

In The Matter Of:
*Department of Natural Resources
& Environmental Control*

*Listening Session - EPA's Proposal
November 5, 2014*

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DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
OF THE STATE OF DELAWARE

..

"LISTENING SESSION" ON EPA'S PROPOSAL TO
REDUCE CARBON POLLUTION FROM EXISTING POWER PLANTS

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Del Tech Terry Campus
Education & Technology Building
Room 741 A & B
W. Denneys Rd
Dover, Delaware

Wednesday, November 5, 2014
6:00 p.m.

..

BEFORE: Ali Mirzakhali, Director of Air Quality

-- Transcript of Proceedings --

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1 MR. MIRZAKHALILI: I have 6:01, so why
2 don't we go ahead and get started. Good evening,
3 ladies and gentlemen, and welcome to DNREC's
4 Listening Session on Clean Power Plan Proposal by
5 EPA. My name is Ali Mirzakhali. I'm the Director
6 of Division of Air Quality.

7 VIDEOGRAPHER: I'm not hearing you
8 through that microphone.

9 MR. MIRZAKHALILI: How is that? Is
10 that better?

11 (An off-the-record discussion was
12 held.)

13 MR. MIRZAKHALILI: There you go.
14 How is that?

15 VIDEOGRAPHER: Very good.

16 MR. MIRZAKHALILI: Okay. Take two?
17 (Laughter) Okay.

18 Good evening. Welcome to the DNREC's
19 Listening Session on Clean Power Plan Proposal. My
20 name is Ali Mirzakhali. I'm the Director of the
21 Division of Air Quality. And with me tonight is Phil
22 Cherry, Director of the Division of Energy and
23 Climate.

24 And we have a couple other staff here,



1 Ron Amirikian, the Chief of Planning, and Valerie
2 Gray, the Planning Supervisor. You see her name as
3 an official recipient of all of your feedback. So,
4 please, if you want to catch up with her after the
5 fact and chat, feel free.

6 We have a short presentation to lay
7 out the ground work, and we will then open up the
8 floor to receive comments and feedback from you. You
9 have copies of the presentation at the front, so you
10 don't have to worry about taking notes.

11 This is not a formal public hearing.
12 I just want to emphasize that. There is a sign-up
13 sheet at the front that I ask you to fill and
14 indicate whether you would like to speak tonight or
15 not.

16 We use the sign-up sheet to call the
17 speakers to come up and stand at the podium and share
18 with us your thoughts, if you have any. But, again,
19 based on the numbers here, I don't think we need to
20 limit it particularly to a time limit, but I think
21 reasonable -- use your judgment and be reasonable.
22 But your comments, I think five minutes, five or ten
23 minutes, whatever, we will have time to accommodate
24 that. And, you know, if we run too long, we will



1 have a timekeeper to say, "Stop, please," and, you
2 know, ask that you submit written comments to us.

3 But let me run through the
4 presentation real quick and open up the floor to you.
5 Is this how it works? There we go.

6 The purpose of this session is for the
7 Department to hear your thoughts on EPA's proposal to
8 regulate the carbon emissions from the power plants.
9 Any feedback that you provide to us will be
10 considered in us forming our comments to EPA. All
11 statements made here tonight are being recorded, and
12 we will make those available on a website that we are
13 developing and put it online.

14 Please note -- I just want to
15 emphasize that providing feedback to DNREC tonight is
16 not a substitute for commenting on EPA's proposal.
17 So, if you want to comment on EPA, we will give you
18 instruction on how to provide that -- send that
19 comment directly to them.

20 We will present a brief overview and
21 then open the floor up to you, as I mentioned before.

22 Again, the EPA's proposal is to
23 address emissions of greenhouse gas emissions from
24 power plants specifically. They estimate that by



1 2030 this proposal will reduce their emissions by
2 30 percent from 2005 levels.

3 The EPA considers -- in their
4 proposal, they have considered a wide variety of ways
5 to reduce carbon pollution that are commercially
6 available, technically feasible, and cost effective.

7 EPA's proposal, again, EPA's, what
8 they present in their proposal builds on states'
9 actions, cities, and actions already taken by cities
10 and businesses across the country and, you know, all
11 the efforts that are being implemented to address the
12 risk of climate change.

13 And EPA indicates the proposal will
14 spur investment in cleaner and more efficient
15 technologies, creating jobs and driving innovation.

16 The main requirement of the EPA
17 proposal is for the states to develop and submit the
18 plan to EPA that meets a numerical carbon emission
19 rate goal. Again, I know it's a mouthful. But EPA's
20 proposal places a mandate on each state to develop a
21 plan called 111(d) plan to submit to EPA. The plan,
22 it can be individual state plan, or it could be a
23 multi-state plan.

24 The timing of this is EPA will



1 finalize their rule by June of 2015, and the State
2 will submit to EPA a plan by June 2016 if it's an
3 individual state. There is an opportunity to request
4 an extension. States participating in a multi-state
5 plan will have until 2018 to submit their plan.

