



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

February 1, 2016

Environmental Protection Agency
EPA Docket Center (EPA/DC)
Attn: Docket ID No. EPA-HQ-OAR-2015-0500

RE: Ohio EPA Comments on U.S. EPA's December 3, 2015 Proposed Rule, "Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS." [80 FR 75706]

Dear Ms. McCarthy:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed and is providing comment on the above referenced U.S. EPA proposed rule regarding the update for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) to the Cross-State Air Pollution Rule. Ohio EPA appreciates the opportunity to provide U.S. EPA with comments on this proposal.

As discussed in the attached detailed comments, Ohio EPA has many concerns regarding this proposed rule. The nitrogen oxides (NOx) emissions rates and budgets proposed for Ohio are extremely low and overly restrictive. U.S. EPA determined these budgets using a deeply flawed methodology and as a result the proposed allowances are technically not supportable and largely unachievable for Ohio's utilities.

Ohio utilities are already controlling NOx emissions to a significant degree, and the promulgation of this rule would place an unfair amount of responsibility on utilities for attaining the ozone NAAQS in downwind states. One key element that is missing from this proposal is the recognition that many utilities are using the existing NOx controls to assist in compliance with the MATS rule. Additionally, U.S. EPA cannot expect compliance in 2017 with the proposal if sources must retrofit for mercury control in order to optimize NOx control. Further, the promotion of natural gas as a compliance technique, the projected future non-attainment areas that have already achieved the ozone NAAQS, the disproportionate tightening of the budgets relative to the standard, and the devaluing of old allowances are among other strong concerns Ohio has with this proposed rule.

Ohio urges that U.S. EPA substantially modify this proposal before moving forward. Ohio EPA would also like to propose an alternative approach that would move away from the over-reliance on IPM. U.S. EPA should allow for the case-by-case determination of Reasonably Achievable Control Technology for each operating electric generating unit. States should also be allowed to grant adequate compliance times for units that need to upgrade current controls. If U.S. EPA must have a compliance date of ozone season 2017, then the 2015 emissions rate should be used along with a realistic heat rate. The electric generating units would be obligated to submit the plans to the states for review consistent with traditional air pollution control programs. The states would set emission rates and operating rates for each unit that would be part of the state budget. The limitations could be placed into the Title V permit and be federally enforceable.

Please consider the attached comments prior to the finalization of the updated cross-state air pollution rule.

Sincerely,

A handwritten signature in black ink, appearing to read 'CWB', with a long horizontal stroke extending to the right.

Craig W. Butler
Director

Cc: Robert Hodanbosi, Chief, Ohio EPA Division of Air Pollution Control

Attachment

**Ohio EPA Comments on Proposed Rule “Cross-State Air Pollution Rule Update
for the 2008 Ozone NAAQS.” [80 FR 75706]**

Ohio EPA's major concerns are as follows:

1. U.S. EPA has proposed an extremely low and unrealistic emissions rate and nitrogen oxides (NOx) budget for Ohio as put forth in this proposal. This budget results from a deeply flawed methodology in determining emission rates which includes incorrect assumptions about the quantity of possible reductions from proposed control strategies and is not representative of reality regarding performance for Ohio plants, which are already controlling NOx emissions to a significant degree while maintaining compliance with U.S. EPA mercury emissions rules.

U.S. EPA developed the budgets in this proposed rule through a four-step process. [80 FR 75739] First, U.S. EPA performed modeling with the Integrated Planning Model (IPM) including potential reductions from the \$1,300 per ton uniform cost threshold they propose to predict a 2018 state-level modeled Electric Generating Unit (EGU) NOx emissions rate (lbs/MMBtu). Second, U.S. EPA multiplies this rate by 2014 monitored historic state-level heat input, yielding a state-specific ozone season EGU NOx emissions total for 2018. Third, U.S. EPA adds an adjustment to account for differences in unit availability between the IPM 2018 run and 2017. Fourth, U.S. EPA chooses the minimum of this calculated 2017 emissions level or 2014 historic monitored emissions as the new state-wide budget. U.S. EPA later proposes specifically establishing allowance allocations for all units throughout the state in this rulemaking. [80 FR 75742] There are many technical flaws throughout this process resulting in a low and overly restrictive emissions rate and unrealistic budget.

