

TESTIMONY OF  
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BEFORE THE  
HOUSE COMMITTEE ON ENERGY AND COMMERCE  
SUBCOMMITTEE ON ENERGY AND POWER  
UNITED STATES HOUSE OF REPRESENTATIVES

**“Impacts of the Cross-State Air Pollution Rule  
on the ERCOT System”**

September 14, 2011

Good morning, Chairman Whitfield, Ranking Member Rush and members of the Subcommittee on Energy and Power. My name is Trip Doggett and I am CEO of the Electric Reliability Council of Texas. ERCOT manages the flow of electric power to 23 million Texas customers --representing 85% of the electric load in the state and 75% of the land area. You have asked me to come before the Subcommittee today to discuss our report on the impacts of the Cross-State Air Pollution Rule (CSAPR) on the ERCOT system. Thank you for the opportunity to testify here today.

## Summary

In July, ERCOT was asked by the Public Utility Commission of Texas (PUCT), to evaluate the impacts of the CSAPR on the reliability of the ERCOT grid. The ERCOT analysis included meetings with representatives of the Texas Commission on Environmental Quality and the U.S. Environmental Protection Agency, review of the compliance strategies provided by the owners of coal-fired resources in the ERCOT region, and consolidation of these compliance strategies for purposes of evaluating system-wide impacts.

Based on the information provided by the resource owners, ERCOT developed three scenarios of potential impacts from CSAPR. The first scenario, derived directly from the compliance plans of individual resource owners, indicates that ERCOT will experience a generation capacity reduction of approximately 3,000 MW during the off-peak months of March, April, October and November, and 1,200 – 1,400 MW during the other months of the year, including the peak load months of June, July and August. Scenario 2, which incorporates the potential for increased unit maintenance outages due to repeated daily dispatch of traditionally base-load coal units, results in a generation capacity reduction of approximately 3,000 MW during the off-peak months of March and April; 1,200 – 1,400 MW during the remainder of the first nine months of the year; and approximately 5,000 MW during the fall months of October, November and possibly into December. Scenario 3 includes the impacts noted for Scenario 2, along with potential impacts from limited availability of imported low-sulfur coal. This scenario results in a generation capacity reduction of approximately 3,000 MW during the off-peak months of March and April; 1,200 – 1,400 MW during the remainder of the first nine months of the year; and approximately 6,000 MW during the fall months of October, November and possibly into December.

When the CSAPR rule was announced in July, it included Texas in compliance programs that ERCOT and its resource owners had reasonably believed would not be applied to Texas. In addition, the rule required implementation within five months – by January 2012. The implementation timeline provides ERCOT an extremely truncated period in which to assess the reliability impacts of the rule, and no realistic opportunity to take steps that could even partially mitigate the substantial losses of available operating capacity described in the scenarios examined in this report. In short, the CSAPR implementation date does not provide ERCOT and its resource owners a meaningful window for taking steps to avoid the loss of thousands of megawatts of capacity, and the attendant risks of outages for Texas power users.

If the implementation deadline for CSAPR were significantly delayed, it would expand options for maintaining system reliability. ERCOT is advancing changes in market rules – such as increasing ERCOT's ability to control the number and timing of unit outages and expanding demand response – that could help avert emergency conditions. These measures will not,

however, avoid the losses in capacity due to CSAPR that increase the risk of such emergencies. As discussed in this report, those losses will, at best, present significant operating challenges for ERCOT, both in meeting ever-increasing peak demand and in managing off-peak periods in 2012 and beyond.

## Introduction

ERCOT was asked by the Public Utility Commission of Texas (PUCT) in the Open Meeting on July 8, 2011, to evaluate the impacts of the Cross-State Air Pollution Rule (CSAPR) on the reliability of the ERCOT grid. The final language of the CSAPR was released by the U.S. Environmental Protection Agency (EPA) on July 6, 2011, and was published in the Federal Register on August 8, 2011.

