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Olympus Power One-Page Summary of Comments – June 17, 2019

Olympus strongly supports the development of a funding mechanism that provides for adequate and sustainable Title V program funding and believes that this PADEP proposal does not accomplish those goals. Rather it perpetuates the unsustainability of the Title V funding. Olympus Power believes that it is more appropriate to assess the Title V fees for the electric generating sources based upon the total net generation produced by each affected facility.

Currently if a large coal-fired plant retires and is replaced by an equal sized natural gas-fired plant then over \$750,000 in Title V emissions fee for just SO2 and NOx are lost and replaced with a source or sources that only provide about \$25,000 in Title V revenue through emissions fees for SO2 and NOx.

The sustainability of the PADEP Title V program funding will either be addressed now, as is envisioned in the Olympus proposal, or it will certainly be addressed in the future after additional coal-fired and coal refuse reclamation to energy EGUs are retired or converted to natural gas and the Title V revenue from those sources is lost.

However, the biggest hurdle this proposed fee package faces is that it fails to address the fact that CO2 became a "regulated pollutant" on December 22, 2015 when the New Source Performance Standard (NSPS) was finalized for CO2 for new fossil fuel-fired electric utility steam generating units. Based upon the plain language of the CAA, Section 502; the language of the PA APCA, Section 6.3; and, Title 25 Pa. Code §127.705, *the Title V emission fee is to be assessed for each "regulated pollutants."*

As a "regulated pollutant," CO2 must be addressed in some legislative or regulatory fashion prior to finalization of any Pennsylvania Title V fee.



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Environmental Quality Board
P.O Box 8477
Harrisburg, PA 17105-8477

Subject: Proposed Amendments to 25 Pa. Code, Chapters 121 (relating to general provisions) and 127, Subchapters F and I (relating to operating permit requirements; and plan approval and operating permit fees) as set forth in Annex A

Introduction

Olympus Power, LLC (Olympus) is writing in response to the subject proposal to amend 25 Pa. Code, Chapters 121 (relating to general provisions) and 127, Subchapters F and I (relating to operating permit requirements; and plan approval and operating permit fees) as set forth in Annex A. Olympus supports adequate and sustainable funding for implementing the air pollution control plan approval and operating permit process required under the Clean Air Act (CAA) and the Pennsylvania Air Pollution Control Act (PA APCA) to meet the national ambient air quality standards (NAAQS) as well as other requirements of the CAA and the PA APCA and the regulations promulgated to accomplish those efforts. However, Olympus does not believe that the proposal provides adequate, sustainable, fair nor equitable funding relative to the payment of Title V fees by some major sources. The Title V fees were established for major sources to pay for their regulation by the Pennsylvania Department of Environmental Protection (PADEP).

Olympus believes that to address these funding issues, the Title V fee for the

electric generating sources should be assessed based upon the number of "net" megawatt hours (MWh) generated rather than being based upon the emissions of "regulated pollutants" as is currently required and is included in the proposed rulemaking.

Further, Olympus has observed that the proposal has not addressed carbon dioxide (CO₂) as a "regulated" pollutant in the amendments to Chapters 121 or 127 as is required by the CAA and PA APCA. It is the opinion of Olympus that PADEP not addressing CO₂ in this rulemaking proposal as a "regulated pollutant," for which a Title V fee must be paid, would require amendment to the PA APCA as is further explained later in these comments.

Importantly, the Olympus alternative proposal for the use of net MWh for Title V fee assessment for electric generating sources could facilitate the elimination of CO₂ from the Title V program funding by providing for continued adequate, sustainable Title V program funding from the electric generating sector regardless of future plant retirements, future emissions reductions requirements and future fuel conversions. Absent adequate and sustainable Title V funding from the electric generating sources the assessment of an emission fee for CO₂ would likely be inevitable.

Importantly, the amount of electricity being sold into PJM and used by the states serviced by PJM is actually flat or decreasing which means that any new, lower cost facility will "take away" the electric market opportunity from other higher cost facilities. In Pennsylvania new electric generation, based upon installed capacity, is by far the largest type of new electric generation. As natural gas fired electric generating capacity continues to grow, there is less electric market opportunity for coal-fired and coal refuse reclamation to energy EGUs which continuing to be relied upon in this proposed rulemaking to pay Title V emissions fees.

