NESCAUM
www.nescaum.org

The Clean Air Association of the Northeast States
101 Merrimac Street, 10th Floor Boston, MA 02114
Phone 617-259-2000 Fax 617-742-9162
Arthur N. Marin, Executive Director

May 30, 2007

Mr. Jorge Luna-Camara
Energy Information Administration
Electric Power Division, EI-53
Forrestal Building
U.S. Department of Energy
Washington, DC 20585

Re: Proposed Changes to Power Generator Data Collection Activities and Form EIA-767

Dear Mr. Luna-Camara:

NESCAUM offers the following comments on the U.S. Department of Energy, Energy Information Administration's (EIA's) proposal for its Electricity 2008 streamlining effort program, published on April 4, 2007 in the Federal Register (72 FR 16337-16341), entitled *Agency Information Collection Activities; Proposed Collection*. NESCAUM is the regional association of air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

Form EIA-767 Data are Critical for Environmental Pollution Prevention Programs, including Climate Change

The NESCAUM states, along with other states across the nation, have accepted delegation to implement and enforce the requirements of the federal Clean Air Act. Our programs, once approved by the U.S. Environmental Protection Agency (EPA) in State Implementation Plans (SIPs), are published in the Code of Federal Regulations. For many years we have relied on the Form EIA-767 data to comply with federal statutory requirements and to develop, implement, and enforce air pollution control programs. Form EIA-767 is unique among state and federal forms with respect to its detailed data. These data are necessary to track the environmental performance of power plants across the country, understand power plant emissions relative to the amount of electricity produced, and design sound cap-and-trade and energy efficiency programs. We will need access to *all* of this operational and static data into the future. We therefore urge you to ensure that, in your efforts to streamline EIA forms, all of the Form EIA-767 data remain accessible to the states. Without a national program, there would be a patchwork of state-based data collection efforts of varying quality and greater expense for power plant owners and the states.

As the Northeast states embark on efforts to develop and implement programs to address climate change, robust CO_2 emissions data from the power generation sector will not be the only necessity. For example, other data elements that EIA currently collects on Form EIA-767 will continue to be critical to support development, implementation, and enforcement of energy efficiency programs, including data fields relating to useful thermal output.

Collect the Calendar Year 2006 Data

Of particular concern to us is the fate of the calendar year 2006 (CY 2006) data. We understand that EIA rescinded all Form EIA-767 data collection activities for CY 2006 data due to fiscal year 2007 budgetary constraints. Loss of these data has affected and will continue to adversely affect the states' efforts to conduct regulatory analyses and to develop allocations for NOx, SOx, or CO_2 cap-and-trade scenarios based on recent facility operations. We urge EIA to collect the CY 2006 data when it collects the CY 2007 data under the Electricity 2008 program.

Maintain the Pool and Frequency of Form EIA-767 Respondents

Based on the wording in the Federal Register, there is no clear indication that the same sources would be required to continue to submit data at the same frequency as occurred under the Form EIA-767 program prior to 2006. We urge that the required parameters remain unchanged under the Electricity 2008 program in order to provide comparable, robust data sets into the future. This needs to be clearly stated when EIA finalizes its proposal so that no misunderstanding occurs among the states, EIA, respondents, and others after Electricity 2008 goes into effect.

Maintain Required Reporting of Useful Thermal Output and Related Data Elements

EIA has proposed to cease collecting reported useful thermal output data from respondents, with the reason cited that every source calculates this data element differently. EIA staff has indicated that it plans to develop a methodology, in consultation with ACEEE, to derive useful thermal outputs based on other reported data elements, which would apply to all units.

Useful Thermal Output Data are Critical to State Air Programs and Federal Requirements

Data on useful thermal outputs are critical to air pollution regulators for a number of reasons. These data are needed for states: (1) to ensure that sources are continuing to comply with federal New Source Performance Standards (NSPS); (2) to develop output based standards for cap-and-trade allocations at the state, regional, and national levels; and (3) to develop renewable energy portfolio standards and support energy efficiency programs, such as appropriately characterizing combined heat and power (CHP) operations.

We appreciate EIA's efforts to find a sound and robust methodology for calculating useful thermal output, based on other data collected. We are, however, concerned that a one-size-fits-all calculation methodology may neither be appropriate nor represent a more accurate surrogate than the data responders were previously reporting for useful thermal output. We recommend that EIA continue to collect useful thermal output data from respondents *while* concurrently exploring alternative methods for calculating these data. We further recommend that EIA engage in a public, peer-reviewed process to develop such methods to collect or generate useful thermal output data. This dual approach will ensure that necessary data continue to be collected

and also allows for these data to be quality assured/quality controlled once the new methodology is developed. We recommend that this methodology be developed in consultation with data end users such as the states' air and energy offices and the EPA. The NESCAUM states offer to participate in the process for developing this new methodology.

