

## Comments for Joe Robinson

Thursday, October 8, 2020 9:36 AM

Subject	[External] Longview Power Comments
From	Joe
To	Andrews, Edward S
Sent	Monday, October 26, 2020 12:23 PM

CAUTION: External email. Do not click links or open attachments unless you verify sender.

26 OCT 2020

TO: Edward S, Andrews

I am attaching my written comments to this email.

Joe Robinson

TEL: 1-617-734-9900

Email: [robinson@actcom.com](mailto:robinson@actcom.com)

### Joe Robinson Comment

#### Crowder, Laura M

From: Joe <[robinson@actcom.com](mailto:robinson@actcom.com)>  
Sent: Monday, October 26, 2020 12:23 PM  
To: Andrews, Edward S  
Subject: [External] Longview Power Comments

CAUTION: External email. Do not click links or open attachments unless you verify sender.

26 OCT 2020

TO: Edward S, Andrews

I am attaching my written comments to this email.

Joe Robinson  
TEL: 1-617-734-9900  
Email: [robinson@actcom.com](mailto:robinson@actcom.com)

**President Trump's most important and least publicized accomplishment is transforming America from being the slaves to Arab oil to being the Masters of the World's oil**

**The most painful picture for us Americans was the picture of President Obama bowing down to the King of Saudi Arabia**

BOSTON - President Trump succeeded to make us the Masters of the World's oil by creating millions of high paying jobs in the coal and oil and subsidiary industries.

Most people don't realize that 80% of a country's fuel is used to produce the electricity for the country. The remaining 20% is sufficient for all of the cars, trucks, industrial uses and the fuel needed to heat buildings.

President Trump was aware that contrary to conventional wisdom, coal emissions are cleaner than the emissions from the other two fuels, oil and gas.

The are two major pollutants and three harmless gases that are emitted from the fuels that produce electricity. The two major pollutants are sulfuric acid (also known as acid rain) and nitrogen oxides.

Industrial oil emits both pollutants, sulfuric acid and nitrogen oxides. Natural gas emits nitrogen oxides the pollutant that cost Volkswagen \$30 Billion.

But coal is the cleanest fuel because it does not emit either pollutant.

The three harmless gases are water vapor, sulfur dioxide and carbon dioxide.

The EPA has known since 1978, when Professor Herbert Schimmel of the Albert Einstein Medical School published his 14 years of research, that sulfur dioxide is totally harmless.

And the people who are saying that carbon dioxide is harmful to our planet are committing blasphemy.

There are billions of human beings and billions of animals on this earth. The average human and the average animal exhales more than 2 pounds of carbon dioxide every day and we have been doing this for thousands of years.

To say that this material that we are exhaling is harmful to our planet is saying that the Good Lord is so incompetent that our breathing is destroying the world that he created and sustains.

Have you noticed that the same people who are badmouthing carbon dioxide are not telling Coca Cola, Budweiser, Pepsi, Miller and Coors to stop putting carbon dioxide in their beverages?

Hilary Clinton admitted that her not knowing that coal emissions are the cleanest emissions cost her the election. With coal producing our electricity, our oil exports are stabilizing our balance of payments while controlling oil prices.

Even more important, no President of the United States will ever have to bow down again to the King of Saudi Arabia.

What is probably causing an increase in average temperatures is the water vapor which is being emitted from all of the combustion processes. Did you know that each gallon of gasoline, diesel fuel and home heating oil emits 1,350 gallons of water vapor? This water vapor increases the humidity.

The humidity does not allow the evenings to cool down because it retains the heat from the day. Once the temperatures in the evening do not cool down the average temperature over the 24 hour day is going to be higher.

This is another advantage of coal. To produce the same amount of heat, coal emits half of the water vapor that oil emits and only 1/3 of the water vapor that natural gas emits.

**President Trump has done more for the economics, environment and health of America than any prior President.**

# FW: [External] Letter supporting Longview permit application

Friday, October 30, 2020 10:10 AM

Subject	<b>FW: [External] Letter supporting Longview permit application</b>
From	Crowder, Laura M
To	Andrews, Edward S; McKeone, Beverly D; Hammonds, Stephanie E
Sent	Tuesday, October 27, 2020 1:39 PM
Attachments	 10262020 WV Delegation letter.pdf

**From:** Caperton, Austin <[Austin.Caperton@wv.gov](mailto:Austin.Caperton@wv.gov)>  
**Sent:** Tuesday, October 27, 2020 1:31 PM  
**To:** Ward, Harold D <[Harold.D.Ward@wv.gov](mailto:Harold.D.Ward@wv.gov)>; Mandirola, Scott G <[Scott.G.Mandirola@wv.gov](mailto:Scott.G.Mandirola@wv.gov)>; Crowder, Laura M <[Laura.M.Crowder@wv.gov](mailto:Laura.M.Crowder@wv.gov)>  
**Subject:** Fw: [External] Letter supporting Longview permit application

**Austin Caperton**  
Cabinet Secretary WVDEP  
Driven by Employee Pride  
304-926-0440  
Our Core Values: Professionalism - Integrity - Education  
Knowledge - Expertise - Credibility - Public Service

**From:** Cone, Travis (Capito) <[Travis\\_Cone@capito.senate.gov](mailto:Travis_Cone@capito.senate.gov)>  
**Sent:** Tuesday, October 27, 2020 1:21 PM  
**To:** Caperton, Austin <[Austin.Caperton@wv.gov](mailto:Austin.Caperton@wv.gov)>  
**Cc:** Tomlinson, Adam (Capito) <[Adam\\_Tomlinson@capito.senate.gov](mailto:Adam_Tomlinson@capito.senate.gov)>  
**Subject:** [External] Letter supporting Longview permit application

CAUTION: External email. Do not click links or open attachments unless you verify sender.  
Secretary Caperton,

Hope you and yours are well.