Notably, the Title V major sources that are most severely and disproportionately impacted by the Title V emissions fees are the coal refuse reclamation to energy facilities. While their pollution control equipment are very effective, which is necessary to allow the use of the coal refuse removed from the environment as fuel, and even though 12 of the remaining 13 facilities, four have been or will soon be deactivated with additional facilities at risk, because they emit below the 4,000 ton/pollutant/facility cap for all pollutants and their small sizes (only one facility larger than 110 megawatts net installed capacity is among the 13 facilities) there are simply too few net megawatt hours (MWh net) sold into PJM to amortize the costs of the Title V emissions fees as is proposed by PADEP in this rulemaking. Consequently, the Title V emissions fees have and will continue to have a much greater effect on the electric price that is bid into PJM for these facilities and disproportionately affect their ability to compete in the PJM market. Because of the small size of the facilities and the correspondingly small number of MWh net sold into PJM, Title V emissions fees and the proposed administrative fees on top of those emissions fees will impose a far greater economic burden on these environmentally beneficial facilities.

The environmental benefits of these facilities that remove coal refuse from the environment, use it as fuel and then remediate and reclaim the areas from which the coal refuse has been removed and other mining affected lands, using the circulating fluidized bed ash, are widely recognized and the documented, see PADEP's "Reclamation of Refuse Piles using Fluidized Bed Combustion Ash in the Blacklick Creek Watershed, Pennsylvania":

<https://blacklickcreekwatershed2.files.wordpress.com/2018/11/reclamation-of-refuse-piles-using-fluidized-bed-combustion-ash.pdf>

However, the biggest hurdle this proposed fee package faces is that it fails to

address the fact that CO2 became a "regulated pollutant" on December 22, 2015 when the New Source Performance Standard (NSPS) was finalized for CO2 for new fossil fuel-fired electric utility steam generating units. Based upon the plain language of the CAA, Section 502; the language of the PA APCA, Section 6.3; and, Title 25 Pa. Code §127.705, *the Title V emission fee is to be assessed for each "regulated pollutants."*

Olympus believes that for PADEP to not assess a CO2 Title V emissions fee for Pennsylvania major sources affected by the Title V program would require the Pennsylvania legislature to modify the PA APCA to facilitate an alternative solution to exclude CO2 from the imposition of a Title V emission fee at which point it can also facilitate a solution that provides for more equity in the sharing of adequate and sustainable costs of the PADEP Title V program.

As a "regulated pollutant," CO2 must be addressed in some legislative fashion prior to any Pennsylvania Title V fee regulation being finalized.

Background

Olympus is a power plant investment and management firm with assets located throughout the United States. Olympus has been the owner and/or asset manager of projects with interests in 47 power plants across the U.S. with over \$3.5 billion in asset value and the responsibility for operating projects with a gross capacity in excess of 5,200 megawatts (MW) of electricity generation. Over time, these assets have included coal refuse reclamation to energy, natural gas-fired, coal-fired, biomass-fired, hydroelectric, solar, and wind-powered electric generating facilities.

Comments

Comment - Olympus does not believe the PADEP proposal provides adequate, sustainable Title V program funding for implementing the air pollution control plan approval and operating permit process required under the CAA and the PA APCA to meet the NAAQS as well as other requirements of the CAA and the PA APCA and the regulations promulgated to accomplish those efforts.

To a great degree the Title V program has historically and with the proposed rulemaking continues to rely upon the assessment of annual Title V emissions fees which are based upon the emissions of each "regulated pollutants" from a source but are limited to 4,000 tons per regulated pollutant per facility. This emissions fee program is specified in the CAA and the PA APCA, However, reliance upon emissions fees has been found by other states to not provide adequate Title V program funding and is not the only way the program can and is being implemented in some other states. In 2014 the National Association of Clean Air Agencies (NACAA) documented this situation in a report called, "FUNDING OF TITLE V PROGRAMS, NACAA 2014 Survey Data:"

http://www.4cleanair.org/sites/default/files/Documents/FeeAnalysis_2014NACAASurvey_Dec2015.pdf

The data from this survey identified that some states reliance upon an emissions fee program to fund their Title V programs had already resulted in inadequate and unsustainable funding. Quite simply, the requirement to use emissions fees to fund Title V programs never envisioned the dramatic changes that have and are continuing to occur to the makeup of the electric generating sources that are now, and will be, operating in the electric markets.