Other Data Elements are Important for Quantifying Useful Thermal Output

In order to accurately quantify the total useful thermal output from a combustion source, all of the various identifiable uses (e.g., direct heating, space heating and/or cooling, process steam, energy delivered to other end users) must be accurately quantified and reported so that compliance with output-based emission standards can be ensured. The continued collection and analysis of these data will also promote more efficient plant operation and level the regulatory playing field between competitive energy providers in the Northeast and nationally.

CHP facilities by definition generate electricity and useful thermal output in the form of heat. The proposed forms are incomplete, as they only contain the total MMBtu heat input from the Form EIA-920 and do not include the MMBtu for electricity. Unit-specific data on useful thermal output and electricity generated must be included on the new forms in order to provide a complete characterization of CHP facilities.

Useful Thermal Output Data should be Collected from all Sources

Based on the proposed forms and instructions, it appears that EIA is requiring reporting of CHP-related data only for non-regulated entities, i.e., entities not operated by utility companies. There is a population of utility-related CHP operations, and without data from these entities the database is incomplete and cannot fully serve states' needs. EIA should be collecting data from *all* CHP systems, regardless as to whether or not EIA considers them to be regulated or non-regulated entities. As part of their energy efficiency programs, states must be able to characterize all sources of useful energy produced by all of their power producing facilities, and be able to assess the overall efficiency of those operations.

Continue Collecting Other Data Elements Proposed for Elimination

EIA proposes to eliminate three sets of data previously collected through Form EIA-767. Without these data, states will be impeded in their ability to evaluate the costs and benefits of environmental control technologies, to conduct air quality modeling and ensure that public health impacts are accurately portrayed, to create output-based standards that encourage efficient facility operation, and to conduct other analyses for evaluating the impacts of various types of power generation facilities with respect to air pollution.

1. Operating & Maintenance Expenditures

EIA proposes to eliminate data on total operating and maintenance (O&M) expenditures, and O&M expenditures for feed materials, labor and supervision, waste disposal, and maintenance. These data are important to state air regulators in terms of calculating cost-effectiveness of air quality program options. They help assess the overall cost-effectiveness of different control technologies (not only the hardware costs) and facilitate the quantification of cost effectiveness in term of dollars per ton of pollutant removed. O&M expenditures (e.g., waste disposal costs) can represent a significant portion of the total cost for certain types of control technologies. Continued collection of this type of O&M data will also allow other environmental impacts to be evaluated.

2. Actual Flue Gas Exit Temperatures

EIA proposes to eliminate data reported on actual flue gas exit temperatures for summer and winter. These data are important in terms of assessing temperature-specific pollution control options. Data on flue gas exit temperatures are also needed for performing source-specific modeling of impacts on local and regional air quality.

3. Stack Location Data

EIA proposes to eliminate data fields for stack latitude and longitude. We do not support this as these data are critical for air quality assessments. Examples of analytical exercises conducted using these data include Plume-in-Grid photochemical modeling, back trajectory analysis, assessing reasonable further progress (a federal Clean Air Act requirement) with respect to downwind impacts, and assessing impacts sources have on federal Class I areas (e.g., National Parks) under the federal Regional Haze program. It is more accurate to use location data on specific stacks rather than plant location data when more than one stack is involved, especially for large sources with stacks located in different parts of the same large parcel of real estate. One problem that has occurred in the past is that stack-specific data were either not reported or not accurately reported. Another problem for air quality modelers is how to accurately quantify stack emissions from multiple unit sources that vent through the same stack, or a single unit source that vents through multiple stacks. Having stack-specific data available through EIA greatly enhances the states' ability to conduct better analyses.

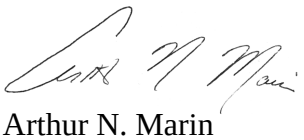
Ensure Accessibility and Use of Confidential and/or Restricted Data

Based on the wording in the Federal Register, it is unclear how the latitude and longitude data that will be reported on Form EIA-860 will be accessible to end users, and whether or what kinds of conditions on the data's release will be required. The Federal Register indicates that these data "will only be released upon request and will not be electronically available for the public to access through the internet." (72 FR 16340) As states routinely use these data for modeling purposes, it is critical that access to the data is automatic, not requiring requests for each source,

and that subsequent uses and publication of the modeling inputs and outputs will be able to proceed unhampered (i.e., subject to public review), and be unaffected by any data restrictions. Air quality modeling is used as part of SIP development to evaluate not only the compliance status of individual sources but also to evaluate the combined impact of various source sectors (e.g., all electric generating units in a state or in a region upwind of a given state). All input data used for air quality modeling and modeling outputs contained in a SIP are available for public review.

We value EIA's mission and efforts to ensure that its data collection programs serve its users' needs while being as efficient as possible. We appreciate your cooperation, and offer to continue working with you to ensure that the full dataset from Form EIA-767 continues to be collected to support our states' federal and state mandates to protect public health and the environment.

Sincerely,



Arthur N. Marin
Executive Director

Cc: Guy Caruso, EIA
Howard Gruenspecht, EIA
Robert Schnapp, EIA
Brian McLean, EPA
NESCAUM Directors