

United States Senate
WASHINGTON, DC 20510

December 1, 2014

Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mailcode 28221T
Attention Docket ID No. OAR-2013-0602
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

First, let me commend you and your agency for tackling one of the gravest threats that we currently face – climate change. Second, I would like to note that, in outline, the Environmental Protection Agency’s (EPA) proposed rule under 111(d) is the way that Washington should regulate – by setting a target and allowing states to develop their own means of meeting it. This cooperative federalism should lead to the best possible result. It is my hope that the final version of the rule will put the power generation sector on a cleaner path, while spurring investment and creating jobs, all done in a customized way for each state.

I would like to note a few things that I believe are critical to achieving this goal. Without the proper adjustments, the final rule may be difficult to implement and may not adequately – or equitably – reduce carbon emissions from our power generation sector. I urge you to consider making the below changes. Without addressing these, and similar concerns, the final rule will be weakened.

1. **Compliance:** I read the draft rule to allow the Regional Greenhouse Gas Initiative to be utilized as a compliance mechanism, and I look forward to the final rule clearly reflecting this.
2. **Biogenic Carbon:** According to the Energy Information Administration, twenty-five percent of Maine’s net electricity production in 2013 was from biomass resources, the highest in the nation. Maine is not unique – many other states also heavily rely on renewable biomass for generation. I was very encouraged by EPA’s November 19, 2014 memorandum to its regions regarding biomass emissions and I understand it to mean that biomass is an important renewable energy pathway for states to reach their targets under 111(d). In terms of sustainably managed forests, carbon stocks are increasing – both nationwide and in Maine. Accordingly, I encourage your agency to treat biomass as simply and as geographically broadly as possible.
3. **Hydroelectric and Biomass Generation:** Maine is fortunate to have ample hydroelectric and biomass generation capacity, but I am concerned that there is an error in the draft rule. It appears that there is disparate treatment of these renewables between the standard-setting methodology for a state and what counts toward compliance with that standard. Simply put, the final rule should resolve this mismatch.

4. Regionalized Goals: Maine already produces more than half of its electricity from renewables – much of which we export to the rest of the region, which has helped the Northeast be a leader in carbon reduction. The final 111(d) rule, accordingly, must use a metric that regionalizes state goals, with the above-noted hydro and biomass correction. Any renewable goals must be regionalized to be fair to states with existing renewables that serve regional needs.
5. Equity for Early Adopters: The Northeastern states that participate in RGGI have been national leaders in carbon dioxide reduction. Yet, the draft rule appears to ask more of our states than of other states across the country. It would be extremely unfortunate if the result of 111(d) were that the Northeast was disadvantaged for being an early leader on carbon emission reductions.

Thank you for your consideration of these comments. I look forward to working with you to achieve the best possible final version of this historic rule.

Sincerely,

A handwritten signature in blue ink that reads "Angus King" with a horizontal line extending to the right.

ANGUS S. KING, JR.
United States Senator