6 Any plans submitted by the State could
7 be a rate-based, as EPA has proposed, or a
8 mass-based, which is looking at the tons of
9 emissions.

10 And states are free to choose the
11 policy. EPA is not dictating how one goes about
12 preparing the plan.

13 A wide range of strategies may count
14 towards compliance. And we will talk about that in a
15 little bit.

16 This provides a flexible timeline to
17 the states, you know, up to 15 years. The final
18 compliance target is 2030, so any strategy between
19 the effectiveness of the final rule 2015 to 2030 will
20 count.

21 EPA will issue a federal plan if no
22 state plan is provided. It's called a FIP as opposed
23 to a SIP.

24 Now, how EPA established Delaware's



1 carbon goal: The EPA design is based on building
2 blocks. The Delaware baseline in the 2012 was
3 1,234 pounds of CO2 per megawatt hour of generation.
4 And they applied reduction based on buildings blocks.
5 And I don't want to go into a lot of detail on this.
6 But building block one is coal plant heat rate
7 improvement. And in the case of Delaware, we get a
8 2 percent reduction in our rates.

9 There is increased use of natural gas
10 to be dispatched, the shifting of generation from
11 coal to natural gas where available. That gives us
12 another 18 percent reduction towards our target.

13 Renewable clean generation essentially
14 is the next building block, and that's 8 percent
15 reduction.

16 And end-use energy efficiency
17 improvement, that's 4 percent additional.

18 So those are the numerical
19 equivalents. And for our total goal, our target for
20 Delaware that EPA established, is 841 pounds per
21 megawatt hour.

22 I just want to quickly review what
23 facilities. Again, this is a power plant rule, so it
24 has applicability -- it's subjecting generation



1 facilities to this rate. The facilities that are
2 subject to this rule are the top five that you see
3 here.

4 Just a reminder, Delaware is part of
5 Regional Greenhouse Gas Initiative, and we do run
6 part of that cap and trade program, if you will, a
7 regional program that on the RGGI we have ten
8 facilities subject to that rule.

9 So our universe under RGGI approach on
10 the power plant is larger than what's in the 111(d).

11 I just want to share with you some of
12 our initial thoughts on this, as we have reviewed
13 EPA's proposal. And, you know, what we like to hear,
14 again, is your thoughts.

15 You know, we support the framework
16 that EPA has proposed. We generally are supportive
17 of it. We think it's the best system of emission
18 reduction, which is a foundational requirement of
19 111(d), the proposal that EPA set forth.

20 It's consistent with ongoing Delaware
21 priorities and actions, which is improving power
22 plant efficiency, to shifting to lower
23 carbon-intensive generation, reducing pollution at
24 affected sources through shifts to renewable energy,



1 and implementing demand-side energy efficiency.
2 These are strategies that we have already implemented
3 and found to be successful.

4 As far as the overall program goal,
5 the 30 percent level of reduction, we believe that's
6 insufficient to meet the challenge of climate change,
7 and additional reductions will be required both in
8 the power sector and across multiple other sectors.
9 So this is a down payment on what is more effort that
10 will come in the future.

11 Greater levels of cost-effective
12 carbon pollution reductions from power sectors are
13 achievable on this time frame. I'm talking
14 specifically about Delaware facilities, but it's a
15 national perspective. We have seen, in the
16 experience of RGGI, that we can do better and do
17 more.

18 We urge EPA not to reduce the overall
19 level of carbon pollution reductions that would be
20 achieved in the final rule, as EPA is moving forward
21 to that and finalizing their proposal.

22 We support the flexibility elements of
23 the rule. They establish the targets. They allow
24 the states to choose how to implement it and what



1 strategies to include.

2 And we support the framework for
3 multi-state plans and the fact that EPA's proposal
4 recognizes RGGI as a successful program.

5 And, again, just to note here that we
6 believe at this point, based on some personal
7 assessment, that participation in RGGI may
8 substantially satisfy the requirements of EPA's
9 proposed rule. Now, what the final rule will look
10 like, we don't know. And to what extent RGGI needs
11 to be -- the caps and the final caps in RGGI that may
12 need to be modified, we are still analyzing that.
13 And, again, that will be dependent on EPA's final
14 rule that comes out in June.

15 The federal comment deadline, it's due
16 November 1, 2014. (Reporter Note: This is what the
17 speaker said, but I believe he meant December 1, 2014
18 per following statement.)

19 There is a docket information right
20 there. The website there, you can go to to get
21 additional information. EPA has 600 some pages of
22 proposals. There is a whole lot of technical
23 spreadsheets and analysis, technical support
24 documents. They are all in there, and a number of



1 presentations that have been made. So there is a
2 whole lot of information for you to access and
3 review.

4 We accept feedback up to November 17.
5 You know, that will give us a few days to assemble
6 everything to meet our December 1st deadline for EPA
7 submittal.

8 Again, I just want to say one more
9 time, again, sending us feedback is not a substitute
10 for sending comments to EPA, so please keep that in
11 mind.

