

**In The Matter Of:**

*Delaware Department of Natural Resources  
and Environmental Control - Division of Air Quality*

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*In Re: EPA's Clean Power Plan  
November 10, 2015*

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DELAWARE DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL  
DIVISION OF AIR QUALITY

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RE: Listening Session on EPA's )  
Clean Power Plan Final Rule )

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DNREC R&R Building Auditorium  
89 Kings Highway  
Dover, Delaware 19901

Tuesday, November 10, 2015  
6:00 p.m.

.. . . . .

BEFORE: Ali Mirzakhali, Director  
Division of Air Quality

-- Transcript of Proceedings --

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1 MR. MIRZAKHALILI: Good evening,  
2 folks. Welcome. I will go ahead and get started.  
3 I have 6:05 or something like that.

4 So welcome to DNREC's listening  
5 session on Clean Power Plan Final Rule. My name is  
6 Ali Mirzakhali. I'm the Director of the Division  
7 of Air Quality. And I have staff here with me who  
8 I'll introduce: Ron Amirikian, who is Chief of  
9 Planning. Valerie Gray, in the back of the room, is  
10 our main contact. And she will assist. And both of  
11 them are my lifelines here. In case you have  
12 questions I can't answer, I'll call them to go up on  
13 the stage.

14 I do have a short presentation I  
15 would like to walk you through just to lay the  
16 groundwork and then open it up for to receive  
17 comments.

18 Again, our main goal is to hear from  
19 you. We have copies of the presentation at the  
20 front. So if you haven't picked one up, please do  
21 so. And you won't have to worry about taking notes  
22 and covering what's in it. I am going to fly  
23 through it pretty fast. Like I said, I don't want  
24 to spend a whole lot of time on presentation. The



1 purpose is to hear from you.

2 I want to recognize Phil Cherry,  
3 as well, as the Director of the Division of Energy  
4 here, and my colleague here helping put the plan  
5 together.

6 This is not a formal public hearing,  
7 but we have a stenographer present here to take  
8 everyone's comments. We will make those comments  
9 available, the record available on the website, as  
10 will the presentation.

11 But when you come up and speak,  
12 please speak clearly and not too fast. Right? Am I  
13 doing okay?

14 THE REPORTER: Yes.

15 MR. MIRZAKHALILI: There is a sign-up  
16 sheet in the front that we are going to use to call  
17 whoever indicates that they want to speak. So if  
18 you haven't signed in, please sign in and indicate  
19 whether you want to speak or not.

20 Based on the numbers that we see  
21 right now, I think I don't need to limit the time  
22 for speakers, but we will see. We do have a 8:00  
23 sharp departure time from here. So if you wanted to  
24 go longer, I will ask Ron to flag the speakers and



1 cut your time off, so please be cautious of that.

2 Logistics: Bathrooms are out the  
3 main door and take a right, and they are on your  
4 left. In case of emergency, the exits are right  
5 beyond the entrance door, and just head straight  
6 out. And Secretary Small just walked in, so he is  
7 also here joining us.

8 If there aren't any questions, I will  
9 go ahead and get started.

10 (Mr. Mirzakhilili does a Power Point  
11 presentation.)

12 I am going to stop here and, you know,  
13 just call folks to come up and open up with  
14 questions and then ask for comments.

15 UNIDENTIFIED SPEAKER: In one of your  
16 charts you mentioned -- (not using microphone -  
17 speaking from floor)

18 THE REPORTER: I can't hear him.

19 MR. MIRZAKHALILI: Jack, do you mind  
20 stepping up here? She can't hear you. We have  
21 microphones up here. So, please, if you have any  
22 comments, step up or we can bring as far as the cord  
23 will reach.

24 UNIDENTIFIED SPEAKER: In one of your



1 charts, you mention "simple cycle." I'm not  
2 familiar with that term. Can you explain that?

3 MR. MIRZAKHALILI: Simple cycle does  
4 not have heat recovery element, as well as a  
5 combustion turbine, the combustion fuel and hot  
6 gases turn the blade. And there is no -- the heat  
7 recovery element is not there, as opposed to combine  
8 cycle which is heat recovery element. So do we have  
9 a sign-up sheet?

10 MR. AMIRIKIAN: Yes. Okay. The  
11 first person who signed up to speak was Jay Green.

12 MR. GREEN: Hi. I'm Jay Green, the  
13 green energy guy. I am a Viridian distributor.  
14 That means I supply green solutions to residents.

15 I live in Newark. And I'm here  
16 tonight with the Sierra Club. Now, I know what  
17 you're thinking: I'm not a tree hugger. Wrong. I  
18 haven't hugged a tree in at least a week. Okay?

19 Tonight I'm here to ask you, do you  
20 know what is the enemy of great? Anybody? Good. A  
21 good job keeps you from a great job. A good plan  
22 keeps you from a great plan. Now, trees don't hug  
23 you back, but our nieces, our nephews, our  
24 grandchildren, they hug you back; they hug you



1 tight. That's what we are here to shape is the  
2 future for our grandchildren, our nieces and  
3 nephews, the children in our lives.

4 The window of improving their future  
5 is getting smaller. We have to be aggressive. I'm  
6 not a smart man. I don't understand a lot of this  
7 stuff.

8 I have figured out how to put solar  
9 panels on my roof with no out-of-pocket expense to  
10 me. I pay less for my electricity. So there are  
11 greater minds to solve how we can power these  
12 government buildings, our schools, the same way I  
13 have. It can't be that expensive if I could do it.

14 So when we look at our nieces, our  
15 nephews, our grandchildren, grandsons,  
16 granddaughters, in the eyes, the next time we see  
17 them, can we say we have the best, the greatest plan  
18 for Delaware? I want Delaware to be the best and  
19 the first at everything.

20 We need to lead in technology, in  
21 green energy, in being the best. And we know that  
22 dirty energy is not the best; it's the past. We  
23 need to move on. It's going to happen sooner or  
24 later. Sooner is better than later. Thank you.



1 MR. AMIRIKIAN: Okay. Bruce Ho.

2 MR. HO: Thank you for the  
3 presentation. My name is Bruce Ho, and I'm a  
4 consultant with the Natural Resource Defense  
5 Council, NRDC.

