August 8, 2023

Docket ID EPA-HQ-OAR-2023-0072

Administrator Regan
C/O EPA Docket Center
U.S. EPA, Mail Code 28221T
1200 Pennsylvania Ave. NW.
Washington, DC 20460

SUBMITTED ELECTRONICALLY VIA WWW.REGULATIONS.GOV

Dear Administrator Regan:

The Municipal Electric Authority of Georgia (MEAG Power) hereby submits comments on the New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule, a proposed rule published in the Federal Register (FR) on May 23, 2023 (88 FR 33240).

The Municipal Electric Authority of Georgia (MEAG Power) is a nonprofit, statewide generation and transmission organization providing electricity to 49 Georgia public power communities by and through their elected governments, representing almost three-quarters of a million Georgia citizens. MEAG Power is the third largest electricity supplier in the state, and one of the 10 largest public power systems in the nation.

Agency actions will have unprecedented and significant impact on both existing operations and future resource investments. MEAG Power was solely created for one purpose, to serve our 49 member public power communities in Georgia with reliable and affordable wholesale electric power. We operate without profit and have no shareholders. Our costs incurred for supply of power are directly reflected in the electric bills of the retail electricity consumers in these 49 communities. It is on behalf of the citizens of the 49 communities that these comments are provided; for they are the ones that will bear the impact of these rules.

The comments that follow represent MEAG Power's analysis and conclusions regarding EPA's proposal.

Sincerely,

James E. Fuller

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President and Chief Executive Officer

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Comments of Municipal Electric Authority of Georgia (MEAG Power) on Proposed New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule ["Rule" or "Proposed Rule"] 88 Fed. Reg. 33240, May 23, 2023

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MEAG Power offers these comments on EPA's Proposed Rule "New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule" (88 Fed. Reg. 33240, May 23, 2023).

MEAG Power was solely created for one purpose, to serve our 49 member public power communities in Georgia with reliable and affordable wholesale electric power. We operate without profit and have no shareholders. Our costs incurred for supply of power are directly reflected in the electric bills of the retail electricity consumers in these 49 communities. It is on behalf of the citizens of the 49 communities that these comments are provided; for they are the ones that will bear the impact of these rules.

MEAG Power and the 49 Georgia public power communities served by MEAG Power would be adversely affected by the Proposed Rule in the following ways:

(1) Generation: The Proposed Rule cannot justify Low-GHG hydrogen Co-firing and Carbon Capture and Sequestration (CCS) as Best Systems of Emissions Reduction (BSER), and unrealistically assumes that significant new infrastructure will be available to the power sector for effective deployment of these technologies as early as 2030. EPA proposes only one option for utilities if this infrastructure is not in place, and that is the premature retirement of generation units. The unrealistic compliance deadlines would have MEAG Power commit to retirement of certain resources and significant investment in new generation resources before the time it takes for State Implementation Plans (SIPs) to be developed and approved. Lastly, the Proposed Rule complicates compliance with other rules, in particular the Effluents Limitations Guidelines (ELG) rule, due to a lack of coordination between compliance deadlines.

(2) Investment: The rule creates potential for significant economic harm because the communities supplied by
MEAG Power will remain obligated to pay for the investment in generation assets which could be retired prior to the end of their remaining useful economic life, and be obligated to pay higher capital and O&M costs for new replacement generation technology acquired on an accelerated timeline for compliance with the Rule. MEAG Power's community has been

investing in a strategy to be 90% emissions free by 2045 – the Proposed Rule attempts to advance this on a timeline that creates the potential for substantial economic harm. More than 20% of the families within the MEAG Power community, including approximately 40% of families in 4 of 49 member communities, are financially disadvantaged and receive income below the Federal and State poverty levels. The burden of the potential economic harm from EPA's Proposed Rule will be crushing to these families.