12 If you have any official comments you
13 would like to make, please send to EPA. I encourage
14 you to send it directly.

15 I think that wraps up the background
16 presentation. And we are ready to go ahead and take
17 your comments and feedback. And what I will do is go
18 ahead and call the names up in the order that you
19 signed up. I ask you to step up to the podium and
20 please share your thoughts with us.

21 MS. GRAY: The first speaker will be
22 Mark Nielson. The second speaker will be Dave
23 Stevenson. Then Martin Lewis, Stephanie Herron, and
24 then Bill Moyer. I will announce them again in case



1 you forget before.

2 MR. NIELSON: Excuse me. Good
3 evening. My name is Mark Nielson. I'm submitting
4 comments on behalf of Delaware Electric Cooperative
5 headquartered in Greenwood, Delaware, serving
6 electric customers in Kent and Sussex counties of
7 Delaware.

8 The following comments: The Baseline:
9 The EPA uses 2012 as a baseline year for the rule.
10 Delaware's efforts to reduce carbon emissions went
11 into place prior to 2012, such as RGGI, Delaware's
12 RPS and efficiency programs. DNREC should request
13 that the EPA consider an early baseline year to
14 reflect early state actions.

15 Inequities of the Targets: We
16 understand that different states will have different
17 targets based on feasibility, transmission, and
18 distribution systems, and other variables. However,
19 as written, it seems that the proposal requires more
20 of states that have already made substantial carbon
21 reductions -- like Delaware -- than of states that
22 have not yet acted.

23 We are concerned that as proposed, the
24 Clean Power Plan will place early action states at a



1 competitive disadvantage. DNREC should request that
2 the EPA consider adjusting the state targets to
3 address these inequities.

4 Zero and Low Emitting Power Sources:
5 DNREC should request that the EPA allow states whose
6 utilities have invested in low-emitting generation
7 assets such as nuclear, but which is cited outside of
8 the State of Delaware due to various factors, to have
9 those resources included in state plans. Delaware
10 Electric Cooperative has a partial ownership in a
11 nuclear facility located in Virginia.

12 Similarly, DNREC should request EPA to
13 allow states, namely those with RPS requirements, but
14 lack the natural resources to effectively support
15 renewables and thus have invested in clean renewable
16 energy projects outside of their respective states,
17 to have those resources included in state plans.

18 The state of Delaware has one of the
19 most aggressive RPS requirements in the country.
20 However, approximately 95 percent of the RPS
21 requirements are met with renewable resources located
22 outside of the state of Delaware.

23 How does new technology gas-fired
24 generation, existing renewable landfill gas to energy



1 projects in Kent and Sussex counties, three utility
2 scale solar farms combined with over 2,000
3 customer-sited solar installations throughout
4 Delaware and subsidized by Delaware rate payers,
5 impact the target and compliance plan?

6 Should the State of Delaware consider
7 a multi-state compliance plan, it should be noted
8 that all nine RGGI states were early adopters of
9 renewable energy and currently have renewable energy
10 requirements for utilities and their ratepayers.

11 Energy Efficiency and Demand Side
12 Management: The State of Delaware adopted, through
13 legislation in 2009, an aggressive energy efficiency
14 resource standard requiring a reduction in energy and
15 capacity of 15 percent by 2015. Some utilities,
16 namely Delaware Electric Cooperative, have had energy
17 efficiency programs and management programs in place
18 since the mid 1980's. DNREC should request of EPA to
19 recognize and count those early actions when setting
20 targets.

21 Should the State of Delaware consider
22 a multi-state compliance plan, it should be noted
23 that all but one of the nine RGGI states were early
24 adopters of energy efficiency and currently have



1 energy efficiency resource requirements for their
2 utilities.

3 Cost: The EIA for the most recent
4 year of 2012 lists Delaware as the state with the
5 14th highest electric rates (11.1 cents per kilowatt
6 hour). That's 13 percent higher than the national
7 average of 9.84. When formulating plans for meeting
8 the EPA regulations, DNREC should develop a
9 cost/benefit analysis so the state can achieve
10 compliance with the least impact to Delaware
11 ratepayers.

12 Summary: DNREC should request that
13 EPA reconsider targets for Delaware and those states
14 who have been early adopters of renewable energy,
15 efficiency, conservation and demand-side management
16 such that those efforts are counted towards the
17 target.

18 That DNREC, when developing a state
19 plan or multi-state plan, use all building blocks
20 allowable by EPA to meet or exceed any EPA targets.

21 That DNREC should consider the cost to
22 ratepayers when developing any compliance plan.

23 And that DNREC utilize the expertise
24 of electric industry executives when developing



1 compliance plans impacting the electric utilities and
2 ratepayers.

3 MS. GRAY: Please make sure
4 that you are speaking into the microphone so we can
5 record it. Thank you.

6 MR. STEVENSON: How is this?

7 MS. GRAY: Perfect. Thank you.

8 MR. STEVENSON: I will try to stay
9 there. My name is David Stevenson. I'm with the
10 Caesar Rodney Institute. We are a non-profit think
11 tank. We look at state policies.