6 UNIDENTIFIED SPEAKER: Speak louder,  
7 please.

8 MR. HO: Yes. Sorry. My name is  
9 Bruce Ho. I'm a consultant with the Natural  
10 Resource Defense Council, NRDC. We are an  
11 environmental organization with more than 2 million  
12 members and online activists, including more than  
13 1,100 here in Delaware.

14 We have been around for awhile.  
15 Since 1970, NRDC's lawyers, scientists, and other  
16 environmental specialists have been working to  
17 protect our natural resources and public health and  
18 the environment.

19 And our organization's top priority  
20 is to curb global warming conditions and to build  
21 the economy. So, particularly, we appreciate the  
22 opportunity to comment here on how Delaware should  
23 move forward under the Clean Power Plan and the  
24 Regional Greenhouse Gas Initiative, or RGGI.





1 NRDC strongly supports Delaware's  
2 continued participation in the RGGI program. We  
3 think that RGGI, a particularly strong cap under  
4 RGGI, carbon cap under RGGI, should be the  
5 foundation of the State's plan to compile the Clean  
6 Power Plan.

7 As a founding member of RGGI,  
8 Delaware has shown that we can both reduce carbon  
9 pollution and grow our economy at the same time.  
10 Since 2009, the nine RGGI states have reduced carbon  
11 pollution by 35 percent, much more than the rest of  
12 the country, while at the same time the economy of  
13 the United States has grown faster than the rest of  
14 the economy. So it doesn't have to be a choice; we  
15 can do both at the same time.

16 In Delaware specifically, though,  
17 there is a recent economic analysis by a group  
18 called The Analysis Group that found that over the  
19 last three years alone, RGGI has completed 950 --  
20 more than 950 job years and more than \$100 million  
21 in economic value to the state.

22 So, you know, these are real numbers  
23 from the RGGI program; they are not projections of  
24 what we might do in the future, but what we have



1 already done. And, moreover, these numbers include  
2 the climate and clean air benefits of carbon  
3 pollution. So RGGI has been an enormously  
4 successful program, and we strongly support it  
5 moving forward under the program.

6 As the State of Delaware participates  
7 in the upcoming RGGI program review and decides,  
8 formulates how it's going to comply with the Clean  
9 Power Plan, there are four things that I want to  
10 urge you at this point. And I know you provided a  
11 list of questions, and I think we will probably  
12 engage more specifically on those.

13 But there are four things we think  
14 that Delaware and the rest of the states can do to  
15 prolong the tests to RGGI and secure the benefits of  
16 clean energy for all of the state citizens:

17 First, the RGGI states should adopt a  
18 strong carbon cap that's in line with long-term  
19 climate goals. Scientists tell us that if we are  
20 going to avoid the worst effects of climate change,  
21 we have to reduce, in Delaware and the rest of the  
22 U.S., we have to reduce carbon pollution by at least  
23 80 percent below the 1990 levels by 2015. So the  
24 carbon cap adopted by the RGGI states should be



1 consistent with this goal and should put the states  
2 on a trajectory to achieve it.

3           Second, RGGI has been successful in  
4 large part because of some very wise program  
5 decisions that have been made in both the design of  
6 the program and its implementation. These include  
7 covering both new and existing power plants under  
8 the cap, auctioning carbon allowances, and investing  
9 the revenues from those auctions in things like  
10 energy efficiency and consumer benefits programs.  
11 It not only helps reduce emissions further, but  
12 helps to save consumers money on their energy bills.

13           Delaware, as it participates in this  
14 program review, should really look to preserve these  
15 program elements to make sure that, in doing so,  
16 that emissions reductions benefit consumers, create  
17 jobs, and help invigorate the state's economy.

18           Third, Delaware should build on  
19 existing efforts that are going on in the state to  
20 ensure that all Delawareans benefit in the  
21 transition to clean energy. We strongly support  
22 investments in weatherization assistance, low-income  
23 energy efficiency, renewable energy, and job  
24 training and transition programs that spread the



1 benefits of the program widely and fairly. And we  
2 encourage Delaware, as the state agencies go through  
3 this process, to prioritize engagement with diverse  
4 communities throughout the region, as well as  
5 engaging with these communities in future years as  
6 you implement programs to make sure that we are  
7 really not just achieving benefits overall but we  
8 are achieving them fairly.

9           And then fourth and finally -- and  
10 I'm glad to see that it looks like Delaware is  
11 already considering this -- but we would encourage  
12 both Delaware and the RGGI states to move forward  
13 expeditiously under the program review in order to  
14 be able to submit a final plan to EPA by the  
15 September 2016 deadline.

16           We think this is enormously  
17 important, as Delaware has been a leader in the  
18 climate area for a long time and has always  
19 recognized that we can't afford to wait to address  
20 climate change. And by acting quickly and providing  
21 an example for the rest of the country, we can  
22 underscore that need.

23           So, with that, I just want to thank  
24 you again for the opportunity to comment. And as we



1 move forward in the process, NRDC and our members  
2 will look forward to engaging with you.

3 MR. MIRZAKHALILI: Thank you very  
4 much.

5 MR. AMIRIKIAN: Chad Tolman?

6 MR. TOLMAN: Good evening. My name  
7 is Chad Tolman, and I'm speaking this evening on  
8 behalf of the New Castle County Congregations of  
9 Delaware Interfaith Power and Light -- an interfaith  
10 response to the social injustice of climate change.

11 As a scientist who has spent over 25  
12 years studying, writing and speaking about climate  
13 change, I can say without hesitation that the  
14 science is clear and the threat is real, in spite of  
15 what some would have you believe. Delaware is  
16 especially vulnerable because of sea level rise and  
17 coastal storms.

18 The Clean Power Plan is an effort by  
19 EPA to reduce CO2 emissions from U.S. power plants  
20 by about 30 percent by 2030 and is a wise move for a  
21 number of reasons:

22 First, U.S. leadership in Paris is  
23 needed in order to get the other major emitters,  
24 like India and China, to commit to reductions large



1 enough to keep the global average temperature from  
2 increasing more than 2 degrees Celsius.

3 Reducing power plant emissions will  
4 have benefits for human health, reduced death rates  
5 from air pollution, reduced property loss from  
6 extreme weather events and sea level rise, and  
7 reduced rates of species extinction.