- a. Ohio EPA is concerned with the modeling performed and the assumptions made in this proposed rule that contribute to the determination that the 0.073 lbs/MMBtu EGU NOx emissions rate is widely achievable for Ohio. Ohio EPA is concerned with the assumptions made regarding the sources of electrical generation projected in the IPM modeling performed to create the 2017 baseline EGU emissions. In particular, there are multiple EGUs predicted by IPM as being shut down or having no heat input in 2017, for which there are no plans to shut down. These plants which IPM predicts as having no heat input in 2017 include Conesville Power Plant and Avon Lake Power Plant, among others, which are substantial sources of electricity and shutting them down in advance of 2017 would have huge ramifications in Ohio's electrical generation and grid reliability. These shutdowns are not mentioned explicitly in the proposed rule, and are entirely unrepresentative of reality. Ohio EPA has not been notified by either owner of these facilities of pending closure. It is irresponsible to base emissions budgets on modeling results that assume shutting down plants which have no plans to do so, which are necessary for electrical grid reliability, and to offer no feasible alternatives to these plants for the

electrical generation they provide. These examples illustrate the level of over reliance on the IPM model and fundamental errors in the development of this proposal.

As mentioned in Ohio EPA's January 15, 2016 comments on the Supplemental Finding That It is Appropriate and Necessary to Regulate Hazardous Air Pollutants From Coal-and Oil-Fired Electric Utility Steam Generating Units [80 FR 75025], the IPM model obviously produces erroneous results concerning facility closures relative to reality, especially in the short term, over which we know the plans of different plants, where they are in direct contradiction with IPM's predictions. U.S. EPA cannot accurately consider the cost of the regulation when placing heavy emphasis on a flawed methodology. U.S. EPA relies almost exclusively on the IPM for cost projections, projected plant closures, cost of controls, effectiveness of controls, and subsequent emissions reductions. The use of IPM in this proposal clearly leads to unrealistic allowed emissions rates.

- b. The use of 2014 historic heat data as the basis for the future budgets is another major shortcoming of this proposal. U.S. EPA proposes to multiply the EGUs' modeled state-level emissions rate by 2014 monitored historic state-level heat input to yield state-specific ozone season EGU NOx emissions budgets for 2018. [80 FR 75739] As discussed previously, the over-reliance on IPM results in this emissions rate being excessively low, and then multiplying that rate by 2014 heat input further compounds the over-control of EGUs under this proposal. Using only one year's data goes against many U.S. EPA programs that recognize year-to-year meteorology variability in general, and in particular, the selection of 2014 is especially unrepresentative.

U.S. EPA acknowledges the importance of using multiple year periods to account for inter-annual variability in using, for example, a 5-year period of measured ozone concentrations as the baseline for future year projections of ozone. [80 FR 75724] Likewise, the promulgation of an ozone standard is an average over a three year period. Additionally, U.S. EPA acknowledges that "year-to-year variability in EGU operations occurs due to the interconnected nature of the power sector and from changing weather patterns, demand growth, or disruptions in electric supply from other units or from the transmission of the grid." [80 FR 75744] For this reason U.S. EPA puts forth variability limits. However, in light of the typical practice of using multiple years of data to account for variability and of the recognition of the variability inherent in EGU operations, it is clear that using only one year of historic heat input data is irresponsible and insufficient for determining future NOx budgets.

Beyond the general drawbacks with using only one year of heat input data to determine future NOx budgets, 2014 in particular is a poor choice that leads to skewed, overly restrictive budgets. In general, it follows that EGU heat input for a given ozone season is affected by the meteorological conditions, and especially the temperatures, in a given year. In particular, higher temperatures typically lead to higher heat input. This is shown to be the case for Ohio in Figure 1, which shows major EGU heat input for Ohio and the temperature variation from a 30-year mean for a given ozone season for the years 2004 to 2014.

