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Via Electronic Mail: comments@nwcouncil.org

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Re: Comments on Seventh Power Plan Methodology for Determining Quantifiable Environmental Costs and Benefits

The Green Energy Institute at Lewis & Clark Law School respectfully submits the following comments in response to the Northwest Power and Conservation Council's (NPCC's or the Council's) *Issue Paper: Methodology for Determining Quantifiable Environmental Costs and Benefits*. The Green Energy Institute's mission is to facilitate a swift transition to a sustainable, carbon-free energy system. We believe the NPCC's Power Plans are a critical element of regional energy policy and that the Seventh Power Plan should help fully value the environmental costs and benefits of various resources and prepare the Pacific Northwest to adapt to changing federal and state regulations. With these goals in mind, the Green Energy Institute offers the following answers to questions in the NPCC's Issue Paper.

Introduction

The Seventh Power Plan offers a valuable opportunity for the Pacific Northwest to account more fully for increasingly clear environmental benefits of renewable energy and costs of fossil fuels. Even according to purely financial metrics, such as the levelized cost of energy, renewable energy is increasingly competitive with other forms of energy generation. However, a more complete accounting of environmental costs and benefits of various electricity-generating resources is important for two reasons. First, a full-cost accounting is part of the Council's mission under Section 4(e)(3)(C) of the Northwest Power Act.¹ And second, a more complete accounting will allow regulators, energy market stakeholders, and citizens to make more fully informed decisions about the region's energy mix. The methodological approaches described in this comment will help the Council fulfill its statutory mandate and promote more cost-effective energy policy.

¹ Northwest Power and Conservation Council (NPCC), *Issue Paper: Methodology for Determining Quantifiable Environmental Costs and Benefits* 2-3.

I. Response to Issue Paper Question 1: The Council should account for residual environmental impacts, not only regulatory compliance costs, in the methodology for calculating resource costs.

Unregulated environmental impacts incur significant costs, and the Council’s mission under the Northwest Power Act includes accounting for these unregulated impacts as fully as possible. However, the Council’s Issue Paper inquires whether residual environmental impacts “are a damage or ‘cost’ at all.”² The Issue Paper goes on to argue that “[i]t is equally possible to say that the relevant governments authorized to address these environmental effects have determined the environmental costs of these resources through regulation.”³ This argument, however, ignores important realities about environmental regulations and misconstrues the NPCC’s own statutory mandate.

A. Unregulated, or “residual,” environmental impacts often incur significant costs.

Environmental laws and regulations often do not address all impacts—or even all significant impacts—from regulated activities, despite the fact that unregulated impacts impose clear environmental and societal costs. One clear example is the Clean Water Act (CWA), which directly regulates pollution from “point sources” such as discharge from pipes, but not pollution from non-point sources such as agricultural runoff.⁴ Despite this lack of regulation, pollution from non-point sources is, according to the United States Environmental Protection Agency (EPA), “the leading remaining cause of water quality problems.”⁵ Thus, the Clean Water Act provides a clear example of unregulated environmental impacts that incur significant costs.

Another prominent example is the Comprehensive Environmental Response, Compensation, and Liability Act’s (CERCLA’s) establishment of the Superfund. CERCLA funds cleanups of badly contaminated sites and authorizes recovery of cleanup costs from potentially responsible parties.⁶ Importantly, many activities causing contamination leading to Superfund expenditures may have been in compliance with existing regulations or not subject to any regulation at all.⁷ In fact, Congress designed CERCLA to be retroactive in order to react to activities that occurred long before the passage of modern environmental laws.⁸ Despite the activities causing contamination being unregulated or in compliance with

² *Id.* at 4.

³ *Id.*

⁴ See Craig N. Johnston et al., *Legal Protection of the Environment* 158 (3d. ed. 2007) (describing jurisdictional limits of the National Pollution Discharge Elimination System). Although some CWA provision encourage states to issue water quality plans that address impacts from non-point sources, states have discretion to choose both “*if and how*” to address these impacts, with no CWA provision requiring state action. *Pronsolino v. Nastri*, 291 F.3d 1123, 1140 (9th Cir. 2002).

⁵ Environmental Protection Agency, *What is Nonpoint Source Pollution*, <http://water.epa.gov/polwaste/nps/whatis.cfm> (updated Aug. 27, 2012).

