rio Nogales combined cycle natural gas plant to replace the energy supply of the older coal units. This measure, along with renewable resources, efficiency programs and conservation will reduce pollutants in the Greater San Antonio area at a level equivalent to removing 1.5 million cars from the road by 2020.

EXC0003

"The retirement of the Deely coal plants will mean cleaner air to breathe and fewer people with asthma," said Karen Hadden, executive director of the SEED Coalition, who worked with CPS Energy more than a decade ago to bring cleaner air to San Antonio. The closure "will especially improve the health of children, the elderly and those with breathing impairments."

"We're currently considering ways to repurpose the plant for other, less carbon-intense power production," said Cris Eugster, executive vice president and chief generation and strategy officer. "We haven't determined what that next-generation supply will be, and we won't need it until 2020. But these are long-term plans and big decisions that take time."

"We are glad CPS has taken this step to lock in their decision to retire Deely," said Tom "Smitty" Smith, state director of Public Citizen, which advocates for affordable, clean and sustainable energy. "It's another way CPS has shown its leadership among utilities in Texas."

RELATED STORIES:

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CPS Energy leading on greenhouse gas reductions

Ozone is rising in Bexar County, even as CPS Energy reduces emissions

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EXC0004

VISTRA ENERGY

NEWS RELEASE

Luminant Announces Decision to Retire Its Monticello Power Plant

3 Units in Northeast Texas Affected

IRVING, Texas — Oct. 6, 2017 — Luminant, a subsidiary of Vistra Energy (NYSE: VST), today announced plans to retire its Monticello Power Plant in Titus County, Texas. In total, approximately 1,800 MW of power will be taken offline in January of 2018.

Curt Morgan, Vistra Energy's president and chief executive officer, said, "For more than 40 years, Monticello employees have generated reliable power for Texans, and we honor and recognize their service. But the market's unprecedented low power price environment has profoundly impacted its operating revenues and no longer supports continued investment."

Luminant estimates that approximately 200 employees will be impacted by Monticello's retirement. Eligible and affected employees will be offered severance benefits and outplacement assistance. The company will also assist employees who are interested in pursuing open positions within our fleet.

Mr. Morgan continued, "This was a difficult decision made after a year of careful analysis. We are sensitive to the consequences of our decision on employees and members of the local community, with whom we have worked closely for decades. Luminant will be coordinating with civic leadership to prepare for the impacts of the transition."

As part of the retirement process, today Luminant filed a notice with the Electric Reliability Council of Texas ("ERCOT"), which will trigger a reliability review. If ERCOT determines the units are not needed for reliability following this 60-day review, Luminant expects to stop plant operations on Jan. 4, 2018.

Luminant will take the necessary steps to responsibly decommission the facility in accordance with all federal and state regulations. In addition, we will continue the ongoing reclamation work at the plant's mines, which ceased active operations in the spring of 2016.

Vistra estimates it will record one-time charges of approximately $20-25 million in the third quarter of 2017 related to the retirement, including employee-related severance costs and non-cash charges for materials inventory and the acceleration of Luminant's mining reclamation obligations.

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About Vistra Energy
Vistra Energy is a premier Texas-based energy company focused on the competitive energy and power generation markets through operation as the largest retailer and generator of electricity in the growing Texas market. Our integrated portfolio of competitive businesses consists primarily of TXU Energy and Luminant. TXU Energy sells retail electricity and value-added services (primarily through our market-leading TXU Energy™ brand) to approximately 1.7 million residential and business customers in Texas. Luminant generates and sells electricity and related products from our diverse fleet of generation facilities totaling approximately 18,000 MW of generation in Texas, including 2,300 MW fueled by nuclear power, 8,000 MW fueled by coal, and 7,500 MW fueled by natural gas, and is a large purchaser of renewable power including wind and solar-generated electricity. The company is currently developing one of the largest solar facilities in Texas by capacity.

Cautionary Note Regarding Forward-Looking Statements
This press release includes forward-looking statements, which are subject to risks and uncertainties. All statements, other than statements of historical facts, are forward-looking statements. These statements are often, but not always, made through the use of words or phrases such as "may," "should," "could," "predict," "potential," "believe," "will likely result," "expect," "continue," "will," "anticipate," "seek," "estimate," "intend," "plan," "project," "forecast," "goal," "target," "would" and "outlook," or the negative variations of those words or other comparable words of a future or forward-looking nature. Readers are cautioned not to place undue reliance on forward-looking statements. Any such forward-looking statement involves uncertainties and is qualified in its entirety by reference to the discussion of risk factors under "Risk Factors" and the discussion under "Management's Discussion and Analysis of Financial Condition and Results of Operations" in the Form 10-Ks and Form 10-Qs filed by Vistra Energy Corp. and other important factors that could cause actual results to differ materially from those implied by such forward-looking statements.

Any forward-looking statement speaks only at the date on which it is made, and except as may be required by law, Vistra Energy undertakes no obligation to update any forward-looking statement to reflect events or circumstances after the date on which it is made or to reflect the occurrence of unanticipated events. New factors emerge from time to time, and it is not possible to predict all of them; nor can Vistra Energy assess the impact of each such factor or the extent to which any factor, or combination of factors, may cause results to differ materially from those contained in any forward-looking statement.

VISTRA ENERGY

NEWS RELEASE

Luminant to Close Two Texas Power Plants

Decision a Result of Challenging Plant and Market Economics

IRVING, Texas — Oct. 13, 2017 — Luminant, a subsidiary of Vistra Energy (NYSE: VST), today announced that it will close two coal-fueled power plants in Central Texas: its two-unit Sandow Power Plant in Milam County and its two-unit Big Brown Power Plant in Freestone County. In total, approximately 2,300 MW of nameplate power will be taken offline in early 2018.

These two plants are economically challenged in the competitive ERCOT market. Sustained low wholesale power prices, an oversupplied renewable generation market, and low natural gas prices, along with other factors, have contributed to this decision.

Curt Morgan, Vistra Energy's president and chief executive officer, said, "This announcement is a difficult one to make. It is never easy to announce an action that has a significant impact on our people. Though the long-term economic viability of these plants has been in question for some time, our year-long analysis indicates this announcement is now necessary. These employees have kept both plants reliably powering Texas for decades, and we greatly appreciate their service."

Sandow Site

Earlier this week, the company and Alcoa entered into a contract termination agreement pursuant to which the parties agreed to an early settlement of a long-standing power and mining agreement. In consideration for the early termination, Alcoa made a one-time payment to Luminant. The settlement follows a decrease in wholesale power prices in ERCOT and the prior closure of Alcoa's smelter operation next to Sandow. The contract has helped shield Sandow from significant exposure to the downturn in the wholesale power market; however, the standalone economics of the Sandow complex no longer support continued investment in the site in this low wholesale power price environment.

Also closing will be Three Oaks Mine, located primarily in Bastrop County, which supports this plant.

Luminant estimates that approximately 450 employees will be impacted by the Sandow plant and Three Oaks mine closure. Eligible and affected employees will be offered severance benefits and outplacement assistance.

As part of the closure process, today Luminant filed a 90-day notice of suspension of operations with ERCOT, which will trigger a 60-day reliability review. If ERCOT determines the Sandow units are not needed for reliability following this 60-day review, Luminant expects to cease plant operations on Jan. 11, 2018.

Luminant will take the necessary steps to responsibly decommission the facility in accordance with all federal and state regulations. In addition, ongoing reclamation work will continue at Three Oaks Mine.

Big Brown Site

Over the last few years, the Big Brown team has made tremendous operational adjustments to remain viable given the challenging market conditions. However, despite these best efforts, the economics of operating Big Brown do not make it a sustainable option for our fleet. The company will explore a sales process for the site during the ERCOT notification period.

Turlington Mine, which supplies Big Brown, was already scheduled to wind down operations by the end of 2017. Reclamation work will continue there.

Luminant estimates that about 200 employees will be impacted by the Big Brown closure. Eligible and affected employees will be offered severance benefits and outplacement assistance.

As part of the closure process, today Luminant filed a 120-day notice of suspension of operations with ERCOT, which will trigger a 60-day reliability review. Luminant is extending the 90-day notice to 120 days to permit a more complete sales process and give ERCOT additional time to conduct their reliability analysis. If ERCOT determines the Big Brown units are not needed for reliability following the 60-day review, and if the site has not been sold, Luminant expects to cease operations on Feb. 12, 2018.

Financial Impact

Vistra expects to record one-time charges of approximately $70 to 90 million in the fourth quarter of 2017 related to the expected retirements, including employee-related severance costs and non-cash charges for writing off materials inventory and a contract intangible asset associated with Sandow 4. We expect to record additional one-time charges in the fourth quarter of 2017 related to changes in the timing and amounts of asset retirement obligations for mining and plant-related reclamation obligations at these facilities.

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About Vistra Energy

Vistra Energy is a premier Texas-based energy company focused on the competitive energy and power generation markets through operation as the largest retailer and generator of electricity in the growing Texas market. Our integrated portfolio of competitive businesses consists primarily of TXU Energy and Luminant. TXU Energy sells retail electricity and value-added services (primarily through our market-leading TXU Energy™ brand) to approximately 1.7 million residential and business customers in Texas. Luminant generates and sells electricity and related products from our diverse fleet of generation facilities totaling approximately 18,000 MW of generation in Texas, including 2,300 MW fueled by nuclear power, 8,000 MW fueled by coal, and 7,500 MW fueled by natural gas, and is a large purchaser of renewable power including wind and solar-generated electricity. The company is currently developing one of the largest solar facilities in Texas by capacity.

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Financial Condition and Results of Operations" in the Form 10-Ks and Form 10-Qs filed by Vistra Energy Corp. and other important factors that could cause actual results to differ materially from those implied by such forward-looking statements.

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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2017, I filed National Parks Conservation Association, Sierra Club, and Environmental Defense Fund's *Petition for Reconsideration of Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan (Oct. 17, 2017); EPA–R06–OAR–2016–0611; FRL–9969–07–Region 6*, via email and Federal Express, to:

Administrator Scott Pruitt
Office of the Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building – Mail Code 1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460
Pruitt.Scott@epa.gov

Further, I certify that on December 15, 2017, I served a courtesy copy of the foregoing, via email, to:

Kevin Minoli
Acting General Counsel
Office of General Counsel
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1200 Pennsylvania Ave., NW
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Minoli.Kevin@epa.gov

Lea Anderson
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Air & Radiation Docket
A-and-R-Docket@epa.gov

December 15, 2017

/s/ Gabrielle Winick
Gabrielle Winick

ED_006751_00000104-00188

Attachment 6

October 13, 2020

BY FEDERAL EXPRESS AND BY E-MAIL

Administrator Andrew R. Wheeler
Office of the Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building – Mail Code 1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460
Wheeler.andrew@epa.gov

Re: Petition for Partial Reconsideration of Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan EPA–R06–OAR–2016–0611

On August 12, 2020, the Environmental Protection Agency ("EPA") published a final rule, "Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan," 85 Fed. Reg. 49,170 ("Trading Rule"). As the "primary evidence" for EPA's conclusion that the Trading Rule is a valid alternative to "best available retrofit technology" ("BART") for Texas electric generating units under 40 C.F.R. § 51.308(e)(3), *id.* at 49,189/2, the Trading Rule relies on an analytic demonstration purporting to demonstrate that, despite significant increases in total allowable emissions from Texas and Georgia, visibility improvement under the Cross-State Air Pollution Rule ("CSAPR" or "Transport Rule"), including the Trading Rule, is still equal to or greater than the improvements expected under source-specific BART. On July 6, 2020—the same day EPA signed the Trading Rule—the agency also denied a petition for administrative reconsideration of that same analytic demonstration, concluding, based on a previously undisclosed "Corrected Sensitivity Analysis," that CSAPR, together with the projected emissions resulting from the Trading Rule, remains a valid BART alternative. *See* U.S. EPA, Petition for Partial Reconsideration of Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas, 85 Fed. Reg. 40,286, EPA Docket EPA-HQ-OAR-2016-0598 (Exhibit A); *see also* EPA Docket EPA-HQ-OAR-2016-0598-0034_content (spreadsheet calculation tab "2020 Petition TX+GA Adjust" posted July 6, 2020) (Exhibit B).

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Although the Trading Rule references and explicitly relies on that analytic demonstration, EPA did not address or include the Corrected Sensitivity Analysis as part of the Trading Rule. Because that analysis is of central relevance to the Trading Rule, Petitioners now seek partial reconsideration of that Rule.[1]

As discussed below, EPA's "corrected" analysis, which was presented for the first time on July 6, 2020, makes clear that CSAPR, in conjunction with the program described in the Trading Rule, does *not* satisfy the two-pronged test under 40 C.F.R. § 51.308(e)(3) to qualify as a BART alternative. In fact, the spreadsheet underlying the agency's corrected analysis demonstrates that visibility improvement under CSAPR, including the Trading Rule, is *not* equal to or greater than visibility improvement under source-specific BART averaged over all 140 Class I areas or the 60 eastern Class I areas covered by the Trading Rule (see Section II. below). That corrected analysis is "of central relevance to the outcome of the" Trading Rule. 42 U.S.C. § 7607(d)(7)(B). Indeed, it is the "primary evidence" for EPA's conclusion that the Trading Rule is a lawful and valid BART alternative under the Regional Haze Rule. 85 Fed. Reg. at 49,189/2. Contrary to EPA's assertions, that "corrected" analysis reveals that the Trading Rule does not achieve greater reasonable progress than source-specific BART, and is therefore is arbitrary, capricious, and contrary to the Clean Air Act and Regional Haze Rule. *Id.* § 7607(d)(9)(A). Moreover, because EPA disclosed the updated analysis for the first time on July 6, 2020, the grounds for the objections raised in this petition "arose after the period for public comment," which ended on January 13, 2020 for EPA's Supplemental Notice of Proposed Rulemaking (84 Fed. Reg. 61,850 (Nov. 14, 2019)).[2] *Id.* § 7607(d)(7)(B). Accordingly, the Administrator must "convene a proceeding for reconsideration" of portions of the rule, and "provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed." *Id.* § 7607(d)(7)(B).[3]

II. BACKGROUND

In 2011, EPA promulgated the Transport Rule (i.e., CSAPR), which required 28 states in the eastern U.S., including Texas, to curb power plant emissions of sulfur dioxide ("SO_2") and nitrogen oxides ("NO_x") that cross state lines and significantly contribute to violations of ozone and fine-particle standards in other states. 76 Fed. Reg. 48,208 (Aug. 8, 2011). Promulgated under the Clean Air Act's "good neighbor" provision, 42 U.S.C. § 7410(a)(2)(D)(I), the Transport Rule allowed sources to trade emission allowances with other sources in the same or different states, although it constrained emission shifting somewhat by setting emission ceilings or budgets for each state. *Id.* at 48,348. For each state regulated by the Transport Rule, EPA contemporaneously promulgated a federal implementation plan ("FIP") allocating that State's

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[1] This Petition is filed pursuant to section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B), and, to the extent it may be applicable, section 4(d) of the Administrative Procedure Act ("APA"), 5 U.S.C. § 553(e).

[2] The comment period for EPA's earlier proposed rule, 83 Fed. Reg. 43,586 (Aug. 27, 2018), closed on Oct. 26, 2018.

[3] Because judicial review of the rule is available by the filing of a petition for review within sixty days of the publication date—that is, by September 4, 2020—the grounds for the objections arose "within the time specified for judicial review." *Id.*

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emission budget among its in-state electricity generating units ("EGUs"). *Id.* at 48,271, 48,284-87.

To implement the Clean Air Act's separate visibility protection mandate and its implementing regulation, the Regional Haze Rule, the states (or EPA where a state fails to act) must submit implementation plans that ensure "reasonable progress" toward eliminating human-caused visibility impairment at national parks and wilderness area by 2064. 40 C.F.R. § 51.308(d)(1), (d)(3). A key element of both the Clean Air Act and the Regional Haze Rule is the requirement to install "best available retrofit technology" ("BART") at many of the nation's oldest sources. 42 U.S.C. § 7491(b)(2)(A); 40 C.F.R. § 51.308(e). Under the Regional Haze Rule, states were required to submit implementation plans addressing BART and ensuring reasonable progress toward the national visibility goal by December 2007. 40 C.F.R. § 51.308(b).

In 2012, EPA published a BART Exemption Rule (or "CSAPR Better-than-BART" Rule), 77 Fed. Reg. 33,643 (June 7, 2012), which exempted EGUs covered by EPA's Transport Rule trading program from meeting source-specific BART requirements under the Regional Haze Rule. EPA justified that 2012 BART Exemption Rule with computer modeling purporting to show that the Transport Rule satisfied both criteria of the agency's test for a valid BART alternative—namely, that when compared to EPA's "presumptive" BART emission limits, implementation of the Transport Rule (1) does not cause visibility to decline in any Class I area, and (2) there is an overall improvement in visibility, determined by comparing the average differences between BART and the alternative over all affected Class I areas. *See also* 40 C.F.R. § 51.308(e)(3).[4] As part of that modeling analysis, EPA also conducted a qualitative "Sensitivity Analysis," which purported to demonstrate that the Transport Rule remained a valid "better-than-BART" alternative despite increases in the emission budgets for Texas and Georgia.[5]

In 2015, however, the D.C. Circuit held that EPA's sulfur dioxide and annual nitrogen oxide Transport Rule budgets for several states, including Texas, were invalid. *EME Homer City*

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[4] The Regional Haze Rule includes a specific so-called ''better-than-BART'' test that may be satisfied in one of two ways: (1) If the distribution of emissions under the alternative measure is not substantially different than under BART *and* the alternative measure results in greater emission reductions; or (2) if the distribution of emissions is significantly different and an air quality modeling study for the best and worst 20 percent of days shows an improvement in visibility from the alternative measure relative to BART. 40 C.F.R. § 51.308(e)(3).

Because CSAPR results in a substantially different distribution of emissions, EPA's 2012 CSAPR Better than-BART Rule relied on the second test. 77 Fed. Reg. 33,642. To demonstrate that an alternative is ''better-than-BART'' based on such an air quality modeling, EPA must demonstrate that two criteria (referred to below as ''prongs'') are met: first, visibility does not decline in any Class I area, and second, there is an overall improvement in visibility, determined by comparing the average differences in visibility conditions under BART and the alternative measure across all affected Class I areas. 40 C.F.R. § 51.308(e)(3)(i)-(ii); *see also* 81 Fed. Reg. at 78,954, 78,958 (Nov. 10, 2016).

[5] U.S. EPA, Memorandum, Sensitivity Analysis Accounting for Increases in Texas and Georgia Transport Rule State Emissions Budgets (May 29, 2012), EPA-HQ-OAR-2011-0729-0323 (Exhibit C).

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Generation v. EPA, 795 F.3d 118, 138 (D.C. Cir. 2015) ("*Homer City II*"). As a result, EPA determined it would have to re-evaluate whether those states' power plants would still be subject to the Transport Rule, and accordingly, whether EGUs in those states could continue to rely on the BART Exemption Rule as an alternative to source-specific BART for EGUs.

In November 2016, EPA published a proposed rule captioned "Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas," which included two primary components. First, in response to the D.C. Circuit's decision in *Homer City II*, EPA proposed to withdraw the FIP provisions that required Texas and three other states' EGUs to participate in the Transport Rule trading programs for annual emissions of sulfur dioxide. 81 Fed. Reg. 78,954, 78,960 (Nov. 10, 2016).[6]

Second, despite the withdrawal of Texas from the annual sulfur dioxide and nitrogen oxide emission trading program and other changes in the Transport Rule, EPA proposed to find, based on its 2012 qualitative analysis, that the Transport Rule would continue to result in greater reasonable progress toward natural visibility under the Regional Haze program. 81 Fed. Reg. at 78,962. EPA's rationale for finding that Transport Rule remained "better than BART" for the remaining Transport Rule states despite the withdrawal of Texas's sulfur dioxide and nitrogen oxide emission budgets depended on the assumption that eligible Texas EGUs would have to be treated as subject to source-specific BART for sulfur dioxide emissions instead of being treated as subject to Transport Rule sulfur dioxide trading requirements. According to EPA, treating Texas EGUs as subject to BART for sulfur dioxide instead of Transport Rule sulfur dioxide requirements would have "reduced projected SO_2 emissions by between 127,300 tons—approximately 177,800 tons per year more than CSAPR—thereby improving projected air quality in [the CSAPR + BART everywhere else] scenario relative to projected air quality in both the Nationwide BART scenario and the base case scenario." *Id.* at 78,963. EPA further explained that, as a result of those source-specific BART reductions:

> ***it is a logical conclusion that the modeled visibility improvement in the CSAPR + BART elsewhere scenario would have been even larger relative to the other scenarios than what was modeled in the 2012 analytic demonstration as reflected in the CSAPR-Better-than-BART rule***. There is therefore no need to do any new modeling or more complicated sensitivity analysis. ***The lower SO2 emissions in Texas would clearly have led to more visibility improvement on the best and worst visibility days in the nearby Class I areas***. Since the ''original'' CSAPR + BART-elsewhere scenario passed both prongs of the better-than-BART test (compared to the Nationwide BART scenario and the base case scenario), a modified CSAPR + BART-elsewhere scenario without Texas in the CSAPR region would without question also have passed both prongs of the better-than-BART test. In fact, if the modeling analysis had reflected the withdrawal of FIP

[6] Because 2014 air quality modeling showed that Texas no longer contributed significantly to downwind nonattainment for the 1997 annual $PM_{2.5}$ NAAQS in any state, EPA proposed to find that it lacked authority under the "good neighbor" provision of the Clean Air Act, 42 U.S.C. § 7410(a)(2)(D)(i)(I), to require emission reductions from Texas and other states' EGUs to protect downwind air quality.

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provisions for Texas EGUs proposed in this action, the ***EPA expects that CSAPR implementation would have passed the better-than-BART test even more easily, again supporting the use of CSAPR implementation as a BART alternative*** for all states whose EGUs participate in the CSAPR trading programs.[7]

Petitioners did not oppose EPA's proposed removal of Texas from annual sulfur dioxide and nitrogen oxide emission limits under the Transport Rule, but opposed EPA's continued reliance on an outdated 2012 analysis to justify continued exemption of EGUs from source-specific BART in the 27 remaining Transport Rule states.[8]

On January 4, 2017, EPA published a separate notice of proposed rulemaking to satisfy Texas's long-overdue BART obligations under the Clean Air Act. 82 Fed. Reg. 912 (Jan. 4, 2017). That proposal found, among other things, that in light of the D.C. Circuit's decision invalidating Texas's Transport Rule emission budgets in *Homer City II*, the state's EGUs could not continue to rely on the Transport Rule to satisfy the BART requirements.[9] Instead, after conducting detailed, source-specific five-factor BART analyses, EPA proposed sulfur dioxide emission limits for eighteen coal-fired and seven gas-fired EGUs in Texas. 82 Fed. Reg. at 946-47 (Tables 33 and 34).

EPA concluded that based on the installation of new scrubbers, coal-fired EGUs in Texas could cost-effectively meet sulfur dioxide emission limits between 0.04 and 0.06 lb/mmBTU, *see id.* at 939-46—significantly lower than the 0.15 lb/mmBTU "presumptive" sulfur dioxide limit that EPA had relied on in concluding that the New BART Exemption Rule was "Better than BART."[10] Similarly, for units with existing scrubbers, EPA projected that it would be cost effective for the units to update their scrubbers to meet sulfur dioxide emission limits between

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[7] 81 Fed. Reg. at 78,963-64 (citations omitted; emphasis added).