In 1990, when the Clean Air Act Amendments (CAAA '90) mandated the Title V permit program, the primary source of fuel for electricity generation was coal and the facilities generating the electricity were vertically-integrated, rate-based regulated electric utilities. Consequently, the Title V emission fees were simply passed along as costs to the ratepayers. It was essentially a "tax" on every ratepayer, to provide funding for the implementation, operation and enforcement of the major source permitting program required by the CAA. In the case of the coal refuse reclamation to energy electric generating units (EGUs), they operated under power purchase agreements with those same rate-based utilities which provided adequate funding to allow the payment of Title V emission fees and still remain profitable. Consequently, the ratepayers paid for the Title V program via higher electric bills and all other private sector Title V major sources benefited from this disproportionate funding of the Title V program.

However, the "sensitivity" of that funding mechanism changed with the deregulation and restructuring of the electric generation industry into a wholesale generation market; the development of Marcellus Shale natural gas; a variety of environmental and market legislation; regulations and policies that were adopted and implemented to achieve a variety of policy outcomes; and, the expiration of the power purchase agreements. These have resulted in:

- the retirement of coal and coal refuse reclamation to energy EGUs leaving fewer and fewer facilities in the Commonwealth available to pay their disproportionate share of the costs of the Title V program, see Exhibit 1 for a list of retired, fuel switched, and announced deactivation dates for Pennsylvania electric generating sources;
- lower emissions from the remaining coal and coal refuse-fired EGUs

resulting in less Title V emissions fee revenue, see Exhibit 2 for the Pennsylvania SO₂ and NO_x emissions and reductions that have occurred between 2002 and 2018. These emissions data for sulfur dioxide (SO₂) and nitrogen oxides (NO_x) which are submitted to EPA's Clean Air Markets Division (CAMD) by the major emissions sources are the best publicly available electric generating source emissions data. Using these emissions data, the emissions reductions effects on sustainable funding for the Pennsylvania Title V program is readily observable. Between 2010 and 2017, the heat input from these sources decreased by about 24% while the tons of SO₂ and NO_x for which Title V emissions fees would be paid decreased by almost 58%. See Exhibits 3 and 4 for 2010 and 2017 SO₂ and NO_x emissions and the SO₂ and NO_x emissions fees for those years;

- fuel switching coal-fired EGUs to burn natural gas resulting in less Title V emissions fee revenue; replacement of the retired coal and coal refuse-fired EGUs with natural gas fired EGUs resulting in less Title V emissions fee revenue, See Exhibit 5;
- the state and federal legislative efforts to mandate more renewables into the electric market resulting in less Title V emissions fee revenue;
- and, market decisions that have resulted in the artificial suppression of pricing in PJM through their Minimum Offer Price Rule, See Exhibit 6 pages 3 through 6, 163 FERC ¶ 61,236, Docket Nos. EL16-49-000 further restricted the operations of these units resulting in less Title V emissions fees revenue.

All of the issues identified above have undermined the adequacy and sustainability of funding for the Pennsylvania Title V program. Unfortunately,

this proposed rulemaking, because of the continued reliance upon emissions fees to fund the majority of the Title V program, especially in the case of electric generation sources, perpetuates inadequate and unsustainable Title V program funding.

Regardless of perspective on these issues, the previously identified issues affecting the makeup of the electric markets have resulted in the lack of sustainable funding for the PADEP Title V program. This lack of adequate, sustainable Title V funding is a very serious problem in Pennsylvania. Without a fully funded Title V program, PADEP will lose primacy of the Title V program and that program will then come under the jurisdiction of the Environmental Protection Agency (EPA). It is the opinion of Olympus that this is a completely unacceptable circumstance for the Commonwealth and the major sources operating in Pennsylvania and must and can be prevented.

Further, now that the vast majority of electric generators in Pennsylvania are private sector, competitive companies operating in a wholesale electric market, PJM (PJM is the regional transmission organization (RTO) that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia), it is inappropriate for one group of competitive Title V major sources (coal-fired and coal refuse reclamation to energy EGUs) in Pennsylvania to pay a majority of the costs of the regulation of all Title V affected electric generating sources, especially their electric generation competitors (natural gas-fired electric generating sources) in Pennsylvania. This is especially true when their Pennsylvania competitors in the wholesale electric market require essentially the same level of efforts and costs on the part of PADEP to regulate those sources regardless of their emissions levels.