⁶ 42 U.S.C. § 9601 *et seq.*

⁷ Jeffrey G. Miller & Craig N. Johnston, *The Law of Hazardous Waste Disposal and Remediation* 52 (2d ed. 2005) (“CERCLA authorizes remediation of contamination and imposes liability for past actions associated with it, even if those actions were consistent with all then-existing laws and standards of care.”).

⁸ *Id.* at 606-11 (describing retroactive CERCLA liability and offering supporting case law).

regulations, the resulting cleanup costs are often extremely expensive.⁹ CERCLA’s statutory scheme—and the huge sums at issue—clearly show that residual environmental impacts can incur significant, quantifiable costs.

Energy resources fit this pattern, often featuring significant unregulated environmental impacts. For example, ash from coal-fired power plants has long been exempted from the Resource Conservation and Recovery Act (RCRA),¹⁰ and state regulation of coal ash has been inconsistent.¹¹ Although EPA has proposed a rule that would impose some regulation on storage of coal ash, that rule is still under review by the Obama Administration,¹² leaving coal ash unregulated in many areas. Residual impacts from coal ash are significant and costly. According to EPA, coal ash “contaminants can leach into groundwater and often migrate to drinking water sources, posing significant public health concerns.”¹³ Moreover, EPA acknowledges that the current regulatory system has failed to protect human health and the environment.¹⁴ This residual impact of coal-fired electricity generation has clear, quantifiable, direct costs: merely containing just one spill of coal ash cost Duke Energy \$15 million,¹⁵ and there are many instances of coal ash contamination around the country.¹⁶ Thus, unregulated aspects of coal-fired power plants can incur substantial, quantifiable, and direct costs.

The development of coal ash regulations also reveal that currently unregulated activities may become subject to regulation in the future. Failure to anticipate reasonably predictable regulations will add expenses to energy generation projects, risking their economic viability. For example, coal-fired power plants constructed before EPA regulated certain hazardous air pollutants have become subject to significant upgrade costs.¹⁷ The resulting costs have rendered many coal-fired power plants too costly to operate, and many are closing as a result.¹⁸ If planners had quantified the environmental impacts from hazardous

⁹ *Id.* at 52 (noting that CERCLA “liability can be enormous”); see also Government Accountability Office, *SUPERFUND: EPA’s Estimated Costs to Remediate Existing Sites Exceed Current Funding Levels, and More Sites Are Expected to Be Added to the National Priorities List*, <http://www.gao.gov/products/GAO-10-380> (June 22, 2010) (noting an EPA estimate of CERCLA cleanup costs between \$335 million and \$681 million per year from 2010 to 2014).

¹⁰ EPA, *Frequent Questions: Coal Combustion Residues (CCR) - Proposed Rule*, <http://www.epa.gov/wastes/nonhaz/industrial/special/fossil/ccr-rule/ccrfaq.htm#9> at “What is EPA’s proposal on coal ash?” (“EPA is proposing the first-ever national rules to ensure the safe disposal and management of coal ash from coal-fired power plants under the nation’s primary law for regulating solid waste, the Resource Conservation and Recovery Act (RCRA).”).

¹¹ *Id.* at “What is EPA’s position on the effectiveness of existing state programs regulating coal ash disposal?” (noting that many states lack very basic regulations of coal ash impoundments).

¹² Manuel Quinones, E&E News, *EPA Sends Landmark Rule – In Works Since 2010 – to White House*, <http://www.eenews.net/greenwire/2014/10/28/stories/1060008006> (Oct. 28, 2014).

¹³ EPA, *Frequent Questions: Coal Combustion Residues (CCR) - Proposed Rule*, <http://www.epa.gov/wastes/nonhaz/industrial/special/fossil/ccr-rule/ccrfaq.htm#9> at “What is coal ash?”

¹⁴ *Id.* at “Why is EPA proposing to regulate coal ash?” (“EPA believes that additional coal ash specific federal regulations are necessary to protect human health and the environment.”).

¹⁵ Associated Press, *Duke Energy to pay for Dan River coal ash spill cleanup*, http://www.nytimes.com/2014/06/10/us/duke-energy-agrees-to-fund-river-cleanup.html?_r=1 (June 9, 2014).

¹⁶ EarthJustice, *Coal Ash Contaminated Sites*, <http://earthjustice.org/features/coal-ash-contaminated-sites> (2014).

¹⁷ Barbara Freese et al., Union of Concerned Scientists, *A Risky Proposition: The Financial Hazards of New Investments in Coal Plants* 25-36 (Union of Concerned Scientists, March 2011).