(3) Electricity Reliability: The Proposed Rule does not provide the time needed to plan and invest for compliance in a manner that supports a reliable supply of affordable electricity as the EPA asserts[1]. While EPA has not adequately considered the costs related to premature unit retirements, it has also not considered the effect of these retirements on the reliability of the electric system. EPA has no expertise in this area. There has been no consideration or analysis on whether the existing transmission system can accommodate the dramatic changes that EPA's proposal necessitates[2]. Also, EPA has not considered whether technology suppliers, the federal and state permitting processes, the supply-chain, and the construction industry can respond to a massive rush to retrofit existing units, develop new infrastructure or build out zero-emitting resources on a compressed compliance timeline.

EPA's proposal is fundamentally flawed because it does not consider the reliability of the power grid, regulates a fundamental transition in the power sector to technologies and infrastructure that are not adequately demonstrated nor available on the scale needed in an extremely limited time frame, and impacts families within MEAG Power communities by threatening reliability, imposing higher costs of electricity and stranding prior prudent investment. EPA's proposal is arbitrary, capricious, and an abuse of discretion, and must be withdrawn.

MEAG Power is a member of the American Public Power Association (APPA), the Alliance for Fuel Options, Reliability and Diversity (AFFORD), and the Large Public Power Council (LPPC). We support comments submitted by these organizations.

The following sections provide details supporting MEAG Power's comments. By submitting these comments, MEAG Power does not waive and expressly reserves all rights to make and submit new, additional, or supplemental comments on the subject matter of the proposed greenhouse gas emissions standards and on any other agency rulemakings or proposals, including, without limitation, any standards, guidelines, guidance, or regulations that are proposed or reproposed regarding greenhouse gas (GHG) emissions from existing, new, modified, or reconstructed electric

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[1] FACT SHEET GREENHOUSE GAS STANDARDS AND GUIDELINES FOR FOSSIL FUEL-FIRED POWER PLANTS PROPOSED RULE. "The proposals provide utilities options for meeting these standards as well as the time needed to plan and invest for compliance and continue to support a reliable supply of affordable electricity."

[2] See, e.g., "Vast Swath of US at Risk of Summer Blackouts, Regulator Warns," By Naureen Malik and David R Baker, Bloomberg, May 18, 2022, including the quote: "The pace of our grid transformation is out of sync" with the physical realities of the existing power network, [NERC representative] Moura. Also, from Opening Statement of Mark C. Christie, Commissioner, FERC, Senate Energy and Natural Resources Committee hearing May 4, 2023: "In summary, the core problem is this: Dispatchable generating resources are retiring far too quickly and in quantities that threaten our ability to keep the lights on. The problem generally is not the addition of intermittent resources, primarily wind and solar, but the far too rapid subtraction of dispatchable resources, especially coal and gas."

generating unit stationary sources, other electricity supply-side resources, or demand-side resources.

COMMENTS

1. **The Proposed Rule cannot justify Low-GHG Hydrogen (H_2) Co-firing and Carbon Capture and Sequestration as BSER, and unrealistically assumes that new and robust infrastructure will be available to the power sector for compliance by as early as 2030.**

   A. Low-GHG H_2 Co-firing cannot be justified as BSER

It is nearly impossible to plan for low-GHG H_2 co-firing by 2032 when the production and transport infrastructure is not developed nor developing. It is unclear whether EPA envisions that utilities will invest in low-GHG H_2 production facilities co-located at their generating plant sites, or whether third-parties will develop and own production facilities in centralized locations, or both. While MEAG Power understands that tax incentives under IRC Section 45V could lead to a rapid development of production facilities and transport capability, it is unclear what delivered low-GHG H_2 will cost, especially if delivered from a third-party owned facility. Without IRS tax guidance on the requirements for eligibility for tax credits of low-GHG H_2, it would be imprudent to assume that third-parties will pass all tax credits to Low-GHG H_2 customers, including utilities, in the form of reduced prices. Rather, third-parties may use the tax credits to boost returns to shareholders.

In EPA's Technical Support Document (TSD) "Hydrogen in Combustion Turbine Electric Generating Units", May 23, 2023, EPA states that "Approximately 1,600 miles of dedicated hydrogen pipelines are deployed in regions of the U.S. with substantial demand" comparing this to the existing "3 million miles of natural gas pipelines". EPA goes on to say, "The capital costs of new pipeline construction constitute a barrier to expanding hydrogen pipeline delivery infrastructure", and that current research is focused on overcoming the technical concerns related to hydrogen transmission through existing natural gas pipelines. Given this, it is extremely unlikely that hydrogen delivery networks will be available by 2032.

