My name is James Carlson and I represent the Alabama Department of Environmental Management. The Department appreciates the opportunity to comment at today’s proceedings.

The Department has three broad comments on EPA’s proposal:

1. EPA’s proposed rules to regulate greenhouse emissions are tantamount to setting energy policy for the United States.
2. EPA is seeking to decide upon an energy policy for the nation that will have limited direct environmental impact but dramatic national economic impact. Such a policy decision is appropriately reserved for the Legislative branch of government.
3. EPA is reaching far beyond its historical practice and very likely beyond its statutory authority in using measures “outside the plant boundary” to calculate the emission reductions States and affected sources must meet.

In spite of representations to the contrary, the greenhouse gas emission standards proposed by EPA for the existing fleet of Electric Generating Units in Alabama, as well as in many other states, are achievable only by decommissioning coal-fired EGUs, and by dispatching generation to natural gas-fired capacity regardless of the cost of generation. The types and sources of fuels to generate electric energy, the cost of energy, the export and import of energy, the reliability of the electric grid and thus energy policy throughout the nation would be determined by EPA if the proposed greenhouse gas emission standards are implemented.

Regarding whether Congress or EPA should set energy policy, the Alabama Department of Environmental Management concurs with the statement in the June 23, 2014 United States Supreme Court greenhouse gas ruling opinion that the Justices “....expect Congress to speak clearly if it wishes to assign to an agency decisions of vast “economic and political significance.”” EPA has stated that the reduction in greenhouse gas emissions in the United States will be negligible compared to worldwide emissions and that the effort is essentially symbolic. If the United States is to offer a low-impact, symbolic greenhouse gas reduction program, hoping to spark similar actions world-wide, while incurring vast economic consequences, ADEM believes Congress is the appropriate institution to do so.

In past 111(d) actions, and in similar rulemakings in such areas as New Source Performance Standards and Maximum Achievable Control Technology standards, EPA has never ventured beyond tip-of-stack control or work practices to require reductions. ADEM concludes that EPA’s only legal options for requiring reductions from existing fossil-fuel fired power plants lie in these two areas. Since EPA has rejected tip-of-stack controls (carbon capture and sequestration) for these sources, EPA’s only legal option lies in a work practice requirement (efficiency improvements).

ADEM will submit more detailed comments to the docket before the deadline.

This concludes our comments.