12 For those of you who don't know me, I
13 breathe background. In Connecticut, I was the
14 chairman of a conservation commission. I built the
15 first greenhouse in Delaware and helped found the
16 Delaware Green Building Council.

17 I have been a conservationist my
18 entire life. However, I'm also probably the only
19 person in the country who has not only read this plan
20 with all the associated documents -- it's about 2,000
21 pages -- I have read it several times and done an
22 analysis on it, and I have submitted my comments to
23 the EPA.

24 This plan does not work. It is not



1 the way for us to go. Even if you like this plan,
2 you should oppose it, because it takes away
3 Delaware's privacy. And we have obviously done a lot
4 of things within Delaware that are similar to what
5 the EPA wants. But the EPA's basic premise here is
6 they are going to nationalize the electric grid.

7 Now, I don't know how you guys feel
8 about that. But I look at what happened in the VA
9 hospitals recently. I'm very disappointed with the
10 CDC and how they have treated Ebola. Look at ISIS.
11 Look at the IRS scandals. Look at the Secret Service
12 taking naps on the job, apparently. I don't want to
13 see the federal government run our electric grid. I
14 would rather we run it ourselves.

15 Under state control, the electric grid
16 has always had three issues: Low cost; the big one,
17 reliability; and we also considered, and we consider
18 it very well, the environmental portion of it.

19 The EPA plan specifically excludes the
20 ability to make an excuse of not following the plan
21 because of costs. In fact, it specifically calls for
22 higher electric rates, because it's the only way the
23 plan works. If a call was not more expensive, you
24 won't change the dispatch rates for natural gas. If



1 natural gas is not more expensive than solar and
2 wind, then you won't go to renewables.

3 So the plan actually wants higher
4 electric rates. Basically, the idea is to get a
5 national carbon tax. By the way, the EPA did give a
6 nod to RGGI but also says in a document that it
7 didn't work, so -- I mean, it didn't work to reduce
8 carbon dioxide, which is the problem with this plan,
9 as well.

10 Just yesterday the North American
11 Electric Reliability Corporation, who has the
12 national responsibility by Congress to look at
13 reliability issues, has said that this plan will lead
14 to knocking out 40 percent of coal generation by 2020
15 and that that will lead to reliability problems
16 because there is not enough time to build the
17 alternative generation to meet that.

18 Gina McCarthy, who runs the EPA, said
19 in testimony the plan will actually have no impact on
20 global warming. At best, it might have a one tenth
21 of one degree reduction by the year 2100.

22 So the net result will be up to
23 30 percent higher electric bills, potential
24 blackouts, and no environmental benefits, which is



1 why I don't support the bill for this particular
2 regulation.

3 Here is what I would like to see DNREC
4 do: First, the EPA plan is illegal. In the U.S.
5 Code it says if you are controlling a source with
6 Section 111(d), you may not use Section 111(d). And,
7 of course, the mercury and air toxics rule is already
8 on all these power plants, so 111(d) is already in
9 place. Actually, there is a lawsuit, and 12 states
10 have joined it to find out whether this is legal or
11 not. Delaware should join the suit.

12 The EPA plan required a cost/benefit
13 analysis. Attached to -- and I will leave one large
14 copy. It has all the EPA comments on. The EPA used
15 15 false assumptions to justify their cost/benefit
16 analysis. When you use the right assumptions, the
17 benefits disappear.

18 I would suggest that DNREC support
19 Delaware legislation affirming state primacy in
20 regard to controlling electric grid.

21 Since Delaware exceeded the 30 percent
22 EPA emission goal with a 40 percent reduction by
23 2013, we should ask to be exempted from the EPA plan.
24 We have already met it. Vermont and D.C. have



1 already been exempted, so there is a precedence for
2 that.

3 Delaware's improvements in carbon
4 dioxide emissions should be recognized by
5 establishing 2005 as the base year and not 2012. By
6 2012, we already did it.

7 We are recommending that Delaware
8 maintain the forecast for demand for electric load
9 rather than using EPA's electric demand for gas,
10 which are off the charts out of reality.

11 Electric demand is actually falling
12 across the country. In fact, the U.S. Energy
13 Information Agency will probably release a 2015
14 forecast that shows the entire country will meet the
15 30 percent reduction target by 2018 just because of
16 falling electric demand and the closing of power
17 plants to mete back.

18 The Delaware emission rate targets for
19 Delaware are actually incorrect. They actually do
20 not include the new power plant in Dover. They do
21 not include the smaller plants that were on your
22 list. The rates should actually be 1,255 as the base
23 year and should be 893 -- they actually did the math
24 incorrectly. I used their own formulas and their own



1 data, and it doesn't calculate out properly. And
2 there is details on the calculations in my written
3 comments.