8 Third: The Center for Energy  
9 Solutions estimates that the cost of the CPP for the  
10 average American household will be less than 25  
11 cents per day.

12 Fourth: Reducing the use of fossil  
13 fuels for electricity generation in Delaware will  
14 promote improved energy efficiency and clean  
15 renewable energy sources like offshore wind and  
16 solar PV.

17 And, finally, getting rid of dirty  
18 fossil fuels will result in the loss of some jobs,  
19 for example coal mining, but result in the creation  
20 of many more right here in Delaware.

21 The Clean Power Plan should be  
22 supported by all those who care about our future for  
23 our state and for the quality of life possible for  
24 our grandchildren. Thank you.



1 MR. MIRZAKHALILI: Thank you.

2 MR. AMIRIKIAN: John Sykes.

3 MR. SYKES: Good evening. My name is  
4 John Sykes, Founder and President of Delaware  
5 Interfaith Power and Light.

6 We are a religious non-profit that's  
7 made up of 26 congregations of many faiths across  
8 Delaware. The total number in our congregations is  
9 about 10,000 and, if located in one place, we would  
10 be equivalent to the fifth largest city in Delaware.

11 Our mission is to provide a religious  
12 response to climate change, which very often  
13 translates into smarter use of energy. Our outreach  
14 takes us from some of the poorest neighborhoods in  
15 Wilmington to rural Sussex Delaware beach areas and  
16 to communities in New Castle County.

17 Our work is to provide our  
18 congregations, their members, and their neighbors  
19 with education, knowledge, and access to tools and  
20 programs that will empower them to reduce their  
21 energy use, lower their expenses, and help address  
22 the climate crisis that's upon us.

23 We support the Clean Power Plan,  
24 believe that Delaware is off to a good start, but



1 also believe that it is insufficient to address the  
2 huge risk of climate change.

3 The global consensus is that we must  
4 collectively keep warming to no more than 3.6  
5 degrees Fahrenheit. Within the last week, it was  
6 noted that we are already past the halfway mark.

7 Our current plans are not enough.  
8 Today we are already experiencing sea level rise,  
9 droughts, floods, and extreme weather previously  
10 unheard of. And because of dirty power generation,  
11 in part, Delaware's air continues to earn a grade of  
12 F from the American Lung Association. Delawareans  
13 are at risk, and we must do better, and we can do  
14 better.

15 We believe that we have the means and  
16 the capability to address this crises. Our strategy  
17 is "lean and green" and is straightforward. First,  
18 we need to reduce our energy demand, understanding  
19 that Delaware continues to have growth in  
20 population. The cleanest watt of energy is the one  
21 that you don't need, and it's the easiest and  
22 cheapest to get. A key word here is "conserve."  
23 This traditional American value can be embodied by  
24 simply using less and by using higher efficient





1 appliances and lights. Example: Recently, I  
2 purchased a half-dozen lights, LED lights, at two  
3 bucks a piece. It's possible, through smart  
4 purchases and practices, to lower our demand. It's  
5 all about choice.

6 Delaware can foster this value of  
7 conservation by restoring funding of smart programs  
8 like the Energy Efficiency Investment Fund, which  
9 rewards organizations for proven energy efficiency.  
10 We should also work in partnership with the private  
11 sector, which can provide critical guidance on  
12 efficient and effective program design, and with  
13 non-profits who are working with other of these  
14 programs on the street and have access to many  
15 residents.

16 Another choice that we have is to use  
17 more non-polluting energy. In some parts of the  
18 country, solar and wind have reached grid parity.  
19 As often happens, industry can lead the way.  
20 Several years ago, the Delaware Electric Coop  
21 installed a 4-megawatt solar farm outside of  
22 Georgetown, and I can attest that the rates did not  
23 go up, as I'm a member of the co-op.

24 Allen Harim poultry has just begun



1 construction of a solar farm on their property in  
2 Harbeson. According to their CEO, this installation  
3 is part of their overall sustainability plan and  
4 will reduce their utility bills by 16 percent.

5 Across the country, cities and states  
6 are changing their utility regulations to enable  
7 community solar, which brings clean energy and  
8 much-needed jobs to impoverished communities.

9 We believe that Delaware can achieve  
10 a much greater utilization of renewable energy and  
11 should pursue that goal. We recommend that Delaware  
12 embark on a path to achieve near net zero energy use  
13 as extensively as possible. Today's technology and  
14 practices enable real net zero in new construction.  
15 And near net zero is possible in some of our  
16 existing buildings.

17 My own house, which was built in  
18 2005, is a good example. It's highly insulated,  
19 uses geothermal HVAC. And, additionally, it's got  
20 Energy Star appliances with loads of LEDs and CFLs.  
21 Last year, I had nine 9 KW of leased solar installed  
22 in a roof, which over the past year has produced  
23 more energy than it has consumed, the difference  
24 going back onto the grid.



1                   Finally, while bigger government is  
2 not the solution we need, Delaware works in  
3 partnership with business, with higher education,  
4 with non-profits, and with everyday Delawareans, the  
5 challenge can be solved. But it will take all of us  
6 to embody our American values of conservation and  
7 ingenuity and to work in harmony, for we either hang  
8 together or hang separately. Thank you.

9                   (Applause)

10                  MR. AMIRIKIAN: Elizabeth Siftar.

11                  MS. SIFTAR: Thank you. Can you hear  
12 me? I'm short. Thank you. I'm sorry about that.  
13 Okay. I have to be able to read it.

14                  I'm not as green as -- I'm very  
15 green, actually, but at this I shouldn't be so  
16 green. (Laughter)

17                  Thank you for hearing me tonight.  
18 It's an honor to be here and speak some words  
19 basically from a citizen. And I would like to say,  
20 since we have a little more time than I planned,  
21 that I came here from the great state of California  
22 a number of years ago. Yay. The great state with  
23 the most amazing drought ever and fires that are  
24 nonstop.



1           Before I read my statement, I would like  
2           to take a little bit of time just to share something  
3           with you from my personal experience about when  
4           climate knocks -- climate change knocks at your  
5           door, and it is not a fun thing to face.