¹⁸ Institute for Energy Research, *The Impact of EPA’s Regulatory Assault on Power Plants: New Regulations to Take 33GW of Electricity Generation Offline and the Plant Closing Announcements Keep Coming* (Feb. 7, 2012), available at <http://instituteforenergyresearch.org/analysis/impact-of-epas-regulatory-assault-on-power-plants-february-7-update/>.

air pollutants and included those within the cost of coal-fired electricity, the subsequent regulatory compliance costs would have come as much less of a shock to the industry and ratepayers. In short, the history of regulation of hazardous air pollutants from coal-fired power plants, as well as the resulting economic impacts, reveal the importance of quantifying currently unregulated environmental harms.

Quantifying unregulated environmental impacts of natural gas production, transport, and combustion is extremely important. Both the region and nation are debating the merits of increasing reliance on natural gas. One facet of this debate involves the fact that production and combustion of natural gas has unregulated environmental impacts that impose significant environmental costs. Indeed, the production of natural gas enjoys is not well-regulated under many major environmental laws, including the Safe Drinking Water Act, the Clean Air Act, the Clean Water Act, RCRA, CERCLA, and the National Environmental Policy Act.¹⁹ State regulation of natural gas is inconsistent. Despite these regulatory failures, production and combustion of natural gas imposes costs. For example, a recent paper from Stanford University and Duke University documents studies of environmental impacts from natural gas production, including groundwater contamination, induced earthquakes, and air emissions.²⁰ That paper also documents the need for additional research into various impacts. Because natural gas is an increasingly important part of the energy mix, and is in direct competition with less harmful renewable resources, quantifying unregulated environmental impacts of natural gas should be a very important part of the Seventh Power Plan. To fail to quantify these impacts to the fullest extent possible risks ignoring substantial environmental costs and thus overestimating the value of natural gas to the detriment of renewable energy.

B. The Council has a duty to quantify residual environmental impacts where possible.

The Northwest Power Act requires the Council's Power Plans to prioritize cost-effective resources, which in turn requires the Council to include within the "system cost" of each resource "quantifiable environmental costs and benefits ... [that] are directly attributable to such measure or resource."²¹ The Council notes that "Congress adopted these provisions at a time when natural resource policy was awash in considerations about the need to internalize environmental externalities when possible."²² In fact, Congress passed the Northwest Power Act in 1980, after passing many major environmental laws.²³ Both this timing and the fact that Congress directed the Council to consider "quantifiable" costs, rather than directing it to consider only the costs of complying with recent statutory requirements, show that Congress intended the Council's Power Plans to address more than merely regulatory compliance costs. Instead, as the Council itself states, Congress intended the Council's Power Plans "to capture better the true costs to society of resource choices."²⁴

¹⁹ Sierra Club, *Natural Gas Production Is Environmentally Damaging and Harms Public Health*, <http://content.sierraclub.org/naturalgas/clean-up-drilling>.

²⁰ Robert B. Jackson et al., *The Environmental Costs and Benefits of Fracking*, *Annu. Rev. Environ. Resour.* 2014. 39:7.1-7.36, available at <http://www.annualreviews.org/doi/abs/10.1146/annurev-environ-031113-144051>.

²¹ NPCC, *Issue Paper*, at 2.

²² *Id.*

²³ In 1969, Congress passed the National Environmental Policy Act. In the 1970s, Congress passed the Clean Water Act, RCRA, and major amendments to the Clean Air Act. Thus, much of the framework of modern environmental law was established before Congress passed the Northwest Power Act.

²⁴ NPCC, *Issue Paper*, at 2.

To fulfill congressional intent of capturing true societal costs of energy resources, the Council should at least attempt to quantify residual environmental impacts. At a minimum, the Council should base its efforts on a review of the best available science. Although some residual environmental impacts may be difficult or impossible to quantify due to a lack of empirical research, various recent studies can help guide the Council. These resources include:

