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Clean Power Plan: Arkansas Department of Environmental Quality/Arkansas Public Service Commission Joint Comments on Proposed "Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; ..."

Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality and the Arkansas Public Service Commission (collectively "ADEQ") submitted joint January 21st comments to the United States Environmental Protection Agency ("EPA") addressing the proposed "Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations" ("Proposal"). See Docket ID No. EPA-HQ-OAR-2015-0199.

As an initial matter, ADEQ provides a caveat in submitting its comments. The agencies state:

... we recognize and support the Arkansas Attorney General's legal challenges to the Clean Power Plan and its ancillary components. Submittal of these comments does not indicate that the Agencies support the Clean Power Plan. Rather, we are continuing to explore strategies for Arkansas to retain control and influence over our future, and to allow for growth in our state as our economy continues to expand.

The 29 pages of ADEQ comments address the following topics:

- 111(d) Regulatory Framework Amendments
- EPA Action on State Plans
- Sources that Modify or Reconstruct
- State-determined Allocations
- Treatment of States Entering or Existing the Trading Program
- Support for State Implementation
- Federal Plan and Model Trading Rules Structure

- Federal Plan Approach and Timing of the Final Federal Plan and Model Trading Rules
- Market Liquidity of Compliance Instruments
- Eligibility of Biomass as a Carbon Reduction Measure
- Affected EGUs
- Reliability
- Permitting Requirements
- Interaction with other EPA rules
- Rate-based Implementation Approach
- Compliance
- Eligibility of Measures for ERC Issuance under the Federal Plan
- ERC Issuance
- Liability Risk for ERC Validity
- Mass-based Implementation Approach
- Compliance
- Allowance Recordation
- Allocation Methods for Units that change Status
- Allocation Methods to Address Leakage
- Clean Energy Incentive Program
- Commencement Date for Eligible Projects
- Wind/Solar and Low-Income EE Split for EPA Early Action Credits
- Distribution of EPA Early Action Credits
- State Matching of Early Action Credits

[Click here to download a copy of the comments.](#)