6           For several years, my sister and I have  
7           been the owners of two properties in California.  
8           They were both what we call generational properties  
9           that our parents invested in a number of years ago,  
10          and they were intended to be for our futures and our  
11          children's.

12          And one of the properties is up in Lake  
13          County, which is in wine country, the beginning of  
14          wine country up in northern California. It is  
15          currently associated with something called the Rocky  
16          Fire. I know for sure you will watch this on  
17          television, as it burned and burned and burned and  
18          burned.

19          I also, my sister and I, also owned  
20          another property, a generational property, in the  
21          wonderful area of the Napa Valley. I realize  
22          Delaware is getting its wine and beer together, but  
23          it's the Napa Valley. I still own both of those  
24          properties. The property in Lake County burned in



1 the valley fire. It burned. All of it went. They  
2 couldn't stop it. And it was destroyed.

3 The property in Napa was 75 percent  
4 destroyed in the valley fire with the Rocky Fire in  
5 the north. In addition, the wells in that area and  
6 on my property are dropping. The freshwater is  
7 dropping to the point, because of the drought and  
8 also other factors of corporate drawing out of the  
9 water reservoirs, that there is now saltwater  
10 intrusion which cannot be fixed, because the water  
11 tables are so low.

12 Now, the interesting things about this is  
13 that in both cases of both property, I still get a  
14 tax bill which I have to pay. So it's a small  
15 matter of how it knocks on your door. And in my own  
16 case, I have to pay for devalued properties. So  
17 that's a little bit of my story.

18 When I came to Delaware, I loved Delaware.  
19 And, first of all, my name is Elizabeth Siftar. I'm  
20 from Wilmington, Delaware. And I'm here tonight as  
21 a member of the Faith Community, the Delaware  
22 Interfaith Power and Light, New Castle Chapter,  
23 called NC3.

24 I'm also here as a sort of amateur

1 advocate for the environmental justice. And I'm  
2 also a member of the Sierra Club. But I'm also a  
3 parent, a grandparent, and a retiree of the State of  
4 Delaware. And, as a retiree, Delaware has treated  
5 me really well.

6 I moved to Delaware a few years ago and  
7 when it was called "The Small Wonder." I retired  
8 from the State of Delaware recently, and I would  
9 like to stay here. In fact, I plan to stay here. I  
10 care deeply about Delaware's environment and  
11 economic future.

12 I live in Wilmington, so I need to let you  
13 know I also care deeply about the impact of climate  
14 change, sea level rise, air quality on Delawareans  
15 living in frontline communities, those who have done  
16 the least to cause the problem but who will be the  
17 first to suffer the effects.

18 Delaware is especially vulnerable, as we  
19 all know, to sea level rise and other impacts of  
20 climate change. I believe the state's current  
21 targets for the implementing of the Clean Power Plan  
22 are inadequate.

23 We must be a leader within RGGI in calling  
24 for more aggressive emissions reductions in the



1 region. I would like to see Delaware become a great  
2 wonder -- we know it is the first state, so we know  
3 it can do the job of number one -- by taking the  
4 lead and implementing fully and adequately the Clean  
5 Power Plan. Delaware has everything to gain by  
6 doing it right.

7 Legislators and DNREC and all, we need you  
8 to protect all Delawareans from harmful pollution  
9 and the impacts of climate change. Please commit  
10 Delaware to significantly exceeding our very modest  
11 Clean Power Plan targets, advocating for continued  
12 leadership from the RGGI states in the 2016 program  
13 review, and keeping environmental justice forefront  
14 and center in developing our State Implementation  
15 Plan.

16 Your support will help make Delaware a  
17 leader in reducing pollution and investing in clean  
18 energy solutions. Thank you so much.

19 (Applause)

20 MR. MIRZAKHALILI: Thank you. Cami  
21 Seward?

22 MS. SEWARD: Good evening. My name  
23 is Cami Seward. My name is Cami Seward. I live in  
24 Newark, Delaware. I'm not a scientist of any sort.



1 I'm a Christian. I'm a mother. I'm a grandmother.  
2 And I'm a member of the Interfaith Power and Light  
3 and NC3.

4                   What I know is that you do not need  
5 to be a scientist to understand the grave threat of  
6 climate change on our world. Before moving to  
7 Delaware, I lived in Juno, Alaska for 23 years.  
8 National attention has recently been drawn there to  
9 the pronounced effects of climate change on the  
10 state of Alaska. The Mendenhall Glacier was less  
11 than five miles from my home, and I am keenly aware  
12 of what it looks like when a glacier recedes.

13                   With Delaware lying within a sea  
14 level rise hotspot, where sea levels are predicted  
15 to rise faster and higher than elsewhere, I know my  
16 concerns here are shared by many.

17                   We have listened far too long to sad  
18 attempts to dismiss climate change with talk of  
19 natural cycles. What we have known without question  
20 is that over 7 billion humans have never shared this  
21 planet until today. In the U.S., rather than  
22 leading the world in sustainability, we are allowing  
23 ourselves to be powered by damaging fossil fuels at  
24 a shameful rate at the expense of the whole planet.





1 I have seen people in Wilmington  
2 neighborhoods who have -- who are already suffering  
3 in poverty and poor health from pollution and  
4 climate change. And I know that it is people in  
5 poverty, small children, the elderly, who will be  
6 the ones to continue to suffer the most from the  
7 effects of climate change.

8 I stand with Pope Francis and many  
9 people of faith that climate change is a moral  
10 issue. Frankly, the excuse, "We can't afford it,"  
11 when speaking of a Clean Power Plan and its goals to  
12 cut carbon pollution to confront the threat of  
13 climate change for the poor, our neighbors, our  
14 grandchildren, and our very own children, is  
15 inconscionable.

16 We know, from the clear example set  
17 by Franklin Delano Roosevelt in confronting the  
18 threat of World War II and the Great Depression,  
19 that seemingly impossible challenges can be  
20 addressed when there is a will to do so.

21 It would be both courageous and wise  
22 for the first state to lead this great nation in  
23 dramatic commitment and innovation and in embracing  
24 fully actions to support the highest goals of the



1 Clean Power Plan in confronting climate change.

2 I am here today to ask you to do that  
3 very thing. Thank you for your time and your work  
4 for the people of the State of Delaware.