- Paul R. Epstein et al., *Full Cost Accounting for the Life Cycle of Coal*, Annals of the New York Academy of Sciences Volume 1219, Ecological Economics Reviews pages 73–98, February 2011, available at <http://www.chgeharvard.org/resource/full-cost-accounting-life-cycle-coal>.
- Julia Huscher et al, *The Unpaid Health Bill: How Coal Power Plants Make us Sick*, Health and Environment Alliance, March 2013, available at www.env-health.org/unpaidhealthbill.
- Seth B. Shonkoff et al., *Environmental Public Health Dimensions of Shale and Tight Gas Development*, Environmental Health Perspectives, Volume 122, Number 8, 787-795, August 2014, available at <http://ehp.niehs.nih.gov/1307866/>.
- Christopher W. Moore et al., *Air Impacts of Increased Natural Gas Acquisition, Processing, and Use: A Critical Review*, Environmental Science and Technology, Volume 48, Issue 15, 8349-8359, August 2014, available at <http://pubs.acs.org/loi/esthag>.
- Karin Treyer et al., *Human Health Impacts in the Life Cycle of Future European Electricity Generation*, Energy Policy, May 2014, available at <http://www.sciencedirect.com/science/article/pii/S0301421514002018>

Additionally, the Council should give greater attention to *The Hidden Costs of Energy*,²⁵ a resource the Sixth Power Plan mentioned only in passing. This comment does not attempt to provide a comprehensive list of resources the Council should consider. These resources are merely a good way for the Council to begin an independent review of the scientific literature, which is the best method for the Council to fulfill its mission under the Northwest Power Act and to ensure that the Seventh Power Plan provides the greatest possible value to the region.

II. Response to Issue Paper Question 2: The Council should consider compliance with regulations under Clean Air Act Sections 111(b) and 111(d) as part of its methodology.

Imminent regulations from the EPA under Sections 111(b) and 111(d) of the Clean Air Act, addressing greenhouse gas emissions from new and existing power plants respectively, will likely prove extremely influential and important to energy markets in the Pacific Northwest. To remain relevant and helpful in this changing regulatory environment, the Seventh Power Plan must take these regulations into consideration.

A. The Council should consider these new regulations as fully as possible.

EPA is likely to finalize and implement regulations under Clean Air Act Sections 111(b) and 111(d) for new and existing power plants respectively. Moreover, it is almost certain that these rules will become binding and that states will develop implementation plans during the life of the Seventh Power Plan. Accordingly, the Council should presume that both proposed rules will be finalized and that states will implement them in a timely and rigorous manner. Moreover, to properly take the impacts of these imminent regulations into account, the Council should consider delaying development of the Seventh Power Plan until EPA issues a final rule. If the Council cannot wait for a final rule, then the Council should run all scenarios in the Seventh Power Plan as if the rules were already issued and binding.

²⁵ National Research Council, *The Hidden Costs of Energy: Unpriced Consequences of Energy Production and Use*, The National Academies Press 2009, available at http://www.nap.edu/catalog.php?record_id=12794#description.

B. Response to Question 2(a): The Council Should calculate compliance costs with proposed 111(b) regulations, but should not treat compliance costs as the exclusive measure of environmental costs of carbon emissions from new resources.

New energy generating units will likely have to comply with new regulations under Clean Air Act Section 111(b), and compliance will incur costs. The Council should quantify these regulatory compliance costs and incorporate them into its cost estimates for each type of energy resource.

However, as described above, regulatory compliance costs often fail to comprehensively account for environmental impacts, and this pattern will likely prove true for EPA's new 111(b) regulations. For example, EPA has determined that for natural gas-fired power plants, the best system of emission reductions is modern, efficient Natural Gas Combined Cycle (NGCC) technology.²⁶ However, NGCC technology does not prevent all carbon emissions; NGCC facilities continue to emit 1,000-1,100 pounds of CO₂ per megawatt-hour.²⁷ If the Council considers only regulatory compliance costs (i.e., the cost of including NGCC technology), then the Council would ignore these remaining carbon emissions and fail to value resulting environmental harms. That result would be inaccurate and would fail to fulfill the Council's statutory goal of fully accounting for environmental impacts. It would also expose the region to higher costs when future regulations require further reductions in greenhouse gases. Thus, the Council should consider regulatory compliance costs associated with Clean Air Act Section 111(b), but should not treat compliance costs as the exclusive measure of environmental impacts.

C. Response to Question 2(b): The Council should account for residual greenhouse gas emissions by using the social cost of carbon as a lower bound.

In Question 2(b) of its Issue Paper, the Council discusses using an environmental-damage or social cost of carbon (SCC) metric as an alternative to considering compliance costs under Section 111(b) of the Clean Air Act.²⁸ The Council should not treat these metrics as an alternative to considering compliance costs, but should instead use them to value residual emissions that Clean Air Act regulations will not prevent. By combining regulatory compliance costs with estimated costs of residual greenhouse gas emissions, the Seventh Power Plan can more fully account for quantifiable environmental impacts.