The CSAPR is one of several environmental rules proposed by EPA that affect electric generation. The CSAPR includes three separate compliance programs: an annual SO<sub>2</sub> program, an annual NO<sub>x</sub> program, and a peak season NO<sub>x</sub> program (for emissions during the peak ozone season of May – September). In the proposed rule (then known as the Clean Air Transport Rule [CATR]), Texas was only included in the peak season NO<sub>x</sub> program. Based on the proposed rule, an ERCOT study completed on June 21, 2011, evaluating the expected impacts of the pending regulations, did not include any incremental impacts from the CATR on the ERCOT system.

In the CSAPR rule actually adopted by the EPA, however, Texas is included in all three compliance programs - the peak season NO<sub>x</sub> program, the annual NO<sub>x</sub> program, and the annual SO<sub>2</sub> program. The implementation date for the CSAPR is January 1, 2012.

In order to accomplish this review, ERCOT undertook several activities.

- ERCOT reviewed documentation published on the EPA web-site regarding the rule.
- ERCOT met with representatives of the Texas Commission on Environmental Quality (TCEQ) and the EPA.
- ERCOT consulted with environmental experts from several of the generating entities in the ERCOT region whose facilities were likely to be affected by the CSAPR regulations. The purpose of these meetings was to ascertain the likely compliance plans for those resources owners.
- These compliance plans were aggregated so that ERCOT could evaluate the likely impacts to grid reliability.

## Rule Description

The CSAPR is being implemented in order to address the interstate transport of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>). The rule is a replacement for the Clean Air Interstate Rule (CAIR), which was implemented in 2005. The CAIR was remanded to the EPA by the United States Court of Appeals for the District of Columbia Circuit in 2008. In the CAIR program, Texas was regulated for particulate matter emissions (annual NO<sub>x</sub> and SO<sub>2</sub> emissions).

Under CSAPR, generating units in Texas will be regulated for annual emission of SO<sub>2</sub> and NO<sub>x</sub>, as well as emissions of NO<sub>x</sub> during the peak season (May – September). Each unit will be given a set allocation of emissions allowances. At the end of the calendar year, resource owners must turn in one allowance for each ton of emissions or be subject to penalties. Intra-state trading of allowances between resource owners is unlimited in the rule. However, interstate trading of



## Compliance Options

Resource owners have several near-term compliance options to meet the emissions limits established by the CSAPR. In order to reduce SO<sub>2</sub> emissions, lower sulfur content fuel can be used. In the case of plants that are currently burning lignite coal, or a mix of lignite and sub-bituminous coals (such as coal from the Powder River Basin [PRB] region of northwest Wyoming), increasing the use of low sulfur western coal will reduce SO<sub>2</sub> emissions. Units that currently are being fueled exclusively by western sub-bituminous coals can be switched in whole or in part to ultra-low-sulfur western coals.

In the near-term, the demand for lower sulfur coal is expected to exceed the mining capacity and/or the railroad capacity necessary to deliver the coal to Texas. In addition, the use of lower sulfur coals can result in unit capacity derates due to increased heat content of the fuel. Unit modifications to resolve any such derates may require modifications to the unit's air emissions permit.

Existing SO<sub>2</sub> control equipment, such as wet-limestone scrubbers, can be utilized more frequently than is current practice, and in some cases the effectiveness of this equipment can be increased. This option only applies to a small subset of coal plants in ERCOT, and the use of scrubbers results in a decrease in maximum net output from the affected units of about 1 to 2 percent.

The use of dry sorbent injection is another compliance option to reduce SO<sub>2</sub> emissions. Dry sorbent compounds, such as sodium bicarbonate and trona, can be injected into a flue duct where they react with SO<sub>2</sub> (and acid gases) to form compounds that can be removed using an electrostatic precipitator (ESP) or baghouse. Resource owners exploring this option anticipate that it will provide a 25 – 30% reduction in emissions of SO<sub>2</sub> on units without existing SO<sub>2</sub> control equipment. The use of dry sorbent injection may require public notice or air permit modification.

Most of the low cost options to reduce NO<sub>x</sub> emissions have been utilized to comply with existing air quality regulations. Further reductions will likely require high capital cost unit retrofits, including the addition of selective non-catalytic reduction (SNCR) or selective catalytic reduction (SCR) technologies. Any such unit changes would require several years for permitting, design and construction.