[8] *See Comments by Earthjustice et al.* (submitted Jan. 9, 2017) [EPA Docket No. EPA-HQ-OAR-2016-0598].

[9] According to EPA, the Transport Rule remains a valid substitute for nitrogen oxide BART because Texas EGUs are subject to ozone-season nitrogen oxide emission limits under the Transport Rule Update. 81 Fed. Reg. at 78,957-58.

[10] Petitioners continue to object to EPA's reliance on flawed and outdated "presumed" BART emission limits. As EPA's source-specific Texas BART proposal and its final reasonable progress FIP make clear, it is common for coal-fired EGUs to cost-effectively meet sulfur dioxide emission limits between 0.04 and 0.06 lb/mmBTU—significantly lower than the "presumptive" 0.15 lb/mmBTU limit that EPA had relied on in concluding that the Trading Rule, in conjunction with the New BART Exemption Rule, are still "better than BART." 82 Fed. Reg. 912 (Jan. 4, 2017) (source specific BART proposal); 81 Fed. Reg. 296 (Jan. 5, 2016) (final reasonable progress FIP). EPA's Trading Rule does not conclude otherwise. Given that EPA's own source-specific analyses, *id.*, show that significantly lower emission rates are technically and economically feasible, there is nothing in the record to support EPA's continued comparison of projected emissions under CSAPR or the Trading Rule against outdated, presumptive BART limitations. As discussed below, however, even applying EPA's obsolete and excessively high presumptive BART emission limits, the agency's own analysis demonstrates that the Trading Rule and CSAPR do not result in greater reasonable progress than BART.

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0.11-0.12 lb/mmBTU. *See id.* EPA supported the proposed rule with technical and legal documentation of its analysis of each of the five factors used to determine "best available retrofit technology," as required in the statute, 42 U.S.C. § 7491(g)(2), and applicable regulations, 40 C.F.R. § 51.308(e)(1)(ii)(A). EPA projected that its Texas BART proposal would reduce harmful sulfur dioxide emissions by 194,000 tons per year, a "larger reduction than projected" under the Transport Rule.[11] EPA has not refuted the technical documentation supporting its conclusions that these units could achieve those emission limits and that such limits constitute BART for each subject unit.

On September 29, 2017, EPA issued the final New BART Exemption Rule. 82 Fed. Reg. 45,481. As proposed, EPA finalized the withdrawal of the FIP provisions requiring affected Texas EGUs to participate in Transport Rule trading programs for annual emissions of sulfur dioxide and nitrogen oxides. Also as proposed, EPA finalized its finding that the original 2012 Transport Rule "better-than-BART" analysis remained valid, and thus, there was no need to revise or revisit the Transport Rule better than BART rule. *Id.* at 45,491. That conclusion was based on EPA's assumption that the removal of Texas from the Transport Rule for sulfur dioxide would resulted in an even larger reduction in Texas sulfur dioxide emissions than modeled in the original Transport Rule scenario because Texas EGUs would be subject to source-specific sulfur dioxide BART instead of being subject to the Transport Rule. EPA projected that Texas EGUs' sulfur dioxide emissions would be at least 127,300 tons lower under BART than under the Transport Rule. As a result, EPA concluded that the removal of Texas from the Transport Rule would have "strengthened" the 2012 analytic demonstration because the only material change from the sensitivity analysis would be even greater emission reductions and accompanying visibility benefits resulting from source-specific sulfur dioxide BART for Texas sources.

In the final New BART Exemption Rule, EPA also admitted for the first time that Texas's removal from the Transport Rule could result in a potential shift of 22,300 to 53,000 tons per year of sulfur dioxide allowances to other states.[12] EPA explained that the reason for this shift in emissions was that in the original Transport Rule scenario, Texas EGUs were projected to emit at least 22,300 tons of sulfur dioxide in excess of the state budget. This would have been possible through the use of allowances purchased from EGUs in other sulfur dioxide Group 2 states: Alabama, Georgia, Kansas, Minnesota, Nebraska, and South Carolina. But because Texas is no longer part of the Transport Rule trading program, Texas EGUs would no longer purchase those allowances from the other states, and the EGUs in those other states could potentially use those allowances to increase their own sulfur dioxide emissions. Accounting for that shift in emissions, EPA estimated the overall net projected reduction in sulfur dioxide emissions by removing Texas from the Transport Rule and requiring source-specific BART would be approximately 105,000 tons per year, instead of the 127,300 tons described in the original proposal. Despite the potential increase in emissions from other Transport Rule states, however, EPA concluded that any associated reduction in visibility "would be more than offset by greater

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[11] EPA, Technical Support Document for the Texas Regional Haze BART Federal Implementation Plan at 2 (Dec. 2016) [EPA Docket No. EPA-R06-OAR-2016-0611-0004] ("BART FIP TSD").
[12] 82 Fed. Reg. at 45,493/3.

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visibility improvement in Class I areas near Texas" as a result of source-specific sulfur dioxide BART.[13]

Less than one month later, however, on October 17, 2017, EPA reversed course and, without providing for public comment, published a Texas BART Rule[14] that declined to adopt source-specific emission limitations for BART-eligible Texas EGUs. Although the final New BART Exemption Rule was explicitly predicated on the assumption that Texas EGUs *would be subject to* individual BART emission limits instead of the Transport Rule budgets, EPA's alternative plan discarded source-specific BART limits for Texas EGUs in favor of an entirely *new intrastate* emissions trading scheme. Contrary to its proposed and final New BART Exemption Rule, EPA's 2017 BART trading scheme for Texas did *not* include source-specific emission limits. Rather than reducing Texas EGUs' sulfur dioxide emissions to levels at least 105,000 tons lower than they would have been under CSAPR, the new intrastate trading program would have allowed Texas EGUs to emit *more* sulfur dioxide than would have been allowed under the Transport Rule budgets for Texas. Coupled with the approximately 22,300 to 53,000 tons per year of sulfur dioxide increase that results from the removal of Texas from the *inter*state trading program,[15] the 2017 Texas BART trading scheme plus the removal of Texas from CSAPR resulted in at least 149,600 tons *more* per year of sulfur dioxide than EPA estimated in the *proposed* New BART Exemption Rules—thereby raising the likelihood of decreased visibility in affected Class I areas, and a worse visibility performance overall of the Transport Rule relative to BART.[16]

In response, on November 28, 2017, Petitioners filed a petition for administrative reconsideration of the New BART Exemption Rule. That petition demonstrated it was impracticable to raise issues of central relevance to the outcome of the rule because EPA did not make information or its rationale available until after the issuance of the rule. Specifically, as shown in the 2017 Petition, EPA's New BART Exemption Rule was predicated on the assumption that Texas EGUs would be subject to source-specific BART. EPA's separate BART Rule for Texas—issued three weeks *after* the final New BART Exemption Rule—rendered that

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[13] *Id.* at 45,494/1.

[14] Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan, 82 Fed. Reg. 48,324 (Oct. 17, 2017) ("2017 Texas BART Rule").

[15] 82 Fed. Reg. at 45,493/3.

[16] In the proposed New BART Exemption Rule, EPA anticipated (based on outdated, presumptive BART emission limits) that source-specific BART for Texas EGUs would result in a reduction of at least 127,300 tons per year. 81 Fed Reg. at 78,963. As a result of the Texas BART trading scheme, however, that reduction has vanished. Meanwhile, the exclusion of Texas from the Transport Rule trading scheme will result in at least 22,300 excess tons of pollution from states like Alabama and Georgia. Relative to the proposed New BART Exemption Rule, the total additional and unaccounted for emission increase is at least 149,600 tons per year.

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assumption invalid. As a result, Petitioners argued that EPA was required to convene a reconsideration proceeding.

On December 15, 2017, Petitioners filed a separate Petition for Reconsideration of the 2017 Texas BART Rule, arguing that (1) the EPA adopted the Rule without following notice and comment requirements; (2) EPA provided no rational basis for abandoning its January 2017 source-specific BART proposal in favor of an entirely new trading scheme; (3) the 2017 Texas BART Rule failed to satisfy the requirement that a BART alternative achieve greater reasonable progress than the installation and operation of BART; (4) EPA's finding that the trading scheme satisfied Texas' section 110(a)(2)(D)(i)(II) visibility transport plan requirements was unlawful, arbitrary, and capricious; (5) EPA cannot lawfully adopt a trading scheme because it is too late to do so; (6) the Rule includes provisions that would unlawfully suspend the intrastate trading scheme by the mere submission of a state implementation plan; (7) the Rule's treatment of retired electric generating units is arbitrary and capricious; (8) the supplemental allowance pool provision is arbitrary; and (9) EPA failed to recognize that the Rule was based on a determination of nationwide scope and effect.

In response to the Petition for Reconsideration of December 15, 2017, EPA proposed to affirm the 2017 Texas BART Rule without change, but offering a new opportunity for comment. 83 Fed. Reg. 43,587 (Aug. 27, 2018). Petitioners filed detailed comments on this rule demonstrating, among other things, that the program was not a lawful substitute for BART.[17] Among other arguments, Petitioners submitted detailed legal comments and analyses demonstrating that, in light of EPA's abandonment of source-specific BART for Texas EGUs, the agency's proposed reliance on the 2017 New BART Exemption Rule to support its Texas trading scheme was arbitrary and unlawful.[18]

On November 19, 2019, EPA issued a Supplemental Notice of Proposed Rulemaking proposing technical revisions to the 2017 Texas BART trading program. 84 Fed. Reg. 61,850. Petitioners again filed comments, demonstrating that EPA had not cured defects in the Texas SO_2 trading program.

On June 29, 2020, the same day EPA signed its final Trading Rule for Texas, EPA denied the 2017 petition for reconsideration regarding the New BART Exemption Rule by letters enclosing "The EPA's Basis for Denying the Sierra Club and the National Parks Conservation Association's Petition for Reconsideration." In the 2020 Basis for Denial (at 7), EPA concedes that it was not practicable for Petitioners to raise objections regarding the Texas intrastate trading program during the public comment period. Nonetheless, EPA concluded that Petitioners' objections are not of "central relevance" to the final rule because even when CSAPR is analyzed in combination with the Texas trading program rather than source-specific BART in Texas, EPA's conclusion that CSAPR continues to meet the two-pronged test of 40 C.F.R. § 51.308(e)(3) remains valid. *Id.* at 7-8. EPA also found that Petitioners' remaining objections regarding emission shifting, use of modeling performed for the 2012 analysis, and use of

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[17] Comments of Earthjustice et al., EPA-R06-OAR-2016-0611-0127.
[18] *Id.* at 35-40.

presumptive BART limits failed to meet either or both parts of the two-part test for mandatory reconsideration. *Id.* at 16-20.

On July 6, 2020, EPA published a notice of its action denying the November 28, 2017 petition. 85 Fed. Reg. 40,286. Also on July 6, 2020, EPA added a new document to the docket at EPA-HQ-OAR-2016-0598-0034 entitled "Cross-State Air Pollution Rule Better than BART (BART) Sensitivity Calculations" (Exhibit B), related to Section IV.B.4. of the 2020 Basis for Denial. That "Corrected Sensitivity Analysis," published for the first time in response to the November 2017 petition for reconsideration, purports to demonstrate that, despite significant increases in total allowable emissions from Texas and Georgia, visibility improvement under the Transport Rule is still equal to or greater than the improvements expected under source-specific "best available retrofit technology," and therefore the Transport Rule emission trading program remains a valid BART alternative under 40 C.F.R. § 51.308(e)(3).

The Trading Rule references and explicitly relies on the New BART Exemption Rule's analytic demonstration to support its conclusion that the Texas trading scheme is a valid BART alternative under the Regional Haze Rule, 40 C.F.R. § 51.308(e), EPA also repeatedly refers to the denial of the petition for reconsideration of the BART Exemption Rule, but failed to address or include those documents or the underlying "Corrected Sensitivity Analysis" as part of the Trading Rule docket. Instead, the agency asserts those issues are outside the scope of the rulemaking.

As discussed below, however, EPA's "corrected" analysis, which was presented for the first time on July 6, 2020, is "of central relevance to the outcome of the" Trading Rule. 42 U.S.C. § 7607(d)(7)(B). According to EPA, it is the "primary evidence" for EPA's conclusion that the Trading Rule is a lawful and valid BART alternative under the Regional Haze Rule. 85 Fed. Reg. at 49,189/2. And contrary to EPA's assertions, that "corrected" analysis reveals that the Trading Rule does *not* achieve greater reasonable progress than source-specific BART. 42 U.S.C. § 7607(d)(9)(A).

II. EPA MUST RECONSIDER THE TRADING RULE AND THE 2020 DENIAL.

Because EPA presented its "corrected" and "updated" sensitivity calculations for the first time on July 6, 2020 and because that new analysis is of central relevance to the outcome of the Trading Rule, Petitioners hereby petition for reconsideration of the Trading Rule under the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B). Petitioners object to EPA's disclosure of information regarding visibility impacts under alternative regulatory scenarios for the first time after the deadline for comments on the proposal to affirm the 2017 Texas BART Rule on October 26, 2018, and after the close of comments on the Supplemental Notice of Proposed Rulemaking on January 13, 2020.[19]

A. Petitioners' objection is of "central relevance" to the validity of the Trading Rule.

[19] To the extent it may be applicable, Petitioners also seek reconsideration under section 4(d) of the Administrative Procedure Act ("APA"), 5 U.S.C. § 553(e).

As noted above, EPA relies on the New BART Exemption Rule and its underlying analytic demonstration as the "primary evidence" for the agency's conclusion that the Trading Rule is a lawful and valid BART alternative under the Regional Haze Rule. 85 Fed. Reg. at 49,189/2. Based on EPA's own revised calculations, presented for the first time on July 6, 2020, that conclusion is invalid. A BART alternative is permissible only if both of the following two criteria are met: (i) visibility does not decline in any Class I area, and (ii) there is an *overall improvement* in visibility, determined by comparing the average differences between BART and the alternative over all affected Class I areas. 40 C.F.R. § 51.308(e)(3) (emphasis added).

Here, EPA's own "corrected" analysis makes clear that CSAPR in conjunction with the Trading Rule for Texas does *not* satisfy the two-pronged test under 40 C.F.R. § 51.308(e)(3) to qualify as a BART alternative. In fact, the spreadsheet underlying the agency's corrected analysis demonstrates that visibility improvement under CSAPR, including the Trading Rule, is *not* equal to or greater than visibility improvement under source-specific BART averaged over all 140 Class I areas, or the sixty eastern Class I areas covered by CSAPR.[20]

In Section IV.B.4 of the 2020 Basis for Denial, captioned "Corrected Sensitivity Analysis Showing CSAPR Better Than BART," EPA sets out an "updated" sensitivity analysis in response to the 2017 Petition for Reconsideration. Specifically, EPA re-evaluates the two-pronged test under 40 C.F.R. § 51.308(e)(3) to determine whether CSAPR, including the Trading Rule, still qualifies as a BART alternative with the incorporation of the revised, increased Texas and Georgia SO_2 emission budgets. EPA summarizes the results of its revised sensitivity analysis in Table 3 of its Denial Letter, which is presented below:

Figure 1: Reproduced from Table 3 of EPA's Denial of Petitioner's Request for Reconsideration

Average Visibility Change	**CSAPR+BART - 2014 base 20% best days**	**Nationwide BART - 2014 base 20% best days**	**CSAPR+BART – 2014 base 20% worst days**	**Nationwide BART – 2014 base 20% worst days**
140 class I areas	-0.1	-0.1	-0.5	-0.5
60 eastern class I areas	-0.2	-0.2	-1.2	-1.0

[20] As explained in the Nov. 28, 2017 reconsideration petition (at 11-12), the New BART Exemption Rule also fails to meet the Regional Haze Rule's BART exemption requirements for the nine Class I areas EPA previously "identified as the affected areas." *See* CSAPR-BART Sensitivity Memo, EPA-HQ-OAR-2016-0598-0004 at 3; *see also* 2017 Petition for Reconsideration, EPA-HQ-OAR-2016-0598-0035 at 12-13.

EPA concludes:

> using the petitioners' own assumption for emissions in Texas under the Texas intrastate trading program, the average visibility improvement in the CSAPR scenario is still equal to or greater than the visibility improvement in the BART scenario on both the 20 percent best days and the 20 percent worst days (averaged over the 60 eastern class I areas and the 140 nationwide class I areas). Thus, the sensitivity analysis supports EPA's conclusion that CSAPR participation remains a valid BART alternative.

2020 Basis for Denial at 16.

As support for its denial of the November 28, 2017 reconsideration petition, on July 6, 2020, EPA also published an "updated" and previously undisclosed spreadsheet that contains EPA's visibility calculations, which contains the following summary:[21]

Figure 2: Summary Results from EPA's Spreadsheet Sensitivity Analysis

	CSAPR+BART - 2014 base 20% best	CSAPR+BART - 2014 base 20% worst	**CSAPR+BART - 2014 base 20% best with adjustments to GA and TX; 2020 PfR**	**CSAPR+BART - 2014 base 20% worst with adjustments to GA and TX; 2020 PfR**	Nationwide BART - 2014 base 20% best	Nationwide BART - 2014 base 20% worst
Avg visibility change for 140 Class I areas	**-0.1**	**-0.7**	**-0.1**	**-0.5**	**-0.1**	**-0.5**
Avg visibility change for 60 Class I areas	**-0.3**	**-1.6**	**-0.2**	**-1.2**	**-0.2**	**-1.0**

[21] EPA-HQ-OAR-2016-0598-0034_content. See the tab entitled, "2020 Petition TX + GA Adjust," cells N142 – S143.

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Petitioners did not alter EPA's calculations or methodology, but simply copied EPA's summary results and pasted it below EPA's figures, while reformatting the numbers to display two decimal places. These expanded results are below:[22]

Figure 3. Expanded Summary Results from EPA's Spreadsheet Sensitivity Analysis

	CSAPR+BART - 2014 base 20% best	CSAPR+BART - 2014 base 20% worst	**CSAPR+BART - 2014 base 20% best with adjustments to GA and TX; 2020 PfR**	**CSAPR+BART - 2014 base 20% worst with adjustments to GA and TX; 2020 PfR**	Nationwide BART - 2014 base 20% best	Nationwide BART - 2014 base 20% worst
Avg visibility change for 140 Class I areas	**-0.13**	**-0.68**	**-0.10**	**-0.52**	**-0.11**	**-0.47**
Avg visibility change for 60 Class I areas	**-0.29**	**-1.55**	**-0.21**	**-1.16**	**-0.24**	**-1.02**

As can be seen from the expanded results, for the 140 Class I Areas, the 0.10 deciview visibility benefit from "CSAPR+BART - 2014 base 20% best with adjustments to GA and TX" is actually *less than* the 0.11 deciview improvement from "Nationwide BART - 2014 base 20% best." Similarly, for the 60 Class I Areas, the 0.21 deciview visibility benefit from "CSAPR+BART - 2014 base 20% best with adjustments to GA and TX" is actually *less than* the 0.24 deciview improvement from "Nationwide BART - 2014 base 20% best." Thus, EPA's so-called corrected sensitivity analysis actually disproves its point: the average visibility improvement in the CSAPR scenario, including the Trading Rule, is *not* still equal to or greater than the visibility improvement in the BART scenario on the 20 percent best days (averaged over the 60 eastern class I areas and the 140 nationwide class I areas).

Retaining two decimal places in assessing EPA's visibility results is consistent with EPA's own approach in its December 2011 BART Alternative TSD.[23] For instance, on page 40

[22] See the file, "EPA-HQ-OAR-2016-0598-0034_content_1." (Exhibit D). See the tab entitled, "2020 Petition TX + GA Adjust," cells N147 – S149.

[23] Technical Support Document for Demonstration of the Transport Rule as a BART Alternative, U.S. Environmental Protection Agency Office of Air Quality Planning and

of the TSD, EPA presents its summary of the average visibility results using a similar format as above:

Figure 4. EPA's Table 3-6 from its December 2011 BART Alternative TSD.

	Transport Rule – 2014 Base Case 20% Best Days	Transport Rule – 2014 Base Case 20% Worst Days	Nationwide BART – 2014 Base Case 20% Best Days	Nationwide BART – 2014 Base Case 20% Worst Days
Eastern Class I Areas Average (60 Areas)	-0.3	-1.6	-0.2	-1.0
All Class I Areas Average (140 Areas)	-0.1	-0.7	-0.1	-0.5

In referencing the above table, EPA notes in Footnote 30, "Before rounding to the tenths digit, 'Transport Rule +BART-elsewhere' has a visibility improvement of 0.13 deciview compared to 0.11 deciview for 'nationwide BART.'"[24] Thus, in its own TSD, EPA used visibility results rounded to two decimal places for the same purpose and in the same way as Petitioners do above. In addition, we note that EPA has commonly presented visibility data to at least two decimals. For instance, in its 2017 Texas FIP proposal, EPA presents its visibility modeling using two and often three decimals places.[25]

In sum, EPA's purportedly "corrected" sensitivity analysis—disclosed for the first time on July 6, 2020, nearly two years after the comment deadline for the Trading Rule—is of "central relevance" to the validity of the Trading Rule. As discussed, EPA relies on that analytic demonstration as the "primary evidence" for the agency's conclusion that the Trading Rule is a lawful and valid BART alternative under the Regional Haze Rule. 85 Fed. Reg. at 49,189/2. Based on EPA's own revised calculations, however, that conclusion is invalid. Because the

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Standards Research Triangle Park, NC 27711 December 2011, Docket No. EPA-HQ-OAR-2011-0729-0114 (Exhibit E).

[24] *Id.* at n.30.

[25] *See, e.g.*, 82 Fed. Reg. at 912, 921, 931-34, 940.

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corrected sensitivity analysis is central to the validity of the Trading Rule, reconsideration is warranted.

B. It was impracticable to raise the issues in this petition in prior comments.

It was impracticable—indeed, impossible—for Petitioners to raise the issues in this Reconsideration Petition in prior comments because EPA presented its "corrected" sensitivity calculations for the first time on July 6, 2020, when it posted the revised spreadsheet to the docket for the New BART Exemption (Exhibit B). EPA must provide a reasonable opportunity for public examination, evaluation and comment on its actions and any underlying, supporting information, assumptions or conclusions. More specifically, the Clean Air Act requires a "detailed explanation" of "(A) the factual data on which the proposed rule is based; (B) the methodology used in obtaining the data and in analyzing the data; and (C) major legal interpretations and policy considerations underlying the proposed rule," 42 U.S.C. § 7607(d)(3), and, after issuance of the proposed rule, that EPA affirmatively update the rulemaking docket as new information becomes available. 42 U.S.C. § 7607(d)(4)(B)(i); *see also Small Refiner Lead Phase-Down Task Force v. EPA*, 705 F.2d 506, 518-19 (D.C. Cir. 1983) (Clean Air Act requires a "detailed explanation of its reasoning at the 'proposed rule' stage as well [as in the final rule].").

These notice requirements are designed "(1) to ensure that agency regulations are tested via exposure to diverse public comment, (2) to ensure fairness to affected parties, and (3) to give affected parties an opportunity to develop evidence in the record to support their objections to the rule and thereby enhance the quality of judicial review." *Int'l Union Mine v. Mine Safety & Health Admin.,* 407 F.3d 1250, 1259-60 (D.C. Cir. 2005). "It is not consonant with the purpose of a rule-making proceeding to promulgate rules on the basis of inadequate data, or on data that, [to a] critical degree, is known only to the agency." *Am. Radio Relay League, Inc. v. FCC*, 524 F.3d 227, 237 (D.C. Cir. 2008) (quoting *Portland Cement Ass'n v. Ruckelshaus*, 486 F.2d 375, 393 (D.C. Cir. 1973) (alteration in original)).