5 (Applause)

6 MR. AMIRIKIAN: Thank you. David  
7 Stevenson?

8 MR. STEVENSON: My name is David  
9 Stevenson with the Caesar Rodney Institute. I'm  
10 also here representing the people that can't be here  
11 and the poor and the middle class that are paying  
12 high electric bills because of state policies,  
13 including carbon taxes and solar panels, those solar  
14 panels that you like are being added to electric  
15 bills for all those people.

16 I am also here supporting what Pope  
17 Francis said, that carbon taxes are the wrong way to  
18 go. If you ever bothered to read his entire  
19 encyclical, he is against carbon taxes. And one of  
20 the reasons is because it attracts speculators,  
21 which is exactly what we have seen with RGGI. About  
22 a third of all the carbon permits have been bought  
23 by speculators who are selling them for higher  
24 prices.



1                   And carbon taxes don't really change  
2 anything. Delaware would have met where we are now  
3 without carbon tax, because they were people  
4 switching from coal to natural gas for market  
5 reasons, not because of carbon tax.

6                   I have a statement I will give you.  
7 I actually have a copy for you.

8                   MR. MIRZAKHALILI: Thank you.

9                   MR. STEVENSON: For those of you who  
10 are happy with the Clean Power Plan,  
11 congratulations, you already met it.

12                   Delaware is already beating both the  
13 2020 RGGI goal of carbon dioxide emissions of  
14 4 million tons, if you include the cost cap reserve,  
15 and the Mass Based Clean Power Plan for 2030, which  
16 has a goal of 4.7 million tons. We actually emitted  
17 about 3.9 million tons last year.

18                   The 2015 emissions, looking at RGGI  
19 codes, are running below even that number from last  
20 year.

21                   I see in the attached chart, which  
22 shows electric demand is decreasing about one and a  
23 half percent per year in Delaware from a combination  
24 of energy efficiency and high-intensity energy



1 businesses leading the state. And demand, the  
2 emissions are also dropping and have been since 2010  
3 or before.

4 With our efficiency goals in place,  
5 we can expect electric demand to continue falling.  
6 We are already beating the Clean Power Plan and will  
7 probably continue to do so without doing anything.

8 Consequently, there is no need to  
9 continue participating in the Regional Greenhouse  
10 Gas Initiative, which will raise Delaware Electric  
11 customers' bills by up to \$40 million a year by  
12 2017.

13 Energy efficiency programs can be  
14 funded from the approximately \$35 million of unspent  
15 RGGI revenue sitting at the sustainable energy  
16 utility.

17 There have been no benefits to  
18 Delaware from RGGI money, because we haven't spent  
19 it.

20 The carbon taxes are negatively  
21 impacting Delaware power plants. The chart below  
22 shows the impact on power production from the Indian  
23 River Power Plant. What that chart shows is that  
24 from 2009 to 2014, the production from the Indian



1 River Power Plant has been cut in half because of  
2 the increase in carbon taxes.

3 Let's see. As permit prices rose  
4 from \$2 a ton to \$6 a ton, the hours of operations  
5 dropped in half for the last remaining unit, based  
6 on compliance data submitted to RGGI. The forecast  
7 permit cost will rise to \$10 a ton by 2017, reducing  
8 power production further.

9 Power produced in Delaware is sold to  
10 a 13-state region, and Delaware is the only one of  
11 two states in that 13-state region with the carbon  
12 tax, so power plants have trouble competing.

13 We estimate NRG is losing \$53 million  
14 a year in revenue because of the lower production  
15 volumes based on NRG financial data and reports from  
16 U.S. Energy Information Agency.

17 Our analysis suggests NRG is already  
18 breaking even. If you don't include the carbon tax  
19 money, they are probably losing four to five million  
20 dollars a year right now, including a carbon tax.

21 We suspect that Calpine, with their  
22 natural gas plan, is headed in the same direction.

23 The impacts could lead to closing the  
24 Indian River Power Plant, which will have several



1 bads consequences. The produced power will have to  
2 be replaced by importing power from out of state.

3 By the way, Delaware imports  
4 32 percent of its power now. We're simply exporting  
5 our carbon problem rather than handling it within  
6 the state.

7 The carbon tax is already costing  
8 customers about \$100 a year and the largest  
9 industrial customers up to \$1 million a year. This  
10 reduces discretionary income, which hurts the  
11 general economy, makes it difficult for industry to  
12 compete or attract new industry in Delaware.

13 About 80 percent of the renewable  
14 portfolio standard would be met by out-of-state wind  
15 farms that may not even count towards the Clean  
16 Power Plan. We have obviously surpassed the cost  
17 cap trigger in the renewable portfolio standard and  
18 should be freezing the RPS at the current levels.

19 The State Implementation Plan should  
20 not include the continuation of the RPS.

21 Additionally, legislation should be  
22 passed to ensure the following measures are  
23 followed: A waiver for implementation of any plan  
24 that raises electricity rates by more than 3 percent



1 or can be reasonably expected to reduce service  
2 reliability; a requirement any cost for implementing  
3 a plan be broken out on electric bills; measures  
4 declaring the legislation null and void if the EPA  
5 regulation is overturned by federal executive,  
6 legislative, or court actions (there is 26 states  
7 suing EPA); measures stating the state utilities  
8 commission and air quality divisions may not  
9 implement a Federal Implementation Plan, as federal  
10 law and actual practice place the responsibility for  
11 managing the electric grid with the Federal Energy  
12 Regulatory Commission and individual state public  
13 utility commissions.

14           The purported intent of the  
15 regulation is to slow manmade global warming.  
16 However, even the head of the EPA, Gina McCarthy,  
17 admitted in Congressional testimony the regulations  
18 will have no impact on global temperatures. That  
19 means no improvement on sea level rise, no  
20 improvement on health benefits. This plan is doing  
21 nothing.

22           These discussions are not  
23 anti-environment, by the way, rather aimed at  
24 preserving the right and ability for Delaware to



1 find the best solution to be good stewards of both  
2 the environment and our economy.