Data source for Figures 1, 2, and 3 for Heat Input and Gross Load from: U.S. EPA Clean Air Markets Division (CAMD). Temperature Data from: Ozone Season and Data Analysis Update – presentation by Donna M. Kenski, Lake Michigan Air Directors Consortium (LADCO)

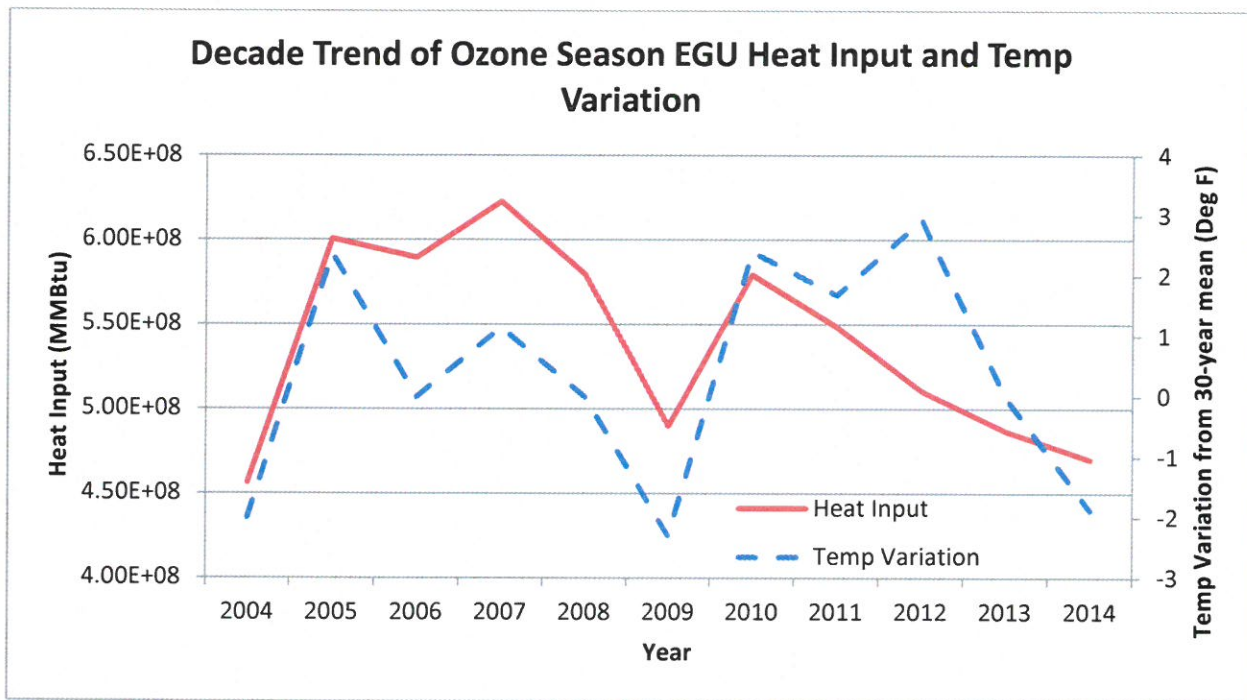


Figure 1: Ozone Season EGU heat input and temperature variation from 2004 to 2014

It can be clearly seen that the yearly heat input from EGUs for Ohio typically follows the overall temperature during the ozone season. In 2012 the needed heat input from large EGUs was significantly reduced by the price of natural gas and other economic factors, and the overall trend of heat input is impacted by shifts in generation to natural gas and other factors. However, barring 2012, heat input from EGUs in Ohio increased or decreased along with the variation in mean ozone season temperature for each of these years. Figure 2 and Figure 3 further demonstrate that there is a significant correlation between this temperature variation and heat input, as well as between temperature variation and gross load. As

such, it cannot be assumed that taking any one year of heat input and extrapolating that figure onto any future year is acceptable (and, in particular, a statistically cool summer), as heat input is bound to vary with the meteorology of the ozone season.