The remaining option for reducing SO<sub>2</sub> and NO<sub>x</sub> emissions will be reducing unit output, either through dispatching units down to minimum levels during the off-peak hours and up to maximum capacity during peak afternoon hours, or through extended unit outages. Some of the traditionally base-loaded units will experience increased maintenance outages due to this daily dispatch pattern. These same base-load units have long start-up requirements, which could make them unavailable for operation during some off-peak extreme weather events.

## Study Methodology

In order to evaluate the potential impacts associated with implementation of the CSAPR, ERCOT met with representatives of the TCEQ and the EPA to evaluate details of the rule and its implementation. ERCOT also reviewed compliance strategies provided by the owners of coal-fired resources in the ERCOT region. ERCOT consolidated these compliance strategies for purposes of evaluating system-wide impacts.

## CSAPR Impacts

The compliance strategies of individual resource owners were compiled and consolidated to determine the aggregate impacts on the ERCOT system. This analysis indicates that, of the three CSAPR programs, the annual SO<sub>2</sub> program is likely to be the most restrictive on the ERCOT system. Even though individual units may have emissions in excess of the peak season or annual NO<sub>x</sub> limits, Texas as a whole is likely to be below the state-wide limit, indicating that resource owners can achieve compliance through trading of NO<sub>x</sub> emissions allowances. An extended hot summer, such as the one experienced in 2011, may result in limited availability of peak season NO<sub>x</sub> emissions, and a need to obtain additional allowances from out-of-state.

In consolidating the compliance strategies from the resource owners, it became apparent that each resource owner was assuming a level of effectiveness of the various compliance options identified. While many of these compliance plans are likely to be adequate, given the risks associated with each compliance option, it is unlikely that all of the resource owners' plans will function as designed. For example, the use of dry sorbent injection on the scale required to attain compliance at certain facilities may perform as anticipated, but its use in this context is novel and may involve unexpected complications. As a result, ERCOT has developed three compliance scenarios in order to assess the potential risks to the system based on different assumptions regarding implementation of compliance strategies.

The first scenario is derived directly from the compliance plans of individual resource owners. Based on the information that ERCOT has been given, in this scenario, the ERCOT region will experience an incremental reduction in available operating capacity of approximately 3,000 MW in the off-peak months of March, April, October and November, and an operating capacity reduction of 1,200 – 1,400 MW during the other months of the year, including the peak load months of June, July and August. Capacity reductions in the off-peak months are expected to be greater because power prices are lower during these periods, making them a more attractive time for resource owners to take extended outages to conserve allocated allowances.

The second scenario is derived from the first, but includes the additional assumption that the increased dispatching of base-load units will lead to increased maintenance outages, especially in the fall months. Over the course of the spring months it may become increasingly apparent that dispatching specific units is leading to extensive maintenance requirements. In these cases it may be cost-effective to idle these units rather than dispatch them down to minimum levels during off-peak hours. These units would likely be run through the summer peak months, but then would be idled for an extended period in the fall in order to conserve allocated allowances. Given this additional constraint, it is likely that ERCOT would experience an incremental loss of approximately 3,000 MW of capacity in the off-peak months of March and April, approximately 1,200 – 1,400 MW during the remainder of the first nine months of the year, and approximately 5,000 MW of capacity during the fall months of October, November and possibly into December.

The third scenario is derived from the second, with the added consideration of possible near-term market limitations on the availability of imported low-sulfur coals, either due to nationwide demand exceeding mine output capacity or railroad shipping capacity. In the event of such limitations, coal plant resource owners would be forced to rely on higher sulfur coals during the spring and the peak season summer months. As a result, they would be forced to further reduce unit output in the fall months, beyond what is currently included in their compliance strategy, and could be required to decommit additional capacity in October and November in order to conserve allocated allowances. As a result, given these assumptions, it is

likely that ERCOT would experience an incremental loss of approximately 3,000 MW of capacity in the off-peak months of March and April, approximately 1,200 – 1,400 MW during the remainder of the first nine months of the year, and approximately 6,000 MW of capacity during the fall months of October, November and possibly into December.

