August 15, 2013

Dave Danner, Executive Secretary
Washington Utilities and Transportation Commission
Attention: Records Center
PO Box 47250
Olympia, WA 98504-7250

Re: Docket ID No. UE-120767; *Puget Sound Energy Integrated Resource Plan; Colstrip Units 1, 2, 3 & 4* (May 31, 2013)

Dear Mr. Danner:

On behalf of the National Parks Conservation Association (NPCA), we submit these comments on Puget Sound Energy's 2013 Integrated Resource Plan (IRP) to aid the Washington Utilities and Transportation Commission in considering the impact that the continued operation of Colstrip Steam Station in Montana will have on the air quality in the region's federally protected Class I national parks and wilderness areas. NPCA believes that the Regional Haze Federal Implementation Plan (FIP) for Montana, which establishes marginal emission control requirements for Colstrip, is deeply flawed as it fails to meet Clean Air Act standards mandated for the protection of visibility in our country's treasured national parks. Because of these failures, NPCA has challenged the regional haze FIP and we submit for your review several documents that together articulate these shortcomings of the Colstrip haze plan and identify the appropriate technological requirements necessary for the facility to meet regional haze obligations including:

- NPCA Comments on Proposed Montana Regional Haze FIP[1]
- Technical Support Document for NPCA Comments[2]
- National Park Service Comments on Proposed Montana Regional Haze FIP[3]
- National Park Service map of Class I areas impacted by Colstrip's haze-causing pollution[4]

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[1] NPCA Comments to Proposed Montana Regional Haze Federal Implementation Plan, 77 Fed. Reg, 23988 (June 19, 2012).
[2] Technical Support Document To Comments of Conservation Organizations, Proposed Montana Regional Haze Federal Implementation Plan, 77 Fed. Reg, 23988 (June 15, 2012).
[3] National Park Service Comments to Proposed Montana Regional Haze Federal Implementation Plan, 77 Fed. Reg, 23988 (June 19, 2012).
[4] Class I Areas within 500km of Colstrip PP, image.

- Petition for Review of Montana Regional Haze FIP[5]
- Opening and Reply briefs in *NPCA v. EPA*[6]

The Clean Air Act requires that states or EPA issue and implement a plan to make reasonable progress toward eliminating human-caused pollution in Class I areas and to impose Best Available Retrofit Technology (BART) pollution control on some of the larger and older sources. Unfortunately, Montana's FIP fails to require the installation of the best emission controls at Colstrip. Ample BART controls would significantly reduce visibility-impairing pollution in a cost effective manner and would help achieve reasonable progress toward eliminating anthropologic haze in national parks and wilderness areas polluted by Colstrip, including Yellowstone, Glacier National Park, Theodore Roosevelt National Park, UL Bend National Wildlife Refuge and Medicine Lake Wilderness Area.

A. Summary of Montana Regional Haze FIP Failures

NPCA believes that EPA's FIP for Montana violates the Clean Air Act in several ways that are well documented within the administrative record. First, Montana's FIP does not require Selective Catalytic Reduction (SCR) and Dry Scrubbers as BART for NO_x and SO_2 pollutant control at Colstrip. EPA determined that the two technologies are both economically and technically feasible. However, EPA concluded that the incremental cost of these concededly superior technologies is not warranted by the visibility benefits it yields.

Additionally, EPA ignores the cumulative visibility benefits that the implementation of BART for NO_x and SO_2 will have on all affected Class I areas. Instead the agency distorts the reach of adequate BART requirements by looking only at the two Class I areas impacted by Colstrip. Conversely, and in keeping with the spirit of the regional haze program, the National Park Service identifies 16 Class I national parks and wilderness areas within impact range of the emissions from Colstrip. EPA's determination makes visibility benefits from the use of these BARTs appear less cost-effective than they actually are and is otherwise skewed by the Agency's assumption of an unrealistically low emissions baseline for Colstrip's annual emissions output. Failing to follow the evidence of these controls' cost effectiveness and substantial visibility benefits shows that EPA's rejection of these technologies is arbitrary and contrary to the goals of the Clean Air Act.

Lastly, the Montana FIP fails to implement measures that will achieve reasonable progress toward eliminating visibility impairment as required under the Clean Air Act. Insufficient BART controls for Colstrip units 1 and 2, as well as the lack of *any* requirements to reduce NO_x emissions from units 3 and 4, leaves EPA's FIP deficient. EPA should have required SCR controls at each of the four Colstrip units to meet BART and reasonable progress requirements. The result of EPA's inadequate FIP is that the region's Class I national parks and wilderness areas will continue to be affected by Colstrip's haze-causing pollutants long after the EPA's 2064 deadline for achieving natural visibility conditions. This result does not square well

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[5] *NPCA v. EPA*, No. 12-73710 (9th Cir., filed Nov. 14, 2012)

[6] Petitioners' Opening Brief, *NPCA v. EPA*; Petitioners' Consolidated Response and Reply Brief, *NPCA v. EPA*.

with the visibility protection mandate of the Clean Air Act. We believe that a reasonable interpretation of the Regional Haze BART requirements and the arbitrary nature of the decision leave the FIP vulnerable to remand by the Ninth Circuit.

B. SCR and Scrubbers Are Necessary to Reduce Colstrip's Visibility Impact on National Parks and Wilderness

Under current EPA regulations, Colstrip will continue to release excessive haze-causing pollution, thus failing to meet the standards of the Regional Haze Rule. While we believe that EPA should strengthen Montana's FIP in order to reduce harmful emissions from Colstrip, at a minimum more stringent emission controls must be required in the next regional haze implementation plan in 2018. At a minimum, Colstrip's emissions must be limited by controls that have been proven to be cost effective, reliable and feasible. For Colstrip, these controls are SCR to control NO_x and scrubbers to control SO_2.

Washington's Energy Independence Act requires utilities to "pursue all available conservation that is cost-effective, reliable, and feasible." In order to meet these requirements of the Clean Air Act's regional haze program and the Energy Independence Act, SCR and scrubbers should be installed at Colstrip. Because PSE's IRP fails to adequately account for or plan for the mitigation of its haze-causing pollution, the Washington Utilities and Transportation Commission must disapprove PSE's IRP for the continued use of Colstrip.

It is clear that emission controls will be required of Colstrip to mitigate its impact on national parks and wilderness areas; however, we also believe that alternative paths are available that would achieve necessary visibility improvements in a more cost effective and beneficial fashion. To the extent that alternative measures produce adequate visibility benefits, NPCA supports such alternative measures, including PSE's enhanced efficiency and use of renewable energy sources instead of coal.

In consideration of the Clean Air Act and Washington's Energy Independence Act, we ask that the Washington Utilities and Transportation Commission find that it is not prudent to rely on Colstrip as a generation resource in PSE's IRP. In its current state, the IRP falls far short of abating its impact on Class I areas and therefore complying with the Clean Air Act or Washington's Energy Independence Act.

We appreciate the opportunity to comment.

Sincerely,

Stephanie Kodish

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