3 MR. MIRZAKHALILI: Thank you.

4 MR. AMIRIKIAN: That's all the people  
5 who have signed up to speak. Does anybody else want  
6 to?

7 MR. WIDOM: Good evening, everyone.  
8 For those of you who don't know me, I am Stu Widom.  
9 Thank you for allowing me this opportunity to  
10 express Calpine Corporation's thoughts on the U.S.  
11 EPA's Clean Power Plan and how it might be  
12 implemented in Delaware.

13 As Ali mentioned, the Clean Power  
14 Plan was published in the Federal Register on  
15 October 23, 2015 in its final form.

16 Again, I'm Stu Widom, Director of  
17 Governmental and Regulatory Affairs for Calpine's  
18 East Region. For those of you who don't know,  
19 Calpine Corporation is America's largest generator  
20 of electricity from natural gas and geothermal  
21 resources. They have a fleet of 83 power plants in  
22 operation or under construction. They represent  
23 about 27,000 megawatts of generating capacity.  
24 Through our wholesale power operations and our



1 retail business, Champion Energy, we serve 19 states  
2 in Canada, and our East Regional Office is based in  
3 Wilmington.

4 We specialize in the development,  
5 construction, and owning/operating of natural gas,  
6 fire, and renewable geothermal power plants that use  
7 advanced technologies to generate power in a  
8 low-carbon and environmentally responsible manner.

9 Our clean and efficient modern and  
10 flexible fleet is uniquely positioned to benefit  
11 from recent trends affecting our industry, including  
12 the abundant and affordable supplies of clean  
13 natural gas, stricter environmental regulations,  
14 aging power plant generation infrastructure, and  
15 increasing the need for dispatchable power plants to  
16 successfully integrate intermittent renewables such  
17 as wind and solar into the electric grid.

18 We are also one of the nation's  
19 largest publicly traded independent power producers.  
20 We sell power into the competitive wholesale  
21 markets, including the PJM, which, as you know,  
22 serves Delaware. And on a national basis, about  
23 95 percent of the electricity generated by Calpine's  
24 plants are from natural gas facilities.



1 Overall, Calpine uses more than 10  
2 percent of all the natural gas consumed in the power  
3 industry, and making it one of the largest consumers  
4 of natural gas in the United States, and certainly  
5 among the largest global power generators.

6 But, despite our size, Calpine's  
7 fleet is the cleanest and the youngest of all major  
8 players in America's independent power sector.

9 From the local perspective, Calpine  
10 is Delaware's largest generator of electric power,  
11 with approximately 2,275 megawatts of electric  
12 generating capacity currently in operation within  
13 the state. We generate about two-thirds of the  
14 power that's consumed by Delaware's residential,  
15 commercial, and industrial facilities during peak  
16 demands in the summer.

17 As most of you know, Calpine just  
18 recently developed, constructed, and brought on line  
19 more than a \$300 million investment in the Garrison  
20 Energy Center located on the outside of Dover, which  
21 is a state-of-the-art, energy efficient,  
22 environmentally responsible combined power plant.  
23 And this infrastructure will continue to ensure that  
24 Delawareans be given the opportunity to obtain a



1 reliable and sufficient supply of power for our  
2 future and also, and will also assist Delaware in  
3 providing the necessary federal compliance  
4 demonstration associated with the state's Clean  
5 Power Plan obligations.

6 Calpine understands that Delaware  
7 will be developing a State Implementation Plan, or  
8 SIP, in the upcoming months, based upon various  
9 stakeholder listening sessions as well as  
10 anticipated model rules that a number of states will  
11 be considering. As such, our comments tonight won't  
12 be overly specific. More suggestions will come  
13 later in the process, once Delaware formulates a  
14 more specific draft plan.

15 That being said, Calpine believes  
16 that Delaware's economy and the state's electric  
17 consumers will be best served by DNREC remaining  
18 within the long-established Regional Greenhouse Gas  
19 Initiative in order achieve its Clean Power Plan  
20 compliance obligations.

21 We believe that Delaware, a  
22 relatively small state that has well-controlled CO2  
23 emission characteristics, needs to ensure that it is  
24 part of a broader regional group that can



1 accommodate extensive CO2 allowance trading in order  
2 to promote the most efficient, flexible, and  
3 cost-effective compliance approach for existing  
4 as well as for new sources.

5 As a member of RGGI, Delaware should  
6 be close to achieving this goal. It is expected  
7 that RGGI will provide the vehicle needed by its  
8 member states to comply with the Clean Power plan.

9 However, just continuing RGGI is not  
10 sufficient. To continue to lead in this area, the  
11 RGGI states must engage in a common compliance  
12 market with other states in this program, just as  
13 they already participate in common energy markets as  
14 part of RGGI.

15 The leadership in the RGGI states  
16 would be undermined if RGGI were to adopt a policy  
17 of limiting or prohibiting trading with non-RGGI  
18 states within the context of the Clean Power Plan.

19 And while RGGI appears to be the best  
20 approach for Delaware to comply with the Clean Power  
21 Plan, we also encourage the state to be flexible in  
22 this process. For example, if other PJM  
23 Mid-Atlantic states develop their own trading  
24 mechanism, Delaware should seriously consider



1 joining that program to minimize or eliminate any  
2 marketing inefficiencies of having two carbon price  
3 signals in the Mid-Atlantic.

4 It's also imperative that Delaware  
5 not lose or degrade the many benefits it enjoys by  
6 being a member of PJM. We believe the most  
7 efficient way for Delaware to meet the goals of  
8 ensuring access to a vibrant allowance trading  
9 market and retaining the benefits of PJM membership  
10 will be for the PJM states to work together to  
11 ensure that trading is not limited or restricted in  
12 any manner that would negate the market-based  
13 compliance approach that would diminish the benefits  
14 of being in an organized power market such as PJM.

15 In order to comply with the Clean  
16 Power Plan, Calpine believes that DNREC should adopt  
17 a mass-based "trading ready" approach in its SIP  
18 that is applicable to both new and existing sources.

19 Delawareans would be best served by  
20 this approach, because a mass-based model provides a  
21 non-subsidized, level playing field that has proven  
22 the test of time in other emission markets.

23 A mass-based approach worked well in  
24 the Clean Air Act's Acid Rain and Ozone compliance



1 programs for pollutants such as SO<sub>2</sub> and NO<sub>x</sub>. It is  
2 a well-understood construct and provides clear price  
3 signals to sources to implement viable compliance  
4 plans in a cost-effective and efficient manner.