4 And, finally, the energy efficiency
5 program that the EPA requires only works for energy
6 efficiency that's involved in a utility style program
7 where there is a subsidy and that there is
8 measurement and verification. It doesn't count every
9 year people make -- and it has been going on since
10 1949 -- we get 2 percent more efficient every year
11 from people making their own decisions about what
12 they are going to do for energy efficiency.

13 So, for example, the next car they buy
14 will be more efficient, the next refrigerator will be
15 more efficient. A University of Maryland study
16 showed that when people make their own decisions,
17 they actually save 16 percent on electric demand.
18 But when they use a utility subsidy program, they
19 wind up saving zero.

20 Now, that may sound backwards, but
21 what happens is two things: One, most of the energy
22 savings that are done in utility based programs are
23 free riders. The University of Maryland study shows
24 that 90 percent of people would have done what they



1 did without the subsidy. The other 10 percent is the
2 rebound affect. Somebody puts in a new furnace, it's
3 highly efficient, then they start raising the
4 temperature. That doesn't get picked up by a
5 measurement in verification. Somebody will get an
6 energy-efficient refrigerator, and then they will put
7 the old one as a beer fridge in the garage. So
8 energy efficiency doesn't go down. It's the
9 University of Maryland, not me, that came up with the
10 study. And there is a link in my comments about that
11 for you guys.

12 So, given everything, this is the
13 wrong direction for Delaware to go. It's the wrong
14 direction for the country to go. If we want to save
15 carbon dioxide, there is better ways to do it than
16 this plan, which is basically developed to create a
17 national carbon tax that the president couldn't get
18 when he had a super majority in the House and Senate.
19 Thank you.

20 Oh, here is the paper.

21 MR. MIRZAKHALILI: We were just asking
22 about that. Thank you.

23 Go ahead. Please introduce yourself.

24 MR. WILLIS: My name is Martin Willis.



1 I live in New Castle, Delaware. First, I want to say
2 thank you for holding this hearing.

3 I support the plan going forward. And
4 we need to have a plan as soon as possible. I worked
5 in most of these plants. And in order to come into
6 compliance by the year 2030, we cannot just shut
7 these plants down and achieve the goals of reducing
8 emissions.

9 I feel as though the State of Delaware
10 is on the right path. Calpine really has led the way
11 by converting all of its power plants over to natural
12 gas.

13 Right now, 75 percent of the
14 electricity generated in the State of Delaware comes
15 from natural gas, 21 percent comes from coal, and
16 only 4 percent comes from biomass.

17 The brand new plant down the street is
18 state-of-the-art that Calpine has built. And I feel
19 as though if we want to reduce our greenhouse gas
20 carbon emissions and sustain our way of life, we must
21 look into investing in the nuclear reactors in Salem.
22 Salem, they want to go with two nuclear reactors,
23 which will be over 2,000 megawatts of power. This is
24 clean power, a \$14 billion investment. I think this



1 is -- I know this will be a great thing for our state
2 and our way of life.

3 I had to drive here from New Castle.
4 One hundred years ago, they started the DuPont
5 Highway. One day in my lifetime, I would like to be
6 able to get on a train in Wilmington and go from
7 Wilmington to Dover to the beaches. The only way we
8 are going to be able to do that is to invest in
9 nuclear power.

10 I know nuclear power scares people,
11 but we make nuclear submarines, nuclear aircraft
12 carriers. It's the same technology. Nuclear is
13 nothing but a steam engine.

14 Again, right now I'm working at the
15 Delaware City Refinery, and to come into compliance
16 with their boilers, they are going to shut them down
17 in December.

18 And I totally believe in DNREC. I
19 attended these hearings for the last ten years, and I
20 believe that the local control over our air quality
21 is the best way to go. RGGI, you know, we -- it's
22 okay. But I believe that since people in Dover, they
23 live here, they know the air quality, they are the
24 experts. And I support this plan. Thank you.



1 MR. MIRZAKHALILI: Thank you very
2 much.

3 MS. HERRON: (Adjusting microphone
4 down) I always have to do that. My name is
5 Stephanie Herron. I'm with the Delaware Chapter of
6 the Sierra Club. I will be brief. We have already
7 submitted our comments to EPA. I attended the
8 hearing in D.C. in July.

9 I just want to say that the Sierra
10 Club strongly supports the proposal by the EPA, the
11 Clean Power Plan. And, obviously, we also support
12 and are very thankful that Delaware is already
13 participating in RGGI and should be able to use that
14 to come into compliance with the plan. That's really
15 a great boon to Delaware that we got in on that
16 early, whereas other states that aren't involved in a
17 regional program like RGGI are really behind us. So
18 that's really great, and thank you for leading the
19 way on that.

20 And we do have some concerns about the
21 plan. We think that there are ways that it could be
22 improved, certainly not really ways that you could
23 improve it, but ways that the EPA could improve it,
24 certainly less reliance on fuel switching from one



1 fossil fuel to another. While natural gas is cleaner
2 burning, it's certainly not cleaner, really, even
3 than coal, if you look at the entire life cycle.

4 And we would like to see a greater
5 emphasis on switching to renewables, and particularly
6 energy efficiency, rather than fuel switching to
7 natural gas and nuclear.