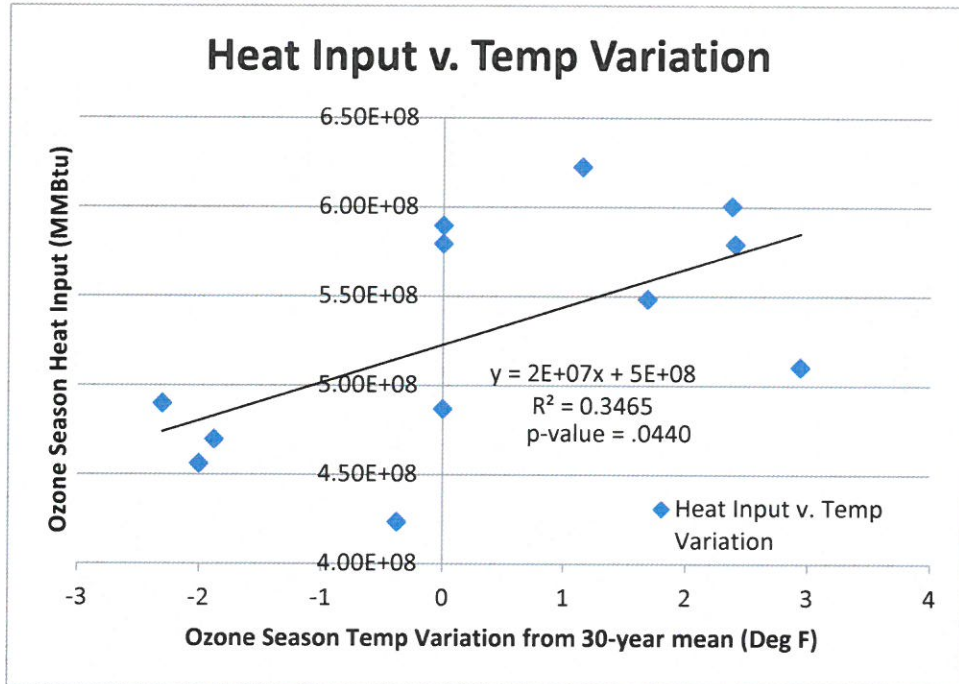


Figure 2: Correlation between ozone season EGU heat input and ozone season temperature variation from 30-year mean

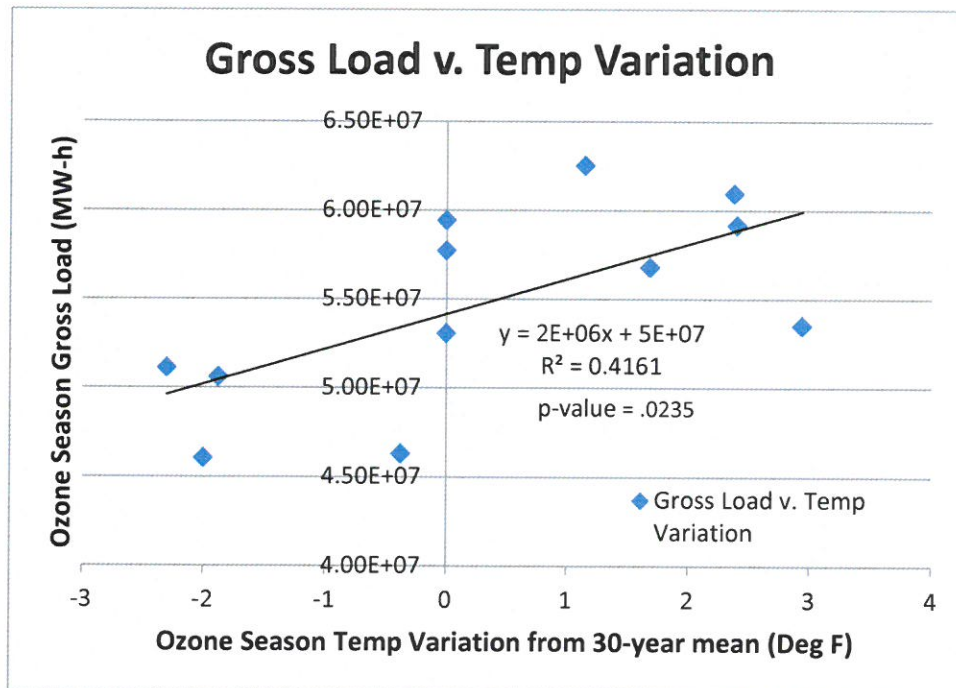


Figure 3: Correlation between ozone season EGU gross load and ozone season temperature variation from 30-year mean

Further, 2014 was an exceptionally cool ozone season, with only 2009 and 2004 from this time span having cooler ozone seasons, and only by a slight margin. Those were also the only other years from this time span that had temperatures lower than the 30-year mean ozone season temperature. As such, it can clearly be expected that ozone season temperatures will likely be higher than 2014's most years, and in turn, heat input cannot be expected to remain at as low a level as it was in 2014. Basing 2017 allocations on 2014 is an egregious error that will result in an unrealistic state budget.