Please find attached a letter from Senator Capito, Congressman McKinley, Congressman Mooney, and Congresswoman Miller in support of Longview's permit application under your implementation of the ACE rule interpretation of Clean Air Act Section 111. I will also drop a copy in the mail.

Thanks for your consideration and let me know of any questions. Good luck with the public e-hearing this evening.

Best,  
Travis

**C. Travis Cone**  
*Senior Energy Adviser*  
Senator Shelley Moore Capito (R-WV)  
172 Russell Senate Office Building (SR-172)  
Washington, DC 20515  
202-224-6472



**Congress of the United States**  
**Washington, DC 20515**

October 27, 2020

Austin Caperton  
Secretary  
West Virginia Department of Environmental Protection  
Executive Office  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304

Dear Secretary Caperton,

As elected officials in the West Virginia congressional delegation, we write in support of approval by the Department of Environmental Protection (WVDEP) of Permit Application #13-3495 submitted by Longview Power, LLC for certification under the state's implementation of Section 111 of the Clean Air Act and the Environmental Protection Agency's (EPA) Affordable Clean Energy (ACE) rule.

The ACE rule will meaningfully reduce the emission of greenhouse gases while abiding the legal requirements of Section 111 of the Clean Air Act (CAA) for an "inside the fence line" regulatory approach addressing the thermal efficiency of a power plant through the "Best System of Emissions Reduction" standard.

We commend your efforts and that of the Department to ensure that West Virginia is the first state to implement the ACE rule and seek approval from EPA for its regulatory program. In so doing, West Virginia has again demonstrated its leadership as an energy and electricity exporting state.

As you know, the first application under West Virginia's updated regulatory program is Longview Power, one of the most modern and efficient coal-fired power plants in the Western Hemisphere. A 700-megawatt plant, Longview utilizes an advanced supercritical boiler technology to achieve a best-in-class operational heat rate of 8,750 Btu/kWh. Longview's unique design, operations, and maintenance parameters, reflected in its application, satisfy the BSER standard under the ACE rule.

We support timely approval of Longview's application, in accordance with all applicable laws, regulations, and internal Department guidance. Thank you for your consideration of this request.

Sincerely,

Shelley Moore Capito  
United States Senator

David B. McKinley, P.E.  
Member of Congress

Alex X. Mooney

Carol D. Miller

Alex X Mooney  
Alex X. Mooney  
Member of Congress

Carol D. Miller  
Carol D. Miller  
Member of Congress

PRINTED ON RECYCLED PAPER

# [External] I strongly Object to increase in gas emissions from the Longview Power Plant

Friday, October 30, 2020 10:12 AM

Subject	<b>[External] I strongly Object to increase in gas emissions from the Longview Power Plant</b>
From	<a href="#">Reger-Nash, Bill</a>
To	Andrews, Edward S
Sent	Wednesday, October 28, 2020 5:23 PM

**CAUTION: External email. Do not click links or open attachments unless you verify sender.**

Dear Sir,

As a public health professional, I am appalled by the proposed addition to the Longview Power Plant. Greenhouse gas emissions are choking our atmosphere and our planet. We have myriads of environmental problems associated with these issues. Please do not allow Longview to spew more toxic emissions into our air, waterways, and ultimately our soil. The draft permit enables such increases. This is unconscionable. Deny this expansion.

/ **Bill Reger-Nash, EdD**

Professor Emeritus  
School of Public Health  
West Virginia University  
Morgantown, WV 26506-9190  
C: 304-685-6740  
[wreger@hsc.wvu.edu](mailto:wreger@hsc.wvu.edu)  
[publichealth.hsc.wvu.edu/BillRegerNash/](http://publichealth.hsc.wvu.edu/BillRegerNash/)  
[publichealth.hsc.wvu.edu](http://publichealth.hsc.wvu.edu)

Morgantown Pedestrian Safety Board

Walk 30 to 60 minutes daily.

Feel the Power of Half an Hour! gn

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# Fwd: Congressional support letter re: Longview Power

Wednesday, November 4, 2020 8:23 AM

Subject	<b>Fwd: Congressional support letter re: Longview Power</b>
From	Crowder, Laura M
To	Andrews, Edward S
Sent	Monday, November 2, 2020 9:15 PM
Attachments	 SKM_C45820110212390

FYI

Laura

Begin forwarded message:

**From:** "Henson, Jessica A" <Jessica.A.Henson@wv.gov>  
**Date:** November 2, 2020 at 12:03:25 PM CST  
**To:** "Caperton, Austin" <Austin.Caperton@wv.gov>  
**Cc:** "Crowder, Laura M" <Laura.M.Crowder@wv.gov>, "Ward, Harold D" <Harold.D.Ward@wv.gov>, "Mandirola, Scott G" <Scott.G.Mandirola@wv.gov>  
**Subject: Congressional support letter re: Longview Power**

All,  
See attachment that was received in today's mail.

