

**COMMENTS OF SKIPP KROPP ON BEHALF OF THE
MIDWEST OZONE GROUP
AT THE OTC COMMITTEE MEETINGS
SEPTEMBER 20, 2016**

The members of the Midwest Ozone Group appreciate this opportunity to address the Commission. MOG members, as you may recall, operate some 85,000 mw of fossil-fuel fired and coal refuse-fired generation.

Since we last had the opportunity to appear before the Commission, there have been two significant actions have occurred that we would like to address today. One relates to the most recent Delaware §126 petition. The other relates to the release of the final CSAPR Update rule.

With respect to the first of these actions, on August 8, 2016, the State of Delaware petitioned the Administrator of the Environmental Protection Agency (EPA) under Clean Air Act (CAA) §126 to find that “the Harrison Power Station’s electric generating units (EGUs) located near Haywood, Harrison County, West Virginia, are emitting air pollutants in violation of the provisions of §110(a)(2)(D)(i) of the CAA with respect to the 2008 0.075 ppm ozone NAAQS and the 2015 8-hour 0.070 ppm ozone NAAQS.”

I am making available to the Commission today, the letter MOG submitted to both the State of Delaware and EPA on August 29, 2016, in response to Delaware’s petition – a petition that is remarkable not so much because of the Harrison Power Station, but rather because all of Delaware’s monitors are currently measuring attainment of the 2008 and 2015 ozone NAAQS. EPA itself has confirmed in its CSAPR Update Rule that Delaware has neither nonattainment nor maintenance monitors. While Delaware suggests that its formally designated nonattainment areas are enough to justify the petition, the final CSAPR rule makes it explicitly clear that monitored and modeled ozone concentrations in excess of the NAAQS – and not formal designations - are the critical factors under § 110(a)(2)(d)(i). (Final CSAPR Update Rule Preamble, p. 74).

The final CSAPR Update Rule announced on September 7 is also significant because of its updated analysis of air quality. While we will have much to say on other occasions about the legal and technical deficiencies of this rule, we find it remarkable that EPA itself now predicts a dramatic improvement in ozone air quality in 2017 (as compared with the projections that supported the proposed rule). Indeed, EPA’s base case modeling shows that without anything more than the existing regulatory programs it considered, ozone air quality will have improved enough by 2017 that EPA can be confident that one of the three non-attainment monitors in Connecticut will be brought into attainment with the 2008 ozone NAAQS and that the other three non-attainment monitors (two in Connecticut and one in Wisconsin) will be very nearly in attainment with that standard. Moreover, we are convinced that had EPA given full consideration to all of the emission reduction programs that are currently mandated to be in effect in 2017, all monitors in the East would indeed be in attainment with that standard in 2017.

Thank you for your time today. We look forward to continuing our discussions with you on these important matters.