- c. Ohio EPA is concerned with U.S. EPA's failure to recognize the use of Selective Catalytic Reduction controls (SCR) and Selective Non-Catalytic Reduction controls (SNCR) in meeting the Mercury and Air Toxics (MATS) rule. U.S. EPA suggests that one of the main control strategies to be employed is returning partially operating SCRs and SNCRs to full operation. [80 FR 75731] It is concluded in the EGU NOX Mitigation Strategies Proposed Rule TSD that "for SCRs and SNCRs, the marginal cost to increase from partial operation to full operation reflects the cost of additional reagent". Further, "the agency assumes that \$500 per ton of NOx removed is a broadly available cost point for units that currently are partially-operating SCRs and SNCRs to fully operate their NOx controls, which in fact, represents procuring additional reagent". However, this is ignoring the necessary use of SCRs in meeting the MATS.

U.S. EPA has long promoted the use of technologies used to control criteria pollutants like NOx, Sulfur Dioxide (SO2) and Particulate Matter (PM) as effective means of controlling emissions of Hazardous Air Pollutants (HAP). Using the same controls for multiple pollutants, or multipollutant control, is intended to substantially reduce or offset the costs of HAP control. [65 FR 79828] However, the controls cannot necessarily be used for the control of multiple pollutants as effectively for a given pollutant as they would be if they were only being used to control one pollutant. In the December 1, 2015 proposed supplemental finding for the MATS rule, U.S. EPA acknowledges that "flue gas scrubbers that control SO2 can also be effective at controlling acid gas HAP such as hydrogen chloride, hydrogen fluoride, and selenium oxide. Note, however, that NOX controls are not effective at directly controlling HAP (though selective catalytic reduction units can promote improved mercury control in scrubbers)." [80 FR 75037] This ineffectiveness at directly controlling HAP necessitates adjustments to the SCRs to be able to effectively control HAP which in turn limit the possibility of the SCRs to operate at the highest efficiency for reducing NOx.

Many plants with operating SCRs are using these controls to not only decrease NOx emissions, but also comply with the MATS. It is not

possible to both meet the MATS using this technology while also fully optimizing the SCRs for NO_x reduction. The assumption that partially operating SCRs are not operating at the highest level of NO_x reduction only because of the amount of reagent being used is flawed and overlooks the multi-purpose use of SCRs. According to the proposed rule, the IPM projected base case for 2017 accounts for the effects of the finalized MATS rule. U.S. EPA cannot expect reductions in NO_x from simply including the cost of additional reagent for partially operating SCRs while simultaneously including the effects of the finalized MATS rule in projected base case modeling without accounting for the use of SCRs for compliance with the MATS. These assumptions lead to NO_x budgets that are lower than what is actually possible for the predicted cost put forth in the plan.