Thanks,  
Jessica

**From:** 14598@wv.gov <14598@wv.gov>  
**Sent:** Monday, November 2, 2020 12:39 PM  
**To:** Henson, Jessica A <Jessica.A.Henson@wv.gov>  
**Subject:** Message from KM\_C458

**Congress of the United States**  
**Washington, DC 20515**

October 27, 2020

Austin Caperton  
Secretary  
West Virginia Department of Environmental Protection  
Executive Office  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304

Dear Secretary Caperton,

As elected officials in the West Virginia congressional delegation, we write in support of approval by the Department of Environmental Protection (WVDEP) of Permit Application #13-3495 submitted by Longview Power, LLC for certification under the state's implementation of Section 111 of the Clean Air Act and the Environmental Protection Agency's (EPA) Affordable Clean Energy

approval by the Department of Environmental Protection (WVDEP) of Permit Application #13-3495 submitted by Longview Power, LLC for certification under the state's implementation of Section 111 of the Clean Air Act and the Environmental Protection Agency's (EPA) Affordable Clean Energy (ACE) rule.

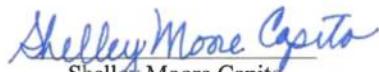
The ACE rule will meaningfully reduce the emission of greenhouse gases while abiding the legal requirements of Section 111 of the Clean Air Act (CAA) for an "inside the fence line" regulatory approach addressing the thermal efficiency of a power plant through the "Best System of Emissions Reduction" standard.

We commend your efforts and that of the Department to ensure that West Virginia is the first state to implement the ACE rule and seek approval from EPA for its regulatory program. In so doing, West Virginia has again demonstrated its leadership as an energy and electricity exporting state.

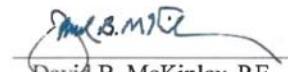
As you know, the first application under West Virginia's updated regulatory program is Longview Power, one of the most modern and efficient coal-fired power plants in the Western Hemisphere. A 700-megawatt plant, Longview utilizes an advanced supercritical boiler technology to achieve a best-in-class operational heat rate of 8,750 Btu/kWh. Longview's unique design, operations, and maintenance parameters, reflected in its application, satisfy the BSER standard under the ACE rule.

We support timely approval of Longview's application, in accordance with all applicable laws, regulations, and internal Department guidance. Thank you for your consideration of this request.

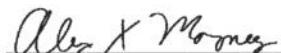
Sincerely,



Shelley Moore Capito  
United States Senator



David B. McKinley, P.E.  
Member of Congress



Alex X. Mooney  
Member of Congress



Carol D. Miller  
Member of Congress

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# [External] Longview Power Comments

Wednesday, November 4, 2020 8:24 AM

Subject	<b>[External] Longview Power Comments</b>
From	<a href="#">Thomas T. Lampman</a>
To	Andrews, Edward S
Sent	Monday, November 2, 2020 2:14 PM
Attachments	 2020-10-27 AG Co...

**CAUTION: External email. Do not click links or open attachments unless you verify sender.**

Mr. Andrews,

Please find attached a written copy of the comments given by Attorney General Patrick Morrisey on the Longview Power Proposed Permit.

Thank you.

Thomas T. Lampman  
*Assistant Solicitor General*  
Office of the Attorney General  
of West Virginia

Office: (304) 558-2021  
Direct: (681) 313-4554



State of West Virginia  
Office of the Attorney General

Patrick Morrisey  
Attorney General

(304) 558-2021  
Fax (304) 558-0140

October 27, 2020

Comments of Attorney General Patrick Morrisey  
to the Department of Environmental Protection Office of Air Quality  
on Proposed Air Quality Permit 13-3495

to the Department of Environmental Protection Office of Air Quality

on Proposed Air Quality Permit 13-3495

Thank you for the opportunity to speak here today, and to address a very important topic. It's a topic that matters a lot to me, because in a sense it's laying the groundwork for a foundation for years.

By adopting the proposed permit we're here to discuss today, West Virginia can finally start to build a solid regulatory foundation that our agencies and our power plants can rely on for years to come. We aren't out of the woods, but this does represent a turning point that I and others had to fight very hard to reach.

As many of you know, one of my first priorities as Attorney General was fighting back against the Obama Administration's ill-conceived and illegal War on Coal. West Virginia coal was being attacked on a lot of different fronts, and one of the major fronts was the one we're here to talk about today. The problematic Obama-era Section 111(d) guidelines for existing coal-fired power plants.

Obama's Clean Power Plan was cloaked as a 111(d) guideline, but it was unlike any guideline a State had been given before. The balance between federal and state powers is critical to the normal operation of 111(d)—States rely on the federal EPA to set guidelines that state agencies implement for each source. The CPP's real purpose was to force state agencies like West Virginia's DEP to impose performance standards on coal plants that were, frankly, unachievable.