8 And we strongly support the comments
9 in your initial thoughts. So thank you.

10 MR. MIRZAKHALILI: Thank you.

11 MS. GRAY: Bill?

12 MR. MOYER: I pass.

13 MS. GRAY: That is all that has signed
14 in so far. Does anyone else want to make comments?

15 MS. CASSLING: My name is Margaret
16 Cassling, and I'm from Newark, Delaware. And I have
17 written down some things that I think are important
18 about tonight's hearing.

19 First of all, I thank you for having
20 the hearing, because I think it's very important to
21 have citizens give their input, and I feel like very
22 often we feel like we are silenced.

23 The seeming -- I just will read from
24 here for a moment. The seeming indifference of



1 citizens to climate debate is understandable, given
2 the poor information they are provided by the media.

3 On Monday, the UN published its report
4 on climate, describing the dire consequences of
5 global warming. The USA Today headline, "Climate
6 Change Irreversible" conveys a message of futility.
7 So there is no use to take action?

8 The article ends by stating that
9 97 percent of scientists agree that global warming is
10 real and manmade, while 64 percent of Americans don't
11 agree. That's opinion. It's not based on science;
12 yet, it gives the impression that there is doubt.

13 This is sophisticated propaganda. The
14 scientists are right. The other guys, that's their
15 opinion. However, whether we believe it or not, we
16 will suffer the consequences if nothing is done.

17 My concern is that our government
18 agencies are also doing too little to slow the
19 climate change.

20 I strongly support the proposed Clean
21 Power Plan. I would urge leaders to strengthen the
22 Power Plan -- sorry -- I would strongly urge leaders
23 to strengthen the plan before it is finalized by
24 mandating real renewable energy solutions rather than



1 allowing natural gas and nuclear as bridge fuels from
2 coal.

3 There is a case against natural gas.
4 It is not a clean source of energy, despite what we
5 hear on TV commercials with the nice white buildings
6 and the lady who is saying how wonderful it is.

7 The damage done by fracking is immense
8 and will be more evident as time goes on. Large
9 slots of lands are being irreparably damaged.
10 Methane released in the process is more damaging than
11 CO2. Water sources are at risk. We don't even know
12 what chemicals are used. We have seen fish kills and
13 animal deaths. Some wells have been contaminated.
14 Yet, this process is allowed to continue unchecked.
15 Water is not static. Contamination of aquifers that
16 feed large cities on the east coast are in danger.

17 Building pipelines to bring natural
18 gas to ports for export will further damage the land,
19 water, and air. If natural gas is burned in another
20 country, it will increase global CO2 and cause as
21 much havoc as it would being burned here. The
22 pipelines will tear up more land, and further
23 investments in infrastructure will ensure the
24 continuation of the use of this damaging fuel.



1 We need to say no to new
2 infrastructure for fossil fuels.

3 Delaware should comply with the
4 proposed plan to limit emissions. In fact, Delaware,
5 a low-lying state that is closest to sea level, has
6 the most to lose by not acting. Therefore, its aim
7 should be to exceed those standards.

8 Most importantly, state and federal
9 tax dollars are already supporting the energy
10 companies in natural gas, coal, and nuclear power
11 business. This is a misuse of public funds in light
12 of climate and pollution crisis that those fuels are
13 causing.

14 There are small programs to support
15 conservation and renewables, but they are not nearly
16 as well funded, and their goals are too (inaudible).

17 Delaware's renewable energy goal of 25
18 percent renewable by 2025, with only three percent of
19 that solar, is deplorable when other countries are
20 doing so much more right now. Germany, for example,
21 is able to claim 50 percent solar, and we are aiming
22 at 3 percent in 2025. That is very small. And we
23 could do better.

24 The state could meet emissions limits



1 and exceed them by an aggressive program for
2 conservation and renewable energy. Why not increase
3 funding for programs like Energize Delaware, which
4 helps homeowners to seal and insulate their houses
5 and use less fuel? I am in that program right now.
6 And I got an energy audit, and I got my house
7 insulated, and the State is going to give me a rebate
8 on the money that I have spent on that. I expect to
9 reduce my heating bill by half every year. So I
10 think that conservation is very important.

11 Why not offer better incentives to put
12 solar on more houses and businesses? Why not require
13 energy companies to change their operations to more
14 wind and solar energy as part of the mix? Such
15 programs would generate many more local jobs and
16 small business opportunities than simply supporting
17 the established fossil fuel corporations.

18 It's not that we need to close them
19 down or eliminate them. No. We can continue to have
20 some power plants. Of course, we need that. But we
21 could have a lot more energy independence if people
22 had solar panels on their house.

23 And just as an aside, some people were
24 saying that we need resiliency in the -- with climate



1 change, we are expecting more storms and more
2 disaster events. If people had solar on their
3 individual homes, that would be the best way that we
4 could have resiliency. Because as soon as the sun
5 comes out again, those homes are up and running with
6 their own electricity. And they could add that
7 electricity to the grid. So, as part of the process,
8 we should do that.