2. U.S. EPA should not mandate the use of natural gas as a compliance technique in this rule. U.S. EPA states that they “consider this allocation approach to be fuel neutral, control-neutral, transparent, based on reliable data, and similar to allocation methodologies previously used in the NO_x SIP Call and Acid Rain Program.” [80 FR 75743] However, this is inconsistent with the clear language in other parts of the proposal. The proposal clearly forces switching from coal to natural gas electricity production, even including shifting generation to lower NO_x-emitting EGUs, referring to Natural Gas Combined Cycle EGUs, as an official EGU NO_x mitigation strategy. [80 FR 75732] U.S. EPA states that they “included this NO_x mitigation strategy in quantifying EGU NO_x obligations for this proposal.” [80 FR 75733] This would essentially leave utilities no choice but to shift generation to natural gas as a fuel source, which should not be the goal of a transport rule. Deciding fuel sources for plants is beyond the scope of this proposal and the intent of the CAA transport provisions and yet U.S. EPA is making it impossible for states to comply without taking this measure. Ohio EPA recognizes, along with U.S. EPA, that the U.S. electric sector has undergone considerable transformation largely due to economic and market forces precipitated by the natural gas boom. [80 FR 75746).] However, regulations which force the use of natural gas go beyond the natural economic and market forces which naturally result in higher implementation of natural gas are inappropriate.
3. Another issue with this proposal is U.S. EPA’s failure to recognize that facilities cannot simply operate at the level of a standard, but in fact must routinely “do better” and operate at a level below the standard, making the new allocations even more stringent than they appear. It was discussed previously that the allocations and emissions rate for Ohio EGUs were developed using seriously flawed methodology and that they are entirely unrealistic and unachievable. However, that discussion did not even take into account the fact that when attempting to comply with an emissions rate of 0.073 lb/MMBtu, as proposed for Ohio in this rule, EGUs cannot simply operate right at an emissions rate of 0.073 lb/MMBtu. Regulated EGUs will want to ensure compliance with the budgets

and emissions rates prescribed to them, and as such will always need to leave a “buffer” between the prescribed emissions rate and the emissions rate at which they actually operate in reality. U.S. EPA has failed to consider this reality which has further exacerbated the over-control of these EGUs.

4. Ohio EPA is concerned with the failure of U.S. EPA in this proposal to address the “over-control” remand and that instead, this proposal includes excessively tightened state budgets. U.S. EPA acknowledges the fact that in *EME Homer City II*, the D.C. Circuit “declared invalid the CSAPR (Cross-State Air Pollution Rule) phase 2 NO_x ozone-season emissions budgets of 11 states, holding that those budgets over-control with respect to the downwind air quality problems to which those states were linked for the 1997 ozone NAAQS.” [80 FR 75716] Ohio EPA disagrees with the suggestion that this proposed action provides an appropriate and timely response to the court’s remand by replacing the invalid budgets with budgets developed to address the revised and more stringent 2008 ozone NAAQS. In response to a remand of budgets which over-control, U.S. EPA has introduced a plan which in fact excessively tightens budgets. The fact that the 2008 ozone NAAQS is more stringent than the 1997 ozone NAAQS does not provide sufficient reason for the severe tightening of budgets, and is not an adequate response to the remand of CSAPR NO_x ozone-season emissions budgets. As discussed previously, multiple aspects of the methodology which led to the very low emissions rates and budgets in this proposal are extremely flawed, erroneously leading to overly restrictive figures, which is in direct contradiction with the purpose of these budgets having been remanded.
5. U.S. EPA has disproportionately tightened the NO_x budgets relative to the tightening of the ozone standard. On March 27, 2008, U.S. EPA promulgated the 2008 Ozone NAAQS, decreasing the standard from 84 ppb to 75 ppb see National Ambient Air Quality Standards for Ozone. [73 FR 16436] However, per this proposed rule, Ohio’s NO_x budget in 2017 would be set at 16,660 tons, down from 32,181 tons in actual emissions in 2014. [80 FR 75739] This represents a 48.2% decrease in NO_x emissions from EGUs in only a three year time period. The tightening of the standard from 84 ppb to 75 ppb, by contrast, is only a 12% reduction in ambient ozone levels. This proposal is essentially requiring the EGU sector in Ohio to cut their NO_x emissions in half in a very short time span for what will result in very little improvement in ambient air quality in the problem urban areas along the I-95 corridor. This discrepancy should make it clear that an unfair amount of responsibility is being placed on EGUs as a result of this proposed rule. U.S. EPA needs to reconsider the NO_x emissions budgets proposed in this rule and develop a realistic, achievable control level for EGUs.
6. The air quality modeling U.S. EPA conducted incorrectly projects non-attainment areas in future years where attainment is currently being achieved. On October 22, 2015, Ohio EPA submitted comments in response to the August 14, 2015