EPA wanted to co-opt DEP's authority, and use it to force coal-fired plants to subsidize their competitors—and eventually to shut down altogether.

My Office led the charge in stopping that assault in its tracks, and we secured the first-of-its-kind stay of the CPP from the Supreme Court before it ever went into effect. And since that time, we've been working closely with the Trump Administration's EPA to replace the CPP with a fair, effective, and legal set of guidelines.

This has been a long, time-intensive, and resource-intensive process. After extensive notice and comment on both the repeal of the CPP and on the appropriate scope of guidelines to issue in its place, EPA issued replacement guidelines in July of last year.

State Capitol Building 1, Room E-26, 1900 Kanawha Boulevard East, Charleston, WV 25305

The permit we're here to discuss today implements these guidelines. And I know folks from Longview will explain in detail what this entails from a technical standpoint. The technical standpoint is important—that's how we know that the efficiency improvements EPA is calling for strike the right balance between being achievable by the source and being beneficial for the environment.

I am impressed by the technical facts here, and by what Longview shows us about what a modern coal plant can achieve in terms of fuel efficiency and emissions reductions.

But as your Attorney General, I think what I can speak to most directly is the broader significance of being where we are today. Because the fact that we finally have guidelines to implement, the fact that we're in this position at all, that is in itself the culmination of a nearly six-year battle.

I'm obviously incredibly proud of the work we've done stopping unlawful regulations from taking root, and I'm encouraged about the future. But the reality is that there was still a lot of uncertainty involved in getting to this point. We've known for a long time that the CPP was unlawful, but any lawyer can tell you that you don't always win just because you're right.

So even as we held CPP back, West Virginia still felt the constant pressure that comes from having something so destructive hanging over your head. The shadow it cast made it all the more difficult to see a plan for the future.

And that is why today matters so much. By beginning to implement the fair and lawful guidelines established by the Affordable Clean Energy Rule, we're finally beginning to develop some certainty.

It's easy to see why our coal fleet benefits from having defined rules that they can rely on, but establishing a clear method of implementation benefits the State as well. It helps tremendously that, as regulators, we've started to pull together the resources and analysis that go into reviewing these types of permits.

I know that each permit will be different, but given all the sweat equity that the team at DEP has put into taking these first steps, I know that having that baseline means a lot. None of this takes away from the work that's left ahead of us, but the work that has been done already is impressive.

We've all gone so long without having anything to really rely on in this area. That's why I just wanted to take a few moments to emphasize how significant it is that we've made it to this point, and how meaningful it is for everyone to finally be establishing reliable standards and a reliable framework.

I hope that this process can continue to move quickly, collegially, and collaboratively. And I want to note that my Office can be a resource as we move through the process of both finalizing this permit and of submitting our state plan to EPA.

We are relying on this process for West Virginia's future. We want to get it right. Today, West Virginia takes another step forward and will be relying on this outcome as it develops additional strategies to maximize the use of coal in an environmentally sound manner.

We urge you to move forward with this application.

Thank you.

# [External] Longview Power Comments

Monday, November 9, 2020 3:01 PM

Subject	<b>[External] Longview Power Comments</b>
From	<a href="#">Betsy J. Lawson</a>
To	Andrews, Edward S
Sent	Saturday, October 31, 2020 6:21 PM

**CAUTION: External email. Do not click links or open attachments unless you verify sender.**

To Mr. Edward Andrews:

Affordable 'Clean' Energy is an ironic title for a regressive rule that would permit INCREASED greenhouse gas pollution.

Quite apart from the immorality of the rule replacing the Clean Power Plan in face of all the climate destruction we are already experiencing, one wonders at the haste of Longview in trying to acquire this permit in advance of the Inauguration, when a differing administration might have them reverse what they had just invested time and money in.

Worse, they want this permit granted by the WV DEP before the rule has even been finalised and passed by the Administration. This seems like buying a 'pig in a poke', but a pig that does not even exist - perhaps a shell game might be a better analogy. How can this be a legal procedure on the part of Longview? or the DEP?

Doubtless Longview has the provision that permits extra emissions when not operating at full capacity clearly in mind. This, as inevitably coal energy will become less profitable as alternative energy becomes more so, as it already is. On top of this economic crutch, an increase of 0.4% per annum after 20 years would allow an increase to 108% from the starting point, more if compounded - instead of less, as the future habitability (and economic stability) of the world requires.

Moreover Longview included years of operation without their current more efficient emissions controls when proposing their averaged emissions, ensuring the ceiling be well above their current emissions. This means that they are applying to emit above their current pollution levels, on top of the proposed increase. What is the point of having installed such, to propose to run them at 'half-cock' - apart from selling electricity more cheaply to their customers outwith West Virginia, which will suffer the poorer air quality, but where the permit would come from.

We should be drastically reducing CO2 and SO2 emissions, not increasing them. How many more warnings/ super-expensive disasters do we need. Hurricanes Katrina, Sandy, Matthew, Harvey, alone totalled \$340+ billion. Wildfires in California, 2007, 2018, 2019, 2020, Colorado, 2012, 2020, Washington, 2015, 2020, Smoky Mountains 2016, and the Midwest crop failure in 2019, are further indicators of what is increasingly to come. How much of this does the taxpayer cover? The 10 hottest years on record have all occurred since 2005, the hottest 5 since 2015.