EPA has taken many actions—including the Texas BART Rule, the New BART Exemption Rule, the 2020 Denial, the final Trading Rule, and others described above—that have at their heart a comparison of visibility improvement under a Nationwide BART scenario and CSAPR plus BART elsewhere scenario. Here, EPA disclosed new visibility calculations regarding such comparisons *after* issuing the Texas BART Rule, the new proposed Texas BART Rule, and the Supplemental Notice of Proposed Rulemaking—and on the same day it signed the final Trading Rule. As a result, neither the Petitioners nor the public had an opportunity to evaluate the "corrected" analysis and provide comment. This data addresses an issue of central relevance in both actions—namely whether CSAPR, including the Trading Rule, plus nationwide, presumptive BART results in an "overall improvement in visibility" compared to source-specific BART "over all affected Class I areas. 40 C.F.R. § 51.308(e)(3).[26] EPA's own

[26] To support its conclusion that the Transport Rule resulted in greater reasonable progress than source-specific BART, EPA relied on air quality modeling for the best and worst 20 percent of days to show that CSAPR resulted in an improvement in visibility from the alternative measure relative to BART. 40 C.F.R. § 51.308(e)(3); 77 Fed. Reg. at 33,648. To demonstrate that an alternative is ''better-than-BART'' based on air quality modeling, EPA must demonstrate that

updated calculations demonstrate that it does not. In fact, the "corrected" calculations, made available to the public for the first time on July 6, 2020, show the opposite—i.e., that source specific BART would result in greater visibility improvements over all 140 Class I areas, the 60 eastern Class I areas covered by CSAPR, and the nine Class I areas EPA identified in 2012 as the areas affected by Texas emissions. As a consequence, EPA's BART Exemption Rule fails to meet the unambiguous requirements of the Regional Haze Rule. EPA's continued reliance on CSAPR including the Trading Rule as an alternative to source specific BART is therefore arbitrary, capricious, and contrary to law.

EPA did not disclose its "corrected" analysis until July 6, 2020, nearly two years after taking comment on its proposal to affirm the Texas BART trading scheme. As a result, it was not possible for Petitioners or the public to evaluate that analysis and submit evidence or argument demonstrating that, based on EPA's own methodology, the Trading Rule fails the agency's two-pronged test under 40 C.F.R. § 51.308(e)(3) for a valid BART alternative. Thus, EPA must grant this petition for reconsideration of the Trading Rule, and must afford an opportunity for the public to comment on its newly presented data.

Sincerely,

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both (1) visibility does not decline in any Class I area and (2) there is an overall improvement in visibility, determined by comparing the average differences in visibility conditions under BART and the alternative measure across all affected Class I areas. 40 C.F.R. § 51.308(e)(3)(i)-(ii). EPA relied on that same modeling, together with subsequent sensitivity analyses, to support its conclusion that CSAPR remains a valid BART alternative despite the withdrawal of Texas from trading program. 81 Fed. Reg. 78,954; *see also* EPA Docket No. EPA-HQ-OAR-2011-0729-0323 (sensitivity analysis). Thus, EPA's calculations comparing the average differences between visibility improvement under BART and CSAPR go to the heart of the agency's finding that CSAPR remains a valid BART alternative.

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2020, I filed the Petition for Partial Reconsideration of Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan via email and Federal Express, with:

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Further, I certify that on October 13, 2020, I served a courtesy copy of the foregoing, via email, to:

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ED_006751_00000104-00206

Attachment 7

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BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

NATIONAL PARKS CONSERVATION ASSOCIATION, SIERRA CLUB, HEAL UTAH, and UTAH PHYSICIANS FOR A HEALTHY ENVIRONMENT Petitioners.	Dkt. No. EPA-R08-OAR-2015-0463 In Re: Approval and Promulgation of Air Quality Implementation Plans; Utah; Regional Haze State and Federal Implementation Plans, 85 Fed. Reg. 75,860 (November 27, 2020)

PETITION FOR RECONSIDERATION OF FINAL RULE

National Parks Conservation Association ("NPCA"), Sierra Club, HEAL Utah, and Utah Physicians for a Healthy Environment (collectively, "Conservation Organizations") petition the U.S. Environmental Protection Agency ("EPA") to reconsider the above-referenced final rule withdrawing the science-based July 5, 2016 Federal Implementation Plan ("FIP") addressing the Clean Air Act's ("CAA") regional haze requirements for Utah. EPA's 2016 FIP imposed Best Available Retrofit Technology ("BART") emission-reduction requirements on four units at the Hunter and Huntington coal-fired power plants in central Utah. The FIP imposed emission

reductions at the Hunter and Huntington plants to reduce significant visibility impacts at some of the nation's most iconic national parks, including Grand Canyon National Park, Zion National Park, Arches National Park, Capitol Reef National Park, and Canyonlands National Park. Emissions from PacifiCorp's Hunter and Huntington power plants cause some of the greatest visibility impacts of any coal-fired power plants in the United States. By requiring BART emission reductions, the FIP would have achieved some of the most significant visibility improvements under the regional haze program nationwide.

After the 2020 election, the lame-duck Trump Administration published a Final Rule on November 27, 2020 ("Trump Final Rule") that withdraws the FIP and replaces it with a State Implementation Plan ("SIP") that does not require ***any new emission reductions*** from the Hunter and Huntington power plants. Instead, the Trump Final Rule would allow Utah and PacifiCorp to rely entirely on historical emission reductions at non-BART facilities. It is notable that the Obama-Biden Administration had previously considered, and rejected, this same SIP as failing to comply with the regional haze requirements of the federal Clean Air Act.

EPA's interpretation of the statutes and rules it administers may be evaluated "on a continuing basis," especially "in response to . . . a change in administrations." *Nat'l Cable & Telecomm. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 981 (2005); *see also Nat'l Ass'n of Home Builders v. EPA,* 682 F.3d 1032, 1038, 1043 (D.C. Cir. 2012) (a revised rulemaking based "on a reevaluation of which policy would be better in light of the facts" is "well within an agency's discretion," and "'[a] change in administration brought about by the people casting their votes is a perfectly reasonable basis for an executive agency's reappraisal of the costs and benefits of its programs and regulations'") (quoting *Motor Vehicle Mfrs. Ass'n v. State Farm Mutual Auto. Ins. Co.,* 463 U.S. 29, 59 (1983) (Rehnquist, J., concurring in part and dissenting in

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part)).

Further, because EPA's new data, rationales, and/or interpretations not considered or presented in the Trump proposed rule were disclosed for the first time "after the period for public comment," reconsideration is appropriate under section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B). Accordingly, the Conservation Organizations respectfully request that EPA grant this petition and afford them "the same procedural rights as would have been afforded had the information been available at the time the rule was proposed." *Id.*

We ask that the Biden EPA respond in writing to this Petition stating that it is reconsidering the above-referenced Final Rule. Then, we ask the Biden EPA to promptly issue a proposed rule withdrawing the post-election Trump Final Rule and re-instating the FIP.

I. FACTUAL BACKGROUND

A. The Hunter and Huntington Coal-Fired Power Plants

PacifiCorp's Hunter and Huntington coal plants are two of the largest sources of pollution in the country. According to an NPCA emissions analysis, the three-unit Hunter plant ranks second among all pollution sources in the nation, not just coal plants, in its contribution to haze pollution in national parks, while the Huntington plant ranks eighteenth. These neighboring plants in central Utah are responsible for haze pollution in all of Utah's iconic national parks, including Arches, Canyonlands, Zion, and Capitol Reef, as well as numerous national parks and wilderness areas beyond Utah's borders, including the Grand Canyon. As EPA previously recognized, "**[a]ddressing visibility impairment [caused by Hunter and Huntington] is critical not only to the experience of visitors to these parks, but also to the economic well-being of the local communities near the parks and state-wide**."[1]

[1] *See Utah et al. v. U.S. Envtl. Prot. Agency et al.*, No. 16-9541, Respondents' Opp. to the Mots. to Stay Final Rule, at 1 (10th Cir. Dec. 16, 2016).

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In addition to haze-causing nitrogen oxide and sulfur dioxide pollution, the Hunter and Huntington plants are significant sources of climate pollution, together emitting nearly 15 million tons of carbon dioxide in 2019 – equivalent to the average annual emissions of approximately 3 million passenger vehicles.

B. Regional Haze Compliance for the Hunter and Huntington Coal Plants

To meet its obligations under the Clean Air Act's regional haze program, EPA previously identified best available retrofit technology ("BART") for Hunter Units 1 and 2 and Huntington Units 1 and 2—selective catalytic reduction ("SCR") technology that is in place at coal-fired power plants across the country to control emissions of nitrogen oxide (NOx). EPA adopted a FIP requiring PacifiCorp to achieve NOx emissions rates from Hunter Units 1 and 2 and Huntington Units 1 and 2 consistent with the operation of SCR and established a compliance deadline of August 2021.[2] The modern emissions controls required by EPA's FIP would improve visibility in Utah's beloved national parks and numerous parks and wilderness areas beyond the State's borders. Additionally, because the same pollutants that cause regional haze also harm human health, compliance with EPA's FIP would have the significant additional benefit of making Utah's air healthier to breathe.

At the same time the Obama-Biden EPA adopted a FIP, it rejected Utah's proposed alternative to BART controls. Utah's BART alternative would allow the state to take credit for emission reductions that were needed to comply with separate Clean Air Act programs that are entirely *historical* reductions of NOx and sulfur dioxide ("SO2") at other non-BART coal units to justify its refusal to meet BART requirements that would achieve necessary NOx emission reductions at Hunter and Huntington Units 1 and 2.

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[2] Final Rule, Utah Regional Haze, 81 Fed. Reg. 43,894 (July 5, 2016).

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Specifically, the BART alternative would rely on: 1) sulfur dioxide (SO2), NOx, and particulate matter emission reductions from the 2015 closure of PacifiCorp's 60-year old Carbon coal plant; and 2) NOx reductions achieved through combustion control upgrades at Hunter Units 1, 2 and 3 and Huntington Units 1 and 2, which were installed in 2006–2014.).[3] The BART alternative would require no new emissions reductions from any source. Although Congress mandated pollution reductions "as expeditiously as practicable" for plants like Hunter Units 1 and 2 and Huntington Units 1 and 2, 42 U.S.C. § 7491(b)(2), Utah's BART alternative would allow these units to continue polluting at current levels indefinitely.

In September 2016, PacifiCorp and the State of Utah challenged EPA's FIP and rejection of the Utah BART alternative, immediately moving for a stay of PacifiCorp's compliance obligations under the FIP.[4] EPA initially defended its FIP, filing a brief that vigorously opposed the requested stay on December 16, 2016. However, on March 23, 2017, EPA notified the court that "EPA intends to pursue alternatives to litigation with the parties." And, on July 14, 2017, EPA sent a letter to the State of Utah stating that EPA would reconsider its FIP and the Utah BART alternative.

On November 27, 2020, the Trump EPA finalized its roll-back of the 2016 FIP and adopted Utah's BART alternative.[5]

The Conservation Organizations urge EPA to revisit this decision to require PacifiCorp to adopt the same, common-sense pollution controls for Hunter Units 1 and 2 and Huntington Units 1 and 2 that have been required—and installed—at other coal plants across the country. To

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[3] Final Rule, Utah, Regional Haze State and Federal Implementation Plans, 85 Fed. Reg. 75,860 (Nov. 27, 2020) ("Trump Final Rule")
[4] *See State of Utah, et al. v. U.S. Envtl. Protection Agency et al.*, No. 16-9541 (10th Cir., filed Sept. 1, 2016).
[5] Trump Final Rule, 85 Fed. Reg. at 75,860.

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achieve mandatory compliance with the CAA's regional haze requirements for Utah, the Conservation Organization's urge EPA to expeditiously grant this petition for reconsideration.

II. EPA HAS AUTHORITY TO RECONSIDER TRUMP'S POST-ELECTION FINAL RULE

A. EPA has Inherent Authority to Reconsider Trump's Post-Election Final Rule

Federal agencies have authority to reconsider past decisions and to revise, replace or repeal a decision to the extent permitted by law and supported by a reasoned explanation. *See FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009); *Motor Vehicle Mfrs. Ass'n v. State Farm Mutual Auto. Ins. Co.*, 463 U.S. 29, 42 (1983). Changes in policy or agency interpretations are also recognized as legitimate bases for reconsideration. *See Nat'l Cable & Telecomm. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 981-82 (2005); *Nat'l Ass'n of Home Builders v. EPA*, 682 F.3d 1032, 1038 & 1043 (D.C. Cir. 2012).

An administrative agency has the inherent power to reconsider its own rule. *Trujillo v. Gen. Elec. Co.,* 621 F.2d 1084, 1086 (10th Cir. 1980). The Tenth Circuit and other courts have held that administrative agencies "have an inherent authority to reconsider their own decisions, since the power to decide in the first instance carries with it the power to reconsider." *Id*; *see also Gun South, Inc. v. Brady*, 877 F.2d 858, 862 (11th Cir. 1989); *United Gas Imp. Co. v. Callery Properties, Inc.*, 382 U.S. 223, 229 (1965) ("An agency, like a court, can undo what is wrongfully done by virtue of its order."); *See Macktal v. Chao*, 286 F.3d 822, 825-26 (5th Cir. 2002) (finding that "in the absence of a specific statutory limitation, an administrative agency has the inherent authority to reconsider its decisions"); *New Jersey v. EPA*, 517 F.3d 574, 583 (DC Cir. 2008) (finding EPA has inherent authority to reconsider its rules, but that express statutory language limited EPA's ability to reconsider the HAPs list once a category was added by rulemaking).

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More specifically, an agency has broad latitude to reconsider a decision as long as its action is reasonable, complies with the governing statute, and is not done in bad faith. *SKF USA Inc. v. United States,* 254 F.3d 1022, 1029 (Fed. Cir. 2001). A discretionary change in an agency policy or statutory interpretation is legitimate grounds for administrative reconsideration. *Id.* Similarly, newly discovered information can justify administrative reconsideration. *Rutherford v. United States*, 806 F.2d 1455, 1460 (10th Cir. 1986). As the Federal Circuit Court of Appeals explained:

> [T]he agency may request a remand (without confessing error) in order to reconsider its previous position. It might argue, for example, that it wished to consider further the governing statute, or the procedures that were followed. It might simply state that it had doubts about the correctness of its decision or that decision's relationship to the agency's other policies.

SKF USA, 254 F.3d at 1029. Thus, EPA's interpretation of the statutes and rules it administers are not "carved in stone" and may be evaluated "on a continuing basis," especially "in response to … a change in administrations." *Nat'l Cable & Telecomm. Ass'n*, 545 U.S. at 981; *see also Nat'l Ass'n of Home Builders*, 682 F.3d at 1038, 1043 (a revised rulemaking based "on a reevaluation of which policy would be better in light of the facts" is "well within an agency's discretion," and "'[a] change in administration brought about by the people casting their votes is a perfectly reasonable basis for an executive agency's reappraisal of the costs and benefits of its programs and regulations'") (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc.*, 463 U.S. at 59 (Rehnquist, J., concurring in part and dissenting in part)).

Finally, the Administrative Procedure Act ("APA") further corroborates the principal that an agency has inherent authority to reconsider. APA section 553(e) grants any "interested person" the right "to petition for the issuance, amendment, or repeal of a rule." 5 U.S.C.§ 553(e). An agency must have the inherent right to reconsider before it could grant such a right to

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another party.

B. Reconsideration of Trump's Post-Election Final Rule is Consistent with Past EPA Actions

EPA has exercised its inherent authority to reconsider SIPs and FIPs in the past. In fact, the Trump EPA reconsidered the 2016 FIP imposing emission reductions at the Hunter and Huntington coal plant units under BART in the Final Rule at issue in this Petition for Reconsideration.[6] EPA previously explained in 2011 that it had inherent authority to reconsider and revise its 1992 approval of a Texas SIP and to impose a FIP covering parts of the SIP it was reconsidering.[7] In that action, EPA cited broad support for its inherent authority to reconsider and revise a SIP, ranging from CAA authority under sections 110(k), 301(a), and 307, to APA section 553(e), case law, and previous EPA actions to reconsider SIPs.[8] As EPA explained, "The provisions in CAA section 110 that authorize EPA to take action on a SIP revision inherently authorize EPA to, on its own initiative, reconsider and revise that action as appropriate."[9]

Similarly, in 2010, EPA relied on its inherent authority to withdraw and narrow its prior approval of numerous state SIPs with provisions related to greenhouse gas regulations.[10] Because EPA determined that the previously approved SIP provisions conflicted with new regulations, EPA relied on its inherent authority to withdraw its prior approval of certain parts of those SIPs and to reconsider its own actions.[11] EPA articulated a broad interpretation of CAA section 110(k)(6) that included the power to partially withdraw approval of a SIP when new considerations led EPA to believe that part of the rule was in error.[12]

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[6] *See* Trump Final Rule, 85 Fed. Reg. 75,860.
[7] 76 Fed. Reg. 25,178 (May 3, 2011).
[8] *Id.*
[9] *Id.* at 25,181 (citing *Gun South* and *Trujillo*).
[10] 75 Fed. Reg. 82,536 (Dec. 30, 2010).
[11] *Id.* at 82,543.
[12] *Id.* at 82,546-47.

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C. The Clean Air Act Explicitly Authorizes EPA to Reconsider the Trump Final Rule Based on New Information

Beyond differing interpretations and corrections of error, the CAA requires EPA to reconsider its action on a SIP or FIP if it receives new objections to EPA's action "of central relevance to the outcome of the rule," when it was "impracticable to raise such objection within such time or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review)."[13] This petition is timely as it is filed within 60 days after EPA's promulgation of the final rule on November 27, 2020. Accordingly, this petition satisfies the requisite elements warranting reconsideration of the final rule.[14]

III. EPA SHOULD EXERCISE ITS INHERENT AND EXPRESS AUTHORITY UNDER THE CLEAN AIR ACT TO RECONSIDER THE TRUMP FINAL RULE

EPA should grant the Conservation Organizations' Petition for Reconsideration to ensure that it complies with the Clean Air Act's regional haze requirements to achieve mandated pollution reductions "as expeditiously as practicable" for plants like Hunter Units 1 and 2 and Huntington Units 1 and 2, 42 U.S.C. § 7491(b)(2), and to align the agency's actions with the environmental priorities of the Biden Administration. Specifically, EPA should grant reconsideration to: 1) revise an illogical interpretation of the Regional Haze Rule that would allow states to substitute the inevitable end-of-life retirement of an aging facility for forward-looking emissions reductions mandated by the regional haze program;[15] 2) evaluate new information that rebuts EPA's explanation for disregarding evidence that Hunter and Huntington's emissions are highest in the wintertime, when Class I-area visibility impairment is greatest, where such evidence refutes EPA's finding that Utah's BART alternative is superior to

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[13] 42 U.S.C. § 7607(d)(7)(B).
[14] *Id.*
[15] *Infra.* Pt. III.A.

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BART;[16] 3) consider new information that pre-baseline emissions reductions from Hunter Unit 3 may not be included in the Utah BART Alternative;[17] 4) align its action on Utah Regional Haze with its recent determination for Wyoming of NOx emissions rates achievable through BART;[18] and 5) ensure that its action on Utah Regional Haze does not violate the Clean Air Act's prohibition against backsliding, 42 U.S.C. § 7410(*l*).[19, 20]

A. EPA Should Reconsider its Interpretation of the CAA That Would Allow States to Evade Compliance with the Regional Haze Program's Pollution-Reduction Requirements Based on End-of-Life Closures of Aging Non-BART Units

EPA's acceptance in the Trump Final Rule of historical emissions reductions from the planned retirement of a 1950's-era coal plant is contrary to the letter and spirit of the CAA Regional Haze program and should be reconsidered. PacifiCorp permanently shut down the Carbon plant in 2015 due to the high cost and infeasibility of controlling mercury emissions to meet the requirements of EPA's Mercury and Air Toxics Standards ("MATS").[21] The Trump Final Rule asserts that Utah's BART alternative properly takes credits for the emissions reductions achieved from closure of the Carbon plant because they occurred after the 2002 baseline date of the SIP to comply with a CAA requirement other than regional haze.[22] This was unreasonable.

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[16] *Infra*, Pt. III.B.
[17] *Infra*, Pt. III.C.
[18] *Infra*, Pt. III.D.
[19] *Infra*, Pt. III.E.
[20] The Conservation Organizations' arguments for reconsideration identify flaws in the Trump Final Rule that are in addition to those flaws in EPA's Utah regional haze compliance raised by the Conservation Organizations' March 2020 comments on the proposed rule. While the Conservation Organizations believe that EPA can and should redress these flaws through reconsideration of the Trump Final Rule, they are filing a petition for review of the rule in the Tenth Circuit Court of Appeals to preserve their right to litigate these issues.
[21] Trump Final Rule, 85 Fed. Reg. at 75,860.
[22] *Id.* at 75,862.

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EPA should reconsider its 2020 finding that Utah may take credit for emissions reductions due to the shutdown of the Carbon coal plant. In responses to comments on the 2016 proposed FIP, EPA did not resolve the question of whether a BART alternative could be based on emissions reductions achieved through the retirement of a non-BART plant because EPA rejected Utah's BART alternative on other grounds.[23] However, in expressly declining to resolve this question, EPA noted "that a state must take a reasonable approach to assessing whether a BART alternative will provide for greater reasonable progress than BART."[24]

Contrary to the agency's own 2016 admonition, EPA's 2020 "greater reasonable progress" finding for the Utah BART alternative does not reflect a "reasonable approach." *Id.* EPA accepted PacifiCorp's visibility modeling assumptions for the BART alternative scenario that the Carbon coal plant would have zero emissions, and for the BART scenario, that Carbon Units 1 and 2 will continue to operate until at least 2025—when the plant would be nearly 70 years old—at 2003 emissions levels. However, there is nothing reasonable about assuming that the Carbon coal plant would be operational in 2025, when it in fact shut down in 2015. On the contrary, it is well-understood that coal plants have a limited operational lifespan. Globally, coal plants have an average lifespan of 46 years, and only a handful of coal plants built before 1960 are still in operation.[25] According to the U.S. Energy Information Administration, the average age of U.S. coal units that retired in 2015 was 56 years—less than the Carbon Plant.[26] In 2018,

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[23] Docket No. EPA-R08-OAR-2015-0463, Response to Comments 168 (June 1, 2016), at https://www.regulations.gov/document?D=EPA-R08-OAR-2015-0463-0208.
[24] *Id.*
[25] R. Cui et al., Quantifying operational lifetimes for coal power plants under the Paris goals, Fig. 3b (Oct. 18, 2019), at https://www.nature.com/articles/s41467-019-12618-3
[26] *See* EIA, More U.S. coal-fired power plants are decommissioning as retirements continue (July 26, 2019), at https://www.eia.gov/todayinenergy/detail.php?id=40212.

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the average age of retiring coal plants in the U.S. was 46 years.[27] In other words, at around 60 years old in 2015, the Carbon Plant was at the end of its life. Moreover, the emissions reductions (or elimination of emissions) from the Carbon Plant starting in 2015 were not achieved to comply with a CAA requirement. Instead, they were achieved to *avoid* such compliance, because PacifiCorp determined it was not worth the investment on an aging plant to meet the new Mercury and Air Toxics Standards ("MATS") emissions rates. *See* Proposed Rule, 85 Fed. Reg. at 3,565 (noting that PacifiCorp elected to shut down the Carbon Plant "due to the high cost to control mercury to meet the requirements of EPA's [MATS]").

