

US EPA ARCHIVE DOCUMENT

Summary and Location of Requests for Comments in Proposed Carbon Pollution Emission Guidelines for Existing Stationary Sources: EGUs in Indian Country and U.S. Territories; Multi-Jurisdictional Partnerships (79 FR 65482-65505)

Category	Section of Preamble	Request for Comment...	FR Page	Column
Jurisdictions	I.B.	The EPA is also soliciting comment on whether jurisdictions—including any states, territories and areas of Indian country—without existing fossil fuel-fired EGUs subject to this rule can partner with jurisdictions that are subject to this rule in developing multijurisdictional plans.	65488	1
Implications for U.S. Territories	II.B.	The EPA is aware of two U.S. territories with affected EGUs: Puerto Rico and Guam. The EPA is not aware of any affected EGUs in American Samoa or the Commonwealth of the Northern Mariana Islands. Information provided to the EPA indicates that there are two potentially affected EGUs in the U.S. Virgin Islands; however, they have not been in operation since before 2012. Therefore, in this action, Puerto Rico and Guam are the only U.S. territories for which the EPA is proposing to set goals. The EPA requests comment on whether there are any other affected EGUs located in U.S. territories that were not identified for this supplemental proposal.	65488	3
Implications for Areas of Indian Country	II.C	The EPA is aware of four facilities with affected EGUs located in Indian country: The South Point Energy Center, in Fort Mojave Indian country geographically located within Arizona; the Navajo Generating Station, in Navajo Indian country geographically located within Arizona; the Four Corners Power Plant, in Navajo Indian country geographically located within New Mexico; and the Bonanza Power Plant, in Ute Indian country geographically located within Utah. The South Point facility is a natural gas combined cycle (NGCC) power plant, and the Navajo, Four Corners and Bonanza facilities are coal-fired EGUs. The operators and co-owners of these four facilities include investor-owned utilities, cooperative utilities, public power agencies and independent power producers, most of which also own or co-own affected EGUs within states, but outside of areas of Indian country. The EPA requests comment on whether there are any other affected EGUs located in Indian country beyond the four facilities identified for this supplemental proposal.	65488	3

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Proposed Goals and Computation Procedure	III.A.	In addition, the EPA is taking comment on a second set of area-specific goals for U.S. territories and Indian country with affected EGUs that would reflect less stringent application of the same BSER, in this case by 2025, with interim goals that would apply over a 2020–2024 phase-in period.	65489	3
Proposed Goals and Computation Procedure	III.B	For U.S. territories, as detailed in the discussion of the considerations, the EPA is co-proposing two approaches for the application of building block 3, which are shown as approaches A and B in Table 5, and also taking comment on an alternative to the proposed approaches for the application of building block 3, as shown in Table 7. For areas of Indian country with affected EGUs, the EPA is proposing one option, as shown in Table 6, and taking comment on alternatives.	65490	3
Proposed Goals and Computation Procedure	III.B	The EPA seeks comment on whether the methodology co-proposed for the territories is appropriate for areas of Indian country, or if adjustments to the proposed option or other approaches for the application of building block 3 for areas of Indian country are more appropriate. For example, an RE target could be established based on a percentage of the electric demand within the jurisdiction, where the percentage would be consistent with the amounts of RE generation in building block 3 in other jurisdictions (e.g. the lowest, average or greatest percentage of RE per electric demand in other affected jurisdictions).	65491	2

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Proposed Goals and Computation Procedure	III.B	In the June 18, 2014, proposal, the EPA solicited comment on an alternative RE approach for building block 3 that relied on technical potential within states, and in this supplemental proposal, the EPA is soliciting comment on that same approach as applied to U.S. territories with affected EGUs. The goals calculated using this approach are presented in Table 7. The EPA is presenting information on this alternative approach for Puerto Rico. The EPA is not presenting information on this alternative approach for Guam because the EPA does not have technical potential data for Guam. The EPA is seeking comments on available technical potential for Guam in order to allow us to calculate a RE target based on the alternative approach.	65491	3
Proposed Goals and Computation Procedure	III.B	For areas of Indian country, similar to the discussion above regarding the application of approach B for areas of Indian country, in light of concerns expressed by the Navajo Nation that its use of electricity is small compared to generation at the power plants, coupled with the fact that the amount of RE required for each area of Indian country under this alternative approach would be in excess of the area's electricity demand, the EPA seeks comment on the need for, and possible types of, adjustments to the alternative approach for the application of building block 3 for areas of Indian country.	65491	3
Proposed Goals and Computation Procedure	III.B	The EPA is co-proposing the two RE approaches for U.S. territories and is proposing one option and taking comment on alternatives for areas of Indian country with affected EGUs, as well as seeking comment on the alternative approach for territories. The EPA is also seeking comment on sources of RE data from these areas.	65491	3
Proposed Goals and Computation Procedure	III.B	The EPA solicits comments identifying alternative approaches and/or data sources for projections of retail electricity sales in these two territories.	65492	1