5 It's also important to note that  
6 according to the modeling analysis performed by both  
7 the U.S. EPA and by PJM, a mass-based approach is  
8 expected to result in the overall least cost of  
9 compliance and, at the same time, preserve the  
10 efficient electricity market structure that is run  
11 by PJM.

12 Furthermore, Calpine also believes  
13 that a multistate trading ready approach, ideally  
14 one that overlays the PJM footprint, will be most  
15 effective and will yield the best overall results  
16 for the consumer.

17 Just like in regional electricity  
18 markets such as PJM, there is tremendous efficiency  
19 in scale and resource diversity, which leads to the  
20 least cost security constrained economic dispatch of  
21 the PJM market. If you don't speak PJM jargon, that  
22 really means least-cost dispatch in making sure that  
23 the power plant lines, transmission lines, are not  
24 overloaded.



1                   Thanks again for the opportunity to  
2 provide the comments.

3                   MR. MIRZAKHALILI: Does anybody else  
4 want to speak?

5                   MS. HERRON: I will keep it brief.  
6 Hi. My name is a Stephanie Herron, H-E-R-R-O-N.  
7 And I am just here to echo the things that John and  
8 Bruce and Chad and Elizabeth and everyone already  
9 said, that the Clean Power Plan is a great first  
10 step to getting on the right track to addressing  
11 climate change, but it is not nearly sufficient to  
12 avoid the worst impacts of climate change that we  
13 are needing to see in Delaware, especially sea level  
14 rise here in Delaware where we are particularly  
15 vulnerable.

16                   And we hope and expect that the State  
17 of Delaware will commit to doing much more than is  
18 required by the EPA targets which, as Elizabeth  
19 said, are extremely modest.

20                   And we know that the first state can  
21 do much, much better than that very modest  
22 reduction, and that we must do better to ensure a  
23 safe future for future generations of Delawareans.

24                   And I would just say that I will



1 submit longer comments so that I can keep brief.  
2 But I read an interesting article just today,  
3 coincidentally, by Cornell Brooks, the head of the  
4 national NAACP, as well as a few other contributors.  
5 And they are talking about how the new Federal Clean  
6 Power Plan could go a long way towards improving the  
7 health of poor and segregated communities, as Tammy  
8 said, but they need to have a voice in it.

9                   And so I would really like to  
10 reinforce and reiterate how important it is to  
11 include communities in every step of the process in  
12 developing Delaware State Implementation Plan and to  
13 really make a concerted effort to do outreach,  
14 especially to the most impacted communities.

15                   And I printed a copy of this article  
16 for you, but I would hope and expect that DNREC will  
17 do a robust environmental justice analysis for the  
18 State Implementation Plan under the Clean Power Plan  
19 and will do robust outreach to the community,  
20 including holding listening sessions like this one  
21 directly in impacted communities where it's  
22 convenient for people and at times when it's  
23 convenient for people to attend, and to make sure  
24 that we keep environmental justice and community





1 voices at the forefront of the Delaware State  
2 Implementation Plan. Thank you.

3 (Applause)

4 MR. AMIRIKIAN: Does anybody else  
5 want to speak tonight?

6 MR. WHITE: Thank you. I didn't  
7 bring any notes with me, so I'm going to speak from  
8 the hop. My name is Pool White. I'm a parishioner  
9 for the Episcopalian Church.

10 And I have been working with a group  
11 to establish the mission on climate change. One of  
12 our objectives that we are looking towards is to  
13 make the church property carbon neutral.

14 Now, we are lucky because we have a  
15 roof, and it has plenty of sunshine on the roof, and  
16 we have trees on our property which insulate the  
17 outside.

18 At least I think we could get close  
19 to carbon neutrality. And the closer we get, the  
20 more we make it unnecessary for any carbon fossil  
21 fuel to be burned to deliver carbon dioxide into the  
22 atmosphere. That's the objective.

23 Now, there are many complications.  
24 Maybe they are less likely, but everyone can have a



1 chance to replace fossil fuel generation with clean  
2 energy, renewable energy.

3           There are many, many ways that energy  
4 can be drawn without burning fossil fuel. And I  
5 think what we are doing in our parish -- I draw  
6 attention to the state of Texas, I heard about a  
7 year ago just passed a regulation saying no more  
8 carbon shall be burnt to generate electricity in the  
9 future. I thought, my goodness, you know, that's  
10 incredible. And then I learned more, that there are  
11 many states that have the same sunshine as Texas.

12           Now, even with the sunshine in this  
13 state, I believe that we could generate some solar  
14 energy at an economic cost. That was the issue in  
15 Texas. It was cheaper. So why spend more money  
16 burning fossil fuel? It's very simple.

17           Now, what about Delaware? There is  
18 some sunshine here, but we are blessed with the  
19 Atlantic seaboard where wind blows. Now, for every  
20 gigawatt of generation from renewable energies, we  
21 can take out of service the old, inefficient and  
22 undesirable coal-burning plants.

23           So I think this brings it down to  
24 very simple things: Anyone in an organization can



1 work towards to what we have heard some individuals  
2 do in their own homes. And so from a little, as it  
3 spreads, a lot can make a big difference. But  
4 overall, this situation is very simple. Do not burn  
5 fossil fuel.

6 (Applause)

7 MR. AMIRIKIAN: Okay. Anybody else  
8 want to speak tonight?

9 MS. STALL: My name is Lauren Stall.  
10 I'm a student at U of D. And I'm from the state of  
11 Connecticut.

12 And over the summer I worked for the  
13 Connecticut Green Bank, which helps finance a lot of  
14 renewable energy projects and energy efficiency for  
15 residents, as well as commercial businesses.

16 And I was able to see firsthand how  
17 the government intervention and help to the  
18 residents, both people that couldn't afford it  
19 themselves, it's a way of getting that technology  
20 out there and really helping people that wouldn't  
21 otherwise be able to afford it.

22 And I was just thinking about some of  
23 the comments that were made today and how saying  
24 that the power plants in Delaware are struggling



1 with the carbon-based power plants. And there is  
2 somewhat of a reason why they are struggling,  
3 because that technology is out of date. It's not  
4 something that is going to continue into the future,  
5 and we need to look towards more renewable energy  
6 sources, because that's just what the future is  
7 going to be.