An economic decision to retire an end-of-life non-BART coal plant is not a legitimate basis for exempting ongoing, large sources of pollution from BART requirements. Although the Trump Final Rule cited numerous examples in which EPA approved BART alternatives based on emissions controls adopted to comply with CAA requirements other than regional haze, it identified no example—and the Conservation Organizations are aware of none—in which it exempted sources from BART compliance due to economic decision to close a non-BART plant.[28] Like most coal plants of its generation, the Carbon Plant was due to retire in 2015. Notably, Congress did not target these aged units for BART upgrades. Instead, it targeted a newer set of plants that Congress determined would continue to bear primary responsibility for the regional haze problem.[29] The need to remedy haze-causing pollution from these sources was "a major concern motivating the adoption of the [CAA's] visibility provisions."[30] Thus,

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[27] *Id.*
[28] Trump Final Rule, 85 Fed. Reg. at 75,862.
[29] 42 U.S.C. § 7491(b)(2) (requiring BART for major stationary sources of haze pollution that began operating between 1962 and 1977 and cause or contribute to visibility impairment in Class I areas).
[30] 1999 Regional Haze Rule, 64 Fed. Reg. at 35,737 (quoting H.R. Rep. No. 564, 95th Cong., 1st Sess. at 155 (1977)

adequate emissions controls on sources subject to BART, including Hunter and Huntington, are an essential component of meeting the visibility goal of the Regional Haze Program. In lieu of such controls, EPA previously has accepted alternative approaches that reduce emissions from BART and non-BART units that will continue to operate or retire units that might have otherwise continued polluting.[31] But before the Trump Final Rule, EPA had not accepted the retirement of a 60-year-old uneconomic coal plant in lieu of ongoing future emissions reductions.

EPA should reconsider the novel decision to substitute an end-of-life, non-BART plant retirement for future emissions reductions. Indeed, under the sensible scheme established by the CAA, such retirements *combined with* effective pollution controls on relatively newer BART units are essential to achieving the statutory purpose of the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas … from manmade air pollution."[32] In contrast with this statutory requirement, the Trump Final Rule fails to achieve any emissions reductions, and as a result, fails to achieve visibility improvement the statutory scheme requires. EPA should reconsider this illogical and unlawful result. *Nat'l Cable & Telecomm. Ass'n*, 545 U.S. at 981 (agency may reconsider policy and legal interpretations, particularly following "a change in administrations").

B. EPA Should Reconsider the Trump Final Rule to Consider New Information Regarding the Seasonality of Visibility-Impairing Pollution

Reconsideration of the Trump Final Rule is also appropriate because evidence regarding greater winter season emissions relative to spring and fall emissions undermines the basis for

[31] *See* Trump Final Rule, 85 Fed. Reg. at 75,862.
[32] 42 U.S.C. § 7491(a)(1); *see also id.* § 7491(b)(2)(A) (specifically requiring BART on certain sources to eliminate or reduce their contribution to visibility impairment).

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EPA's determination in the Trump Final Rule that Utah's BART alternative achieves greater reasonable progress than BART on Hunter Units 1 and 2 and Huntington Units 1 and 2.[33]

EPA has not meaningfully addressed the impact of Hunter and Huntington's relatively higher wintertime NOx emissions, as compared against PacifiCorp's modeled emissions, which very likely negates EPA's finding that Utah's BART alternative would achieve greater reasonable progress than future reductions of coal plant emissions through BART. The Conservation Organizations' comments on the 2020 proposed rule noted drastic changes in the utility industry experienced at coal plants across the country—including Hunter and Huntington—that have changed seasonal emissions profiles, increasing the dominance of wintertime emissions. The Trump Final Rule relies on PacifiCorp's CAMx modeling based on the daily emissions profile which existed between 2001 to 2012, when coal plant emissions were relatively constant year-round. However, as the Conservation Organizations observed in their comments on EPA's proposed rule, the Hunter and Huntington coal plants are currently experiencing strong seasonality in heat input and NOx emissions in recent years (2018-2019), with prominent peaks in the summer and winter. Thus, although PacifiCorp's CAMx modeling simulation purported to represent future 2025 emission levels, the modeling reflected an outdated assumption that Hunter and Huntington emissions are evenly spread throughout the year. Instead, the 2018-19 average emissions accurately represent expected future 2025 Hunter/Huntington NOx emissions in the absence of BART controls.

The higher wintertime NOx emissions that would occur under the proposed Utah SIP are important in this case because the colder average temperatures occurring in the winter would

[33] *See Trujillo,* 621 F.2d at 1086 (affirming agencies' inherent right to reconsider their decisions).

tend to generate an increased contribution of nitrates to visibility impairment. By underestimating wintertime NOx emissions in the CAMx modeling, the associated nitrate contribution to visibility impairment would also be underestimated. An accurate evaluation of the effectiveness of any future emissions control strategy requires that the CAMx modeling of each emissions control alternative be an accurate representation of the expected emissions, including any known seasonality. The current CAMx modeling that supports the Utah emissions control alternative lacks any significant seasonality in the future case Hunter/Huntington emissions and as does not accurately represent the known increase in wintertime emissions which is reflected in the current actual emissions data. The recent actual emissions data at Hunter/Huntington demonstrate that the CAMx modeling supporting the proposed Utah SIP alternative underestimates expected future wintertime NOx emissions and as such, does not produce reliable modeling results regarding the expected future visibility impacts of the subject facilities. Further, because wintertime visibility impairment contributes significantly to the 20% worst days, accurate assumptions about wintertime emissions in the modeling of both the BART benchmark scenario and the BART alternative would very likely reverse the result of EPA's "greater reasonable progress" determination.

In the Trump Final Rule and response to comments, EPA asserted that PacifiCorp's modeling did not misrepresent seasonal emissions because the modeled emissions reflected higher seasonal average emissions than have actually occurred in recent years. *But this is false.* As shown in Table 1, for three of the five coal plant units modeled (Hunter Units 2 and 3 and Huntington Unit 1), actual wintertime NOx emissions in 2018-19 exceeded the CAMx model inputs for the BART alternative, and the total daily wintertime NOx emissions for all units in 2018-19 were 2.63 tons greater than those modeled.

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Table 1. Utah SIP CAMx Modeling vs Average 18-19 Emissions Nitrogen Oxides (NOx) – tons per day

	CAMx Model Inputs[a]	2018-19 Winter Average
Hunter 1	8.67	8.49
Hunter 2	8.30	8.98
Hunter 3	12.30	14.40
Huntington 1	8.62	9.14
Huntington 2	9.22	8.73
TOTAL – All Plants	47.11	49.74

[a] CAMx Model Input emissions were calculated using data presented in the CAMx Modeling Report Table 2-5, except that ton/year values were divided by 365 to change the emission units to tons/day.

In other words, PacifiCorp's CAMx modeling *did* misrepresent future case seasonal emissions, which prejudiced the result of the "greater reasonable progress" determination. This warrants reconsideration.[34]

The Trump Final Rule additionally stated that it was appropriate to omit consideration of 2018 and 2019 emissions data because they were not available when the CAMx modeling was performed. However, in considering whether emissions controls are necessary to satisfy the Clean Air Act's requirement to address future visibility impairment, reliance on stale emissions data that does not reflect current reality is no defense. Certainly, the availability of data now is reason for EPA to reconsider the 2020 Trump Final Rule.[35]

Moreover, although 2020 data was not available at the time of the Conservation Organizations' comments, 2020 data now confirm this trend, as shown in the following table.[36] Note that the trend is less pronounced during 2020 than 2018 or 2019, however even with the

[34] *See SKF USA*, 254 F.3d at 1029 (agency reconsideration appropriate when agency "had doubts about the correctness of its decision").
[35] *Trujillo,* 621 F.2d at 1086; 42 U.S.C. § 7407(d)(7)(B).
[36] *See* 42 U.S.C. § 7407(d)(7)(B) (providing express authority for EPA to reconsider actions based on information unavailable during comment period on proposed rule).

COVID-related commercial disruption and stay-at-home orders in effect through much of 2020, available data show higher wintertime coal-plant emissions than in other seasons.

Table 2. Changes in Daily NOx Seasonal Emissions (tons/day) in 2001-2003 compared to current (2018-2020)

Plant	Hunter 1	Hunter 2	Hunter 3	Huntington 1[a]	Huntington 2[a]
01-03 Winter Daily Avg NOx	20.54	18.58	19.26	17.91	16.81
18-20 Winter Daily Avg NOx	8.40	8.79	13.29	8.74	7.94
01-03 Spring Daily Avg NOx	20.77	18.96	18.20	17.97	17.84
18-20 Spring Daily Avg NOx	7.38	7.40	8.64	5.81	4.78
01-03 Summer Daily Avg NOx	20.81	18.44	18.97	16.40	17.42
18-20 Summer Daily Avg NOx	8.94	9.04	11.35	7.12	7.39
01-03 Fall Daily Avg NOx	18.38	18.76	19.79	17.43	17.45
18-20 Fall Daily Avg NOx	8.88	8.95	12.83	9.04	8.21

[a] These averages do not include the months of October, November, or December 2020, which have not yet been reported to EPA's Air Markets Program Database (last checked January 21, 2020).

EPA should grant this petition to reconsider the effect of wintertime peak emissions on its determination whether Utah's BART alternative would achieve greater reasonable progress than would BART.

C. EPA Should Reconsider the Trump Final Rule to Account for New Information that the BART Alternative Unlawfully Includes Pre-Baseline Emissions Reductions

Reconsideration also is warranted to reassess whether past emissions reductions from Hunter Unit 3 are improperly credited to the BART alternative, where new information demonstrates that such reductions were required prior to the 2002 baseline date of the SIP.[37] As discussed above and acknowledged by EPA, any BART alternative may rely *only* on emission reductions that are "surplus to those reductions resulting from measures adopted to meet

[37] 42 U.S.C. § 7607(d)(7)(B) (providing for reconsideration based on new information).

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requirements of the CAA as of the baseline date of the SIP."[38] EPA asserted in the Trump Final Rule that Utah's BART alternative properly takes credit for NOx controls on Hunter Unit 3 because they were installed in 2007, after to 2002 SIP baseline date.[39] As discussed below, however, recent developments call this determination into serious question.

As discussed in the Conservation Organizations' comments on the proposed rule, the NOx emission reductions that occurred at Hunter Unit 3 in 2007 and the SO2 and NOx reductions that occurred at Hunter Unit 2 in 2011 were required under regulations established under the Clean Air Act and the Utah SIP before the 2002 regional haze baseline date.[40] Specifically, in 2016, Sierra Club petitioned EPA to object to the Title V permit issued for the Hunter Power Plant in part because it failed to include prevention of significant deterioration (PSD) permitting requirements including best available control technology (BACT) for major modifications to each Hunter unit conducted in 1997-1999.[41] Sierra Club's Title V petition asks EPA to object to the Hunter Title V Permit because it fails to include applicable PSD permitting requirements including BACT for NOx, SO2, and PM for the major modification projects constructed at Hunter Units 1, 2, and 3 in 1997-1999.[42] These PSD requirements are requirements that were adopted and in the Utah SIP as of the baseline date of the regional haze SIP[43] and that should have been complied with in 1997-1999, well before the 2002 baseline date of the regional haze SIP. In 2017, EPA denied Sierra Club's petition, finding that Utah's 1997

[38] Proposed Rule, 85 Fed. Reg. at 3,561 (citing 40 C.F.R. § 51.308(e)(2)(iii), (iv)).
[39] Trump Final Rule, 85 Fed. Reg. at 75,862.
[40] Mar. 20, 2020 Comments from Conservation Organizations at 10-11.
[41] April 11, 2016 Sierra Club Petition to EPA for Objection to PacifiCorp Hunter Power Plant Title V Operating Permit No. 1500101002.
[42] April 11, 2016 Sierra Club Petition to EPA for Objection to PacifiCorp Hunter Power Plant Title V Operating Permit No. 1500101002 at 16.
[43] *Id.* at 10-11.

permit (i.e., "Approval Order") approving the projects as minor modifications essentially defined the "applicable requirements" for those projects.[44]

Sierra Club appealed that EPA order to the 10th Circuit Court of Appeals. The court granted Sierra Club's appeal on July 2, 2020, after the close of the comment period on EPA's January 2020 proposed rulemaking on Utah's BART alternative.[45] The Court held that EPA's order conflicted with the definition of "applicable requirements" in 40 CFR Part 70 (specifically finding that a Title V permit must include all requirements in the state implementation plan, including Utah's requirement for major New Source Review). The Court concluded that EPA's reasoning for denying Sierra Club's petition that the Hunter Title V permit failed to include applicable PSD requirements conflicted with Title V operating permit regulations, and the Court remanded the Sierra Club petition to object back to EPA for further consideration.

On January 13, 2021, EPA responded to the remand and reopened the Hunter Title V permit for cause. Specifically, EPA "direct[ed] UDAQ to reopen the 2020 Permit to evaluate whether the 1997-1999 projects at the PacifiCorp-Hunter facility should have triggered PSD under the EPA-approved SIP rules applicable at that time, and, consequently, to determine whether any PSD-related 'applicable requirements' must be included in the facility title V permit."[46] Utah has ninety days to respond to EPA's Order.[47] As of the date of this petition and

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[44] Oct. 16, 2017 Order Responding to Petition Requesting Objection to the Issuance of a Title V Operating Permit, Petition No. VIII-2016-4, at 8-21.
[45] *Sierra Club v. U.S. Envtl. Protection Agency*, 964 F.3d 882 (10th Cir. 2020).
[46] Jan. 13, 2021 Order Responding Petitions Requesting Objection to the Issuance of Title V Operating Permits, Petition Nos. VIII-2016-4 & VIII-2020-10, at 16. Note that EPA denied the 2016 petition for reasons unrelated to whether the 1997-1999 projects should have been permitted under PSD, but then reopened for cause the current Title V permit issued in 2020 to address whether the 1997-1999 Hunter projects should have triggered PSD. *Id.* at 1.
[47] *Id.* at 6; 40 C.F.R. §70.7(f)(2). EPA may, under certain circumstances, extend the time for a response by another 90 days.

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to the Conservation Organizations' knowledge, Utah has not responded to EPA's order to reopen the Hunter Title V permit for cause. The outcome of these proceedings will determine whether the Hunter Unit 3 emissions reductions may properly be included in the BART alternative or whether, as the Conservation Organizations contend, these emissions reductions were mandated by pre-baseline CAA requirements and must be excluded from the BART alternative.

EPA acknowledged in its 2016 Response to Comments that "uncertainty regarding the issues raised in the petition for the Hunter plant that was filed with EPA's Administrator … places additional uncertainty on whether the State's BART Alternative is better than BART."[48] Having recognized the "central relevance" of this issue to the outcome of the Trump Final Rule, EPA should now reconsider that rule given new information based on the court's order.[49] Until these issues are resolved for these 1997-1999 modifications, EPA cannot consider the emission reductions occurring at Hunter 3 or at Hunter Unit 2 as creditable in Utah's BART alternative.[50] For the same reasons, EPA cannot consider NOx and SO2 emission reductions that occurred at Hunter Unit 1 in 2014 as creditable in the BART alternative. Giving credit for such emission reductions, which should have been required to meet BACT for PSD requirements that were triggered prior to the 2002 regional haze baseline, contradicts the limitations of 40 CFR

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[48] Docket No. EPA-R08-OAR-2015-0463, Response to Comments, at 174 (June 1, 2016), at https://www.regulations.gov/document?D=EPA-R08-OAR-2015-0463-0208.

[49] 42 U.S.C. § 7607(d)(7)(B).

[50] To the extent that EPA questions whether the pollution control upgrades and emission reductions that have occurred to date at the Hunter units met or went beyond BACT-level controls, note that PacifiCorp contended that the Sierra Club did not have standing to bring suit against EPA for its Title V order regarding the 1997-1999 modifications because the "Hunter Plant has already reduced its emissions since 1997." However, the 10th Circuit Court decision found that Sierra Club met the requirement of redressability to show standing, stating that "[n]one of the respondents argue that the plant currently uses the best available control technology." The respondents included both the Utah Division of Air Quality and PacifiCorp Energy.

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51.308(e)(2)(iii) and (iv) that emission reductions in a BART alternative must be surplus to reductions resulting from measures adopted to meet requirements of the Clean Air Act as of the 2002 regional haze baseline date.

D. EPA Should Reconsider the Trump Final Rule Based on New Information Regarding the Ability of PacifiCorp to Achieve Lower Emissions with BART

EPA should further reconsider the Trump Final Rule's reliance on erroneous and outdated emissions rates achievable through BART, where new information confirms that lower rates are achievable. The Conservation Organizations commented on EPA's January 2020 proposed rulemaking that PacifiCorp's modeling of visibility benefits achievable with BART relied on obsolete emissions information and that the EPA should not have assumed a controlled annual average NOx rate any higher than 0.04 lb/MMBtu for the Hunter and Huntington Units in BART modeling.[51] Specifically, Conservation Organizations pointed out that EPA recently approved a BART alterative for the Laramie River Station in Wyoming based on its finding that installation and operation of SCR could achieve a NOx BART emission rate of 0.04 lb/MMBtu on an annual average basis and a 0.06 lb/MMBtu 30-day average NOx emissions limit.[52] The Conservation Organizations also showed that a 0.04 lb/MMBtu annual average NOx emission rate reflects only 74-80% NOx removal efficiencies across the SCR from current annual average NOx emission rates at the Hunter and Huntington units, which should be readily achievable given that SCR systems are routinely designed to achieve 90% NOx removal according to EPA's Control Cost Manual. Thus, Conservation Organization commented that EPA should not judge the Utah BART alternative in 2020 against a BART benchmark annual average rate of 0.05

[51] *See* Trump Final Rule, 85 Fed. Reg. at 75,867 (summarizing comment).
[52] *See* 83 Fed. Reg. 51,403, 51,408 (Oct. 11, 2018).

lb/MMBtu (and associated 30-day average emissions limit of 0.07 lb/MMBtu) that was based on obsolete emissions information.

In its response to these comments, EPA provided new data to show that NOx emission rates as low as 0.04 lb/MMBtu were only achieved infrequently with SCR installation at coal-fired EGUs.[53] Specifically, EPA states

> …while the commenters cite actual annual emission rates found in the EPA's Air Markets Program Database (AMPD) to support their claim that an annual emission rate of 0.04 lb/MMBtu is achievable with SCR, a more thorough review of the data supports the EPA's conclusion that an annual emission rate no lower than 0.05 lb/MMBtu is representative of what can be achieved when retrofitting SCR to an existing boiler.

Trump Final Rule, 85 Fed. Reg. at 75,868. EPA provided a summary of its review to show that "…of the 155 coal-fired EGUs equipped with SCR operating in 2019 with actual annual emission rates below 0.10 lb/MMBtu, 135 (87.1%) had actual annual emissions greater than 0.05 lb/MMBtu, 18 (11.6%) had actual annual emissions greater than 0.04 lb/MMBtu and less than or equal to 0.05 lb/MMBtu, and only 2 (1.3%) had actual annual emissions less than or equal 0.04 lb/MMBtu."[54] EPA also included new information in the docket at Docket ID EPA-R08-OAR-2015-0463-1157, that has 2019 annual average NOx emission rates for 260 electrical generating units with SCR and has an analysis of the number of unit emitting less than 0.10 lb/MMBtu (which showed percent of such units emitting at certain rates). EPA relied on this data for evaluating the adequacy of its BART benchmark, but the public had no opportunity to review or comment on this data.

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[53] *See* Trump Final Rule, 85 Fed. Reg. at 75,868; *see also* Docket ID EPA-R08-OAR-2015-0463-1157.
[54] Trump Final Rule, 85 Fed. Reg. at 75,868.

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While the Trump Final Rule suggested that this new data dispositively demonstrates that modeled emission rates for the BART benchmark were appropriate, EPA should now reconsider this determination to address important questions that call the conclusion into question and to allow the public a formal opportunity to comment on the same. Among other things, EPA's response cited only one year of data. Additionally, EPA failed to acknowledge that such data derives from units very likely subject to less-stringent NOx limits and thus lacked any motivation to achieve feasible lower emission rates. As EPA separately acknowledged in adopting the Laramie River Station BART alternative, such lower rates are achievable, but may require additional costs or a larger SCR to reliable meet.[55] Thus, the actual NOx rates of all coal-fired power plants with SCR do not define what is currently achievable under BART with SCR.

In the Trump Final Rule, EPA also appeared to have made a change in policy that contradicts the published BART guidelines in 40 C.F.R. Part 51, Appendix W, in stating the following:

> After a technology is determined as BART, the BART Guidelines require establishment of an emission limit that reflects the BART requirements, but does not specify that the emission limit must represent the maximum level of control achieved by the technology selected as BART.

Trump Final Rule, 85 Fed. Reg. at 75,867. This is inconsistent with the BART Guidelines. In the BART Guidelines, under Step 3, there is a question "How do I evaluate control techniques with a wide range of emission performance levels?" EPA acknowledged that many control techniques can perform at a wide range of performance levels and that, while one does not need to evaluate all performance levels, "[i]t is <u>important…in analyzing the technology that you take</u>

[55] Final Rule, Wyoming Regional Haze SIP Revision, 84 Fed. Reg. 22,711, 22,716 (May 20, 2019) (noting that Basin Electric would "incur additional costs" to achieve 0.06 lb/MMBtu (30-day) limit, reflecting an actual emission rate of 0.04 lb/MMBtu plus a compliance margin).

into account the most stringent emission control level that the technology is capable of achieving."[56] EPA's statement in the Trump Final Rule is inconsistent with this requirement in the BART Guidelines. The public should have an opportunity to comment on this contradiction in BART policy and on the new emissions data that EPA included in the record to justify its BART benchmark. We also specifically call on the Biden EPA to reconsider and expressly rescind the change in policy identified above.

A proper determination of the BART benchmark is imperative to justify EPA's approval of any alternative to BART. EPA stated the following about this requirement in its January 22, 2020 proposed rule:

> In order to demonstrate that the [BART] alternative program achieves greater reasonable progress than source-specific BART, a state, or the EPA if developing a FIP, must demonstrate that its SIP meets the requirements, as applicable, in 40 CFR 51.308(e)(2)(i) through (vi). Among other things, the state or the EPA must conduct an analysis of the best system of continuous emission control technology available and the associated emission reductions achievable for each source subject to BART covered by the alternative program, termed a ''BART benchmark.''

Proposed Rule, 85 Fed. Reg. at 3,560-61. Thus, a proper review and ability to comment on the new information that EPA added to the record after the public comment period to justify its BART benchmark, which is directly related to whether Utah's BART alternative may lawfully substitute for BART.

EPA should reconsider the Trump Final Rule and require that visibility modeling for purposes of demonstrating greater reasonable progress of a BART alternative must utilize the demonstrably achievable emission rate of 0.04 lb/MMBtu as reflective of BART.

E. EPA Should Reconsider its Determination that the BART Alternative Would Not Interfere with Attainment or Maintenance of the NAAQS

[56] 40 CFR Part 51, Appendix W, Section IV.D., under Step 3 [emphasis added].