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Proposed Goals and Computation Procedure	III.B	For the areas of Indian country, the EPA used the projected retail electricity sales growth for the grid region from the 2012 AEO, which is 1.3 percent per year for the Navajo Nation and the Fort Mojave Tribe, and 1 percent per year for the Ute Tribe. The EPA requests comment on this approach.	65492	2
Proposed Goals and Computation Procedure	III.B	Accordingly, the EPA is seeking comment on the appropriateness of using, in the alternative, a minimum starting value for demand-side energy efficiency in areas of Indian country, and what that value should be.	65492	3
Proposed Goals and Computation Procedure	III.B	The EPA invites comment on all aspects of the goal computation procedure for U.S. territories and areas of Indian country with affected EGUs. The EPA also specifically invites comment on the area-specific historical data for affected EGUs in U.S. territories and Indian country to which the building blocks are applied in order to compute the area's goals, as well as the area-specific data for U.S. territories and Indian country used to develop the area-specific data inputs for building blocks 3 and 4. These data are contained in the "Technical Support Document for Calculating Carbon Pollution Goals for Existing Power Plants in U.S. Territories and Areas of Indian Country." Consistent with the June 18, 2014, proposal, the EPA also requests comment on whether CO ₂ emission reductions associated with other measures not currently included in any of the four proposed building blocks should be accounted for in developing the goals for U.S. territories and Indian country. Section VI.C.5 of the June 18, 2014, proposal discusses such other measures.	65492	3
Alternate Goals Offered for Comment and Other Approaches Considered	III.C	In the June 18, 2014, proposal, the EPA discussed issues related to the stringency and timing of these alternative goals. See 79 FR 34898. The EPA continues to seek comment on those issues as they relate to U.S. territories and areas of Indian country with affected EGUs.	65493	1

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Additional Considerations for U.S. Territories and Indian Country	III.D	In the June 18, 2014, proposal, the EPA sought comment on issues related to U.S. territories. In particular, the EPA solicited comment on appropriate alternatives for those territories that do not have access to natural gas. In addition, the EPA requested comment on whether heat rate improvements for non-coal fossil fuel-fired EGUs, including oil-fired steam EGUs, should be included in the building blocks and, therefore, be part of the basis for determining the BSER, with particular reference to the U.S. territories. The EPA is reiterating its request for comments on those issues, including on whether heat rate improvements are appropriate for oil-fired steam EGUs in territories in light of the fact that these EGUs make up a large portion of the EGU fleet in the territories.	65493	1
Additional Considerations for U.S. Territories and Indian Country	III.D	In addition, U.S. territories have many high utilization oil combustion turbines and oil-fired combined cycle units. These units are currently not included in the 2012 baseline because they are not covered by the proposed CAA section 111(b) rules for CO ₂ emissions from newly constructed or modified/ reconstructed fossil fuel-fired EGUs. See 79 FR 1430, 1446 (January 8, 2014) (newly constructed EGUs); 79 FR 34960, 34972 (June 18, 2014) (modified/ reconstructed EGUs). The EPA is requesting comment on the appropriateness of including these units in the CAA section 111(d) plans for the territories.	65493	2
U.S. Territories	IV.A	The EPA is proposing the same timetables for territories to achieve their emission performance levels as in the June 18, 2014, proposal for states. Under this proposed timetable, a territory would need to meet its interim CO ₂ emission performance level on average over the 10-year period from 2020–2029, as well as achieve its final CO ₂ emission performance level by 2030 and maintain that level subsequently. For a more detailed discussion of the proposed guidelines for plans, see section VIII of the June 18, 2014, proposal. In that proposal, the EPA specifically solicited comment on several aspects of the guidelines as they relate to state plans, and the EPA now solicits comment on the same issues as they relate to U.S. territories.	65494	3

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Areas of Indian Country With Affected EGUs	IV.B	The EPA asked for comment on a number of specific aspects of plans in section VIII of the June 18, 2014, proposal, and the EPA solicits comment on those same issues as they relate to areas of Indian country with affected EGUs. In particular, the EPA requested comment on whether a tribe wishing to develop and implement a CAA section 111(d) plan should have the option of including the EGUs located in its area of Indian country in a multijurisdictional plan with one or more states, territories or tribes. As stated previously in section II.D of this supplemental proposal, the Navajo Nation indicated during consultation that the Navajo Nation should control, under a trading program, any available CO ₂ allowances from the affected EGUs at Navajo Generating Station and Four Corners Power Plant. The EPA also requested comment in the June 18, 2014, proposal on whether a federal plan for areas of Indian country with affected EGUs, should the EPA conclude at a later date that such a plan is necessary or appropriate, could be developed on a multi-jurisdictional basis in conjunction with nearby (or potentially other) states developing CAA section 111(d) state plans.	65495	1

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Areas Without Affected EGUs	IV.D	The EPA requests comment on whether areas without affected EGUs may participate in multi-jurisdictional plans. The EPA requests comment on whether there are considerations that would specifically pertain to a multi-jurisdiction mass-based plan versus a rate-based plan. The EPA also requests comment on how CO ₂ emissions avoided through RE generating resources, demand-side energy efficiency measures, and other new low- and non-emitting electricity generation from areas without affected EGUs could be used to adjust or credit CO ₂ emission rates in states required to develop CAA section 111(d) plans. The EPA also requests comment on how RE generating resources, demand-side energy efficiency measures, and other new low- and non-emitting electricity generation in areas of Indian country that do have affected EGUs can be included, and if their inclusion is dependent upon whether or not the tribe has adopted a CAA section 111(d) plan or EPA has made a finding and adopted a federal plan for that area of Indian country.	65496	1
Areas Without Affected EGUs	IV.D	The EPA is soliciting comment on all aspects of the treatment of RE, demand-side energy efficiency, and other new low- or non-emitting electricity generation across international boundaries in a CAA section 111(d) plan, considering the components for approvable plans described in the June 18, 2014, proposal, including any mechanisms that could be used to ensure that the low or non-emitting generation was in fact offsetting fossil-fuel-fired generation in the jurisdiction that would use it to meet its goal.	65496	1
Areas Without Affected EGUs	IV.D	It should be noted that multijurisdictional plans that include areas without affected EGUs must still meet the plan components and criteria to determine whether a state’s plan is “satisfactory” under CAA section 111(d)(2)(A) as described in section VIII of the June 18, 2014, proposal. ³³ The EPA solicits comment on these components and criteria for jurisdictions without affected EGUs that wish to be a part of a multi-jurisdiction plan.	65496	1

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