9 Also, the energy company -- I think it
10 was NRG, bought Blue Water Wind and shut it down.
11 And now I understand that for that energy company,
12 the wind was not as profitable as their nuclear
13 business or their natural gas business. But, for the
14 sake of the entire world, it would be better to offer
15 incentives for them to operate their wind energy as a
16 large part of what they are doing.

17 Okay. The economics of transition to
18 renewables is a large part of the argument for
19 staying on the same path. This is a false choice.
20 We are going to have to transition at some point. If
21 we begin now, a more gradual change will help
22 everyone to adjust to economic changes. If we wait
23 and continue business as usual, we will be inviting
24 the collapse of the fossil fuel markets and a very



1 disruptive business downturn. It's imperative to
2 plan and start the change sooner rather than later.

3 Finally, I will return to the
4 headline, "Climate Change Irreversible." If we
5 continue on the path we are on, we may see the global
6 temperatures rise 4 degrees or 6 degrees in the next
7 25 years. That will be catastrophic.

8 If we do all that we can to contain
9 CO2 and other emissions, we may be able to see a rise
10 of 2 degrees instead. That is still a problem, but
11 not of the catastrophic proportions of 2 or 3 degrees
12 more than that. There is a big difference between
13 32 degrees Fahrenheit and 33 degrees Fahrenheit.

14 This represents a tipping point. At
15 32 degrees, there is snow and ice, and at 33 just
16 rain. So it will be in our future. Every degree
17 will bring a different set of circumstances. It's up
18 to us now to choose a better future for our children.
19 Thank you.

20 MR. MIRZAKHALILI: Thank you.

21 MS. GRAY: That's our last speaker.

22 Does anyone else wish to speak?

23 MR. MOYER: I will.

24 MS. GRAY: Bill Moyer.



1 MR. MOYER: Good evening. My name is
2 Bill Moyer. I am representing myself. Let me first
3 say that I am not surprised that the Caesar Rodney
4 Institute is opposed to this plan, because they have
5 gone on record in the past as saying that there is no
6 such thing as global warming and that carbon dioxide
7 is not a problem in the atmosphere, that it's not
8 created by man. So I would be suspect of any
9 comments coming from the Caesar Rodney Institute.

10 Secondly, I think that the documents
11 that have been prepared so far need to have more
12 information in them about what scientists are saying
13 about global warming and increases in carbon monoxide
14 in our atmosphere. And I will point out several
15 books I read recently. One is The Creation: An
16 Appeal to Save Life on Earth by Edward O. Wilson; The
17 End of Nature by Bill McKibben; Earth by Bill
18 McKibben; and The Future of Life by Edward O. Wilson.

19 I think if we want to get the public
20 support behind this proposed regulation, we need to
21 put it in terms of the public to understand. And
22 it's through these kinds of publications that it is
23 understandable to the public and they can really take
24 to heart what is happening to our environment because



1 of the increases in carbon dioxide.

2 And I think there is too much
3 technical jargon in the proposed regulations. It
4 needs a separate document to explain what happens if
5 we don't do something. Thank you.

6 MR. STEVENSON: I would like an
7 opportunity to respond to Mr. Moyer's disparagement
8 of Caesar Rodney Institute.

9 MR. MIRZAKHALILI: I don't want to get
10 into a back and forth. I appreciate what you are
11 saying. I think --

12 MR. STEVENSON: Because his comments
13 were incorrect.

14 MR. MIRZAKHALILI: Again, we will take
15 that into consideration. I appreciate that. And any
16 other -- anybody else? Last chance. Again, thank
17 you very much for coming out and giving us your
18 feedback.

19 Again, we will accept comments and
20 thoughts from you and everybody else through
21 November 17. The instructions are available out
22 there as to how you can reach us. If you have any
23 questions, please let me know. My card is at the
24 back table, so you can reach me directly if you like.



1 And we will adjourn if no
2 other issues. Mark?

3 MR. NIELSON: The comments that will
4 be submitted by DNREC, will you mail those to us,
5 e-mail to us, or will they be made public?

6 MR. MIRZAKHALILI: We will post them
7 on our website, and you can access everybody's
8 comments on EPA's docket. They will make those
9 available.

10 MR. VESCOVI: Ali, just in the
11 process, do you plan to have workshops to develop the
12 SIP?

13 MR. MIRZAKHALILI: Absolutely. Again,
14 this is an -- we are submitting comment on EPA
15 proposal. EPA doesn't have a final rule. We don't
16 have a to-do list yet.

17 After EPA comes out with their final
18 rule in June of 2015, that's when we will begin the
19 process of our own rule adoption. That will be a
20 public process.

21 We will involve stakeholder input at
22 that point. We will have workshops. We will have a
23 stakeholder group to help us craft our rule.

24 And I think right now our thinking is



1 that our approach is a regional approach, participate
2 in a RGGI, expanded RGGI, something to that effect.
3 And so we will engage many stakeholders. We will do
4 that absolutely. Sir?