As previously identified, the Title V major sources that are most adversely and

disproportionately impacted by the current and proposed Title V emissions fees are the coal refuse reclamation to energy facilities, see Exhibit 7. Exhibit 7 show the dramatic difference between the major fossil fuels used in Pennsylvania as a ratio of just the SO₂ and NO_x emissions fee paid per net installed capacity. The effect of the emissions fees on the coal refuse reclamation to energy EGUs is 3.5 times greater than the effected on the coal-fired EGUs and over 75 times greater than the natural gas-fired EGUs. While their small size and fewer MWh of generation is a compounding issue, the main reason for these emissions fees is that these plants remove highly acidic, high sulfur content and high ash content coal refuse from the environmental to use as fuel. While the pollution control equipment is very effective at controlling emissions, e.g. under 40 CFR Part 63, Subpart UUUUU all of the coal refuse reclamation to energy units are low emitting EGUs for mercury and all but one are low emitting EGUs for filterable particulate matter (non-mercury metal standard), the quality of the fuel results in levels of emissions that while on a percentage removal basis are similar to the coal-fired units equipped with SO₂ emissions controls, are higher on an emission rate basis than other EGUs.

Consequently, Olympus proposes that for PADEP to have adequate and sustainable funding of the Title V program into the future, in the case of electric generating sources that are major sources affected by Title V of the Clean Air Act, that the Title V fees be assessed based upon the calendar year annual amount of net generation (MWh) from each facility with no "cap" placed upon the number of net MWh generated used for the assessment of the fees.

Using the most recent US Energy Information Administration data, calendar year 2017, the amount of net generation (MWh) produced in Pennsylvania by all

forms of coal, natural gas, other gases and all petroleum was 120,939,215 MWh, see Exhibit 8 for an EIA breakdown of all electric generation in Pennsylvania in 2017, the most current year for which these information are available. If a fee of \$0.065 per MWh were to be assessed for each MWh, the amount of revenue to the PADEP Title V program from the electric generating sources would be \$7,861,049. Based on 2018 emissions data from the EPA CAMD database, that amount would exceed the Title V emissions fees to be paid for SO₂ and NO_x by \$1,000,000, see Exhibit 9 for a breakdown by unit and fuel for the fees that would be paid for each unit under the Olympus alternative proposal. Although all regulated pollutants are included in the assessment of fees, this is likely a reasonable estimate of the fee that would be necessary to be paid by all electric generating sources that are affected as major sources by Title V of the Clean Air Act because SO₂ and NO_x are the principal regulated pollutants for which fees have historically been required.

Olympus also proposes that the alternative Title V fee based upon the net generation produced be used as the basis for all fees from the electric generating sources rather than assessing independently the proposed additional assessment of an annual operating permit maintenance fees for these Title V sources. Unless the calculated fee is less than the proposed annual operating maintenance fee. In that case, the higher of the two fee would be paid.

Simply stated, the failure to address the Title V program sustainable funding issue at this time also serves to perpetuate the disproportionate funding of the Title V program and the disproportionate burden on the coal-fired and coal refuse reclamation to energy EGUs. Not addressing the changing makeup of the Pennsylvania electric generating sources at this time will inevitably lead to more

retirements and fuel conversions and further reduced Title V program revenues.

The sustainability of the PADEP Title V program funding will either be addressed now, as is envisioned in the Olympus proposal, or it will certainly be addressed in the future after additional coal-fired and coal refuse reclamation to energy EGUs are retired or converted to natural gas and the Title V revenue from those sources are lost.

Comment - Olympus does not believe the PADEP proposal can be finalized as proposed because the proposal does not address CO₂ as a “regulated pollutant.” Clearly, absent some state legislative action, a Title V emission fee must be collected for CO₂ as specified in the CAA, the PA APCA and PADEP regulations. However, the Pennsylvania legislature can take action to amend the PA APCA to exclude CO₂ from the assessment of fees, so long as adequate funding for operation of the Title V program is accomplished through other measures.

Because the finalization of any Title V fee program will require the amendment of the PA APCA, this rulemaking proposal cannot be finalized as proposed. During the time period a PA APCA amendment is being pursued, the proposed rulemaking should be modified to assess Title V fees for the affected electric generating sources based upon the net generation of electricity from the facility as is proposed by Olympus. The PA APCA amendment and the alternative Title V fee for major electric generating sources should be made now to provide for the adequate and sustainable funding of Pennsylvania’s Title V program or it will certainly be addressed in

the future after additional coal-fired and coal refuse reclamation to energy EGUs are retired or converted to natural gas and the Title V revenue from those sources is lost.