While EPA embraces DOE's prediction that delivered costs of hydrogen in the power sector in 2030 will be between \$0.70/kg and \$1.15/kg[3], which includes the full benefit of a \$3/kg tax credit (as escalated), there are many other predictions which suggest DOE's prediction is "ideal" and unrealistic. A simple review of the citations in EPA's Technical Support Document (TSD) "Hydrogen in Combustion Turbine Electric Generating Units", May 23, 2023, suggests that the cost of delivered low-GHG H_2 could range from \$10/kg to \$5/kg in 2032 without tax credits and depending on the range of cited H2 pipeline construction costs.

Using these cost-per-kg ranges, 30% and 96% blends of Low-GHG H_2 with natural gas could result in fuel costs of \$8 - \$12/MMBtu in 2032, increasing to \$14 - \$43/MMBtu in 2038, with these ranges being highly dependent on the cost of transport of the hydrogen to a power plant. Using EPA's assumption that the long term price of natural gas is \$3.69/MMBtu, it's apparent that hydrogen blends could cost more than 2 times and up to more than 12 times the cost of natural gas. This wide range in cost predictions for delivered Low-GHG H_2 interjects an enormous amount of

[3] U.S. Department of Energy (DOE). (2023). Pathways to Commercial Liftoff: Clean Hydrogen.

wholesale electric rate uncertainty into resource plans when considering low-GHG H_2 co-firing as a potential compliance pathway for MEAG Power.

B. Carbon Capture and Sequestration cannot be justified as BSER

Similarly, it is nearly impossible to plan for carbon capture, transport and storage when, again, the technology for carbon capture has not been adequately demonstrated, and the infrastructure for transport and storage does not currently exist. In its TSD "Greenhouse Gas Mitigation Measures for Steam Generating Units", May 23, 2023, EPA states that there is only one large-scale CCS facility in North America on an existing coal steam electric generating unit – the Boundary Dam U3 located in Saskatchewan, Canada. This is the only CO_2 capture project on a fossil-fueled generating unit cited by EPA in the TSD that has not been supported with federal assistance under EPAct05, or funding from DOE. However, the project has not demonstrated a level of availability of the CO_2 capture facility needed to capture 90% of the CO_2 emissions at the plant. This calls into question whether EPA can assert that CCS for fossil-fueled generating units has been adequately demonstrated.[4] Also, while carbon capture, transport and storage is being demonstrated by the Boundary Dam U3 project, it has to be recognized that at 150 MW (110 MW after the installation of the carbon capture facility), this unit is one-sixth the size of one of the Plant Scherer generating units co-owned by MEAG Power and 3 other GA entities.[5] And, Boundary Dam Unit 3 is less than one-half and one-third the size of a typical 1x1 and 2x1 natural gas combined cycle unit, respectively. Again, other than a hand-full of Front End Engineering Design (FEED) studies supported by DOE funding opportunities, EPA cannot provide evidence that CCS technology has been adequately demonstrated for large coal-fired and typical NGCC units.

Transport and storage of the captured CO_2 will rely on yet undeveloped pipeline and storage resources. EPA asserts in the Proposed Rule that "CO_2 pipelines are available and their network is expanding in the U.S."[6] While this may be true somewhere in the US, the CO_2 pipeline network needs to be built with a radial to each power plant considering this technology. With regards to storage of the CO_2, EPA asserts "there are vast sequestration opportunities across the continental U.S."[7] Yet, in its 2019 report, NETL states that "Storage potential in a subsurface reservoir for captured CO_2 represents a resource that has yet to be proved" [8].

Without demonstration of CCS on typical-sized fossil-fired generating units, without demonstration of a capture system that can meet EPA proposed capture rate, and without a developed transport and storage infrastructure, EPA has no basis for asserting that "the costs for CCS are reasonable, in light of recent technology cost declines and policies including the tax credit under IRC section

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[4] Section 402(i) of the Energy Policy Act of 2005 (EPAct05) states: "No technology, or level of emission reduction, solely by reason of the use of the technology, or the achievement of the emission reduction, by 1 or more facilities receiving assistance under this Act, shall be considered to be—(1) adequately demonstrated for purposes of section 111 of the Clean Air Act ..." 42 U.S.C. §15962(i).