This permit should not be considered. It is illegitimate, blindly profit-driven and socially irresponsible.  
Sincerely,

Stephen Lawson  
Morgantown, WV

# [External] Comment on Longview Draft Permit # R13-3495

Friday, November 13, 2020 11:57 AM

Subject	<b>[External] Comment on Longview Draft Permit # R13-3495</b>
From	<a href="#">Duane Nichols</a>
To	Andrews, Edward S
Sent	Monday, November 9, 2020 4:15 PM

**CAUTION: External email. Do not click links or open attachments unless you verify sender.**

**MON VALLEY CLEAN AIR COALITION .....**

Ed Andrews  
West Virginia Department of Environmental Protection  
Division of Air Quality  
601 57th Street, SE  
Charleston, WV 25304  
Via e-mail to: [Edward.S.Andrews@wv.gov](mailto:Edward.S.Andrews@wv.gov)

RE: Comments on draft permit # R13-3495, Longview Power greenhouse gas permit

Dear Mr. Andrews:

Our Mon Valley Clean Air Coalition has followed Longview from the very beginning.

Recall they promised to use WV coal, but are using Pennsylvania coal. They promised to consume not water from the Monongahela River, but are using such for their evaporative cooling activity. They promised to have zero discharge to the environment, but they pump wastewater down into an underground coal mine.

Now the WV-DEP is proposing more concessions to Longview Power LLC so as to permit them to pollute the environment, even more than otherwise. How in God's name can you look at yourself in the mirror if you are the enabler of increased pollution? The WV-DEP has a responsibility to DECREASE pollution, NOT INCREASE IT,  
where have you been? In other words, who is running our state government?

This is a letter of protest on behalf of the residents of the Ft. Martin community who are exposed to multiple coal fired power plant and 300 diesel trucks per day transporting coal up the long narrow Ft. Martin hill. They are like most all other West Virginians who are unaware of the illogical activity involving this Draft Permit.

On behalf of the Bakers Ridge community, the Stewartstown community, the Forks of Cheat Forest, the Pt. Marion community, and indeed on behalf of the students and staff of the University High School, this draft permit is an environmental insult. All are subjected to the emissions of the Longview and Ft. Martin power plants. All experience the fine particulates, the acidic emissions, the free radical reactants, the vapor clouds and the anxieties of unknown trace materials.

Because this draft permit would establish excessive and unnecessary carbon dioxide emissions, all other emissions will also be increased. The intent of climate change regulations is to reduce all greenhouse gases. Even the water vapor and the particulates contribute to this, so must be considered.

This DRAFT is PREMATURE. There is no current level of regulation or control. In fact, the operation of Longview isn't needed, not necessary, since our PJM has plenty of generation. This company is not operating in as a public service, rather as a private operator for private gain, i.e. to maximize profits. The WV-DEP has no such mandate, rather you should function in the public interest.

This DRAFT PERMIT needs to be withdrawn as untimely, out of place, not logical and possesses strong political overtones. The motivation for it within state government has not been revealed, so the public interest is being abused. The reputation of the WV-DEP is on the line.

Duane G. Nichols, Ph.D.  
Mon Valley Clean Air Coalition  
330 Dream Catcher Circle  
Morgantown, WV 26508

[Duane330@aol.com](mailto:Duane330@aol.com)  
304-599-8040

# Jim Kotcon - Sierra Club Comments on Draft Permit R13-3495, Longview Power Greenhouse Gases

Friday, November 13, 2020 11:58 AM

Subject	<b>[External] Comments on Draft Permit R13-3495, Longview Power Greenhouse Gases</b>
From	<a href="#">James Kotcon</a>
To	Andrews, Edward S
Sent	Monday, November 9, 2020 4:05 PM
Attachments	 Longview greenhouse gas permit-comments-2...

**CAUTION: External email. Do not click links or open attachments unless you verify sender.**

See attached letter. Thank you.

jim Kotcon  
Conservation Chair  
304-594-3322 (home)



**SIERRA  
CLUB**

**Sierra Club**  
**West Virginia Chapter**

P.O. Box 4142  
Morgantown, WV 26504

Nov. 8, 2020

Ed Andrews  
West Virginia Department of Environmental Protection  
Division of Air Quality  
601 57th Street, SE  
Charleston, WV 25304  
Via e-mail to: [Edward.S.Andrews@wv.gov](mailto:Edward.S.Andrews@wv.gov)

RE: Comments on draft permit # R13-3495, Longview Power greenhouse gas permit

Dear Mr. Andrews:

Please accept the following comments on behalf of the approximately 2600 members of the West Virginia Chapter of Sierra Club. We recognize that this draft permit is voluntary, and that the rules for greenhouse gas limits (45-CSR-44) have not yet been approved in final form by the Legislature. However, we hope you will consider these comments as this is the first permit of its kind in West Virginia and may set precedents for others that follow when rules are finalized.