Section 502 of the CAA includes a definition for “regulated pollutant” that is to be used for Title V fee purposes. That definition includes pollutants regulated under 7411 (Section 111 of the CAA). On December 22, 2015 when EPA finalized the CO2 NSPS for new fossil fuel-fired electric utility steam generating units, CO2 became regulated under Section 111(b) of the CAA. At that time, CO2 became by Section 502 definition a “regulated pollutant” and emission of CO2 from any major source is subject to the assessment of the Title V emission fee for the emissions of CO2. Regardless of EPA changing the definition of regulated pollutant in their regulation or PADEP not including CO2 in this rulemaking, Pennsylvania major sources are still legally bound by the legislative definition of “regulated pollutant” as specified under CAA Section 502. EPA and PADEP cannot change the CAA statutory definition of regulated pollutant or exempt pollutants other than CO which is specifically exempted in in the federal statute, see Exhibit 10 for CAA Section 502.

Further, PADEP cannot ignore the PA APCA, Section 6.3 (m) which incorporates the CAA definition of “regulated pollutant” and the obligation to pay the emission fee for **all** regulated pollutants, see Exhibit 11 for Section 6.3 of the PA APCA.

Consequently, any PADEP Title V fees rulemaking that includes fees for all regulated pollutants but ignores CO2 is likely to be challenged and as a minimum be vacated and returned to PADEP for revision. Further risking the loss of Pennsylvania primacy for implementation of the Title V program in Pennsylvania.

Also note the bold, italicized sections of the Title 25 PA Code rules below regarding the assessment of Title V emission fees in Pennsylvania:

“§ 127.705. Emission fees.

(a) The owner or operator of a Title V facility including a Title V facility located in Philadelphia County or Allegheny County, except a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 (relating to definitions), shall pay an annual Title V emission fee of \$85 per ton ***for each ton of a regulated pollutant actually emitted from the facility.*** The owner or operator will not be required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant from the facility. The owner or operator of a Title V facility located in Philadelphia County or Allegheny County shall pay the emission fee to the county Title V program approved by the Department under section 12 of the act (35 P. S. § 4012) and § 127.706 (relating to Philadelphia County and Allegheny County financial assistance).

(b) The emissions fees required by this section shall be due on or before September 1 of each year for emissions from the previous calendar year. The fees required by this section shall be paid for emissions occurring in calendar year 2013 and for each calendar year thereafter.

(c) As used in this section, the ***term "regulated pollutant" means a VOC, each pollutant regulated under sections 111 and 112 of the Clean Air Act (42 U.S.C.A. § § 7411 and 7412)*** and each pollutant for which a national ambient air quality standard has been promulgated, except that carbon monoxide shall be excluded from this reference.

(d) The emission fee imposed under subsection (a) shall be increased in each calendar year after December 14, 2013, by the percentage, if any, by which the

Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year. For purposes of this subsection:

(1) The Consumer Price Index for a calendar year is the average of the Consumer Price Index for All-Urban Consumers, published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

(2) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.”

Importantly, the PADEP regulations themselves define regulated pollutants consistent with Section 502 of the CAA and Section 6.3 (m) of the PA APCA and that the fee is to be paid for *each* ton of regulated pollutant emitted up to 4,000 tons per facility.

Olympus is not proposing that CO₂ be included for the assessment of Title V fees. That is because Olympus believes that the assessment of an emission fee for CO₂ will have a negative effect on the competitiveness of many Pennsylvania companies. Olympus is however, pointing out that this rulemaking proposal is not consistent with Federal or Commonwealth legislation because CO₂ is not included.

While PADEP doesn't specifically address CO₂ in the proposal, it is obvious that by using \$93.87 as the projected fee to be assessed for each ton of regulated pollutant in their public presentations to their Air Quality Technical Advisory Committee (AQTAC) that they do not envision CO₂ as part of the rule. Because the PA APCA at Section 6.3 (c) specifically prohibits the collection of fees that are more than are necessary to fund the Title V program and the mass emissions of CO₂ from Title V

sources and the limitation to only collect necessary fees the cost per ton would have to be much lower if CO₂ is included among the regulated pollutants for which an emissions fee is assessed. Based on the amount of Title V emissions fee revenue the PADEP identified in two options, the inclusion of CO₂ as a regulated pollutant would require a Title V emission fee in a range of \$7.84 per ton to \$10.21 per ton to provide the desired annual revenue, see Exhibit 12 for the estimation of the Title V emissions fee when CO₂ is included as a regulated pollutant.