EPA's reconsideration of the Trump Final Rule should extend to its determination that the BART alternative would not violate the Clean Air Act's anti-backsliding provisions and should afford the public an opportunity to comment on EPA's new interpretation of those provisions. Section 110(*l*) of the Clean Air Act prohibits EPA from approving an implementation plan revision if the revision would "interfere with any applicable requirement concerning attainment and reasonable further progress … or any other applicable requirement of this chapter." 42 U.S.C. § 7410(*l*). Because EPA had proposed to replace its NOx BART FIP emission limits for Hunter Units 1 and 2 and Huntington Units 1 and 2 with the less stringent NOx emission limits of Utah's BART alternative, EPA's approval of the BART alternative reflects a backsliding in regulatory requirements which EPA cannot approve without an adequate demonstration under Section 110(l) of the Clean Air Act.

In its January 2020 proposed rule, EPA simply relied on the fact that the Hunter and Huntington plants were not within a designated nonattainment area to claim that the Utah BART alternative would not interfere with attainment or reasonable further progress of attainment with the NAAQS.[57] Conservation Organizations commented that merely stating that the units are not part of a designated nonattainment area does not satisfy the requirement that EPA demonstrate that relaxation of NOx emissions limits for the Hunter and Huntington units would not interfere with attainment or maintenance of the NAAQS or any other Clean Air Act requirement.

In response to Conservation Organizations' comments, EPA cited new information, including several new documents it added to the record for the Trump Final Rule, which the public has not yet had a formal opportunity to comment on. For example, eight-hour average ozone and twenty-four-hour average PM10 monitoring data were included in the ''Air Quality System Preliminary Design Value Report,'' dated October 7, 2020 and the ''Air Quality System

[57] Proposed Rule, 85 Fed. Reg. at 3,574.

Preliminary Design Value Report,'' dated September 15, 2020 (Docket ID Nos. EPA-R08-OAR-2015-1144 and EPA-R08-OAR-2015-1145). With respect to the PM10 report, EPA relied on this data to state that Salt Lake County, Utah County, and Ogden City are continuing to attain the 2006 24-hour PM10 NAAQS after being redesignated as attaining the PM10 NAAQS in February 2020.[58] With respect to the 8-hour average ozone data, EPA stated that "monitors in the geographic area do not currently show exceedances of the ozone NAAQS."[59]

The preliminary data do not support EPA's claim in the Trump Final Rule that the BART alternative will not interfere with attainment of the NAAQS. Among other issues, the ozone monitoring data for the air monitoring stations in Price, Lindon, and Spanish Fork actually do show NAAQS "exceedances" (i.e., 4th maximum 8-hour average ozone concentration in excess of 0.070 parts per million (ppm)) in 2018 at all three monitors, including the monitor in Price, Utah which is closest to the Hunter and Huntington power plants.[60] In addition, while EPA relied on 24-hour hour PM10 monitoring data from Salt Lake County and Ogden to make the claim that those areas attained the 24-hour PM10 NAAQS without the NOx BART emission reductions from the Hunter and Huntington units,[61] EPA excluded ozone monitoring data from Salt Lake County and Ogden (in Weber County) from its record. EPA seemed to selectively choose which area's monitoring data to rely on to claim that the BART alternative will not violate antibacksliding requirements for ozone.

EPA also cited to a meteorological study called the Hybrid Single-Particle Lagrangian Integrated Trajectory (HYSPLIT) analysis on which the agency purportedly relied in its 2018

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[58] As discussed at Trump Final Rule, 85 Fed. Reg. at 75,865.
[59] *Id.*
[60] *See* "Air Quality System Preliminary Design Value Report," dated October 7, 2020, at page 2 (Docket ID EPA-R08-OAR-2015-1144).
[61] Trump Final Rule, 85 Fed. Reg. at 73,865.

ozone designation process.[62] EPA also claimed that the "HYSPLIT" analysis shows that back trajectories "rarely originated or passed" through Carbon and Emery counties (where Hunter and Huntington are located) on high ozone days in the Wasatch Front.[63] However, EPA did not add or include the HYSPLIT analysis to the docket for the Trump Final Rule. While EPA cited to the 2015 Ozone National Ambient Air Quality Standards Technical Support Document,[64] EPA also failed to include that 2015 Technical Support Document in the record. EPA cited to the same 2015 Technical Support Document to support its finding that, in 2018, EPA determined that the ozone violations in the Uinta Basin are a "highly localized phenomenon."[65] EPA concluded that "we determined in 2018 that the Hunter and Huntington power plants do not contribute to the Northern Wasatch Front and Southern Wasatch Front ozone non-attainment areas, and that the Uinta Basin nonattainment area is a highly localized phenomenon and sources in surrounding counties, including the Hunter and Huntington power plants, do not contribute to the violating area."[66]

The Conservation Organizations reviewed the June 4, 2018 ozone designations rulemaking that EPA cited in its November 27, 2020 final rulemaking,[67] and it made no mention of any finding that the Hunter and Huntington power plants do not contribute to ozone concentrations in any of these areas.[68] While it is possible that the HYSPLIT analysis and the 2015 TSD could support EPA's statement, those documents were not made available for review during the public comment period on the proposed rule and those documents were not included

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[62] Trump Final Rule, 85 Fed. Reg. 73,866.
[63] *Id.*
[64] *Id.* at n.52.
[65] *Id.* at *73,866.*
[66] *Id.*
[67] *Id.* at n/ 52.
[68] 83 Fed. Reg. 25,776-25,848 (June 4, 2018).

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in the record for the Trump Final Rule. Thus, at a minimum, reconsideration is warranted to allow the public an opportunity to review and comment on these critical documents.

For the PM2.5 NAAQS, EPA relies on an October 2018 determination of attainment for the Logan area and on its June 8, 2020 proposed finding of attainment for Salt Lake and Provo to support its determination that the Utah BART alternative will not violate the Clean Air Act's antibacksliding provisions.[69] EPA also states that Utah submitted redesignation requests for the Logan, Salt Lake City, and Provo PM2.5 nonattainment areas in January 2020, but EPA had not taken any action on these redesignation requests as of the date of the Trump Final Rule. To lawfully approve those redesignation requests, EPA will have to find that Utah demonstrated the ability to maintain compliance with the PM2.5 NAAQS for ten years into the future, but it is unclear whether Utah relied on the planned NOx BART emission reductions at the Hunter and Huntington power plants in those demonstrations. EPA did not include the redesignation requests in the docket for the Trump Final Rule, nor did EPA make any claim that Utah or EPA made any finding with respect to the Hunter and Huntington Power Plants' impacts on PM2.5 concentrations in those areas. Instead, EPA inexplicably stated that the burden was on the Conservation Organizations to provide evidence that the areas will not continue to attain and maintain the PM2.5 NAAQS in the absence of the NOx BART emission reductions at the Hunter and Huntington Power Plants.[70] Contrary to EPA's suggestion, Section 110(*l*) of the Clean Air Act puts the burden on the Administrator to demonstrate that its approval of a revision to an implementation plan will not interfere with attainment or maintenance of the NAAQS, and Section 175A(a) of the Clean Air Act puts the burden on the State of Utah to demonstrate that its

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[69] Trump Final Rule, 85 Fed. Reg. at 75,866, referring to 83 Fed. Reg. 52,983 (Oct. 19, 2018) and 85 Fed. Reg. 35,033 (June 8, 2020).
[70] Trump Final Rule, 85 Fed. Reg. at 75,866.

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PM2.5 maintenance plan will ensure maintenance of the PM2.5 NAAQS for ten years into the future. If EPA relied on Utah's PM2.5 maintenance plans to demonstrate that the relaxation of the NOx BART emission limits at the Hunter and Huntington units will not interfere with attainment or maintenance of the PM2.5 NAAQS to meet its requirement to comply with Section 110(*l*) of the Clean Air Act, those maintenance plans should have been made part of the docket for this rulemaking, and EPA should have provided the opportunity for public review and comment on those plans. Moreover, EPA should reconsider its determination that Utah's BART alternative will not interfere with attainment or maintenance of PM2.5 NAAQS in any area.

In summary, EPA's final rulemaking for the Utah BART alternative approval added significant information that purports to support EPA's finding in the Trump Final Rule that Utah's BART alternative would not interfere with attainment or maintenance of the NAAQS, but that information does not definitively support EPA's finding and the public has not had the opportunity to review and comment to EPA on that information. EPA should afford the public a formal opportunity to review and comment on this information and reconsider the Trump Final Rule in light of these comments.

CONCLUSION

Based on the foregoing, the Conservation Organizations request that EPA reconsider the Trump Final Rule and re-impose the 2016 FIP for Utah's BART regional haze requirements. We ask that the Biden EPA respond in writing to this Petition stating that it is reconsidering the above-referenced Final Rule. Then, we ask the Biden EPA to promptly issue a proposed rule withdrawing the post-election Trump Final Rule and re-instating the FIP.

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Respectfully submitted this 21st day of January 2021.

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Attachment 8

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BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

POWDER RIVER BASIN RESOURCE COUNCIL, NATIONAL PARKS CONSERVATION ASSOCIATION, and SIERRA CLUB, Petitioners.	Dkt. No. EPA-R08-OAR-2012-0026 In Re: Approval and Promulgation of Implementation Plans; State of Wyoming; Regional Haze State Implementation Plan, 79 Fed. Reg. 5,032 (Jan. 30, 2014)

PETITION FOR RECONSIDERATION OF PORTIONS OF FINAL RULE

Pursuant to section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B), Powder River Basin Resource Council, National Parks Conservation Association, and Sierra Club (collectively, "Conservation Organizations") hereby petition the U.S. Environmental Protection Agency ("EPA") to reconsider portions of its final rule promulgating the Wyoming Regional Haze Implementation Plan in which the agency elected not to require selective catalytic reduction ("SCR") technology on Wyoming electric generating units ("EGUs"). Final Rule, Wyoming Regional Haze Implementation Plan, 79 Fed. Reg. 5,032 (Jan. 30, 2014). In

particular, EPA's final rule relied on substantially higher cost estimates for the installation and operation of SCR than previously disclosed by the agency. Because EPA's revised cost estimates are "of central relevance to the outcome of the rule" and were disclosed for the first time "after the period for public comment," reconsideration is appropriate. 42 U.S.C. § 7607(d)(7)(B). Accordingly, the Conservation Organizations respectfully request that EPA grant this petition and afford them "the same procedural rights as would have been afforded had the information been available at the time the rule was proposed." Id.

I. RECONSIDERATION IS APPROPRIATE TO CONSIDER NEW INFORMATION THAT IS OF CENTRAL RELEVANCE TO EPA'S FINAL BART DETERMINATIONS.

Reconsideration of portions the Wyoming Regional Haze Final Rule is appropriate under section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B). First, EPA's new SCR cost estimates appearing in the final rule constitute information that was not available during the public comment periods on the proposed rules. The Conservation Organizations previously submitted extensive technical comments on both EPA's initial proposed regional haze rule for Wyoming, 77 Fed. Reg. 33,022 (June 4, 2012), and EPA's re-proposal, 78 Fed. Reg. 34,738 (June 10, 2013). However, for the first time when EPA published the final rule, EPA disclosed new assumptions pertaining to the capital and operating costs of SCR on Wyoming EGUs. Among other things, EPA adjusted costs to account for elevation-induced changes in flue gas volume; changed the reagent and associated costs; modified auxiliary power costs; accepted and adjusted owner cost estimates for Laramie River Units 1-3, Naughton Units 1 and 2, and Dave Johnston Unit 3; and escalated cost estimates to 2013 dollars. See Andover Tech. Partners, Cost of NOx Controls on Wyoming EGUs, at 8 (Oct. 28, 2013), Dkt. No. EPA-R08-OAR-2012-0026-0241. These changes apparently were based on a cost analysis by Andover Technology dated October 28, 2013 (two months after the close of the comment period on EPA's re-proposed rule),

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see id., and vendor estimates submitted to EPA by PacifiCorp on September 23, 2013 (one month after the close of the comment period), see Dkt. No. EPA-R08-OAR-2012-0026-0229.

Second, EPA's SCR cost adjustments appear to have had a substantial impact on its final determinations of the best available retrofit technology ("BART") for these units. EPA has been clear that "[t]he interplay among the five [BART] factors, and in particular the cost and visibility factors, is highly significant and determinate of the outcome" of BART analyses. 79 Fed. Reg. at 5,047 (emphasis added). In the case of Naughton Units 1 and 2, the significant cost increases of 69 and 36 percent respectively, appear to have motivated, at least in part, EPA's reversal of its proposal to require SCR as BART. Id. at 5,045 ("based on our revised costs of compliance and visibility impacts, we no longer conclude that NOx BART is an emission limit of 0.07 lb/MMBtu" based on operation of SCR).

Third, this petition is timely as it is filed within 60 days after EPA's promulgation of the final rule on January 30, 2014. Accordingly, this petition satisfies the requisite elements warranting reconsideration of the final rule. 42 U.S.C. § 7607(d)(7)(B).

II. EPA HAS NOT JUSTIFIED NEW CAPITAL COST ESTIMATES FOR SCR THAT ARE SUBSTANTIALLY HIGHER THAN PREVIOUS ESTIMATES AND REAL-WORLD COSTS.

EPA's final rule relies on SCR capital cost estimates that increased dramatically—between 21 and 69 percent—from EPA's prior estimates. As shown in Table 1, the cost increases affected every single Wyoming EGU.[1]

[1] The Conservation Organizations identify the cost increases for all Wyoming EGUs to demonstrate the across-the-board sizeable increases that resulted from EPA's new assumptions. However, this petition requests reconsideration only for those EGUs where EPA's unreasonably high cost estimates may have biased EPA's decision to reject SCR as BART. Because EPA selected SCR as BART for Laramie River Units 1-3 and Wyodak notwithstanding the inflated cost estimates, those BART determinations do not appear to have been influenced by the issues discussed in this petition.

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TABLE 1 – EPA's SCR Capital Cost Estimates, February 2013 and October 2013

EGU	Feb 2013 estimate ($/kw)	Oct. 2013 estimate ($/kw)	% increase
Dave Johnston Unit 1	346	422	22
Dave Johnston Unit 2	346	422	22
Dave Johnston Unit 3	306	375*	23
Dave Johnston Unit 4	275	388	41
Laramie River Unit 1	181	282*	56
Laramie River Unit 2	210	294*	40
Laramie River Unit 3	186	294*	58
Naughton Unit 1	276	467*	69
Naughton Unit 2	260	353*	36
Naughton Unit 3	244	322	32
Wyodak	266	321	21
Jim Bridger Unit 1	211	278	32
Jim Bridger Unit 2	251	330	31
Jim Bridger Unit 3	253	333	32
Jim Bridger Unit 4	213	280	31

**Capital costs based on owner cost estimates, rather than IPM*

The docket contains little support for these dramatic changes. First, the primary change affecting EPA's estimates based on the Integrated Planning Model ("IPM") appears to have been the application of correction factors to account for the elevation of the EGUs. However, there is nothing in the docket to justify the selected correction factors. Moreover, while EPA appears to compare the costs of SCR for Wyoming EGUs to costs EPA previously has required in other

states, see, e.g., 79 Fed. Reg. at 5,048 (finding incremental cost-effectiveness of SCR on Bridger Units 1 and 2 to be "on the high end of what we have found to be reasonable in our other FIPs"), EPA has not indicated whether the BART determinations in other states accounted for the elevation of the relevant EGUs. Even if EPA's escalation of SCR costs in Wyoming were appropriate, it would not be appropriate to compare such costs to those imposed on other EGUs if the costs for other EGUs did not likewise take elevation into account.

Second, EPA in the final rule generally accepted owner-supplied estimates of SCR capital costs for Laramie River Units 1-3, Naughton Units 1 and 2, and Dave Johnston Unit 3, while adjusting those costs somewhat to eliminate disallowed and double-counted costs. While the use of site-specific cost estimates may be warranted where such estimates are "supported and are appropriate," 79 Fed. Reg. at 5,039, here, the owner's estimates generally exceeded real-world SCR capital costs at other EGUs cited by EPA's consultant, which ranged from $102 to $312/kw. Andover Memo, at 24 (Oct. 28, 2013). EPA's acceptance of these inflated costs stands in stark contrast to EPA's approach in the re-proposed rule, where it stated:

> Moreover, we note that Wyoming's SCR capital costs on a $/kW basis often exceeded real-world industry costs. The capital costs for SCR claimed by Wyoming for Dave Johnston 3 and 4, Naughton Units 1–3, and Wyodak are in excess of the range of capital costs documented by various studies for actual installations. Five industry studies conducted between 2002 and 2007 have reported the installed unit capital cost of SCRs, or the costs actually incurred by owners, to range from $79/kW to $316/kW (2010 dollars). By contrast, Wyoming's SCR costs range from $415/kW to $531/kW. These studies show actual capital costs are much lower than Wyoming's, particularly for the PacifiCorp units.

78 Fed. Reg. at 34,748. EPA did not justify its change of heart in the final rule.

The owner-supplied SCR costs on which EPA relied for Laramie River Units 1-3 and Naughton Units 1 and 2 also were much higher than EPA's calculations using the IPM method, even after EPA's adjustments for elevation. For example, EPA's capital cost estimate for

Naughton Unit 1 was $362/kw, compared with $467/kw based on the company's numbers. EPA has not explained this discrepancy, nor justified its decision to rely on owner-supplied costs that far exceeded costs derived from EPA's own analysis.

While PacifiCorp supplied vendor information from Babcock & Wilcox in support of its cost estimates, Dkt. No. EPA-R08-OAR-2012-0026-0229, that information does not appear to justify the significantly higher capital cost estimates than generated through the IPM method. Further, where details about the vendor estimate are supplied, they undermine rather than support the estimates. For example, Babcock &Wilcox's cost estimate for Naughton Units 1 and 2 improperly assumed an SCR designed to achieve 83 percent NOx removal (using an inlet NOx rate of 0.23 lb/MMBtu and an outlet NOx rate of 0.04 lb/MMBtu), while EPA had determined that only 76 percent NOx removal was necessary (assuming a NOx inlet rate of 0.21 lb/MMBtu and a NOx outlet rate of 0.05 lb/MMBtu in its SCR cost analysis). Further, by assuming a higher NOx removal efficiency than assumed by EPA, the Babcock & Wilcox SCR cost estimates are higher than necessary to meet the evaluated NOx emission limit of 0.07 lb/MMBtu for this control. Without further documentation or rationale, EPA's reliance on vendor estimates that employ unreasonable and inaccurate assumptions was arbitrary.

EPA's reliance on inflated SCR cost estimates are particularly troubling in light of the undue influence that the cost and incremental cost of SCR controls appears to have had on EPA's BART determinations. In light of the near controlling weight that EPA has assigned to this single BART factor, it is incumbent on EPA both to provide reasonable estimates of control costs and to identify and justify on the record standards or thresholds EPA employs for determining whether such costs may reasonably be employed to satisfy the BART requirement.

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CONCLUSION

Based on the foregoing, the Conservation Organizations request that EPA reconsider the portions of its final rule promulgating the Wyoming Regional Haze Implementation Plan in which it elected not to require SCR under regional haze BART requirements.

Respectfully submitted this 31st day of March, 2014.

Jenny K. Harbine
EARTHJUSTICE
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Bozeman, Montana 59715
(406) 586-9699 | Phone
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Attorney at Law
P.O. Box 409
Hygiene, Colorado 80533
(303) 774-8868
barthlawoffice@gmail.com

Counsel for Petitioners

ED_006751_00000104-00245

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2014, I caused a true and accurate copy of the foregoing Petition for Reconsideration to be served by U.S. Mail and electronic mail on the following:

Gina McCarthy, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue N.W
Washington, D.C. 20460
McCarthy.Gina@epa.gov

Carl Daly, Air Program Director
Environmental Protection Agency Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129
Daly.Carl@epa.gov

Jenny K. Harbine

ED_006751_00000104-00246

Message

From: Lia Parisien [lparisien@ecos.org]
Sent: 12/9/2021 8:38:02 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Adam Peltz [apeltz@edf.org]; Graber, Nathan R (DEC) [nathan.graber@dec.ny.gov]; Julie M. Murphy [julie.murphy@state.co.us]
CC: Barbery, Andrea [Barbery.Andrea@epa.gov]; Kenney, James, NMENV [James.Kenney@state.nm.us]; dglatt@nd.gov; cmaccartney@ecos.org
Subject: Re: Planning for Thursday O&GC Webinar

Presenters:

Thank you for the really enlightening discussion today! You covered all the angles in interesting and concise fashion -- and gave ECOS many good ideas to pursue.

Happy Holidays!

Lia

On Mon, Dec 6, 2021 at 4:57 PM Lia Parisien <lparisien@ecos.org> wrote:

Good afternoon Dec. 9 O&GC Presenters:

Thanks for helping to lead our webinar discussion this Thursday!

Below is a draft agenda for your review and any revisions by **tomorrow**. Also, for those who plan to use PowerPoint, please email me your slides by **COB tomorrow**, if possible, to allow ECOS staff time for review and loading.

Finally, we'd appreciate your logging into the webinar 15 minutes early on **December 9, at 1:45 p.m. Eastern,** so we can test your sound and slides. We'll plan to advance your slides on your signal unless you prefer to take over the controls!

Many thanks,
--
Lia Parisien
Executive Project Manager
Environmental Council of the States (ECOS)
(202) 266-4931
www.ecos.org

ECOS Oil & Gas Caucus (O&GC) on U.S. EPA's Methane Rulemaking & Orphan Well Challenges & Solutions
Thursday, December 9
2:00-3:15 p.m Eastern

As U.S. EPA develops a rule to reduce methane from new and existing O&G sources, states and an NGO are working to address the practical and financial challenges of orphan wells to curb air and groundwater pollution.

- Welcome, ECOS O&GC Staff Lead Lia Parisien, Executive Project Manager, ECOS
- State Perspective, ECOS O&GC Co-Chair Dave Glatt, Director, North Dakota Department of Environmental Quality (co-moderator) [2 minutes]
- State Perspective, ECOS O&GC Co-Chair Jim Kenney, Cabinet Secretary, New Mexico Environment Department (co-moderator) [2 minutes]
- U.S. EPA Proposed Methane Rule & Potential Orphan Well Approaches, Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources, EPA Office of Air & Radiation [Up to 15 minutes of presentation and 5 minutes of Q&A, moderated by Jim Kenney]
- EDF Efforts to Document Orphan Wells, Adam Peltz, Senior Attorney, Environmental Defense Fund Energy Program [Up to 15 minutes of presentation plus 5 minutes of Q&A, moderated by Dave Glatt]
- New York Use of Drones to Locate Orphan Wells , Nate Graber, Mineral Resources Specialist 2, New York Department of Environmental Conservation [Up to 10 minutes of presentation plus 5 minutes of Q&A, moderated by Jim Kenney]
- Colorado Experience with Financial Assurance for Orphan Wells, Julie Murphy, Director, Colorado Oil & Gas Conservation Commission [Up to 10 minutes of presentation plus 5 minutes of Q&A, moderated by Dave Glatt]
- Wrap-up & Adjourn [1 minute, Jim Kenney]

--
Lia Parisien
Executive Project Manager
Environmental Council of the States (ECOS)
(202) 266-4931
www.ecos.org

Message

From: Graber, Nathan R (DEC) [nathan.graber@dec.ny.gov]
Sent: 12/10/2021 3:28:30 PM
To: lparisien@ecos.org; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Adam Peltz [apeltz@edf.org]; Julie M. Murphy [julie.murphy@state.co.us]
CC: Barbery, Andrea [Barbery.Andrea@epa.gov]; Kenney, James, NMENV [James.Kenney@state.nm.us]; dglatt@nd.gov; cmaccartney@ecos.org
Subject: RE: Planning for Thursday O&GC Webinar

Good morning Lia,

I just wanted to say thank you for the opportunity to speak yesterday. Also, my colleagues at the DEC have been praising yesterdays webinar all morning. We all agreed that the event was very well organized and the presenters all did an excellent job!