[5] Plant Scherer Units 1 and 2 are owned by 4 Georgia entities: 60% Oglethorpe Power Corporation; 30.2% MEAG Power; 8.4% Georgia Power Company; 1.4% Dalton Utilities

[6] Proposed Rule, Section VII.F.3.b.iii

[7] Proposed Rule, Section X.D.1.

[8] NETL. August 2019. Quality Guidelines for Energy Systems Studies: Carbon Dioxide Transport and Storage Costs in NETL Studies,

45Q"[9]. A simple model benchmarked to match EPA's cost assertions for the levelized cost of electricity from a new NGCC unit with and without CCS, produces a wide range of costs of CCS for new NGCC units by adjusting certain variables, such as the cost of transport, storage and monitoring, and, especially, whether tax credits for the capture of CO_2 will actually be realized. Again, a wide range in cost projections associated with CCS interjects an enormous amount of wholesale electric rate uncertainty into resource plans when considering CCS as a potential compliance pathway for MEAG Power.

C. The compliance deadlines do not allow time for effective resource planning once State Implementation Plans are finalized, and the EPA should not restrict the ability of states to use the RULOF provision in 111 of the Clean Air Act.

EPA's proposed timelines for compliance with the Proposed Rule are unattainable. EPA expects that final emission guidelines will be published in June 2024 and is proposing a state plan submission deadline that is 24 months from publication, which would be June 2026. Each state is to use the BSER and level of stringency in the Proposed Rule to establish standards of performance for each existing affected EGU through a state plan. Based on prior experience, this process is very lengthy, requiring numerous stakeholder meetings and public hearings, requiring much more time than 24 months. Furthermore, assuming that the states meet the submission deadline and issue the state plan within the 24 month time period, EPA will have to approve the plan, which can take up to a year or longer. Finalized and approved plans will not be available until June 2027 *at the earliest*. At that point, MEAG Power will have only 30 months to execute the state plan – this is not enough time to plan for major modification for natural gas co-firing or carbon sequestration on Plant Scherer Units 1 and 2. If Plant Scherer is forced into an early retirement pathway with a 2032 retirement date, MEAG Power will have only 54 months to plan, permit and construct new resources to replace its share of Plant Scherer Units 1 and 2.

The proposed standard for existing coal effectively forces early retirements by requiring natural gas co-firing or CCS by a specific year – the Scherer 1 and 2 units will be 43 and 45 years old respectively in 2030, and it makes little sense to retrofit these units with costly technologies for compliance unless further investment in life extension work was to be made. EPA should not limit and restrict the states' ability to consider the Remaining Useful Lifetime and Other Factors (RULOF) provision in Section 111. RULOF should be able to be invoked by states to avoid stranding assets and the undue burden this places on MEAG Power's 49 communities and their residents.

2. The Proposed Rule will cause significant economic harm to the 49 public power communities supplied by MEAG Power.

A. The Proposed Rule will result in significant stranded costs.

MEAG Power's 30.2% ownership share in Plant Scherer Units 1 and 2 represents 25% of MEAG Power's current installed capacity, and in 2022 represented 15% of MEAG Power's energy supply. The 49 communities that benefit from MEAG Power's ownership share in the Scherer units have

[9] Proposed Rule, Section X.D.1

funded more than $682.3 million from 2000 through 2022 in generating unit environmental enhancements, including flue gas desulfurization (FGD) systems, selective catalytic reduction systems, and sorbent injection and baghouse systems for mercury control. These same communities are currently committed to fund at least $25M for MEAG Power's share of costs for a FGD Wastewater treatment system to meet the 2020 Effluent Limitation Guidelines rule requirements. If MEAG Power and the other Co-Owners of these units elect the early retirement compliance pathways in the Proposed Rule, the resulting stranded costs of these prior and planned investments will be borne over the next few decades by ratepayers in these communities with no off-setting benefit, and while having to incur cost for replacement power from alternative sources.