8                   And the Clean Power Plan, too,  
9 there's a reason why those targets have already been  
10 met. It's because they are too weak for Delaware.  
11 And they have already been met in a way because we  
12 have the ability in Delaware to meet these targets,  
13 and we can meet something much higher, as well.  
14 There is -- sorry --

15                   MR. MIRZAKHALILI: That's okay.

16                   MS. STALL: All right. Just trying  
17 to, because I have a lot of notes here, a lot of  
18 little things: So the carbon-based fuels are the  
19 thing that we definitely need to phase out and need  
20 to phase in the renewable energy, and that can help  
21 the economy. And even as jobs decrease for the  
22 carbon-based plants, they will increase as we help  
23 implement these solar panels on people's roofs and  
24 on the roofs of commercial businesses, as well.



1                   There is a lot of possibilities that  
2 haven't been embraced in Delaware. And I think if  
3 we work together to look at the Clean Power Plan and  
4 reevaluate the targets so that they are much  
5 stronger and much higher, that we can really help  
6 Delaware be as good as it can be.

7                   (Applause)

8                   MR. AMIRIKIAN: Would anyone else  
9 like to speak tonight? If there is no one else, I  
10 do want to take the opportunity to read a letter we  
11 received for the record here from Council Member at  
12 Large, Maria Cabrera from the City of Wilmington, to  
13 Secretary Small sent today. It says:

14                   "I write to ask you to ensure that  
15 Delaware remains a national leader in reducing its  
16 per capita carbon emissions. I know that your  
17 department is in the process of drafting a state  
18 plan to meet the climate reduction goals of EPA's  
19 Clean Power Plan.

20                   I also know that the Department's  
21 effort to deal with climate change and harmful  
22 pollution have been so superior to other state  
23 efforts, that simply trying to achieve the goal of  
24 the Clean Power Plan would be a step backwards for



1 us. We should exceed the modest goals of the Clean  
2 Power Plan and keep our state in a leadership  
3 position by applying standards to reduce climate  
4 pollution from existing power plants.

5 By stepping up our efforts to  
6 stricter standards, Delawareans will continue to be  
7 protected from harmful pollution. I congratulate  
8 you and everyone at the state level who have been  
9 diligent in recent years, especially through  
10 participation in the Regional Greenhouse Gas  
11 Initiative and carbon pollution from the electricity  
12 sector.

13 Let's continue that progress by  
14 making sure that Delaware remains a national leader  
15 in assessing and acting to mitigate the effects of  
16 climate change. Thank you for your consideration of  
17 my views on this subject, which presents the  
18 position of many of my constituents."

19 So thank you so much for everyone's  
20 participation tonight. You are free to go. Do we  
21 need to stay? Because we advertised this six to  
22 eight, so we will be here camping, hoping if  
23 somebody else shows up. You can ask questions. If  
24 you want to be on the record and document, we will



1 do so. If not, we are here to answer your questions  
2 off the record.

3 As mentioned, this is our first  
4 listening session after the final plan. We do plan  
5 to hold more.

6 There is a component of the plan  
7 which is the EJ, environmental justice component.  
8 We need to go to the communities. So we are looking  
9 for input as to what's the best mechanism. You  
10 mentioned it has to be, you know, a convenient time.  
11 Where are those times?

12 So we are looking for help in those  
13 areas, as well. We are targeting some areas that we  
14 will be reaching out to the communities and trying  
15 to, hopefully, do an effective job of getting  
16 feedback.

17 Again, thank you so much. And we are  
18 here till eight.

19 (Off the record at 7:17 p.m. and stayed  
20 until 8:00 p.m.)

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CERTIFICATE

I, Lorena J. Hartnett, a Notary Public and Registered Professional Reporter, do hereby certify that the foregoing is an accurate and complete transcription of the proceeding held at the time and place stated herein, and that the said proceeding was recorded by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witnesses.

I further certify that I am not a relative, employee, or attorney of any of the parties or a relative or employee of either counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 21st day of November 2015.



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Lorena J. Hartnett  
Registered Professional Reporter



|                    |                     |                    |                      |                     |
|--------------------|---------------------|--------------------|----------------------|---------------------|
|                    | 17:19 29:21         | Ali (2) 2:6 31:13  | Another (2)          | 34:2                |
| \$                 | address (4)         | all (16) 9:16      | 16:16 19:20          | assistance (1)      |
| \$1 (1) 29:9       | 11:19 14:21         | 10:20 13:22        | answer (2) 2:12      | 10:22               |
| \$10 (1) 28:7      | 15:1,16             | 16:5 18:5          | 46:1                 | associated (2)      |
| \$100 (2) 8:20     | addressed (1)       | 20:1,19 21:19      | anticipated (1)      | 19:15 34:4          |
| 29:8               | 24:20               | 22:7,8 25:15,      | 34:10                | Association (1)     |
| \$2 (1) 28:4       | addressing (1)      | 22 31:4 33:2,      | anti-environment (1) | 15:12               |
| \$300 (1) 33:19    | 38:10               | 7 43:16            | 30:23                | Atlantic (1) 41:19  |
| \$35 (1) 27:14     | adequately (1)      | Allen (1) 16:24    | Anybody (5) 5:20     | atmosphere (1)      |
| \$40 (1) 27:11     | 22:4                | allowance (2)      | 31:5 38:3            | 40:22               |
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| 27,000 (1) 31:23         |                 |  |  |  |
| 3                        |                 |  |  |  |
| 3 (1) 29:24              |                 |  |  |  |
| 3.6 (1) 15:4             |                 |  |  |  |
| 3.9 (1) 26:17            |                 |  |  |  |
| 30 (1) 12:20             |                 |  |  |  |
| 32 (1) 29:4              |                 |  |  |  |
| 35 (1) 8:11              |                 |  |  |  |
| 4                        |                 |  |  |  |
| 4 (1) 26:14              |                 |  |  |  |
| 4.7 (1) 26:16            |                 |  |  |  |
| 4-megawatt (1)           |                 |  |  |  |
| 16:21                    |                 |  |  |  |