Thanks again and have a great weekend, everyone.

Nathan

From: Lia Parisien <lparisien@ecos.org>
Sent: Thursday, December 9, 2021 3:38 PM
To: Carbonell, Tomas <carbonell.tomas@epa.gov>; Adam Peltz <apeltz@edf.org>; Graber, Nathan R (DEC) <nathan.graber@dec.ny.gov>; Julie M. Murphy <julie.murphy@state.co.us>
Cc: Barbery, Andrea <Barbery.Andrea@epa.gov>; Kenney, James, NMENV <James.Kenney@state.nm.us>; Glatt, Dave D. <dglatt@nd.gov>; Connor MacCartney <cmaccartney@ecos.org>
Subject: Re: Planning for Thursday O&GC Webinar

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Presenters:

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Happy Holidays!

Lia

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Finally, we'd appreciate your logging into the webinar 15 minutes early on **December 9, at 1:45 p.m. Eastern,** so we can test your sound and slides. We'll plan to advance your slides on your signal unless you prefer to take over the controls!

Many thanks,
--
Lia Parisien
Executive Project Manager
Environmental Council of the States (ECOS)
(202) 266-4931
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Thursday, December 9
2:00-3:15 p.m Eastern

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- State Perspective, ECOS O&GC Co-Chair Dave Glatt, Director, North Dakota Department of Environmental Quality (co-moderator) [2 minutes]
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- EDF Efforts to Document Orphan Wells, Adam Peltz, Senior Attorney, Environmental Defense Fund Energy Program [Up to 15 minutes of presentation plus 5 minutes of Q&A, moderated by Dave Glatt]
- New York Use of Drones to Locate Orphan Wells , Nate Graber, Mineral Resources Specialist 2, New York Department of Environmental Conservation [Up to 10 minutes of presentation plus 5 minutes of Q&A, moderated by Jim Kenney]
- Colorado Experience with Financial Assurance for Orphan Wells, Julie Murphy, Director, Colorado Oil & Gas Conservation Commission [Up to 10 minutes of presentation plus 5 minutes of Q&A, moderated by Dave Glatt]
- Wrap-up & Adjourn [1 minute, Jim Kenney]

--
Lia Parisien
Executive Project Manager
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Message

From: Hanling Yang [hyang@edf.org]
Sent: 1/13/2022 8:46:02 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Subject: RE: greetings from Hanling at EDF and inquiry about the Global Methane Initiative

Hi Tomas,

Happy New Year! I am following up on my earlier note about the Global Methane Initiative that EPA is leading as I noticed you are on the Steering Committee. Since GMI has a quite long-term connection with China, we are interested in learning more about its role in the US-China methane collaboration.

If it is better for me to reach out to another person on your team, please kindly advise.

Thanks very much!

Hanling

Hanling Yang (She/Her)
Senior Director, Energy Transition-Asia
Environmental Defense Fund
257 Park Avenue South
New York, NY 10010
T 212 6161238
hyang@edf.org

From: Hanling Yang
Sent: Monday, December 20, 2021 4:59 PM
To: Carbonell.Tomas@epa.gov
Subject: greetings from Hanling at EDF and inquiry about the Global Methane Initiative

Hi Tomas,

I hope all goes well with you at EPA. Certainly a lot is happening on the methane front.

I am writing to seek your insights on the Global Methane Initiative as I noticed you are on GMI's Steering Committee. With the US and EU leading the global methane pledge, and with US-China joint declaration featuring methane as a central piece for bilateral collaboration, we at EDF are hoping to learn more about GMI's plan for international collaboration, particularly for China.

I wonder whether you or someone on your team might be available to meet about this subject after the New Year? On EDF side, it will be Matt Watson and me, and/or Mark Brownstein.

Thanks very much and I look forward to hearing from you. Happy holidays!

Hanling

Hanling Yang (She/Her)
Senior Director, Energy Transition-Asia
Environmental Defense Fund
257 Park Avenue South
New York, NY 10010
T 212 6161238
hyang@edf.org

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Appointment

From: Levy, Maxwell [Levy.Maxwell@epa.gov]
Sent: 1/28/2022 11:53:04 PM
To: Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Laura.Bender@lung.org; Paul Billings [Paul.Billings@lung.org]; lallen@aap.org; zlaris@aap.org; bgottlieb@psr.org; donald.hoppert@apha.org; dmurray@selcva.org; sgall@selcva.org; aherzog@hcwh.org; cara@envirn.org; canderson@allergyasthmanetwork.org; cnackerm@masonlive.gmu.edu; dbee720@comcast.net; dfarquhar@neha.org; gewart@thoracic.org; JennaR@aafa.org; katie@envirn.org; kristiet@cehn.org; leylamccurdy@outlook.com; linda.rudolph@phi.org; mmitch3@gmu.edu; msarfaty@gmu.edu; rebecca@ecoamerica.org; cassandra@nrpe.org; mitch@creationcare.org; abaker@cleanwisconsin.org; dana@weact.org; tiffany@interfaithpowerandlight.org; Justin@cleanenergy.org; candress@edf.org; vpatton@edf.org; dmurrow@nrdc.org; tinsleya@nwf.org; jennis@earthjustice.org; jhamilton@ucsusa.org
CC: Kim, Eunjung [Kim.Eun@epa.gov]; Colin J Nackerman [cnackerm@gmu.edu]

Subject: NGO Briefing
Location: Microsoft Teams Meeting

Start: 1/30/2022 5:30:00 PM
End: 1/30/2022 6:15:00 PM
Show Time As: Tentative

Required Attendees: Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Laura.Bender@lung.org; paul.billings@lung.org; lallen@aap.org; zlaris@aap.org; bgottlieb@psr.org; donald.hoppert@apha.org; dmurray@selcva.org; sgall@selcva.org; aherzog@hcwh.org; cara@envirn.org; canderson@allergyasthmanetwork.org; cnackerm@masonlive.gmu.edu; dbee720@comcast.net; dfarquhar@neha.org; gewart@thoracic.org; JennaR@aafa.org; katie@envirn.org; kristiet@cehn.org; leylamccurdy@outlook.com; linda.rudolph@phi.org; mmitch3@gmu.edu; msarfaty@gmu.edu; rebecca@ecoamerica.org; cassandra@nrpe.org; mitch@creationcare.org; abaker@cleanwisconsin.org; dana@weact.org; tiffany@interfaithpowerandlight.org; Justin@cleanenergy.org; candress@edf.org; vpatton@edf.org; dmurrow@nrdc.org; tinsleya@nwf.org; jennis@earthjustice.org; jhamilton@ucsusa.org
Optional Attendees: Kim, Eunjung; Colin J Nackerman

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Message

From: Mitchell Hescox [mitch@creationcare.org]
Sent: 1/29/2022 4:45:19 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]
CC: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Colin J Nackerman [cnackerm@gmu.edu]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; JennaR@aafa.org; Justin@cleanenergy.org; Kim, Eunjung [Kim.Eun@epa.gov]; Laura.Bender@lung.org; Paul Billings [Paul.Billings@lung.org]; abaker@cleanwisconsin.org; aherzog@hcwh.org; bgottlieb@psr.org; canderson@allergyasthmanetwork.org; candress@edf.org; cara@envirn.org; cassandra@nrpe.org; cnackerm@masonlive.gmu.edu; dana@weact.org; dbee720@comcast.net; dfarquhar@neha.org; dmurray@selcva.org; dmurrow@nrdc.org; donald.hoppert@apha.org; gewart@thoracic.org; jennis@earthjustice.org; jhamilton@ucsusa.org; katie@envirn.org; kristiet@cehn.org; lallen@aap.org; leylamccurdy@outlook.com; linda.rudolph@phi.org; mmitch3@gmu.edu; msarfaty@gmu.edu; rebecca@ecoamerica.org; sgall@selcva.org; tiffany@interfaithpowerandlight.org; tinsleya@nwf.org; vpatton@edf.org; zlaris@aap.org
Subject: Re: NGO Briefing

Thanks, I'll be there.

On Fri, Jan 28, 2022 at 6:53 PM Levy, Maxwell <Levy.Maxwell@epa.gov> wrote:

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Mitch
The Rev. Mitchell C. Hescox
Co-Author with Paul Douglas:
Caring For Creation: The Evangelical's Guide to Climate Change & a Healthy Environment
President/CEO
Evangelical Environmental Network
24 East Franklin Street
New Freedom, PA 17349
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mitch@creationcare.org
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PO Box 340
Westfield IN 46074-0340

Creation Care: It's A Matter of Life

On the web: http://creationcare.org, http://christiansandclimate.org

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Appointment

From: Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Sent: 1/18/2022 4:30:32 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; gewart@thoracic.org; John Walker [jwalke@nrdc.org]; Vickie Patton [vpatton@edf.org]; Patrick Drupp [patrick.drupp@sierraclub.org]; tmcguire@earthjustice.org; Ann Weeks [aweeks@catf.us]; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton [JHamilton@ucsusa.org]; Stephanie Kodish [skodish@npca.org]; Paul Billings [Paul.Billings@lung.org]

Subject: NGO Round Table
Location: Microsoft Teams Meeting

Start: 1/20/2022 8:00:00 PM
End: 1/20/2022 9:00:00 PM
Show Time As: Tentative

Required Attendees: Tsirigotis, Peter; Grundler, Christopher; Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Edwards, Jonathan; Shoaff, John; gewart@thoracic.org; John Walker; Vickie Patton; Patrick Drupp; tmcguire@earthjustice.org; Ann Weeks; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; 'Jonna Hamilton'; Stephanie Kodish; Paul Billings

Topics for call
Updates from Joe Goffman
Haze
Power plants
Motor Vehicles
National Ambient Air Quality Standards
Startup, Shutdowns and Malfunctions

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+1 Personal Privacy / Ex. 6 United States, Washington DC
Phone Conference ID: Personal Privacy / Ex. 6
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For all EPA meetings, there is no expectation of privacy regarding any communications. Participation in a recorded meeting will be deemed as consent to be recorded. Information on EPA systems is the property of the Agency and may become official records.

Learn More | Meeting options

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/4/2021 1:30:34 AM
To: Jonna Hamilton [JHamilton@ucsusa.org]; John Walker [jwalke@nrdc.org]; Terry McGuire [tmcguire@earthjustice.org]; Campbell, Ann [Campbell.Ann@epa.gov]; Ann Weeks [aweeks@catf.us]; Vickie Patton [vpatton@edf.org]; Gary Ewart (DC) [gewart@thoracic.org]; Donald Hoppert [donald.hoppert@apha.org]; Paul Billings [Paul.Billings@lung.org]; teamsvisitor:f3af92c189cb4a608a65fb745095c424; Grundler, Christopher [grundler.christopher@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; Hooper, Daniel [hooper.daniel@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; +1 Personal Privacy / Ex. 6 ; Goffman, Joseph [Goffman.Joseph@epa.gov]; Application 207a6836-d031-4764-a9d8-c1193f455f21; Charmley, William [charmley.william@epa.gov]; Ann Mesnikoff [AMesnikoff@elpc.org]; Matthew Davis [matthew_davis@lcv.org]; Stephanie Kodish [skodish@npca.org]

Subject: Meeting (ScheduledMeeting)/Thread Id: 19:meeting_MzRlYjkyMWQtNjUzYy00YTEyLTkyZjYtNDIwYmI4NjY1ZWIx@thread.v2/Communication Id: d15718c9-94cc-4e92-a7cf-65c8dc1409ef/Jonna Hamilton,Walke, John,Terry McGuire,Campbell, Ann,Ann Weeks,Vickie Patton,Gary Ewart...

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End: 11/3/2021 5:16:54 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: Jonna Hamilton; John Walker; Terry McGuire; Campbell, Ann; Ann Weeks; Vickie Patton; Gary Ewart (DC); Donald Hoppert; Paul Billings; teamsvisitor:f3af92c189cb4a608a65fb745095c424; Grundler, Christopher; Koerber, Mike; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; Hooper, Daniel; Shoaff, John; Edwards, Jonathan; Nunez, Alejandra; Dunham, Sarah; Carbonell, Tomas; +1 Personal Privacy / Ex. 6 ; Goffman, Joseph; Application 207a6836-d031-4764-a9d8-c1193f455f21; Charmley, William; Ann Mesnikoff; Matthew Davis; Stephanie Kodish

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End Time (UTC): 11/3/2021 5:16:54 PM
Duration: 00:47:15.7124927

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[11/3/2021 5:16:49 PM (UTC)] Campbell.Ann@epa.gov left.
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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 5/18/2021 9:50:40 PM
To: +Personal Privacy / Ex. 6; Application 207a6836-d031-4764-a9d8-c1193f455f21; +14065814634; teamsvisitor:a4f900d7fa86452692b9a8611bb74dfd; Ann Jaworski [AJaworski@elpc.org]; James Pew [jpew@earthjustice.org]; teamsvisitor:ac47f0700e1542a497f5add72116d4c0; Terry McGuire [tmcguire@earthjustice.org]; John Walker [jwalke@nrdc.org]; Hayden Hashimoto [hhashimoto@catf.us]; Daniel Alvarez [daniel.alvarez@caelp.org]; teamsvisitor:bb972ee8fe3640a88f3e21198030c2a6; teamsvisitor:3ffd5388c6ca40a2aeeca75d6bda96fd; teamsvisitor:0490da20f7694442ae5be827013567fa; teamsvisitor:d3bb20b2e48f49bca3ed153972a1613e; Neil Gormley [ngormley@earthjustice.org]; Ann Weeks [aweeks@catf.us]; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Anderson, Lea [anderson.lea@epa.gov]; Lassiter, Penny [Lassiter.Penny@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Hutson, Nick [Hutson.Nick@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; +Personal Privacy / Ex. 6; Application ab5d1521-415b-4380-82e4-af803fb8bf2d; Application 556b15e7-452c-4773-b728-6313eaa47b77; Ariel Solaski [ASolaski@cbf.org]; Rama Zakaria [rzakaria@edf.org]; Peter Heisler [peter.heisler@caelp.org]; jpatterson@naacpnet.org; Application 9cd07db6-fab5-438c-8e34-44117fac7650

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Recurrence: (none)

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Appointment

From: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Sent: 5/28/2021 2:29:49 AM
To: +Personal Privacy / Ex. 6; Application 207a6836-d031-4764-a9d8-c1193f455f21; Lynch, Lissa [llynch@nrdc.org]; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; +Personal Privacy / Ex. 6 (1); Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; +Personal Privacy / Ex. 6; Mills, Derek [Mills.Derek@epa.gov]; +Personal Privacy / Ex. 6 (2); Grundler, Christopher [grundler.christopher@epa.gov]; Weitz, Melissa [Weitz.Melissa@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; John Petoskey [jpetoskey@elpc.org]; Liz Jones [ljones@biologicaldiversity.org]; Peter Zalzal [pzalzal@edf.org]; Rosalie Winn [rwinn@edf.org]; David McCabe [dmccabe@catf.us]; Ann Weeks [aweeks@catf.us]; Stephanie Kodish [skodish@npca.org]; Darin Schroeder [dschroeder@catf.us]; teamsvisitor:b653621a50a0445fb5d8f6bc36316ac4; Jay Duffy [jduffy@catf.us]; Cozzie, David [Cozzie.David@epa.gov]; Application 556b15e7-452c-4773-b728-6313eaa47b77; Application b102ccd8-1925-448b-90a7-b083aba25074; Hogan, Stephanie [Hogan.Stephanie@epa.gov]; Branning, Amy [Branning.Amy@epa.gov]; Fruh, Steve [Fruh.Steve@epa.gov]

Subject: Meeting (ScheduledMeeting)/Thread Id: 19:meeting_NjZiYmJiOTEtOWJiOC00YTg4LTlkNWEtZGZiYzQzODU1YjAy@thread.v2/Communication Id: b2e2894e-6bb7-4be2-8425-e9c1171d4648/+13177974394,Lynch, Lissa,+18455949769 (1),Tsirigotis, Peter,Gunning, Paul,+18603078059,M...

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End: 5/27/2021 6:35:35 PM
Show Time As: Busy

Recurrence: (none)

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Appointment

From: Hockstad, Leif [Hockstad.Leif@epa.gov]
Sent: 6/9/2021 8:47:19 PM
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Recurrence: (none)

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 12/9/2021 3:27:35 AM
To: Vickie Patton [vpatton@edf.org]; Paul Billings [Paul.Billings@lung.org]; Darin Schroeder [dschroeder@catf.us]; Jay Duffy [jduffy@catf.us]; teamsvisitor:c0781ac3a6c84ea1a8a66fd02590c433; Doniger, David [ddoniger@nrdc.org]; Longstreth, Benjamin [blongstreth@nrdc.org]; teamsvisitor:e6a54f6ec3b64071aa7f3cbbeb986668; Dunham, Sarah [Dunham.Sarah@epa.gov]; Newberg, Cindy [Newberg.Cindy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; +1 Personal Privacy / Ex. 6; Grundler, Christopher [grundler.christopher@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Application d123a3e6-7f0a-4bbd-91f2-6d0ad1707297; Culligan, Kevin [Culligan.Kevin@epa.gov]; Application 207a6836-d031-4764-a9d8-c1193f455f21; Hooper, Daniel [hooper.daniel@epa.gov]

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End: 12/8/2021 7:13:53 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: Vickie Patton; Paul Billings; Darin Schroeder; Jay Duffy; teamsvisitor:c0781ac3a6c84ea1a8a66fd02590c433; Doniger, David; Longstreth, Benjamin; teamsvisitor:e6a54f6ec3b64071aa7f3cbbeb986668; Dunham, Sarah; Newberg, Cindy; Shoaff, John; Tsirigotis, Peter; Nunez, Alejandra; Carbonell, Tomas; Campbell, Ann; Goffman, Joseph; Hengst, Benjamin; +1 Personal Privacy / Ex. 6; Grundler, Christopher; Gunning, Paul; Birnbaum, Rona; Kim, Eunjung; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; Edwards, Jonathan; Rakosnik, Delaney; Application d123a3e6-7f0a-4bbd-91f2-6d0ad1707297; Culligan, Kevin; Application 207a6836-d031-4764-a9d8-c1193f455f21; Hooper, Daniel

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Duration: 01:14:42.0406063

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[12/8/2021 6:00:20 PM (UTC)] Dunham.Sarah@epa.gov joined.
[12/8/2021 6:26:54 PM (UTC)] Dunham.Sarah@epa.gov left.
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[12/8/2021 7:01:50 PM (UTC)] Tsirigotis.Peter@epa.gov left.
[12/8/2021 6:00:36 PM (UTC)] Nunez.Alejandra@epa.gov joined.
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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 1/21/2022 4:49:43 AM
To: +1 Personal Privacy / Ex. 6; Application 207a6836-d031-4764-a9d8-c1193f455f21; Campbell, Ann [Campbell.Ann@epa.gov]; Jonna Hamilton [JHamilton@ucsusa.org]; Gary Ewart (DC) [gewart@thoracic.org]; Georgia Murray [gmurray@outdoors.org]; teamsvisitor:be2f861fbec646529a435c39fa729265; Matthew Davis [matthew_davis@lcv.org]; Ann Mesnikoff [AMesnikoff@elpc.org]; Donald Hoppert [donald.hoppert@apha.org]; Terry McGuire [tmcguire@earthjustice.org]; Stephanie Kodish [skodish@npca.org]; Vickie Patton [vpatton@edf.org]; John Walker [jwalke@nrdc.org]; Paul Billings [Paul.Billings@lung.org]; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; +1 Personal Privacy / Ex. 6; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; +1 Personal Privacy / Ex. 6; Shoaff, John [Shoaff.John@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]

Subject: Meeting (ScheduledMeeting)/Thread Id: 19:meeting_MGI2OWJmZmEtNzlmZS00YWQxLWFmY2UtZjliNWE4NDc1ZDRm@thread.v2/Communication Id: 07de9c49-7144-4da4-a50b-c6e2775df05a/+12022361721,Campbell, Ann,Jonna Hamilton,Gary Ewart (DC),Georgia Murray,teamsvisitor:be2...

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End: 1/20/2022 9:03:59 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: +1 Personal Privacy / Ex. 6; Application 207a6836-d031-4764-a9d8-c1193f455f21; Campbell, Ann; Jonna Hamilton; Gary Ewart (DC); Georgia Murray; teamsvisitor:be2f861fbec646529a435c39fa729265; Matthew Davis; Ann Mesnikoff; Donald Hoppert; Terry McGuire; Stephanie Kodish; Vickie Patton; John Walker; Paul Billings; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; +1 Personal Privacy / Ex. 6; Edwards, Jonathan; +1 Personal Privacy / Ex. 6; Shoaff, John; Nunez, Alejandra; Koerber, Mike; Carbonell, Tomas; Goffman, Joseph; Grundler, Christopher; Dunham, Sarah; Kim, Eunjung

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[1/20/2022 8:02:52 PM (UTC)] Paul.Billings@lung.org joined.
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Appointment

From: Levy, Maxwell [Levy.Maxwell@epa.gov]
Sent: 11/2/2021 2:11:31 AM
To: Doniger, David [ddoniger@nrdc.org]; Steven Montoya [smontoya@partnershipproject.org]; Max Wengroff; teamsvisitor:d373e79539db487a872da3f38f4937b8; teamsvisitor:e268f431fccb49ebb04662c69b6f4a22; Darin Schroeder [dschroeder@catf.us]; teamsvisitor:41497ee3a7e24f5688d2ac089d60808e; Sara Chieffo [Sara_Chieffo@lcv.org]; Lesley Fleischman [lfleischman@catf.us]; teamsvisitor:2958574c18d146188db85751f30b9888; teamsvisitor:8d033de7a441402098e43b716a83b2e7; Peter Zalzal [pzalzal@edf.org]; teamsvisitor:56364cdf07044ab49c31a84713378271; teamsvisitor:6a7a3e5127aa44709a69b3960168c641; teamsvisitor:a712c5522bf44adf8bca4f81a7dcdf9b; David McCabe [dmccabe@catf.us]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Levy, Maxwell [Levy.Maxwell@epa.gov]; +1 Personal Privacy / Ex. 6; Millett, John [Millett.John@epa.gov]; +1 Personal Privacy / Ex. 6; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; Application 207a6836-d031-4764-a9d8-c1193f455f21; +1 Personal Privacy / Ex. 6; teamsvisitor:c037f1e8077c4b14bcbb4589b5c3b9a4; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Application ab5d1521-415b-4380-82e4-af803fb8bf2d; Application d29ade6f-9257-45cb-883c-01ad3a6f6d20; Application 9cd07db6-fab5-438c-8e34-44117fac7650; Culligan, Kevin [Culligan.Kevin@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; teamsvisitor:f98ed9f890934c3c8950ed0efdbc493e; teamsvisitor:a9a9345df5e4443387036e0e5d313820; teamsvisitor:2ce109d58e4349a3b8c205d8d7040840; teamsvisitor:dc8dff17334d42e08a59b30a243c410d; teamsvisitor:f408e75b12214e7dbb2667363d0ea1f9; teamsvisitor:27fb8b7db9f1480288a9f279b379f1e2; teamsvisitor:c7893e3058a74e14a958b63b92d65035; Carol Andress [candress@edf.org]; Rachel Cleetus [RCleetus@ucsusa.org]; Rosalie Winn [rwinn@edf.org]; Liz Scott [Liz.Scott@lung.org]; Paul Billings [Paul.Billings@lung.org]; teamsvisitor:ed0778213f384131a729e95e9aedd2e6; Kate Roberts [kroberts@edf.org]; Kimberly Gerbert [kgerbert@partnershipproject.org]; Lynch, Lissa [llynch@nrdc.org]; Jon Goldstein [jgoldstein@edf.org]; Jessica Ennis [jennis@earthjustice.org]; Trevor Higgins [thiggins@americanprogress.org]; teamsvisitor:23fdd7d39bc740f091c9a10ce5586454; teamsvisitor:2b40fe8843e341838a7baf41c08d01df; Edwin LaMair [elamair@edf.org]

Subject: Meeting (ScheduledMeeting)/Thread Id: 19:meeting_ZTcyYmY5OTEtNGUyOS00YWI3LTg1NTctMDNhMGJhZTc4ZGYz@thread.v2/Communication Id: b4d69afa-e8a0-41a5-8f22-09521d7cf6cc/Doniger, David,Steven Montoya,Max Wengroff,teamsvisitor:d373e79539db487a872da3f38f4937b8,...