One of the glaring problems with EPA's Proposed Rule is the lack of coordination between GHG Emission Standards compliance deadlines (with a retirement option as early as January 1, 2032 for Scherer Units 1 and 2), and the deadline that MEAG Power is required to adhere to under the ELG rule as a VIP participant (December 31, 2028). This means that the planned investment for an FGD Wastewater treatment system for the Scherer Units (at least $160M total for all Co-Owners) could be stranded after 3 years of operation. The ELG investment decision will have to be made before the compliance obligations in the GHG Emission Standards state plan are known. If the Co-owners go forward, MEAG Power's share of these stranded costs become the burden of the 49 public power communities that MEAG Power serves, and ultimately directly impacts the electric bills of the ratepayers in those communities.

B. The Proposed Rule will significantly increase the cost of electricity and greatly harm disadvantaged families within the MEAG Power community.

Based on EPA assertions in the Proposed Rule, and data in and cited by EPA's Technical Support Documents, the levelized cost of electricity (LCOE) from retrofitted or new fossil-fuel generation resources is projected to increase, even after the application of direct pay tax credits under either IRC Sections 45V or 45Q. After modeling a range of assumptions, and not just the "ideal" conditions asserted by EPA, it's probable that the cost of electricity can more than double from current LCOE levels. The expected increases in capital and O&M costs associated with the Low-GHG H_2 and CCS compliance pathways and, in the case of the CCS compliance pathway, the expected decreases in generation unit performance and capacity, could drive significantly higher electricity costs.

In 2021, MEAG Power revisited the newest release of the American Community Survey data[10] which revealed that 20% of the families within the 49 MEAG Power community, including approximately 40% of families in 4 of 49 member communities, are financially disadvantaged. That is, the family income in the past 12 months for these families was below both the federal and state poverty level. It is unreasonable that EPA would propose a rule that has the potential to cause such harm to so many disadvantaged families within the MEAG Power community.

C. MEAG Power's public power communities have taken steps toward a 90% emission-free future by 2045, and have backed this effort with significant investment in new nuclear energy. The Proposed Rule creates undue burden by imposing unreasonable compliance deadlines.

[10] American Community Survey (ACS) Five-year estimates, 2015-2019.

During the 5-year period from 2018 thru 2022, 66% of the energy supplied by MEAG Power to its communities was emissions-free, resulting in a 5-year average energy supply emission rate of 412 lb CO_2/MWH. MEAG Power's significant investment in forthcoming emission-free energy from Plant Vogtle Units 3 and 4, and planned transition away from fossil-fueled resources to renewable resources show the potential for an economic path for MEAG Power to be 90% emissions-free by 2045.

In fact, MEAG Power's glide path to GHG emissions mitigation by 2045 is similar to that of leading utilities as cited by EPA in the TSD "Hydrogen in Combustion Turbine Electric Generating Units". The Intermountain Power Agency, Lincoln Land Energy Center, El Paso Electric and NextEra, representing 4 of 5 hydrogen studies referenced by EPA with a goal of 100% hydrogen co-firing in combustion turbines, are all targeting the year 2045 to accomplish this goal. It is unjustifiable for EPA to impose compliance timelines of 2035 for 90% CCS and 2038 for 96% hydrogen co-firing for existing combustion turbines when leading companies in the power sector have voluntarily selected 2045 as a reasonable timeframe for GHG emissions mitigation.

The Proposed Rule disrupts the leading edge of the power sector's cost-effective glide path to GHG emission mitigation, imposing premature retirement, or unplanned and significant investment in existing generation assets, and dramatically increasing the cost of new dispatchable, fossil-fuel units. Nor does the Proposed Rule consider the significant investment that MEAG Power communities have made in developing the first nuclear power plants in the US in more than 30 years to achieve reduced carbon emissions.

MEAG Power should not be penalized for its already low CO2 emissions profile and the rule should provide the flexibility for the State Implementation Plan to address MEAG Power's low impact on emissions in the State and require a commensurate adjustment to its compliance obligations.

3. The Proposed Rule does not provide the time needed to plan and invest for compliance in a manner that supports a reliable supply of affordable electricity.