“Notice of Availability of the Environmental Protection Agency’s Updated Ozone Transport Modeling Data for the 2008 Ozone National Ambient Air Quality Standard (NAAQS).” [80 FR 46271] Ohio EPA wishes to reiterate a comment made then, that emissions rules that are based on projections of non-attainment that do not exist in reality are not technically and legally justifiable. As stated in that comment, U.S. EPA proposes modeling projecting nonattainment of, along with a number of other areas, Hamilton County, OH in 2017. Monitor ID 390610006 has an actual design value of 75 ppb based on years 2012 to 2014 data. The U.S. EPA-projected 2017 average design value is 76.3 ppb. [see Table T.C-2, 80 FR 75726] Clearly, this has serious implications and raises questions regarding the validity of U.S. EPA’s data and modeling approach. The projections resulting from this modeling are now being used by U.S. EPA to require reductions from sources contributing to this monitor, as well as others, as a part of this proposed rule. U.S. EPA cannot impose requirements on States based upon faulty data and modeling. U.S. EPA uses ozone data from the period of 2009-2013 for a baseline to project nonattainment areas in 2017, which ignores real progress made, as evidenced in many 2012-2014 design values presented in Tables V.C-1 – V.C-3 [80 FR 75726] of the proposed rule.

7. Ohio is concerned with the way this proposed rule would devalue old allowances moving forward, undermining the purpose of the allowances, unfairly punishing EGUs which have amassed allowances, and creating a disincentive for EGUs to attempt to continue to potentially over-control, if U.S. EPA publishes a reasonable rate. U.S. EPA states that “the use of allowance banks generally provide a glide path for sources required to meet more stringent emissions limits in later years and accommodate year-to-year variability in operation. [80 FR 75746] However, in this proposed rule, U.S. EPA is proposing that some method be utilized that devalues allowances states would gain in 2015 and 2016 from 2017 on. Primarily, U.S. EPA suggests a surrender ratio such that greater than one pre-2017 allowances would be required to cover one ton of NOx emitted in 2017 and each year thereafter. [80 FR 75746] U.S. EPA proposes this surrender ratio due to the fear that states will build up excess allowances and their unrestricted use would undermine the reduction potential in this proposed rule. This fear is at least somewhat unfounded, as it is based on the assumption that “EGU emissions in CSAPR NOx ozone-season states for 2015 and 2016 would generally continue at 2014 levels.” [80 FR 75746] As shown in comment 1.b. this is in no way a safe assumption. U.S. EPA is likely overestimating the amount of banked allowances that will be available in 2017.

Regardless, devaluing the banked allowances is directly contradictory to the stated purpose of providing a glide path for sources required to meet more stringent limits in later years, and for accounting for inter-annual variability. Further, it penalizes exactly those sources which have been doing well to reduce their emissions and attempt to bank allowances for sources that are unable to comply with the applicable emission rate. Counting on these allowances can dictate and inform plans of sources for how to bid into the future

market. Devaluing banked allowances eliminates any confidence in sources' ability to plan in this way and completely undermines having such a trading program.

8. The emissions rate and budget put forth for Ohio in this proposed update are determined by flawed methodology, as discussed previously, and as a result they are entirely unrealistic. Table 1 shows the progress that would need to be made by major Ohio EGU units with installed and running SCRs in order to achieve the proposed budget allocations according to this rule. It can be readily seen that these allocations are entirely unrealistic and unachievable. Only four of these 21 units are currently at or below the predicted allocation for those units in 2017. Further, nearly half of these units would have to reduce their NOx emissions by 50% or higher, with the Killen unit requiring a reduction of 73.1% in just over one year. Again, all of these units had SCRs in operation for the 2015 ozone season. Including units with SNCRs only makes matters worse, as shown in Table 2. Only Miami Fort unit 6 is currently below its predicted allocation in 2017. Of the other units with SNCRs, only Sammis unit 5 has less than 50% reduction to be achieved by 2017. Conesville units 5 and 6, currently equipped with low NOx burners, require a 74% reduction by 2017 according to this proposed rule.