Start: 11/1/2021 5:27:50 PM
End: 11/1/2021 6:00:37 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: Doniger, David; Steven Montoya; Max Wengroff; teamsvisitor:d373e79539db487a872da3f38f4937b8; teamsvisitor:e268f431fccb49ebb04662c69b6f4a22; Darin Schroeder; teamsvisitor:41497ee3a7e24f5688d2ac089d60808e; Sara Chieffo; Lesley Fleischman; teamsvisitor:2958574c18d146188db85751f30b9888; teamsvisitor:8d033de7a441402098e43b716a83b2e7; Peter Zalzal; teamsvisitor:56364cdf07044ab49c31a84713378271; teamsvisitor:6a7a3e5127aa44709a69b3960168c641; teamsvisitor:a712c5522bf44adf8bca4f81a7dcdf9b; David McCabe; Carbonell, Tomas; Levy, Maxwell; +1 Personal Privacy / Ex. 6; Millett, John; +1 Personal Privacy / Ex. 6; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; Application 207a6836-d031-4764-a9d8-c1193f455f21; +1 Personal Privacy / Ex. 6; teamsvisitor:c037f1e8077c4b14bcbb4589b5c3b9a4; Enobakhare, Rosemary; Goffman, Joseph; Application ab5d1521-415b-4380-82e4-af803fb8bf2d; Application d29ade6f-9257-45cb-883c-01ad3a6f6d20; Application 9cd07db6-fab5-438c-8e34-44117fac7650; Culligan, Kevin; Cozzie, David; teamsvisitor:f98ed9f890934c3c8950ed0efdbc493e; teamsvisitor:a9a9345df5e4443387036e0e5d313820; teamsvisitor:2ce109d58e4349a3b8c205d8d7040840; teamsvisitor:dc8dff17334d42e08a59b30a243c410d; teamsvisitor:f408e75b12214e7dbb2667363d0ea1f9; teamsvisitor:27fb8b7db9f1480288a9f279b379f1e2; teamsvisitor:c7893e3058a74e14a958b63b92d65035; Carol Andress; Rachel Cleetus; Rosalie Winn; Liz Scott; Paul Billings; teamsvisitor:ed0778213f384131a729e95e9aedd2e6; Kate Roberts; Kimberly Gerbert; Lynch, Lissa; Jon Goldstein; Jessica Ennis; Trevor Higgins; teamsvisitor:23fdd7d39bc740f091c9a10ce5586454; teamsvisitor:2b40fe8843e341838a7baf41c08d01df; Edwin LaMair

Start Time (UTC): 11/1/2021 5:27:50 PM
End Time (UTC): 11/1/2021 6:00:37 PM
Duration: 00:32:47.0962982

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 9/3/2021 2:10:10 AM
To: teamsvisitor:cdb4526e9812487593b3d2f41094fe81; teamsvisitor:0f61ef8cfc7d42649c0a54a905857c04; Rosalie Winn [rwinn@edf.org]; Sarah Smith [ssmith@catf.us]; Paul Billings [Paul.Billings@lung.org]; Darin Schroeder [dschroeder@catf.us]; teamsvisitor:859b3f919eb748de8d4f782a618d5598; Steven Montoya [smontoya@partnershipproject.org]; teamsvisitor:b5552d182e934ef4b1a79b74352134e9; teamsvisitor:5540edc8f4b541f79aad4a4a6905c89c; Caitlin Miller [cmiller@earthjustice.org]; Kimberly Gerbert [kgerbert@partnershipproject.org]; Peter Zalzal [pzalzal@edf.org]; teamsvisitor:4cca1c57b6564d55b594a63284495e07; teamsvisitor:b02297d114254063bd2d3cccba51466c; Cassady, Alison [Cassady.Alison@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; +1 Personal Privacy / Ex. 6; Cozzie, David [Cozzie.David@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; +1 Personal Privacy / Ex. 6; Davis, Alison [Davis.Alison@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Application 9cd07db6-fab5-438c-8e34-44117fac7650; Weaver, Susannah [Weaver.Susannah@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Application 207a6836-d031-4764-a9d8-c1193f455f21; +1 Personal Privacy / Ex. 6; Campbell, Ann [Campbell.Ann@epa.gov]; Utech, Dan [Utech.Dan@epa.gov]; Application ab5d1521-415b-4380-82e4-af803fb8bf2d; Levy, Maxwell [Levy.Maxwell@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]

Subject: Meeting (ScheduledMeeting)/Thread Id: 19:meeting_Yjk4NWMwYTktZmRmYy00MDIzLTk0MjYtZDg5NDJhMTZiY2E2@thread.v2/Communication Id: f65dd09f-ee0e-42c6-9127-46566e4c379b/teamsvisitor:cdb4526e9812487593b3d2f41094fe81,teamsvisitor:0f61ef8cfc7d42649c0a54a905857c...

Start: 9/2/2021 4:58:19 PM
End: 9/2/2021 5:55:18 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: teamsvisitor:cdb4526e9812487593b3d2f41094fe81; teamsvisitor:0f61ef8cfc7d42649c0a54a905857c04; Rosalie Winn; Sarah Smith; Paul Billings; Darin Schroeder; teamsvisitor:859b3f919eb748de8d4f782a618d5598; Steven Montoya; teamsvisitor:b5552d182e934ef4b1a79b74352134e9; teamsvisitor:5540edc8f4b541f79aad4a4a6905c89c; Caitlin Miller; Kimberly Gerbert; Peter Zalzal; teamsvisitor:4cca1c57b6564d55b594a63284495e07; teamsvisitor:b02297d114254063bd2d3cccba51466c; Cassady, Alison; Gunning, Paul; Goffman, Joseph; Carbonell, Tomas; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; +14129992360; Cozzie, David; Kim, Eunjung; +1 Personal Privacy / Ex. 6; Davis, Alison; Enobakhare, Rosemary; Cortez Russell, Loni; Application 9cd07db6-fab5-438c-8e34-44117fac7650; Weaver, Susannah; Culligan, Kevin; Application 207a6836-d031-4764-a9d8-c1193f455f21; +1 Personal Privacy / Ex. 6; Campbell, Ann; Utech, Dan; Application ab5d1521-415b-4380-82e4-af803fb8bf2d; Levy, Maxwell; Grundler, Christopher

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End Time (UTC): 9/2/2021 5:55:18 PM
Duration: 00:56:59.5507647

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Appointment

From: Levy, Maxwell [Levy.Maxwell@epa.gov]
Sent: 1/31/2022 1:58:20 AM
To: Donald Hoppert [donald.hoppert@apha.org]; Paul Billings [Paul.Billings@lung.org]; Allen, Lucas [lallen@aap.org]; James Pew [jpew@earthjustice.org]; teamsvisitor:3daf8bba69d94d88b753b6f382620e34; Vickie Patton [vpatton@edf.org]; Gary Ewart (DC) [gewart@thoracic.org]; Julie McNamara [JMcNamara@ucsusa.org]; teamsvisitor:4e12258448a94bedad9a59c3cb7ccb8c; Laura Kate Bender [Laura.Bender@lung.org]; Laris, Zach [zlaris@aap.org]; Deborah Murray [dmurray@selcva.org]; teamsvisitor:e6a5b949e23c45c1906e65cf29672473; teamsvisitor:8061c43fc04243ccb70a8cded63ee77a; +1 Personal Privacy / Ex. 6; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; Kim, Eunjung [Kim.Eun@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; +1 Personal Privacy / Ex. 6; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; +1 Personal Privacy / Ex. 6; Levy, Maxwell [Levy.Maxwell@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Application 207a6836-d031-4764-a9d8-c1193f455f21; teamsvisitor:7e7f149ec88a4a83a3891bd1c890964f

Subject: Meeting (ScheduledMeeting)/Thread Id: 19:meeting_NTE4NWVjMGEtMmRkNC00NjAzLTlkYjAtM2IzZmUzYTcxOTcz@thread.v2/Communication Id: 2429044f-501c-46b3-9edb-842fad56659a/Donald Hoppert,Paul Billings,Allen, Lucas,James Pew,teamsvisitor:3daf8bba69d94d88b753b6f3...

Start: 1/30/2022 5:27:41 PM
End: 1/30/2022 5:53:54 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: Donald Hoppert; Paul Billings; Allen, Lucas; James Pew; teamsvisitor:3daf8bba69d94d88b753b6f382620e34; Vickie Patton; Gary Ewart (DC); Julie McNamara; teamsvisitor:4e12258448a94bedad9a59c3cb7ccb8c; Laura Kate Bender; Laris, Zach; Deborah Murray; teamsvisitor:e6a5b949e23c45c1906e65cf29672473; teamsvisitor:8061c43fc04243ccb70a8cded63ee77a; +1 Personal Privacy / Ex. 6; Application 9e133cac-5238-4d1e-aaa0-d8ff4ca23f4e; Kim, Eunjung; Enobakhare, Rosemary; +1 Personal Privacy / Ex. 6 Carbonell, Tomas; +1 Personal Privacy / Ex. 6; Levy, Maxwell; Goffman, Joseph; Cortez Russell, Loni; Application 207a6836-d031-4764-a9d8-c1193f455f21; teamsvisitor:7e7f149ec88a4a83a3891bd1c890964f

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End Time (UTC): 1/30/2022 5:53:54 PM
Duration: 00:26:13.0592163

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[1/30/2022 5:53:50 PM (UTC)] donald.hoppert@apha.org left.
[1/30/2022 5:30:00 PM (UTC)] Paul.Billings@lung.org joined.
[1/30/2022 5:53:50 PM (UTC)] Paul.Billings@lung.org left.
[1/30/2022 5:30:01 PM (UTC)] lallen@aap.org joined.
[1/30/2022 5:53:50 PM (UTC)] lallen@aap.org left.
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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 1/18/2022 4:30:34 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; gewart@thoracic.org; John Walker [jwalke@nrdc.org]; Vickie Patton [vpatton@edf.org]; Patrick Drupp [patrick.drupp@sierraclub.org]; tmcguire@earthjustice.org; Ann Weeks [aweeks@catf.us]; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton [JHamilton@ucsusa.org]; Stephanie Kodish [skodish@npca.org]; Paul Billings [Paul.Billings@lung.org]

Subject: NGO Round Table
Location: Microsoft Teams Meeting

Start: 1/20/2022 8:00:00 PM
End: 1/20/2022 9:00:00 PM
Show Time As: Tentative

Required Attendees: Tsirigotis, Peter; Grundler, Christopher; Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Edwards, Jonathan; Shoaff, John; gewart@thoracic.org; John Walker; Vickie Patton; Patrick Drupp; tmcguire@earthjustice.org; Ann Weeks; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; 'Jonna Hamilton'; Stephanie Kodish; Paul Billings

Topics for call
Updates from Joe Goffman
Haze
Power plants
Motor Vehicles
National Ambient Air Quality Standards
Startup, Shutdowns and Malfunctions

Microsoft Teams meeting

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sip:teams@video.epa.gov
Video Conference ID: Personal Privacy / Ex. 6
Alternate VTC instructions

Or call in (audio only)
+1 Personal Privacy / Ex. 6 United States, Washington DC
Phone Conference ID: Personal Privacy / Ex. 6 #
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For all EPA meetings, there is no expectation of privacy regarding any communications. Participation in a recorded meeting will be deemed as consent to be recorded. Information on EPA systems is the property of the Agency and may become official records.

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/30/2021 10:04:47 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton [vpatton@edf.org]; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Newberg, Cindy [Newberg.Cindy@epa.gov]

Subject: GHG Roundtable
Attachments: 2021 External meeting request.docx; 2021 External meeting request.docx; power-plant-standards-letter-20210406.pdf
Location: Microsoft Teams Meeting

Start: 12/8/2021 6:00:00 PM
End: 12/8/2021 7:00:00 PM
Show Time As: Busy

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Grundler, Christopher; Kocchi, Suzanne; Dunham, Sarah; Hengst, Benjamin; Edwards, Jonathan; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us
Optional Attendees: Shaw, Betsy; Shoaff, John; Campbell, Ann; Hooper, Daniel; Gunning, Paul; Birnbaum, Rona; Paul Billings; Newberg, Cindy

2021 External meeting request.... power-plant-stan...

We hope to touch on current and potential rulemakings and guidance in the following areas:
•Power plants
•Vehicles
•Oil and gas methane
•HFCs
•Other industries

Microsoft Teams meeting

Join on your computer or mobile app
Click here to join the meeting
Or call in (audio only)
+1 Personal Privacy / Ex. 6 # United States, Washington DC
Phone Conference ID: Personal Privacy / Ex. 6 #
Find a local number | Reset PIN

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.
Learn More | Meeting options

2021 External meeting request....

Appointment

From: Andy Bessler [Andy.Bessler@nau.edu]
Sent: 1/18/2022 7:25:14 PM
To: Andy Bessler [Andy.Bessler@nau.edu]; NTAA [NTAA@LISTS.NAU.EDU]; billietoledo@pbpnation.org; Brandy Toft [brandy.toft@llojibwe.net]; ckriebs@kootenai.org; CKreman@quapawtribe.com; jarchuleta@utemountain.org; kelly.schott@meskwaki-nsn.gov; Leonard Bruce [leonard.bruce.deq@gric.nsn.us]; Lozada, Tiffany [tlozada@pci-nsn.gov]; lucas.bair@spokanetribe.com; marvin@wabanaki.com; maxine.paul@santaana-nsn.gov; randall.ashley@cskt.org; Rkalistook@avcp.org; scott.hansen@catawbaindian.net; Shannon Isaacs [environplanner@craigtribe.org]; Steven Smith [SteveSmith@shinnecock.org]; ssmallwood@jiv-nsn.gov; Mariah.Ashley [Mariah.Ashley@nau.edu]; Ryan Tsingine [Ryan.Tsingine@nau.edu]; ann-marie.chischilly@nau.edu; Laura McKelvey [Personal Privacy / Ex. 6]; Ian Fisher [ifisher@jillgrantlaw.com]; Eric Kills A Hundred [ekillsahundred@edf.org]; Elizabeth Brandt [ebrandt@momscleanairforce.org]; Laura Kate Bender [Laura.Bender@lung.org]; Childers, Pat [Childers.Pat@epa.gov]; Payne, JamesJ [payne.jamesj@epa.gov]
CC: Edwin LaMair [elamair@edf.org]; Maggie Sanders [sanders.maggie@nisqually-nsn.gov]; jlitviak@jamulindianvillage.com; Lucero, Heaven [Heaven.Lucero@Isletapueblo.com]; bdroessler [bdroessler@environmental-initiative.org]; Modesty Sand [msand@TMR.ORG]; christopher.horan@srpmic-nsn.gov; tromero@santaynezchumash.org; Joey DeLaCruz [jdelacruz@sbtribes.com]; Anthony P. Mazzini [AnthonyMazzini@FDLREZ.COM]; Brian James [BJames@kawerak.org]; dana.adkins@chickahominytribe.org; mwampler@southernute-nsn.gov; Ryan Macintosh [RMacintosh@tachi-yokut-nsn.gov]; Tanda Roberts [TRoberts@plpt.nsn.us]; Personal Privacy / Ex. 6; Luke Von Oldenburg [loldenburg@unitedconsulting.com]; lydia.scheer@nau.edu; Richard Black [richenviro@fpst.org]; ASells@utemountain.org; Shaina Oliver [soliver@momscleanairforce.org]; Darold Wallick [dwallick@palatribe.com]; Valiere, Lucita [Valiere.Lucita@epa.gov]; thorst@choctawnation.com; acandelaria@cahuilla.net; melinda.ronca-battista@nau.edu; Craig Kreman [ckreman@quapawnation.com]; toni.tourtillott@mohican-nsn.gov; Shane Jemison [Shane.Jemison@chickasaw.net]; Dove, Bobbi [bdove@omtribe.org]; Chappell, Regina [Chappell.Regina@epa.gov]; Merinda Reamy [mreamy@ukb-nsn.gov]; Hamilton, Brian [Hamilton.Brian@epa.gov]; Montanez, Jessica [Montanez.Jessica@epa.gov]; Joe Cebe [Joe.Cebe@fcp-nsn.gov]; igap@ugashikvillage.com; glennalee@navajo-nsn.gov; Robyn French [rfrench@cheyenneandarapaho-nsn.gov]; ineff@jamulindianvillage.com; Kara Berst [Kara.Berst@chickasaw.net]; guk7@cdc.gov; lthomas@peoriatribe.com; Christal Marie Black [Christal.black@nau.edu]; Jon Goldstein [jgoldstein@edf.org]; KMcMurl@iowanation.org; Frank Spurgeon [Frank.Spurgeon@lajolla-nsn.gov]; John Burnett [John.Burnett@midwestind.com]; Michael Craig [Michael.Craig@comanchenation.com]; Carma Huseby [carma.huseby@llojibwe.net]; AVasquez@gratonrancheria.com; viviancraig [viviancraig@navajo-nsn.gov]; Kramer, Elizabeth [Kramer.Elizabeth@epa.gov]; Brianna Phillips [bphillips@wiyot.us]; cdavis [cdavis@npaihb.org]; Chief, Karletta - (kchief) [kchief@arizona.edu]; mansel nelson [mansel.nelson@nau.edu]; Pamela Eaton [pam_eaton@outlook.com]; Gogal, Danny [Gogal.Danny@epa.gov]; Dilley, Shannon@ARB [Shannon.Dilley@arb.ca.gov]

Subject: Updated Agenda Added: NTAA Informational Webinar on EPA's Proposed Methane Rule
Location: Register and view webinar here: Personal Privacy / Ex. 6

Start: 1/19/2022 7:00:00 PM
End: 1/19/2022 8:30:00 PM
Show Time As: Tentative

Recurrence: (none)

You are Invited to Join an Informational Webinar with the National Tribal Air Association and Other Air Quality Champions to Discuss EPA's Proposed Methane Rule

Register here

Wednesday, January 19, 2022

10 am AK
11 am PT
12 pm MT
1 pm CT
2 pm ET

This 1 ½ hour online webinar will be free and open to the public

Webinar Agenda:

Review of Webinar Agenda and Logistics
5 min.
Andy Bessler, NTAA Director and Webinar Moderator

Welcome and Opening Remarks
5 min.
Carol Kriebs, NTAA Chairwoman

Methane/Oil and Gas 101 and Overview of the Proposed Rule,
5 min.
Laura McKelvey, NTAA Policy Advisory Committee

Panel Discussion
1 hour

Each round of questions allows 15 minutes for each organization to introduce themselves and respond to these questions:
Question 1: What are Health/Climate/Tribal/Other impacts that most concern you?
Question 2: What are your recommendations for EPA?
Question 3: How can Tribes engage with your organization?

Panel Includes:
NTAA's Ian Fisher and Laura McKelvey
American Lung Association's Laura Kate Bender
Moms Clean Air Force's Shaina Oliver and Celerah Hewes
EDF's Eric Kills a Hundred and Edwin LaMair

Open Discussion with Attendees for Q&A
15 min.

The EPA is accepting comments on their draft New Source Performance Standards Updates, Emissions Guidelines to Reduce Methane and Other Harmful Pollution from the Oil and Natural Gas Industry. EPA held a public hearing on this draft rule to provide the public the opportunity to present comments and information on the Agency's proposed New Source Performance Standards and Emissions Guidelines for the oil and natural gas industry. The proposal would expand and strengthen emissions reduction requirements that are currently on the books for new, modified and reconstructed oil and natural gas sources, and would require states to reduce methane emissions from hundreds of thousands of existing sources nationwide for the first time!

The Comment deadline has now been extended to January 31st, 2022 (previously Jan. 14th).

Additional Resources:

- EPA's public hearing was held on Tuesday, November 30, 2021 and Wednesday, December 1, 2020 and NTAA Chairwoman Carol Kriebs provided testimony during the hearing. Here are NTAA's Talking Points during the hearing. NTAA also provided Opening Remarks for an EPA Training on this draft methane rule on November 17, 2021. you can view a PDF of the slide show here. More information on EPA's training that took place Nov 16-18 2021 can be found here.
- NTAA Fact Sheet on EPA's Proposed Rule on Emissions Guidelines to Reduce Methane from the Oil and Natural Gas Industry.
- NTAA published a Template Letter for Tribes to use to comment
- NTAA's comment letter will be submitted on the comment deadline.

This webinar will provide Tribes with an opportunity to learn more about the proposed rule and hear several perspectives by NTAA and others.

Be sure to register and stand by for updates on the webinar agenda.

Hope you can make it!

Andy

Andy Bessler
Pronouns: (He/Him)
Director
National Tribal Air Association
Institute for Tribal Environmental Professionals
Northern Arizona University
P.O. Box 15004

Flagstaff, AZ 86011
Office 928-523-0526
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www.ntaatribalair.org

"Northern Arizona University sits at the base of the San Francisco Peaks, on homelands sacred to Native Americans throughout the region. We honor their past, present, and future generations, who have lived here for millennia and will forever call this place home."

