

**NYSRC/DEC Conference Call Meeting Notes**  
April 20, 2017

**Attendees:**

- Mike Sheehan, John Barnes, Bob Bielawa, Marie Barnes (DEC)
- Roger Clayton (NYSRC)
- Ryan Ramcharan (Con Ed)
- Sandra Meier (EEANY)
- Cathy Waxman, (National Grid)
- Peter Carney (NYISO)
- Ben Cohen (NYISO)
- John Marabella (USNYPP)
- Jonathan Forward (DPS)
- John Reimann (AES)
- Bill Slade (ConEd)
- Radmila Miletich (IPPNY)
- Chris Wentlent (Constellation)

**1. RGGI review (Mike Sheehan)**

- Stakeholder process is on-going.
- Webinar on April 20th on results, modeling and policy options.
- Files from the webinar at: <http://rggi.org/design/2016-program-review/rggi-meetings>

**2. EPA Clean Power Plan (CPP) (Mike Sheehan)**

- DEC commented on modeling errors in the EPA NODA (2015 Ozone NAAQS – Good Neighbor SIPs)
- Due to the uncertainty of CPP at this time NYS will continue with RGGI and make adjustments to align with federal rules as they become final.

**3. NYS Clean Energy Standard (CES)**

- NYSERDA Implementation Plan finalized. Found at this link: <https://www.nyscrda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Important-Orders-Reports-and-Filings>
- This month NYSERDA will be doing a solicitation for renewable energy credits

**4. EPA Cross State Air Pollution Rule (CSAPR) (John Barnes)**

- Rule Initiation Memo circulating at the DEC
- DEC sent a letter to EPA on March 24th committing to repeal Part 243 and repeal and replace Parts 244 and 245 by mid-September of this year.
- Stakeholder call in next 4 to 6 weeks. A draft rule will be shared.

- DEC is aware of NYS generators request for right of first refusal of allowances sold by NYSERDA.
- Concern regarding NYSERDA's current sale 2017/18 NOx ozone season allowances. They are selling them as one block of approximately 1000 allowances for 2017 – 2018, meaning one company would need to buy all of the allowances. DEC reached out to NYSERDA after call and was advised that a sale of all allowances is pending and may be finalized in the next day or so. Details pending.

#### **5. EPA Proposed Methane regulations (John Barnes)**

- DEC drafted a Rule Initiation Memo to adopt EPA's Control Techniques Guidelines for the Oil & Gas sector.
- DEC plans on moving forward with proposed methane regulations regardless of EPA actions.
- EPA had an information collection request that was later dropped.
- DEC is looking at equipment along the pipeline route and possibly also drill sites / production wells. Checking for leaks.
- There is a stakeholder process. Express terms are not yet available. They will be based on Control Technique Guidelines.

#### **6. NYSRC Min Oil Burn Rules (LOGMOB)**

- Nothing new to report
- Things are going according to requirements of reliability rules.

#### **7. Indian Point update (John Barnes)**

- Agreed to shut down by 2021.
- Link to agreement: <https://www.riverkeeper.org/news-events/news/stop-polluters/power-plant-cases/indian-point/entergy-close-indian-point-nuclear-plant-landmark-agreement/>
- Indian Point has not yet filed its deactivation notice with NYISO, so this is an open item which impacts the NYISO planning process. Once notice is submitted NYISO will do a study to access if there is a reliability need.
- Nothing new with respect to the SPDES permit.
- Order from public service commission for ZECS in place as of April 1<sup>st</sup> for upstate nuclear facilities.
- Fitzpatrick will continue to operate. Ginna operation is still an open item in terms of reporting that they have not retracted their deactivation notice with the NYISO.

#### **8. REV update (John Barnes)**

- Nothing new to report.

#### **9. Peaker turbine air quality (John Barnes)**

- DEC is continuing stakeholder process and considering comments.
- DEC has had meetings with IPPNY, NYISO, DPS.
- DEC received a letter from EEANY two weeks ago (see attached) and is evaluating ideas they presented.

- American Lung Association put out a report recently that touches on the high ozone levels in NYC.
- DEC looks at design values to bring NYS into attainment. Current ozone value is 84 ppb. The standard is 70 ppb. In addition to the peakers regulation, DEC is working on many items (aftermarket catalyst program, RACT SIP, OTC model rules, etc.) to try to reach attainment.
- Reliability in Zone J needs to be considered.
- DEC aims to have a draft of express terms by the middle of June.
- DEC has heard comments on the need for this regulation to be phased in.
- Modeling has not yet been done. Concern was raised that this modeling include scenarios where Indian Point is closed. DEC is working with MARAMA on how to go about modeling due to difficulty found with ERTAC model not including renewables or nuclear.
- NYC Committee on Environmental Protection conducted a hearing on April 24th regarding shortening the transition timeframe for moving away from certain fuel oils (copy of bill is attached).

#### **10. Regulatory update (Bob Bielawa and John Barnes)**

- National Ambient Air Quality Standards (NAAQS)
  - For SO<sub>2</sub> 1-Hour Standard:
    - On January 4, 2017, DEC recommended that the entire state, with the exception of Erie, Niagara, St. Lawrence, Seneca and Tompkins Counties, be designated attainment for the 1-hour SO<sub>2</sub> standard. Erie and Niagara Counties have already been designated unclassifiable/attainment, and St. Lawrence, Seneca and Tompkins Counties will be designated by December 31, 2020 after three full years of monitoring data are obtained.
    - DEC is answering questions from EPA about monitoring and modeling related to the designation recommendation submitted by DEC on January 4, 2017.
  - For NO<sub>2</sub> One Hour Standard:
    - Nothing new to report
  - 2008 O<sub>3</sub> Standard:
    - Continued development of SIP for 2008 NAAQS, will be public noticed for comment in the next couple of months.
  - 2015 O<sub>3</sub> Standard:
    - DEC expects, by June 1<sup>st</sup>, that EPA will issue 120-day letters that identify expected nonattainment areas for the 2015 ozone NAAQS. DEC can comment on the expected designations if they differ from the DEC recommended nonattainment areas. EPA must make final designations by October 1, 2017.
    - DEC is recommending the same non-attainment area counties in New York that currently exist for the 2008 ozone NAAQS, however

Connecticut and New Jersey are recommending larger non-attainment areas than currently exist.

- EPA has postponed oral arguments on the challenge to the standard, and EPA action related to statutory dates could affect SIP development activity related to the 2015 NAAQS; 2008 NAAQS is unaffected by this action and SIP development and related actions will continue to move forward.
- EPA Mercury & Air Toxics (MATS)
  - Nothing to report
- RICE Maximum Achievable Control Technology (MACT)
  - Nothing to report
- Distributed Generation Rule (DG)
  - On March 1<sup>st</sup> an Article 78 challenge was filed.
  - The rule is stayed and not being implemented at this time.
  - Hearing on May 5<sup>th</sup> at Albany Supreme Court. Plaintiffs are:
    - Energy Spectrum, Inc.
    - Enerwise Global Technologies Inc. D/B/A CPower
    - NuEnergen, LLC
    - Hanson Aggregates New York, LLC
    - Barre Stone Products, Inc.
    - Scatt Materials Corp.
    - New York Construction Materials Association, Inc.

## **11. Any Other Business**

- EPA is requesting input on specific air and radiation actions that can be repealed, replaced, or modified. Discussion if this is a good opportunity to comment on continuous use of a faulty IPM model.

## **12. Next Meeting**

Thursday, June 22, 2017 at 9:00 am via conference call