If it isn't addressed by amending the PA APCA to exclude CO₂, then the emission fee of \$85 per ton in Title 25 Pa. Code §127.205 must be revised to a lower value in the range identified in these comments or be in violation of the PA APCA.

As previously stated, Olympus does not support the inclusion of CO₂ as a regulated pollutant for assessing Title V fees. If this were to occur, almost every major source in Pennsylvania would be paying an annual CO₂ emissions fee of \$31,360 to \$40,840, as well as annual emissions fees for all of the other regulated pollutants that they emit, albeit at the reduced price per ton for each regulated pollutant.

It is also noteworthy that PADEP clearly understands the significance of the Title V emission fee issues associated with CO₂. Previously, in the PA Bulletin PADEP specifically stated that CO₂ would be addressed in this rulemaking process, see Exhibit 13 for the Pennsylvania Bulletin notice published on April 23, 2016.

What is important is that this proposed rulemaking cannot exclude CO₂ without the amendment of the PA APCA and which, at that time, the amendments to the PA APCA should not only exclude CO₂ from Title V fees, but also to facilitate alternative methods for the assessment of fees consistent with the alternative method proposed

by Olympus to assess the Title V fees on a net MWh basis for the electric generating sources that are regulated as Title V major sources.

Conclusion

Thank you for the opportunity to provide these comments to these proposed amendments to Chapters 121 (relating to general provisions) and 127, Subchapters F and I (relating to operating permit requirements; and plan approval and operating permit fees) as set forth in Annex A.

Olympus strongly supports the development of a funding mechanism that provides for adequate and sustainable Title V program funding and believes that this PADEP proposal does not accomplish those goals. The proposal instead perpetuates the program that based on the recent history of emissions reductions in Pennsylvania from the electric generation sector, is exactly what has resulted in the insufficient and unsustainable PADEP Title V program. To change this situation, it is necessary to re-envision the Title V funding mechanisms for the industry sector that has been funding the majority of the Pennsylvania Title V program since the beginning of the Title V program, the electric generating sector. Simply stated, the PADEP cannot continue to rely upon the coal-fired and coal refuse reclamation to energy EGUs to continue to fund the majority of the Title V program. The reduction in the emission rates from these units, the reduced operations of these units, the fuel conversion of these units to natural gas and the replacement of the retired units with natural gas-fired electric generation have led to a situation where the Title V program will have lost even more revenue prior to the implementation of this proposal.

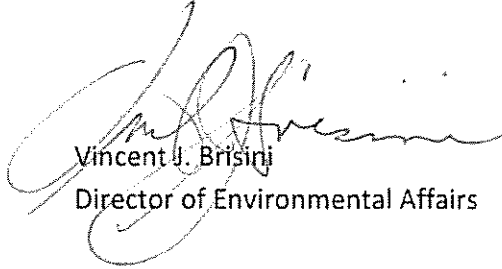
Now is the time to take the action to address these Title V funding issues. By adopting the alternative solution for the Title V affected electric generating sources that is proposed by Olympus where the fees are assessed equally to all electric generating sources, the funding dynamics are completely changed. Currently if a large coal-fired plant retires and is replaced by an equal sized natural gas-fired plant then over \$750,000 in Title V emissions fee for just SO₂ and NO_x are lost and replaced with a source or sources that only provide about \$25,000 in Title V revenue through emissions fees for SO₂ and NO_x. See Exhibit 9 for the Title V SO₂ and NO_x emissions fees that will be paid for 2018 emissions for each of the fuels by the sources reporting to EPA's CAMD.

Failure to address the funding mechanism to provide for adequate and sustainable funding for the Pennsylvania Title V not only affects the electric generating sector, but it will also affect the other industries as they will ultimately be burdened with even higher emissions fees upon the retirement or fuel switching of more coal-fired and coal refuse reclamation to energy EGUs.

The sustainability of the PADEP Title V program funding will either be addressed now, as is envisioned in the Olympus proposal, or it will certainly be addressed in the future after additional coal-fired and coal refuse reclamation to energy EGUs are retired or converted to natural gas and the Title V revenue from those sources is lost.

If the Agency has any questions about these comments, please contact me at vbrisini@olympuspower.com or at 814-322-6247.

Respectfully submitted,



Vincent J. Brisini
Director of Environmental Affairs

cc: Sean P. Lane, Olympus Power, LLC Dennis T. O'Donnell, Olympus Power, LLC