If the Council elects to use the social cost of carbon in its methodology, it should treat even the highest estimates as a lower bound for likely environmental costs. Current estimates of the social cost of carbon ignore certain direct, quantifiable costs.²⁹ Moreover, estimates of the social cost of carbon vary significantly, but the calculation of each estimate relies on use

²⁶ Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units, Notice of Proposed Rulemaking, 79 Fed. Reg. 1,432, 1,433 (Jan. 8, 2014).

²⁷ *Id.* at 1,447.

²⁸ NPCC, *Issue Paper*, at 6.

²⁹ See Peter Howard, *Omitted Damages: What's Missing from the Social Cost of Carbon*, The Cost of Carbon Project, March 2014, available at <http://costofcarbon.org/reports>; Peter Howard, *Flammable Planet: Wildfires and the Social Cost of Carbon*, the Cost of Carbon Project, September 2014, available at <http://costofcarbon.org/reports>.

of a “discount rate” to factor in the time value of money, which risks substantially undervaluing long-term impacts.³⁰ Accordingly, if the council uses the social cost of carbon, it should treat any such value as a lower bound for its cost estimates.

D. Response to Questions 2(c) and 2(d): The Council should calculate compliance costs with regulations under Clean Air Act Section 111(d) using a comprehensive range of compliance scenarios.

Regulations under Section 111(d) of the Clean Air Act are very likely to become finalized and binding in some form, although the final rules may differ from the proposed rules. To ensure that the Seventh Power Plan remains relevant and helpful under new 111(d) regulations, the Council should consider various scenarios to account for the ways states may implement these regulations. Particularly, the Council should evaluate a scenario in which Northwest states must meet mass-based emission-reduction standards and a scenario in which these states must meet rate-based standards.³¹ Additionally, the Council should evaluate a scenario in which all Northwest states collaborate on a regional implementation plan. Conversely, because some states may choose not to participate in a regional system, the Council should evaluate a scenario in which states must meet new regulatory targets individually. Finally, the Council should consider a scenario in which states comply with EPA’s proposed renewable energy goals,³² as well as a scenario in which states choose to comply with EPA’s alternative renewable energy approach.³³ This list of scenarios is not intended to be comprehensive, but merely to offer a range that will lead the Council to a more accurate accounting of compliance costs under imminent 111(d) regulations.

Consideration of a range of scenarios will also help the Seventh Power Plan yield results that will remain relevant even if the final rules under Section 111(d) differ from the proposed rules. Although the final rules may differ, uncertainty about the nature of the final rules does not justify a failure to assess potential outcomes under the proposed rule. The Council should take an approach that resembles utility integrated resource planning; just as utilities model for a range of carbon costs, the Seventh Power Plan should evaluate a range of potential 111(d) compliance scenarios. Similarly, if the Council is concerned that the baseline under the proposed 111(d) regulations will change, the Council should analyze a range of baseline scenarios. However, one of those scenarios should include the baseline as currently proposed. Finally, the Council should consider at least one scenario in which states develop significantly more renewable energy facilities than the current proposed rule would require, as the Union of Concerned Scientists has suggested is a viable option.³⁴

³⁰ Richard L. Revesz & Matthew R. Shahabian, *Climate Change and Future Generations*, 84 S. Cal. L. Rev. 1097 (2011), available at <http://lawreview.usc.edu/index.php/articles-climate-change-and-future-generations/>.

³¹ These possibilities arise because the proposed 111(d) rule gives states flexibility to adopt either the proposed rate-based emission goal or an equivalent mass-based goal. Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 79 Fed. Reg. 34,830, 34,837 (June 18, 2014).

³² *Id.* at 34,868.

³³ *Id.* at 34,869–70.

³⁴ Rachel Cleetus et al., Union of Concerned Scientists, *Strengthening the EPA’s Clean Power Plan* (Union of Concerned Scientists October 2014), available at http://www.ucsusa.org/our-work/global-warming/reduce-emissions/role-of-renewable-energy-in-epa-clean-power-plan#.VFKzn_mjNcY.

III. Response to Question 3: The Council should calculate the environmental benefits of renewable energy as fully as possible, including the ability to reduce or eliminate existing environmental harms.

