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Submitted via email to: rulecomments.dep@maine.gov

Mr. Jeffrey Crawford
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

RE: Comments of Vistra Energy on Clean Air Act (CAA) Section 176A(a)(2) Ozone Transport Region Petition; August 10, 2018

Dear Mr. Crawford:

Vistra Energy Corp.,¹ the ultimate parent company of Casco Bay Energy Company, LLC,² submits these comments in support of Maine's proposed § 176A(a)(2) petition to the United States Environmental Protection Agency (EPA) for the removal of certain areas within the State from the Ozone Transport Region (OTR).

Vistra Energy commends the great strides Maine has made in reducing emissions of nitrogen oxides (NOx) and volatile organic compounds (VOCs), which contribute to the formation of ozone. The technical analysis provided in Maine's § 176A(a)(2) petition demonstrates that the State has been and continues to be in attainment with the National Ambient Air Quality Standards (NAAQS) in the areas petitioned for removal from the OTR. Further, as noted by the DEP, Maine's emissions sources have negligible impact on the ozone attainment status of other areas located within the OTR.

Continued inclusion of Maine in the OTR negatively impacts Casco Bay Energy Company by imposing regulatory requirements that provide no appreciable environmental benefits and by also stifling the development of projects that could have tangible economic upside for local communities. Electricity generation is a commodity that is produced in real-time at the moment it is needed, which requires Casco Bay Energy Facility to continuously look for ways to increase efficiency, decrease costs, remain competitive, and be responsive to the demands of the market and consumers by evaluating technology and capital improvement projects. Depending on the nature of these projects, New Source Review requirements can be triggered, as the attainment status of a region dictates the permitting review required.

For example, as a result of being included in the OTR, areas of Maine that are attaining the ozone standard have been subject to the more stringent nonattainment permitting requirements, and an increase in air emissions typically requires a modification of the Air Emission License from the DEP. Moreover, the application of the

¹ Vistra Energy Corp. generates and sells electricity and related products from its approximately 40,000 MW generation fleet that spans twelve states and six of the seven competitive markets in the United States.

² The Casco Bay Energy Facility is a 543 megawatt gas-fired facility located in Veazie, Maine.

Lowest Achievable Emission Rate (LAER) technology and requirement to obtain offsets result in potentially significant and uncertain costs that may impede or eliminate a project. For the OTR regions already in attainment, these additional costs are not driven by actual ozone attainment concerns. Removal from the OTR would allow Maine DEP to evaluate Best Available Control Technology which considers the costs and benefits of an emission control, unlike LAER.

Inclusion of Maine in the OTR imposes additional barriers and costs on businesses operating within the State. This results in economic disadvantages to Maine's business community without an appreciable increase in value to the environment. Data presented by the Maine DEP supports that fact that the areas in question have been and continue to be in compliance with the NAAQS and being in the OTR is not required. Therefore, Casco Bay Energy Company supports Maine's petition to opt out of the OTR.

Sincerely,



Susana M. Hildebrand, P.E.
Sr. Director, Environmental Policy

cc: jeff.s.crawford@maine.gov