The Sierra Club is among many organizations challenging the EPA's Affordable Clean Energy rule as it is inadequate to address the serious threats to our climate posed by greenhouse gas emissions from fossil fuels. If that rule is overturned, we expect much more stringent emissions reductions would be required. Likewise the state rule, 45-CSR-44, is similarly inadequate and may yet be modified by the Legislature. The comments below are offered to assist your review based on the information in the Longview application, the draft permit, the accompanying Engineering Evaluation (EE), and the rules as currently promulgated, and should not be construed as the Sierra Club's position on this or other permits if the current rules change.

#### **Section 4.1. Limitations and Standards.**

Longview proposed a standard of 2,049 lb CO<sub>2</sub>/MWh (net) on a 3-year rolling annual average basis. They proposed to exclude data during start-ups, shutdowns and malfunctions (SSM) or during hours when unit load is <40 %. They further propose to increase the allowable emissions by 0.4 % annually to account for equipment efficiency losses over the life of the plant.

Their proposed standard of 2,049 lb CO<sub>2</sub>/MWh was derived by calculating the mean emissions rate for the last 6 years (1,943 lb), then adding 3 Standard Deviations (3 x 35 lb). This is a standard that would allow 2 % greater emissions than occurred in 2014, before the Heat Rate Improvements (HRIs) were installed at Longview, and nearly 8 % higher than the current (i.e., baseline) performance. That level also includes low load and impaired operations that occurred during the baseline period. That clearly cannot serve as a performance standard for a rule intended to use HRIs to reduce greenhouse gas emissions.

The draft permit identifies several “Load Bins” to specify emissions limits at various operating loads. One of the most effective means of limiting emissions from plants that were designed as base load units is to ensure that operators limit operations to those periods when the plant can operate at optimal design loads, rather than as load-following units that would operate a significant proportion of the time in less efficient, higher-emitting Load Bins. We are concerned that the draft permit would therefore likely result in an even greater increase in emissions than discussed above as the plant ages and becomes less competitive in the market, just at the time when significant reductions are needed.

Specific issues include:

1) First, it is unclear what authority WV-DEP has to issue this permit, or why Longview is voluntarily seeking it. The proposed rule (45-CSR-44) will be reviewed in the 2021 session of the Legislature, so why is this permit needed now? If this is intended to “grandfather in” certain greenhouse gas emissions and allow lifetime emissions for the plant, that seems highly unlikely to prevail, as climatological evidence clearly shows much more dramatic restrictions on emissions is needed. If there is some other economic incentive to obtain this permit, it is not clear from the application submitted by Longview, and that certainly does not give WV-DEP legal authority to assist Longview. This is particularly important as this is the first one of its kind in West Virginia, and it may set precedents for all other plants that come after this. Furthermore, the public is not able to comment in an informed way on the drivers for this permit.

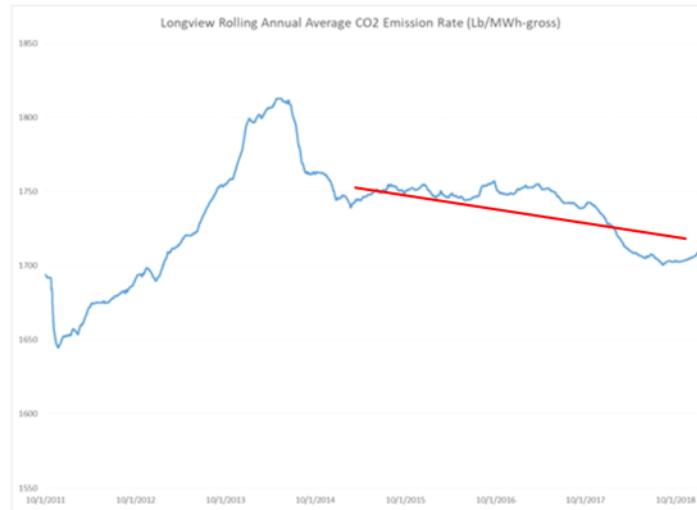
**We recommend that WV-DEP analyze the precedent-setting implications of this permit, and more clearly disclose their current legal authority and the rationale for this permit, as well as any potential conflicts of interest from Longview in seeking the permit.**

2) The Engineering Evaluation (EE) for the draft permit indicates that the limits were established using annual emissions averages, plus two Standard Deviations. I have not found anything in the federal ACE rule nor in the proposed 45-CSR-44 state rule to require that either a 3-Standard-Deviation or 2-Standard Deviation variation be considered. Incorporation of statistical variability is appropriate to reflect random, uncontrollable variability in the production process or in measurement of the emission rate. The EE discusses variation in hourly and monthly emission rates. Because the proposed standard is based on annual average emissions variations over shorter time periods are irrelevant. The annual average emission rates at Longview are a compilation of thousands of individual measurements over the year and so, address random variability over shorter time frames. The variation in annual performance over time largely reflect matters, such as technology upgrades, ongoing maintenance schedules and operating loads that are within the control of the operator and are not random events. Other variables, such as variation in annual average cooling water temperature, that are not in LVP’s control and could theoretically affect the annual average emission rate are ordinarily quite small and have not been separately determined by WVDEP. The historic emission rates at Longview (as measured and reported by the operator to EPA) demonstrate that the plant, even at 10 years of age, has sustained and maintained rolling annual average emission rates below 1750 lb/MWh (gross) or 1925 lb/MWh (net).