Renewable energy is valuable not only for electricity, but also for the reduction or elimination of various existing environmental harms. The Seventh Power Plan should attempt to quantify these benefits of renewable energy and include them in the methodology for evaluating the costs and benefits of various resources. The Seventh Power Plan should give especially thorough attention to the environmental benefits of distributed generation.

Distributed generation, or the generation of electricity at or near the site of its consumption, confers a range of significant economic and environmental benefits. To calculate these benefits, the Council should begin by consulting *Small is Profitable*, a thorough and well-researched treatise on the economic benefits of distributed generation.³⁵ In brief, these economic benefits include (but are not limited to): avoided exposure to fuel-price volatility;³⁶ a shorter construction period that reduces financial risks;³⁷ reduced maintenance and upgrade costs for the electricity grid;³⁸ avoidance of siting problems for generation and transmission assets;³⁹ and the ability to “largely or wholly avoid every category of grid costs.”⁴⁰ This treatise is an excellent resource to consult as the Council begins to calculate economic benefits of distributed generation.

Distributed generation also has significant environmental benefits due to its ability to reduce or eliminate existing environmental harms, especially by displacing existing fossil-fueled generating plants. The mechanism for environmental harm reduction is obvious: generation of clean energy reduces the need for energy from dirtier sources, thus reducing the accompanying environmental harms. To the extent that the Council is able to quantify environmental harms from fossil-fueled generators, calculating this environmental benefit should be easy. The Council should simply add to the value of renewable resources the accompanying value of avoided environmental harms. If the Council is not able to quantify the value of environmental harms from fossil fuels, however, the problem becomes more difficult. The Council should then note the existence of the environmental harms, describe the degree to which deploying renewable energy can reduce those harms (quantified to the extent possible), and refer those considerations to the appropriate energy planners.

IV. Response to Question 4: The Council should account for environmental harms from renewable energy development in the same manner it accounts for environmental harms from other resources.

The Council should be even-handed in its approach to generating assets. If the Council considers both regulatory compliance costs and residual environmental impacts of resources such as fossil fuels, it should take the same approach to renewable resources. Of course, as is

³⁵ Amory Lovins et al., *Small Is Profitable: The Hidden Economic Benefits of Making Electrical Resources the Right Size* (Rocky Mountain Institute 2002), available at <http://www.smallisprofitable.org/index.html>.

³⁶ *Id.* at 144.

³⁷ *Id.* at 115.

³⁸ *Id.* at 208, 234, 237.

³⁹ *Id.* at 234.

⁴⁰ *Id.* at 213.

true for some residual environmental impacts of fossil fuels, some of the environmental impacts of renewable energy may be difficult or impossible to quantify. For example, bird mortality from wind turbines is a significant environmental impact, but neither the regulatory burden of compliance with NEPA or the Endangered Species Act nor the monetary value of a bird is likely to fully account for the environmental harm. To the extent such impacts resist quantification, the Council should continue the approach of the Sixth Power Plan by documenting these impacts for consideration by resource planners.

The Council's Issue Paper also considers engaging in comprehensive planning for renewable energy development.⁴¹ The Green Energy Institute strongly supports a comprehensive regional assessment of energy project siting. In fact, the Green Energy Institute intends to conduct, or at least to participate in, a comprehensive planning program for renewable energy siting in the Pacific Northwest. Any such siting project should at least consider resource values, land-use conflicts, wildlife impacts, and access to energy transmission and energy markets. The Northwest Power and Conservation Council should play a valuable role in a comprehensive energy siting effort. If this effort can achieve results by the time EPA issues a final rule, and if the Council chooses to delay the Seventh Power Plan until after EPA promulgates a final Section 111(d) rule, then the Council should include the results of a comprehensive regional siting effort in the Seventh Power Plan. However, if (as is likely) the results of such a comprehensive effort would not be available until after EPA issues a final Section 111(d) rule, then the Council should not delay issuing the Seventh Power Plan while waiting to complete, or even to begin, this project. The Council should instead finish the Seventh Power Plan and also move ahead with a comprehensive energy siting project in collaboration with citizens, regulators, land-use planners, and various energy market stakeholders.

V. Conclusion

Thank you for the opportunity to contribute to the development of the Seventh Power Plan. The Seventh Power Plan offers a valuable opportunity to help the region more fully value the costs and benefits of different energy resources and to prepare the region to adapt to a quickly changing regulatory environment. Including the strategies described in this comment will help the Seventh Power Plan achieve these goals.

Sincerely,
Nick Lawton
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⁴¹ NPCC, *Issue Paper*, at 9.