The claim that the necessary reductions can be achieved by the compliance techniques at the cost threshold suggested in this proposal is clearly erroneous and arrived at from the over-reliance on the IPM modeling methodology mentioned previously. This vast discrepancy between actual emissions from 2015 and the proposed allocations should be a red flag that much more would need to be done, and at a much higher cost, than what is presented in this proposal to achieve the reductions this proposal would require. Other comments discuss the flaws and faulty methodology contained in this proposal which leads to the overly restrictive budgets proposed, and we present here the problem which results – totally unachievable and restrictive NOx emissions rates and allocations and the over-control of EGUs.

Data Source for Tables 1 and 2: 2015 data from U.S. EPA Clean Air Markets Division (CAMD) and Ohio Fee Emissions Reporting (FER). 2017 allocations from U.S. EPA-provided spreadsheet
 "unit_level_allocationa_and_underlying_data_for_the2008_ozone_NAAQS_0.xls"

Current Emissions from Major EGU units with SCR and Needed Progress for Proposed Update					
Plant Name	Unit	2015 NOx Emissions (tons)	2017 NOx Allocation (tons)	Needed Reduction (tons)	Needed Reduction (%)
Cardinal	unit 1	503.6	470	33.6	6.7
	unit 2	395.3	503	-107.7	-27.3
	unit 3	399.4	551	-151.6	-37.9
Gavin	unit 1	3174.8	1132	2042.8	64.3
	unit 2	2122.1	1100	1022.1	48.2
Kyger	unit 1	381.0	170	211.0	55.4
	unit 2	340.1	171	169.1	49.7
	unit 3	457.8	145	312.8	68.3
	unit 4	410.0	166	244.0	59.5
	unit 5	419.3	160	259.3	61.8
Stuart	unit 1	559.9	488	71.9	12.8
	unit 2	655.2	463	192.2	29.3
	unit 3	348.3	483	-134.7	-38.7
	unit 4	696.1	501	195.1	28.0
Killen	unit 2	2124.3	572	1552.3	73.1
Miami Fort	unit 7	774.7	511	263.7	34.0
	unit 8	990.0	437	553.0	55.9
Zimmer	unit 1	3160.0	1063	2097.0	66.4
Sammis	unit 6	734.2	545	189.2	25.8
	unit 7	765.0	490	275.0	35.9
Conesville	unit 4	249.5	451	-201.5	-80.7

Table 1: Unit-level allocations of NOx emissions proposed for major Ohio EGU units with SCRs and the discrepancy between actual 2015 emissions

Current Emissions from Major EGU Units with SNCR and Needed Progress for Proposed Update					
Plant Name	Unit	2015 NOx Emissions (tons)	2017 NOx Allocation (tons)	Needed Reduction (tons)	Needed Reduction (%)
Conesville	unit 5	1188.5	307	881.5	74.2
	unit 6	1214.9	315	899.9	74.1
MiamiFort	unit 6	72.1	135	-62.9	-87.1
Sammis	unit 1	338.3	126	212.3	62.8
	unit 2	313.4	120	193.4	61.7
	unit 3	280.2	130	150.2	53.6
	unit 4	284.9	133	151.9	53.3
	unit 5	277.9	202	75.9	27.3

Table 2: Unit-level allocations of NOx emissions proposed for major Ohio EGU units with SNCRs and the discrepancy between actual 2015 emissions

9. Ohio EPA is concerned with the inclusion of compliance with the Clean Power Plan (CPP) in U.S. EPA’s analysis of this proposed rule. As stated in this proposal, “the final deadline for states to submit complete plans under the CPP is September 2018” and “mandatory CPP reductions do not begin until the interim period (i.e., starting in 2022)”. [80 FR 75754] It is therefore incorrect to assume any benefits from the CPP on ozone values for this proposal, as compliance begins for this proposed rule in 2017, well before compliance for the CPP. However, U.S. EPA states that “in order to reflect all on-the-books policies as well as the most current power sector modeling data, the EPA performed an assessment...to reflect inclusion of IPM 5.15 with the CPP in the base case for this proposal” and that U.S. EPA “plans to use this base case, including the final CPP, for its modeling analysis for the final rule”. [80 FR 75722] This power sector modeling is then what U.S. EPA used to assess cost, EGU NOx reductions and air quality for this proposed rule. [80 FR 75734] It is inappropriate for the results of the CPP to be considered as on-the-books controls under this proposal due to the significant difference in compliance dates.