3) These data (See Figure One, below) also show that, after initial startup issues were resolved, the emission rate improved over time (as some – but by no means all - of the recommended HRI technologies were adopted) rather than degrading. It should also be understood that these rates include operation in all Load Bins and were achieved at a time when

Longview's operator was under no obligation to maintain a specific emission limitation and may have found it to be economically rewarding to operate in a fuel-inefficient manner. Thus, instead of seeking improvements in performance and reductions in emissions, the proposed limits in the draft permit would allow significant increases in greenhouse gas emissions.

Figure One. Longview Rolling Annual Average Emission Rates<sup>1</sup>



4) The use of 2014-2018 data to calculate the average and Standard Deviation inflates the emissions because 2014 occurred before installation of certain HRIs, such as the Neural Network Upgrade (June 2015) and the Intelligent Combustion (Fall 2018). It certainly inflates the estimate of Standard Deviation because it includes higher rates from those years with lower rates in 2019-2020 in that calculation. Indeed, because of the increased Standard Deviation that results, the inclusion of the lower emission rates in 2017 and 2018 actually increases the proposed emission rate over what it would have been had only the pre-modification date (2014 to 2016) been employed. **It is inappropriate to establish a standard for operation with HRIs by including emission data from years of operation without those HRIs.** Yet the EE clearly states (page 22, repeated on page 23) that:

“the entire baseline period was used for developing the standards for all of the bins”.

The most appropriate approach would be to estimate the variability in emissions based solely on 2019 and 2020 data, because those are the only data for emissions with all HRIs in place. The mean and the variance can be estimated from the hourly emissions data from those years. Thus, the mean for all emissions in 2019 should be 1899 lbs/MWh or lower.

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<sup>1</sup> Source: emissions data reported by Longview to USEPA [www.ampd.epa.gov](http://www.ampd.epa.gov).

5) Furthermore, the 2019-2020 data represent a mean over hours of operation that include all of the operating loads. Figure 8 of the EE indicates that Longview operated at something less than 90 % of the time, and Figure 12 suggests that the plant was operating in Load Bin 0 (<40 % capacity) approximately 50-100 hours in 2019 when would have the highest emissions rates, and had a significant number of operating hours in Load Bins 1-4 in 2019-2020. Table 4 (page 23) implies that emissions limits were calculated using emissions data for the respective Load Bins, however, those means do not match the levels in the draft permit. **It is inappropriate to establish a standard for operation with HRIs during periods of peak performance (full capacity loads) by including emissions data from hours of operation at lower unit loads, when emissions per MWh are higher.**

6) Section 4.1.1.b. The provision that the plant can operate for up to 180 days at the Level 2 emissions limits, and “shall be deemed approved...” places the burden on WV-DEP to affirmatively verify if the incident qualifies as a Level 2 event and provides no means for the public to determine whether WV-DEPs determinations are correct or to challenge any WV-DEP determinations. The provisions give too much incentive to Longview to declare such events for relatively minor problems, problems that the O&M practices should prevent and too much of an administrative burden of WV-DEP. There is no limit in the draft permit on how often a Level 2 event might be declared, nor whether overlapping events might allow Longview to operate indefinitely with Level 2 limits. **We recommend that the hours of Level 2 operation be restricted to less than 8 hours per event (so as to allow for shut down of the unit) to prevent unwarranted emissions from running at Level 2 indefinitely.**

7) Section 4.1.1.c. The Unit Degradation Adjustment Factor (UDAF) allows a 0.4 % increase per year, with a 0.7% recovery every five years. These values appear to be based on Longview's analysis of historic data for similar plants within the region. Since none of these units are under any obligation to maintain a maximum emission rate, these data only tell us what has been done in the absence of a rule that is intended to change past practices. There does not appear to be any analysis of the extent to which new HRI technology or Operating and Maintenance Practices (O&M) programs were used in this fleet-wide analysis, yet the ACE rule clearly requires such on-going O&M to demonstrate Heat Rate Improvement compliance. **Including emissions rates and UDAFs for plants that do not implement the needed O&M is inappropriate.** The assumption that Unit Degradation is inevitable has not been demonstrated, and is directly contradicted the Longview performance data over the last 10 years and by the new legal obligation to achieve and maintain a specified heat rate or adopt Heat Rate Improvements.

8) The UDAF also allows the emissions rate increases to compound year-over-year, thus allowing much larger annual increases in later years. There does not appear to be any evidence to justify this, and Figure 20 shows a linear, not logarithmic, increase (even in plants not required to implement Heat Rate Improvements). **Since the goal is to limit greenhouse gas emissions, we recommend that the permit use lower rates for UDAF, provide better justification for any non-zero UDAF, and apply them only to the base year, rather than using a compound interest approach as currently proposed.**

9) WV-DEP has apparently uncritically accepted Longview's assertions regarding Heat Rate Improvement technologies. For example, it appears that the intelligent soot-blowing system performed better than EPA's estimated range would suggest. However, there is no evaluation as

to whether the “intelligent combustion system” is a BSER-level of application of the technology. No data concerning the performance of the heaters and duct leakage was reviewed by DEP. Nor did DEP evaluate what technical improvements were available. DEP offers a number of general conclusions regarding O&M practices, but does not provide any specifics as to the nature and rigor of Longview’s O&M practices, how they differ from those at other plants and why they are BSER. The list of practices that should be evaluated is lengthy, well beyond what Longview described in their application. **We recommend that WV-DEP seek an independent analysis of HRI technologies.**