A. <u>The Proposed Rule eliminates fuel diversity, and with it, a resilient power supply.</u>

Fuel diversity is critical to MEAG Power's foundational goal of providing reliable and competitively priced wholesale power to its 49 public power communities. Coal fired generation at Plant Scherer has several characteristics which make it a valuable part of MEAG Power's generation mix. Unlike natural gas or renewable resources, coal is stored at the plant and is not a "just-in-time" fuel. Also, coal is not seasonally in demand and is purchased primarily through long term contracts, up to years in advance. The coal storage at Plant Scherer provides for more than a month of full load operation.

During Winter Storm Uri (February 2021), extreme cold in Texas and the Midwest disrupted natural gas supply, along with generation there. For nine days, MEAG Power's combined cycle plant was off line due to the inability to acquire natural gas at reasonable pricing. At the peak of the crisis, spot natural gas supply was not offered at any price. Plant Scherer accounted for 35% of MEAG Power's

generated energy over this period, and a since-retired coal resource, Plant Wansley Units 1 and 2, accounted for another 9%.

Within MEAG Power's system, a cold winter day can drive energy demand 20% higher than on a summer day with an identical peak load, and the overnight load can be 90% of the morning peak load. Meeting this kind of energy demand requires dispatchable resources with extended fuel supply on site. Winter Storm Elliott (December 2022) caused natural gas limitations along with high loads across Georgia and the Southeastern US. The Southern Balancing Authority issued a Generation Advisory due to the low amount of generation reserves. The daily average price of power exceeded $2,000/MWh on December 24, 2022 indicating the same lack of reserves. Scherer supplied 27% of our generated energy during Winter Storm Elliot with no operational issues.

B. The Proposed Rule harms grid reliability to the detriment of US residential and commercial customers.

It is difficult to understand the reasons EPA would put forth a rule that threatens to destabilize the US electric transmission grid. With little to no meaningful input from FERC or NERC, EPA's proposal regulates a fundamental transition in the power sector to technologies and infrastructure that are not adequately demonstrated nor available, yet ignores the drastic changes that will need to be made to the transmission grid to support the attendant shift in electricity supply and demand. NERC has determined there exists an elevated risk of energy shortages during extreme conditions at the time of this writing (Summer 2023) across two-thirds of North America. EPA's Proposed Rule does nothing to address this and in fact will exacerbate the situation.

One prominent example of the negative impacts on grid reliability from the Proposed Rule is the massive buildout of renewable resources that will be required to supply low-GHG electrolyzed hydrogen production facilities in the quantities needed for utilities selecting this compliance pathway. The extent of this buildout has yet to be incorporated into transmission planning studies, and in fact, it could be that the inability to interconnect this much generation into the existing transmission grid without new transmission facilities will prove to be the weak link in the establishment of a hydrogen infrastructure by 2032.

Without any expertise in transmission of electricity, and without any assessment of the transmission effects of the Proposed Rule in consultation with FERC and NERC, EPA proposes to insert itself into every aspect of power generation, transmission, distribution, and end use. This is not only legally impermissible, exceeding EPA's authority under the CAA, but creates conflict with federal and state law regulating energy resources. The proposal interferes with state laws and entities regulating power generation. Title 46 of the Georgia Code addresses power generation. Article 2 applies to public utilities. Article 3 establishes MEAG Power's authority, which includes generation and transmission of electricity for political subdivisions of the State of Georgia. EPA's Proposed Rule not only conflicts with these statutes and regulatory entities, but represents dangerous policy implications for national security, the safety of our nation's hospitals, homes, schools, governments, public transportation, and general public welfare and quality of life.

Conclusion

Our comments above, and comments of APPA, AFFORD, and LLPC make it clear that the Proposed Rule governing GHG emissions from existing and new stationary sources suffers from serious flaws rendering it invalid. As pointed out above, the Rule is an inappropriate step by an agency with no expertise in power generation, transmission, and system reliability into regulating the nation's power grid. The proposal should be withdrawn. Any revised proposal must allow an additional opportunity for public comment, and should consider the comments outlined above.
Thank you for considering our comments. Please contact us if you have any questions.

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