5 MR. VESCOVI: It's my understanding
6 that the EPA has not finalized their biogenetic
7 methane or biogenetic carbon emissions rules yet.
8 How are you going to incorporate a State
9 Implementation Plan without having EPA rules
10 finalized on biogenetic carbon?

11 MR. MIRZAKHALILI: I don't know. We
12 will have to figure it out. I don't know. We will
13 have to see the final rule, how that's addressed.

14 MR. VESCOVI: I mean, it seems like
15 they are pushing deadlines before they have their own
16 rules written.

17 MR. MIRZAKHALILI: EPA came out with a
18 notice of data availability just a couple days ago,
19 additional thoughts on this. So there's a lot in
20 flux. We understand that. And that's why we are not
21 starting our process until EPA's final rule is in
22 place in 2015.

23 MR. VESCOVI: Okay. We had submitted
24 comments on best available control technology for



1 greenhouse gases from landfill gases being flaring,
2 and they were erroneous in their comments saying that
3 energy production was the best available control
4 technology.

5 Do you have any comments on that?

6 MR. MIRZAKHALILI: We are having that
7 done in our landfill right now, energy being
8 generated by landfill gases, so we think that
9 technology is certainly available.

10 MR. VESCOVI: Well, I mean, it's not
11 as far as emissions go. Emissions is not as
12 favorable as flaring. So you have that dilemma.

13 The conundrum of, you know, flaring
14 could have fewer emissions versus create landfill gas
15 energy and have more emissions. So that's why the
16 EPA statement that "the best available control
17 technology is energy production" is incorrect.

18 MR. MIRZAKHALILI: We can have this
19 conversation off line. But any other comments
20 relevant to --

21 MR. BACHER: When you submit your
22 comments to EPA, you have asked for additional
23 comments by the 17th of November; correct.

24 MR. MIRZAKHALILI: Correct.



1 MR. BACHER: And are you going to
2 issue yours by December 1? Is there any opportunity
3 for to see the comments that you are going to issue
4 to EPA?

5 MR. MIRZAKHALILI: You will see it
6 after we have developed it. We will share that after
7 it's developed. I just won't have a -- it can't be
8 a -- we have shared with you some initial thoughts.
9 That's where we are.

10 We're interested in getting feedback
11 on those specifically. And any other comments you
12 may have, we will incorporate those as we receive
13 them. And we will submit -- you know, EPA has
14 received 1 million comments, I believe, thus far. I
15 don't know if we, you know, we're not going to --
16 they will obviously listen to state comments and take
17 them seriously. And we will, you know, be the
18 1 million and first comment. I don't know.

19 MR. VESCOVI: Does that mean one of
20 your comments is going to be that deadlines need to
21 be pushed back so that biogenetic methane -- or
22 carbon, as well as some of the other comment periods
23 for your citizens to review your comments should be
24 timely in that way?



1 MR. MIRZAKHALILI: No. We are not.
2 The EPA extended the comment period, I think, from --
3 it was originally due October 1st and they moved to
4 December 1st. That gave us an opportunity to hold
5 this listening session, obviously. And, you know, we
6 appreciate that opportunity.

7 You know, we are also mindful of EPA
8 having the deadline of June of 2015 to come up with
9 their final rule. And they have to go through their
10 1 million or so comments they have received and take
11 them seriously and respond to it. So we will be
12 understanding. Sir?

13 MR. WILLIS: The State of Delaware has
14 less than a million people. The browning states
15 are -- Maryland has 5 million people; Jersey has
16 7 million people; Pennsylvania has 13 million people.
17 There is like nine states in RGGI. Is Delaware like
18 10 percent, or does it go by population?

19 MS. GRAY: 4.85 percent of the RGGI.

20 MR. WILLIS: So, I mean, so like our
21 surrounding states, their populations are almost ten
22 times as many as Delaware. So is our voice equal to
23 or are we --

24 MR. MIRZAKHALILI: No, the RGGI is a



1 collaborative regional effort. Certainly, we are one
2 of the founders of the initiative, and we certainly
3 do have -- we have a seat at the table. You know, we
4 help craft and steer the process.

5 It is not by population, or it is not
6 by emissions. It's that, you know, everybody has
7 a -- agrees on the program goals and objectives and
8 to craft the rule and a process that serves everybody
9 and the outcome.

10 MR. CHERRY: That's one of the things
11 about RGGI is it, frankly, gives us an equal voice to
12 the other nine states. It's actually an advantage.

13 MR. STEVENSON: Collin O'Mara was a
14 chairman of the RGGI board.

15 MR. MIRZAKHALILI: Well, I think if
16 you have no other comments, I'm going to -- we will
17 be around for a little bit longer if you want to have
18 any questions, but we will go ahead and close out the
19 session.

20 I appreciate you all coming out. And
21 have a good night. Thank you.

22 (Concluded at 6:52 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 13th day of November 2014.



Lorena J. Hartnett
Registered Professional Reporter

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