10) WV-DEP has apparently accepted Longview’s contention that they will continue to operate as a base load plant (page 48 of the EE), however, this ignores the abundant evidence of market realities in our region. Use of coal as a fuel for generating electricity is declining, and the Capacity Factor of plants is declining as well, as demonstrated in Figure 19 of the EE. Most projections show that this rate of decline will accelerate in coming years. That means it is realistic to expect an increased frequency of operations in Load Bins 1-4, and especially, an increase in Load Bin 0, as the plant shuts down more often. The goal of regulating greenhouse gas emissions is to prevent just such increases. **We recommend that total emissions per year be capped, to prevent Longview from “gaming” the system and dramatically increasing greenhouse gas emissions by operating in inefficient Load Bins or engaging in excessive shut downs and start-ups. Furthermore, WV-DEP should require Longview to evaluate feasibility of additional Heat Rate Improvement technologies in these reduced unit Load Bins.**

Thank you for the opportunity to comment.

Sincerely,



James Kotcon  
Conservation Chair

# [External] Re: Longview Power Comments

Friday, November 13, 2020 12:00 PM

Subject	<b>[External] Re: Longview Power Comments</b>
From	<a href="#">Stephen Lawson</a>
To	Andrews, Edward S
Sent	Sunday, November 1, 2020 11:53 AM

**CAUTION: External email. Do not click links or open attachments unless you verify sender.**

**Please ignore previous, unsigned comment, and forgive my unfamiliarity with Email procedures. This one I hope is proper:**

*Please disregard my identical commentary already sent on my behalf by my wife, Elizabeth Jaeger at [bjaegerart@gmail.com](mailto:bjaegerart@gmail.com). using her email address, so perhaps accredited to her, and regarded as 'stuffing'.*

*Dear Edward S. Andrews, this is my comment on the 'Pollution Permit Application on behalf of Longview 1:*

Affordable 'Clean' Energy is an ironic title for a regressive rule that would permit INCREASED greenhouse gas pollution.

Quite apart from the immorality of the rule replacing the Clean Power Plan in face of all the climate ruction we are already experiencing, one wonders at the haste of Longview in trying to acquire this permit in advance of the Inauguration, when a differing administration might have them reverse what they had just invested time and money in.

Worse, they want this permit granted by the WV DEP before the rule has even been finalised and passed by the Administration. This seems like buying a 'pig in a poke', but a pig that does not even exist, yet - perhaps a shell game might be a better analogy. How can this be a legal procedure on the part of Longview? or the DEP?

Doubtless Longview has the provision that permits extra emissions when not operating at full capacity clearly in mind. This, as inevitably coal energy will become less profitable as alternative energy becomes more so, as it already is. On top of this economic crutch, an increase of 0.4% per annum after 20 years would allow an increase to 108% from the starting point, more if compounded - instead of less, as the future habitability (and economic stability) of the world requires.

Moreover Longview included years of operation without their current more efficient emissions controls when proposing their averaged emissions, ensuring the ceiling would be well above their current emissions. This means that they are applying to emit above their current pollution levels, on top of the proposed increase. What is the point of having installed such, to propose to run them at 'half-cock' - apart from selling electricity more cheaply to their customers outwith West Virginia, which will suffer the poorer air quality, but where the permit would come from.

We should be drastically reducing CO<sub>2</sub> and SO<sub>2</sub> emissions, not increasing them. How many more warnings/ super-expensive disasters do we need. Hurricanes Katrina, Sandy, Matthew, Harvey, alone totalled \$340+ billion. Wildfires in California, 2007, 2018, 2019, 2020, Colorado, 2012, 2020, Washington, 2015, 2020, Smoky Mountains 2016, and the Mid-West crop failure in 2019, are further indicators of what is increasingly to come. How much of this does the taxpayer cover? The 10 hottest years on record have all occurred since 2005, the hottest 5 since 2015.

This permit should not be considered. It is illegitimate, blindly profit-driven and socially irresponsible.

Stephen Lawson. 1213 Gallus Road, Morgantown, WV 26501.

On Sun, 1 Nov 2020 at 11:25, Stephen Lawson <[s.panolawson@gmail.com](mailto:s.panolawson@gmail.com)> wrote:

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# [External] Longview Power Comments

Friday, November 13, 2020 12:00 PM

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From	<a href="#">Stephen Lawson</a>
To	Andrews, Edward S
Sent	Sunday, November 1, 2020 11:25 AM

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# [External] Longview Power Comments

Friday, November 13, 2020 12:01 PM

Subject	<b>[External] Longview Power Comments</b>
From	<a href="#">Betsy J. Lawson</a>
To	Andrews, Edward S
Sent	Saturday, October 31, 2020 6:21 PM

**CAUTION: External email. Do not click links or open attachments unless you verify sender.**

To Mr. Edward Andrews:

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Sincerely,

Stephen Lawson  
Morgantown, WV