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Thursday, April 21, 2016

## DEP report: WV emissions plan has little impact on coal's future

by **Ken Ward Jr.**, Staff Writer



AP file photo

West Virginia regulators and lawmakers have limited ability to blunt any impact that the Obama administration's greenhouse emissions reduction plan would have on the coal industry, the state Department of Environmental Protection said in a much-anticipated report made public Thursday.

In the [109-page report to the West Virginia Legislature](#), the DEP said compliance with the U.S. Environmental Protection Agency's Clean Power Plan is "feasible from an economic standpoint," but it would require some changes in laws to give the state agency more flexibility in writing the compliance plan.

The DEP report, while arguing that action by West Virginia — or the United States — alone won't curb climate change, also acknowledges, in an unusually frank way for a state agency in a coal state, that targeting coal-fired power plants for carbon dioxide emissions cuts makes sense.

"Power plants are the largest category of greenhouse gas emissions in the United States," the DEP report says. "Therefore, they occupy a high profile among potential targets for regulation."

The report adds that the EPA's rule targeting coal-fired plant emissions, "in combination with other federal environmental regulations and the forces of a changing energy market place, can be expected to have a profound impact on West Virginia's power industry, coal industry and overall economy."

Currently, the EPA emissions reductions rule [is stalled](#), blocked by a U.S. Supreme Court order sought by West Virginia Attorney General Patrick Morrisey and others. The case challenging the EPA rule is now pending before the U.S. Court of Appeals for the District of Columbia, with an argument scheduled for early June. A decision by the appeals court could come by this fall. An appeal of that decision to the Supreme Court, by whichever side loses, could be heard sometime in 2017.

The EPA rule gives states the freedom to make their own plans to meet carbon dioxide emissions reductions that scientists say [are urgently needed to avoid the most serious impact from climate change](#). The United Nations Intergovernmental Panel on Climate Change, for example, has said the warming of the planet is "unequivocal," citing evidence that includes temperature measurements, melting glaciers, declining sea ice and increased concentrations of greenhouse gases.

Last year, West Virginia lawmakers opposed to the EPA measure passed legislation that mandated the DEP perform a “feasibility study” of a state compliance plan for the EPA rule.

The new DEP report notes that a compliance plan would deal only with West Virginia power plants and energy producers. Accordingly, the report says, “the impact of a West Virginia state plan on state coal production is limited to the 15 percent of our coal production that is consumed in the state.”

“If [the] EPA’s rule survives the legal challenges, there are forty-six other states that must either develop a state plan or face the imposition of an EPA-developed federal plan,” the DEP report says. “Decisions these other states and the EPA make are beyond the control of the WVDEP or the West Virginia Legislature.”

Morgantown environmental consultant Evan Hansen, [co-author of independent reports](#) that examined West Virginia’s Clean Power Plan options, said that the state has two basic options: Utilities could comply with emissions mandates by buying allowances based on low-carbon energy projects elsewhere or they could comply by putting those cleaner energy projects in West Virginia.

The allowance approach, Hansen said, means that West Virginia utility customers would end up “subsidizing the creation of jobs across the country.”

“To me, that doesn’t seem like the best approach,” Hansen said. “We should create the jobs here in West Virginia.”

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