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Final EPA plan 'a much tougher road' for WV

by Ken Ward Jr., Staff writer

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West Virginia faces a requirement for tougher emissions cuts under [a final federal rule](#) aimed at curbing greenhouse gas pollution from the nation's power plants, according to U.S. Environmental Protection Agency documents and interviews with experts who are reviewing the EPA's "Clean Power Plan," released earlier this week.

The [EPA's final rule](#) includes [a target reduction in the state's power plant carbon dioxide emission rate](#) of nearly 37 percent, compared to [a proposed reduction](#) of about 20 percent contained in the [draft rule that was made public in June 2014](#).

The increased reduction makes the job of finding a West Virginia-specific compliance plan significantly more difficult, but far from impossible, said James Van Nostrand, a West Virginia University law professor and energy expert who has been studying the issue.

"It's a much tougher road for us," said Van Nostrand, who is director of the WVU College of Law's Center for Energy and Sustainable Development. "It's going to mean more renewables, more co-firing and more energy efficiency."

Over the past year, Van Nostrand's center has partnered with the Morgantown consulting firm Downstream Strategies on reports aimed at providing [some broad examination](#) of how West Virginia could comply with the EPA's proposed greenhouse gas plan and then spelling out [specific compliance paths](#) the state might consider taking.

Among other things, the reports recommended West Virginia officials consider ramped up solar- and wind-power generation, improvements in the efficiency of existing coal-fired power plants, continued growth in the natural gas industry and [better programs for utilities to fund energy efficiency](#) in homes and businesses.

Van Nostrand noted that some EPA critics have complained about the fact that the agency's proposed rule contained widely varying targets among the states, creating concern among agency officials that these varying targets would be used to argue in court cases that the rule is arbitrary. Agency officials reacted to those comments and greatly narrowed the range of the targets, removing a bit of a cushion that the proposed rule gave to coal states, Van Nostrand said.

Overall, the EPA's final rule would reduce power-sector carbon dioxide emissions 32 percent by 2030, compared to 2005 levels. Climate scientists say significant reductions in greenhouse gases are needed, to stop the worst impacts of climate change.

Under the final rule, West Virginia's rate-based target for 2030 would be 1,305 pounds of carbon dioxide per megawatt-hour of electricity generated, a reduction from the current base rate of 2,064. The proposed rule included a West Virginia target rate of 1,620 pounds per megawatt-hour, compared to a

base rate of 2,019. The final rule also contains an alternative mass-based limit for West Virginia of 51 million tons of carbon dioxide emissions, a reduction from the 2012 figure of 72 million tons. The proposed rule did not contain a mass-based limit.

"While states are given more time to prepare plans and to begin achieving reductions, the 2030 goal for West Virginia is much more stringent than under the proposed rule," Van Nostrand said.

During [a conference call on Sunday](#), when the final rule was previewed for some journalists, EPA Administrator Gina McCarthy acknowledged that changes from the proposed rule meant that "the major differences between the states will be much more narrow" but said all states will still have great flexibility to come up with their own compliance plans.

"All of these standards remain reasonable and achievable for every single state," McCarthy said. "They're all entirely doable, and it's affordable, and it will not threaten energy reliability or affordability."

Most West Virginia political leaders from both major parties have been harshly critical of the proposed and the final versions of the Obama administration's climate change initiative, while providing little in the way of specific plans of their own for curbing power plant greenhouse emissions.

Attorney General Patrick Morrisey, a Republican, and the state's largest coal producer, Murray Energy, have said they will sue the EPA to try to block the Clean Power Plan. Gov. Earl Ray Tomblin, a Democrat, said the final rule's requirements for West Virginia are "unreasonable, unrealistic and unattainable," but he added that he is still undecided on a Republican effort to convince states to boycott the EPA effort by refusing to submit compliance plans.

Sen. Shelley Moore Capito, R-W.Va., said legislation that she sponsored and has called the "[principal legislative vehicle](#)" to blocking the EPA plan would be taken up today by the Senate Environment and Public Works Committee's Clean Air and Nuclear Safety Subcommittee, which Capito chairs.

"Now that the Clean Power Plan is finalized," Capito said, "the need for congressional action is even more apparent."

The [legislation](#) states, among other things, that the Clean Power Plan "shall be of no force or effect."

David Doniger, director of the climate and clean air program at the Natural Resources Defense Council, [has said](#) the bill is a "big polluters' wish list."

Sen. Joe Manchin, D-W.Va., is a co-sponsor of Capito's legislation and [issued a statement Monday night](#) that criticized the EPA, saying the agency's final rule "flat out ignored the Department of Energy's data that says coal will still produce more than 30 percent of our electricity through 2040."

"Our president and his administration think our country can do without coal, and they are dead wrong," Manchin said. "They are in denial. They deny the cold-hard fact that coal continues to generate almost 40 percent of the electricity in America, and it will play an essential role in our energy portfolio for the next thirty years."

Actually, the EPA included detailed discussions of coal's role in the past, current and future U.S. energy mix in [its proposed rule](#), and in the [final rule](#) and an accompanying [regulatory impact analysis](#) made public Monday.

The EPA had said that, [under its proposed rule](#), coal would continue to fuel about 30 percent of the nation's electricity generation by 2030. For many years, coal provided half or more of the nation's electricity, but that share has

been declining in recent years in the face of fierce competition from inexpensive natural gas. Last year, coal produced 39 percent of U.S. electricity, [according to the Energy Department's Energy Information Administration](#).

Melissa Harrison, a spokeswoman for the EPA, said the agency's analysis projects that coal would produce about 27 percent of the nation's electricity in 2030 under the final rule.

"We expect that the main impact of this rule on the nation's mix of generation will be to reduce coal-fired generation, but in an amount and by a rate that is consistent with recent historical declines in coal-fired generation," the EPA said in its regulatory-impact report. "Specifically, from approximately 2005 to 2014, coal-fired generation declined at a rate that was greater than the rate of reduced coal-fired generation that we expect to result from this rulemaking from 2015 to 2030.

"In addition, under this rule, the trends for all other types of generation, including natural gas-fired generation, nuclear generation, and renewable generation, will remain generally consistent with what their trends would be in the absence of this rule."

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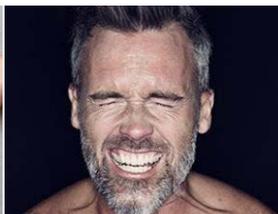
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