## Discussion

The scenarios analyzed in this study represent best-case (Scenario 1), and two cases with increasing impacts to system reliability. Scenarios 2 and 3 are based on the occurrence of events that are reasonably foreseeable given the circumstances facing generation resources attempting to comply with the CSAPR. Even in the best-case scenario, ERCOT is expected to experience a reduction in available operating capacity of 1,200 – 1,400 MW during the peak season of 2012 due to implementation of the CSAPR. Had this incremental reduction been in place in 2011, ERCOT would have experienced rotating outages during days in August. Off-peak capacity reductions in the three scenarios evaluated as part of this study, when coupled with the annual maintenance outages that must be taken on other generating units and typical weather variability during these periods, also place ERCOT at increasing risk of emergency events, including rotating outages of customer load.

There are numerous unresolved questions associated with the impacts of the CSAPR on the ERCOT system. It is important to note that the resource owners have had less than two months to develop compliance plans for the new rule. These plans are still preliminary and based on assumptions regarding technology effectiveness, fuel markets, impacts of altered unit operations on maintenance requirements, and the cost-effectiveness of modifying and operating units to comply with the CSAPR. The overall system impacts noted in this study will change if these individual compliance strategies are adjusted to take into account updated information.

The availability of SO<sub>2</sub> allowances for purchase by resource owners in Texas is a significant source of uncertainty at this time. A lack of allowances for purchase from out-of-state resources will likely increase the severity of the CSAPR rule. Many resource owners expressed their concern that parties that have excess allowances may, at least initially, hold on to their excess, in order to maintain flexibility and future compliance options. Given the penalties for non-compliance, resource owners are unlikely to exceed the number of allowances they have in hand, with the expectation that allowance markets will open up later in the year. It may be that some resource owners will keep their excess allowances until it becomes clear that they will not be needed, late in the year. Other resource owners may have to shut units down in the early fall in order to conserve allowances.

In addition, the information ERCOT has received indicates there will not be a liquid market throughout the year for allowances, which will make it difficult to determine the appropriate value of allowances to compensate resource owners for operations associated with reliability commitments, such as through the daily or hourly reliability unit commitment process. It may be necessary to administratively establish a value for these allowances through the market stakeholder review process.

It is also possible that the impacts of CSAPR will increase in 2013 and 2014. In those years, it is unlikely that resource owners will have any additional options for rule compliance. Increased dispatching of base-load units will likely continue to lead to extended maintenance outages, and delivered availability of low sulfur western coals is likely to remain limited. In addition to these factors, some resource owners will be placing units on extended outages to install

emission control technologies, such as wet-limestone scrubbers and possibly selective catalytic or selective non-catalytic reduction equipment. These retrofit outages could further reduce the generation capacity available during off-peak months.

Due to the numerous uncertainties, ERCOT cannot confidently estimate a “worst case” scenario at this time. Combinations of particular events may result in reductions in operating capacity that exceed those identified in Scenario 3, and thus further increase the risk of increasingly frequent and unpredictable emergency conditions, including the potential for rotating outages. The best outcome ERCOT can expect occurs if Scenario 1 is realized (*i.e.*, all generation resources’ current plans come to fruition), and, as discussed above, Scenario 1 appreciably increases risks for the ERCOT system, in both the on-peak and off-peak months.

## **Conclusion**

When the CSAPR rule was announced in July, it included Texas in compliance programs that ERCOT and its resource owners had reasonably believed would not be applied to Texas. In addition, the rule required implementation within five months – by January 2012. The implementation timeline provides ERCOT an extremely truncated period in which to assess the reliability impacts of the rule, and no realistic opportunity to take steps that could even partially mitigate the substantial losses of available operating capacity described in the scenarios examined in this report. In short, the CSAPR implementation date does not provide ERCOT and its resource owners a meaningful window for taking steps to avoid the loss of thousands of megawatts of capacity, and the attendant risks of outages for Texas power users.

If the implementation deadline for CSAPR were significantly delayed, it would expand options for maintaining system reliability. ERCOT is advancing changes in market rules – such as increasing ERCOT’s ability to control the number and timing of unit outages and expanding demand response – that could help avert emergency conditions. These measures will not, however, avoid the losses in capacity due to CSAPR that increase the risk of such emergencies. As discussed in this report, those losses will, at best, present significant operating challenges for ERCOT, both in meeting ever-increasing peak demand and in managing off-peak periods in 2012 and beyond.