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 1/18/2022 4:30:34 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; gewart@thoracic.org; John Walker [jwalke@nrdc.org]; Vickie Patton [vpatton@edf.org]; Patrick Drupp [patrick.drupp@sierraclub.org]; tmcguire@earthjustice.org; Ann Weeks [aweeks@catf.us]; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton [JHamilton@ucsusa.org]; Stephanie Kodish [skodish@npca.org]; Paul Billings [Paul.Billings@lung.org]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]

Subject: NGO Round Table
Location: Microsoft Teams Meeting

Start: 1/20/2022 8:00:00 PM
End: 1/20/2022 9:00:00 PM
Show Time As: Tentative

Required Attendees: Tsirigotis, Peter; Grundler, Christopher; Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Edwards, Jonathan; Shoaff, John; gewart@thoracic.org; John Walker; Vickie Patton; Patrick Drupp; tmcguire@earthjustice.org; Ann Weeks; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton; Stephanie Kodish; Paul Billings; Dunham, Sarah; Hengst, Benjamin; Campbell, Ann

Topics for call
Updates from Joe Goffman
Haze
Power plants
Motor Vehicles
National Ambient Air Quality Standards
Startup, Shutdowns and Malfunctions

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CC: Kim, Eunjung [Kim.Eun@epa.gov]; Colin J Nackerman [cnackerm@gmu.edu]

Subject: NGO Briefing
Location: Microsoft Teams Meeting

Start: 1/30/2022 5:30:00 PM
End: 1/30/2022 6:15:00 PM
Show Time As: Tentative

Required Attendees: Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Laura.Bender@lung.org; paul.billings@lung.org; lallen@aap.org; zlaris@aap.org; bgottlieb@psr.org; donald.hoppert@apha.org; dmurray@selcva.org; sgall@selcva.org; aherzog@hcwh.org; cara@envirn.org; canderson@allergyasthmanetwork.org; cnackerm@masonlive.gmu.edu; dbee720@comcast.net; dfarquhar@neha.org; gewart@thoracic.org; JennaR@aafa.org; katie@envirn.org; kristiet@cehn.org; leylamccurdy@outlook.com; linda.rudolph@phi.org; mmitch3@gmu.edu; msarfaty@gmu.edu; rebecca@ecoamerica.org; cassandra@nrpe.org; mitch@creationcare.org; abaker@cleanwisconsin.org; dana@weact.org; tiffany@interfaithpowerandlight.org; Justin@cleanenergy.org; candress@edf.org; vpatton@edf.org; dmurrow@nrdc.org; tinsleya@nwf.org; jennis@earthjustice.org; jhamilton@ucsusa.org
Optional Attendees: Kim, Eunjung; Colin J Nackerman

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Optional Attendees: Kim, Eunjung; Colin J Nackerman

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Optional Attendees: Kim, Eunjung; Colin J Nackerman; Personal Privacy / Ex. 6; James Pew

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Sent: 1/28/2022 6:00:45 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Laura.Bender@lung.org; Paul Billings [paul.billings@lung.org]; lallen@aap.org; zlaris@aap.org; bgottlieb@psr.org; donald.hoppert@apha.org; dmurray@selcva.org; sgall@selcva.org; aherzog@hcwh.org; cara@envirn.org; canderson@allergyasthmanetwork.org; cnackerm@masonlive.gmu.edu; dbee720@comcast.net; dfarquhar@neha.org; gewart@thoracic.org; JennaR@aafa.org; katie@envirn.org; kristiet@cehn.org; leylamccurdy@outlook.com; linda.rudolph@phi.org; mmitch3@gmu.edu; msarfaty@gmu.edu; rebecca@ecoamerica.org; cassandra@nrpe.org; mitch@creationcare.org; abaker@cleanwisconsin.org; dana@weact.org; tiffany@interfaithpowerandlight.org; Justin@cleanenergy.org; candress@edf.org; vpatton@edf.org; dmurrow@nrdc.org; tinsleya@nwf.org; jennis@earthjustice.org; jhamilton@ucsusa.org
CC: Kim, Eunjung [Kim.Eun@epa.gov]; Colin J Nackerman [cnackerm@gmu.edu]; Personal Privacy / Ex. 6 James Pew [jpew@earthjustice.org]

Subject: NGO Briefing
Location: Microsoft Teams Meeting

Start: 1/30/2022 5:30:00 PM
End: 1/30/2022 6:15:00 PM
Show Time As: Tentative

Required Attendees: Levy, Maxwell; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Laura.Bender@lung.org; paul.billings@lung.org; lallen@aap.org; zlaris@aap.org; bgottlieb@psr.org; donald.hoppert@apha.org; dmurray@selcva.org; sgall@selcva.org; aherzog@hcwh.org; cara@envirn.org; canderson@allergyasthmanetwork.org; cnackerm@masonlive.gmu.edu; dbee720@comcast.net; dfarquhar@neha.org; gewart@thoracic.org; JennaR@aafa.org; katie@envirn.org; kristiet@cehn.org; leylamccurdy@outlook.com; linda.rudolph@phi.org; mmitch3@gmu.edu; msarfaty@gmu.edu; rebecca@ecoamerica.org; cassandra@nrpe.org; mitch@creationcare.org; abaker@cleanwisconsin.org; dana@weact.org; tiffany@interfaithpowerandlight.org; Justin@cleanenergy.org; candress@edf.org; vpatton@edf.org; dmurrow@nrdc.org; tinsleya@nwf.org; jennis@earthjustice.org; jhamilton@ucsusa.org
Optional Attendees: Kim, Eunjung; Colin J Nackerman; Personal Privacy / Ex. 6 ; James Pew

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From: scheduling [scheduling@epa.gov]
Sent: 2/2/2022 6:36:19 PM
To: scheduling [scheduling@epa.gov]; peggy@weact.org; Fred Krupp, EDF [fkrupp@edf.org]; Johanna Chao Kreilick [JCKreilick@ucsusa.org]; Margie Alt [malt@cacampaign.org]; Kathleen Welch, Corridor Partners [kathleen@corridorpartners.com]; Jennifer Krill [jkrill@earthworks.org]; Abbie Dillen, Earthjustice [adillen@earthjustice.org]; Manish Bapna [mbapna@nrdc.org]; Kim Alfred [kalfred@cacampaign.org]; Megan Larkin [mlarkin@cacampaign.org]; Jennifer Krill [jkrill@earthworksaction.org]; jamie_williams@tws.org; tpierno@npca.org; Ramon Cruz [ramon.cruz@sierraclub.org]; rgarr@cacampaign.com; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Max Levy [Levy.Maxwell@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Utech, Dan [Utech.Dan@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]
CC: Rose Garr [rgarr@cacampaign.org]

Subject: Video-call: Remarks: Climate and Environmental CEOs Meeting
Location: https:/ Personal Privacy / Ex. 6

Start: 2/3/2022 3:30:00 PM
End: 2/3/2022 4:15:00 PM
Show Time As: Tentative

Required Attendees: peggy@weact.org; Fred Krupp, EDF; Johanna Chao Kreilick; Margie Alt; Kathleen Welch, Corridor Partners; Jennifer Krill; Abbie Dillen, Earthjustice; Manish Bapna; Kim Alfred; Megan Larkin; Jennifer Krill; jamie_williams@tws.org; tpierno@npca.org; Ramon Cruz; rgarr@cacampaign.com; Enobakhare, Rosemary; Cortez Russell, Loni; Max Levy; Cassady, Alison; Lucey, John; Utech, Dan; Goffman, Joseph; Carbonell, Tomas; Nunez, Alejandra
Optional Attendees: Rose Garr

Topic: Climate and Environmental CEOs Meeting
Time: Feb 3, 2022 10:30 AM Eastern Time (US and Canada)

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Personal Privacy / Ex. 6 (US East)
Meeting ID: Personal Privacy / Ex. 6

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/30/2021 10:04:47 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton [vpatton@edf.org]; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Newberg, Cindy [Newberg.Cindy@epa.gov]

Subject: GHG Roundtable
Attachments: 2021 External meeting request.docx; 2021 External meeting request.docx; power-plant-standards-letter-20210406.pdf
Location: Microsoft Teams Meeting

Start: 12/8/2021 6:00:00 PM
End: 12/8/2021 7:00:00 PM
Show Time As: Busy

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Grundler, Christopher; Kocchi, Suzanne; Dunham, Sarah; Hengst, Benjamin; Edwards, Jonathan; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us
Optional Attendees: Shaw, Betsy; Shoaff, John; Campbell, Ann; Hooper, Daniel; Gunning, Paul; Birnbaum, Rona; Paul Billings; Newberg, Cindy

2021 External meeting request.... power-plant-stan...

We hope to touch on current and potential rulemakings and guidance in the following areas:
•Power plants
•Vehicles
•Oil and gas methane
•HFCs
•Other industries

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From: Kim, Eunjung [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DD11E6748ACC46FD9E08FF444099678C-KIM, EUN]
Sent: 2/10/2022 7:39:24 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Profeta, Timothy [Profeta.Timothy@epa.gov]; Conrad Schneider [cschneider@catf.us]; Jay Duffy [jduffy@catf.us]; Ann Weeks [aweeks@catf.us]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Hutson, Nick [Hutson.Nick@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp [patrick.drupp@sierraclub.org]; Macedonia, Jennifer [Macedonia.Jennifer@epa.gov]; Arroyo, Victoria [Arroyo.Victoria@epa.gov]; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard [Huggins.Richard@epa.gov]; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; Marvin C. Brown IV [mcbrown@earthjustice.org]; Pritts, Jesse [Pritts.Jesse@epa.gov]; vpatton@edf.org

Subject: NGO Stakeholder Discussion
Location: https://Personal Privacy / Ex. 6

Start: 2/16/2022 3:00:00 PM
End: 2/16/2022 4:00:00 PM
Show Time As: Tentative

Required Attendees: Kim, Eunjung; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Profeta, Timothy; Conrad Schneider; Jay Duffy; Ann Weeks; Culligan, Kevin; Hutson, Nick; Birnbaum, Rona; Stenhouse, Jeb; Ashley, Jackie; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp; Macedonia, Jennifer; Arroyo, Victoria; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; mcbrown@earthjustice.org; Pritts, Jesse; vpatton@edf.org

Confirmed Stakeholders:
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From: Kim, Eunjung [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DD11E6748ACC46FD9E08FF444099678C-KIM, EUN]
Sent: 2/10/2022 7:39:24 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Profeta, Timothy [Profeta.Timothy@epa.gov]; Conrad Schneider [cschneider@catf.us]; Jay Duffy [jduffy@catf.us]; Ann Weeks [aweeks@catf.us]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Hutson, Nick [Hutson.Nick@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp [patrick.drupp@sierraclub.org]; Macedonia, Jennifer [Macedonia.Jennifer@epa.gov]; Arroyo, Victoria [Arroyo.Victoria@epa.gov]; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard [Huggins.Richard@epa.gov]; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; Marvin C. Brown IV [mcbrown@earthjustice.org]; Pritts, Jesse [Pritts.Jesse@epa.gov]; vpatton@edf.org
CC: Tripp, Anthony [Tripp.Anthony@epa.gov]

Subject: NGO Stakeholder Discussion
Location: https:/ Personal Privacy / Ex. 6

Start: 2/16/2022 3:00:00 PM
End: 2/16/2022 4:00:00 PM
Show Time As: Busy

Required Attendees: Levy, Maxwell; Kim, Eunjung; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Profeta, Timothy; Conrad Schneider; Jay Duffy; Ann Weeks; Culligan, Kevin; Hutson, Nick; Birnbaum, Rona; Stenhouse, Jeb; Ashley, Jackie; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp; Macedonia, Jennifer; Arroyo, Victoria; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; mcbrown@earthjustice.org; Pritts.Jesse@epa.gov; vpatton@edf.org
Optional Attendees: Tripp, Anthony

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From: Kim, Eunjung [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DD11E6748ACC46FD9E08FF444099678C-KIM, EUN]
Sent: 2/10/2022 7:39:24 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Profeta, Timothy [Profeta.Timothy@epa.gov]; Conrad Schneider [cschneider@catf.us]; Jay Duffy [jduffy@catf.us]; Ann Weeks [aweeks@catf.us]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Hutson, Nick [Hutson.Nick@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp [patrick.drupp@sierraclub.org]; Macedonia, Jennifer [Macedonia.Jennifer@epa.gov]; Arroyo, Victoria [Arroyo.Victoria@epa.gov]; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard [Huggins.Richard@epa.gov]; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; Marvin C. Brown IV [mcbrown@earthjustice.org]; Pritts, Jesse [Pritts.Jesse@epa.gov]; vpatton@edf.org

Subject: NGO Stakeholder Discussion
Location: https: Personal Privacy / Ex. 6

Start: 2/16/2022 3:00:00 PM
End: 2/16/2022 4:00:00 PM
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Required Attendees: Kim, Eunjung; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Profeta, Timothy; Conrad Schneider; Jay Duffy; Ann Weeks; Culligan, Kevin; Hutson, Nick; Birnbaum, Rona; Stenhouse, Jeb; Ashley, Jackie; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp; Macedonia, Jennifer; Arroyo, Victoria; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; mcbrown@earthjustice.org; Pritts, Jesse; vpatton@edf.org

Confirmed Stakeholders:
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From: Kim, Eunjung [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DD11E6748ACC46FD9E08FF444099678C-KIM, EUN]
Sent: 2/10/2022 7:39:24 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Profeta, Timothy [Profeta.Timothy@epa.gov]; Conrad Schneider [cschneider@catf.us]; Jay Duffy [jduffy@catf.us]; Ann Weeks [aweeks@catf.us]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Hutson, Nick [Hutson.Nick@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp [patrick.drupp@sierraclub.org]; Macedonia, Jennifer [Macedonia.Jennifer@epa.gov]; Arroyo, Victoria [Arroyo.Victoria@epa.gov]; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard [Huggins.Richard@epa.gov]; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; Marvin C. Brown IV [mcbrown@earthjustice.org]; Pritts, Jesse [Pritts.Jesse@epa.gov]; vpatton@edf.org
CC: Tripp, Anthony [Tripp.Anthony@epa.gov]

Subject: NGO Stakeholder Discussion
Location: https: Personal Privacy / Ex. 6

Start: 2/16/2022 3:00:00 PM
End: 2/16/2022 4:00:00 PM
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Required Attendees: Levy, Maxwell; Kim, Eunjung; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Profeta, Timothy; Conrad Schneider; Jay Duffy; Ann Weeks; Culligan, Kevin; Hutson, Nick; Birnbaum, Rona; Stenhouse, Jeb; Ashley, Jackie; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp; Macedonia, Jennifer; Arroyo, Victoria; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; mcbrown@earthjustice.org; Pritts.Jesse@epa.gov; vpatton@edf.org
Optional Attendees: Tripp, Anthony

Confirmed Stakeholders:
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Appointment

From: scheduling [scheduling@epa.gov]
Sent: 2/2/2022 6:36:19 PM
To: scheduling [scheduling@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; peggy@weact.org; Fred Krupp, EDF [fkrupp@edf.org]; Johanna Chao Kreilick [JCKreilick@ucsusa.org]; Margie Alt [malt@cacampaign.org]; Kathleen Welch, Corridor Partners [kathleen@corridorpartners.com]; Jennifer Krill [jkrill@earthworks.org]; Abbie Dillen, Earthjustice [adillen@earthjustice.org]; Manish Bapna [mbapna@nrdc.org]; Kim Alfred [kalfred@cacampaign.org]; Megan Larkin [mlarkin@cacampaign.org]; Jennifer Krill [jkrill@earthworksaction.org]; jamie_williams@tws.org; tpierno@npca.org; Ramon Cruz [ramon.cruz@sierraclub.org]; rgarr@cacampaign.com; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Max Levy [Levy.Maxwell@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Utech, Dan [Utech.Dan@epa.gov]
CC: Rose Garr [rgarr@cacampaign.org]

Subject: Video-call: Remarks: Climate and Environmental CEOs Meeting
Location: https:/ Personal Privacy / Ex. 6

Start: 2/3/2022 3:30:00 PM
End: 2/3/2022 4:15:00 PM
Show Time As: Tentative

Required Attendees: peggy@weact.org; Fred Krupp, EDF; Johanna Chao Kreilick; Margie Alt; Kathleen Welch, Corridor Partners; Jennifer Krill; Abbie Dillen, Earthjustice; Manish Bapna; Kim Alfred; Megan Larkin; Jennifer Krill; jamie_williams@tws.org; tpierno@npca.org; Ramon Cruz; rgarr@cacampaign.com; Enobakhare, Rosemary; Cortez Russell, Loni; Max Levy; Cassady, Alison; Lucey, John; Utech, Dan; Goffman, Joseph; Carbonell, Tomas; Nunez, Alejandra
Optional Attendees: Rose Garr

Topic: Climate and Environmental CEOs Meeting
Time: Feb 3, 2022 10:30 AM Eastern Time (US and Canada)

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Appointment

From: Kim, Eunjung [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DD11E6748ACC46FD9E08FF444099678C-KIM, EUN]
Sent: 2/10/2022 7:39:24 PM
To: Levy, Maxwell [Levy.Maxwell@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Profeta, Timothy [Profeta.Timothy@epa.gov]; Conrad Schneider [cschneider@catf.us]; Jay Duffy [jduffy@catf.us]; Ann Weeks [aweeks@catf.us]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Hutson, Nick [Hutson.Nick@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp [patrick.drupp@sierraclub.org]; Macedonia, Jennifer [Macedonia.Jennifer@epa.gov]; Arroyo, Victoria [Arroyo.Victoria@epa.gov]; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard [Huggins.Richard@epa.gov]; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; Marvin C. Brown IV [mcbrown@earthjustice.org]; Pritts, Jesse [Pritts.Jesse@epa.gov]; vpatton@edf.org
CC: Tripp, Anthony [Tripp.Anthony@epa.gov]

Subject: NGO Stakeholder Discussion
Location: https: Personal Privacy / Ex. 6

Start: 2/16/2022 3:00:00 PM
End: 2/16/2022 4:00:00 PM
Show Time As: Tentative

Required Attendees: Levy, Maxwell; Kim, Eunjung; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Profeta, Timothy; Conrad Schneider; Jay Duffy; Ann Weeks; Culligan, Kevin; Hutson, Nick; Birnbaum, Rona; Stenhouse, Jeb; Ashley, Jackie; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp; Macedonia, Jennifer; Arroyo, Victoria; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; mcbrown@earthjustice.org; Pritts.Jesse@epa.gov; vpatton@edf.org
Optional Attendees: Tripp, Anthony

Confirmed Stakeholders:
CATF
Sierra Club
NRDC
Earthjustice
EDF

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(US East)
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From: Kim, Eunjung [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DD11E6748ACC46FD9E08FF444099678C-KIM, EUN]
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CC: Tripp, Anthony [Tripp.Anthony@epa.gov]; LaCount, Melanie [lacount.melanie@epa.gov]

Subject: NGO Stakeholder Discussion
Location: https://[redacted] Personal Privacy / Ex. 6

Start: 2/16/2022 3:00:00 PM
End: 2/16/2022 4:00:00 PM
Show Time As: Busy

Required Attendees: Levy, Maxwell; Kim, Eunjung; Enobakhare, Rosemary; Cortez Russell, Loni; Goffman, Joseph; Carbonell, Tomas; Profeta, Timothy; Conrad Schneider; Jay Duffy; Ann Weeks; Culligan, Kevin; Hutson, Nick; Birnbaum, Rona; Stenhouse, Jeb; Ashley, Jackie; andres.restrepo@sierraclub.org; zachary.fabish@sierraclub.org; Patrick Drupp; Macedonia, Jennifer; Arroyo, Victoria; dhawkins@nrdc.org; ddoniger@nrdc.org; blongstreth@nrdc.org; Huggins, Richard; mhayden@earthjustice.org; llynch@nrdc.org; jtauber@earthjustice.org; levans@earthjustice.org; mcbrown@earthjustice.org; Pritts.Jesse@epa.gov; vpatton@edf.org
Optional Attendees: Tripp, Anthony; LaCount, Melanie

Confirmed Stakeholders:
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(US East)
Meeting ID: Personal Privacy / Ex. 6

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/30/2021 10:04:47 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton [vpatton@edf.org]; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy [jduffy@catf.us]
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Newberg, Cindy [Newberg.Cindy@epa.gov]

Subject: GHG Roundtable
Attachments: 2021 External meeting request.docx; 2021 External meeting request.docx; power-plant-standards-letter-20210406.pdf
Location: Microsoft Teams Meeting

Start: 12/8/2021 6:00:00 PM
End: 12/8/2021 7:00:00 PM
Show Time As: Busy

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Grundler, Christopher; Kocchi, Suzanne; Dunham, Sarah; Hengst, Benjamin; Edwards, Jonathan; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy
Optional Attendees: Shaw, Betsy; Shoaff, John; Campbell, Ann; Hooper, Daniel; Gunning, Paul; Birnbaum, Rona; Paul Billings; Newberg, Cindy

2021 External meeting request.... power-plant-stan...

We hope to touch on current and potential rulemakings and guidance in the following areas:
•Power plants
•Vehicles
•Oil and gas methane
•HFCs
•Other industries

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2021 External meeting request....

Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 11/30/2021 10:04:47 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton [vpatton@edf.org]; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy [jduffy@catf.us]; dshroeder@catf.us
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Paul Billings [Paul.Billings@lung.org]; Newberg, Cindy [Newberg.Cindy@epa.gov]

Subject: GHG Roundtable
Attachments: 2021 External meeting request.docx; 2021 External meeting request.docx; power-plant-standards-letter-20210406.pdf
Location: Microsoft Teams Meeting

Start: 12/8/2021 6:00:00 PM
End: 12/8/2021 7:00:00 PM
Show Time As: Tentative

Required Attendees: Carbonell, Tomas; Nunez, Alejandra; Kim, Eunjung; Tsirigotis, Peter; Koerber, Mike; Grundler, Christopher; Kocchi, Suzanne; Dunham, Sarah; Hengst, Benjamin; Edwards, Jonathan; ddoniger@nrdc.org; andres.restrepo@sierraclub.org; Vickie Patton; jduffy@CATF.org; pbillings@lungusa.org; blongstreth@nrdc.org; dschroeder@catf.us; Jay Duffy; dshroeder@catf.us; kristin.brainerd@CAELP.ORG.
Optional Attendees: Shaw, Betsy; Shoaff, John; Campbell, Ann; Hooper, Daniel; Gunning, Paul; Birnbaum, Rona; Paul Billings; Newberg, Cindy

2021 External meeting request.... power-plant-stan...

We hope to touch on current and potential rulemakings and guidance in the following areas:
•Power plants
•Vehicles
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•HFCs
•Other industries

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Appointment

From: Goffman, Joseph [Goffman.Joseph@epa.gov]
Sent: 1/18/2022 4:30:34 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eunjung [Kim.Eun@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; gewart@thoracic.org; John Walker [jwalke@nrdc.org]; Vickie Patton [vpatton@edf.org]; Patrick Drupp [patrick.drupp@sierraclub.org]; tmcguire@earthjustice.org; Ann Weeks [aweeks@catf.us]; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; Jonna Hamilton [JHamilton@ucsusa.org]; Stephanie Kodish [skodish@npca.org]; Paul Billings [Paul.Billings@lung.org]

Subject: NGO Round Table
Location: Microsoft Teams Meeting

Start: 1/20/2022 8:00:00 PM
End: 1/20/2022 9:00:00 PM
Show Time As: Tentative

Required Attendees: Tsirigotis, Peter; Grundler, Christopher; Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Edwards, Jonathan; Shoaff, John; gewart@thoracic.org; John Walker; Vickie Patton; Patrick Drupp; tmcguire@earthjustice.org; Ann Weeks; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; 'Jonna Hamilton'; Stephanie Kodish; Paul Billings

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Subject: NGO Round Table
Location: Microsoft Teams Meeting

Start: 1/20/2022 8:00:00 PM
End: 1/20/2022 9:00:00 PM
Show Time As: Busy

Required Attendees: Tsirigotis, Peter; Grundler, Christopher; Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Edwards, Jonathan; Shoaff, John; gewart@thoracic.org; John Walker; Vickie Patton; Patrick Drupp; tmcguire@earthjustice.org; Ann Weeks; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; 'Jonna Hamilton'; Stephanie Kodish; Paul Billings

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Subject: NGO Round Table
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Show Time As: Tentative

Required Attendees: Tsirigotis, Peter; Grundler, Christopher; Nunez, Alejandra; Carbonell, Tomas; Kim, Eunjung; Edwards, Jonathan; Shoaff, John; gewart@thoracic.org; John Walker; Vickie Patton; Patrick Drupp; tmcguire@earthjustice.org; Ann Weeks; AMesnikoff@elpc.org; gmurray@outdoors.org; donald.hoppert@apha.org; matthew_davis@lcv.org; 'Jonna Hamilton'; Stephanie Kodish; Paul Billings

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