

Draft Scoping Plan Comments
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

scopingplan@nyserda.ny.gov

July 1, 2022

Re: Draft Scoping Plan Comments

Dear CAC and NYSERDA,

In light of yesterday's Supreme Court Decision in *West Virginia, et al v EPA, et al*ⁱ, it brings uncertainty to the EPA's proposed rule, Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Reviewⁱⁱ.

The NYSDEC commented on this proposed ruleⁱⁱⁱ suggesting how necessary this rule is to meet ***"important greenhouse gas reduction requirements mandated by New York's nation leading Climate Leadership and Community Protection Act (CLCPA)."***

We already have seen from NYISO^{iv}, NY's reliance on gas to accommodate solar and wind on NY's grid system. Unless or until the EPA's proposed rule becomes regulation, there should be a moratorium on any gas, solar and wind build out.

Thank you for this opportunity to comment on the Draft Scoping Plan.

Respectfully,

Jan Mulroy

ENDNOTES

ⁱ https://www.supremecourt.gov/opinions/21pdf/20-1530_n758.pdf

Capping carbon dioxide emissions at a level that will force a nationwide transition away from the use of coal to generate electricity may be a sensible "solution to the crisis of the day." *New York v. United States*, 505 U. S. 144, 187 (1992). But it is not plausible that Congress gave EPA the authority to adopt on its own such a regulatory

scheme in Section 111(d). A decision of such magnitude and consequence rests with Congress itself, or an agency acting pursuant to a clear delegation from that representative body. The judgment of the Court of Appeals for the District of Columbia Circuit is reversed, and the cases are remanded for further proceedings consistent with this opinion.

Continued from above:

It is so ordered.

ⁱⁱ <https://www.regulations.gov/document/EPA-HQ-OAR-2021-0317-0001>

PROPOSED RULE

[Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review](#)

- **Agency** Environmental Protection Agency
- **Posted** Nov 15, 2021
- **ID** EPA-HQ-OAR-2021-0317-0001

40 CFR part 60 subpart OOOO, OOOO;

40 CFR part 60 subpart OOOOa; CAA Section 111(d); Section 111(d);

40 CFR Section 111(b); Section 111(d);

CAA section 111(b); Section 111(b);

CAA section 111;

Section 111; volatile organic compounds; VOC; GHG; greenhouse gases; methane; EG; emissions guidelines; NSPS; new source performance standard; oil and natural gas; Oil and gas; Natural Gas; Gas; Oil

<https://www.regulations.gov/document/EPA-HQ-OAR-2021-0317-0001>

Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review

Posted by the Environmental Protection Agency on Nov 15, 2021 Proposed Rule Summary This document comprises three distinct groups of actions under the Clean Air Act (CAA) which are collectively intended to significantly reduce emissions of greenhouse gases (GHGs) and other harmful air pollutants from the Crude Oil and Natural Gas source category. First, the EPA proposes to revise the new source performance standards (NSPS) for GHGs and volatile organic compounds (VOCs) for the Crude Oil and Natural Gas source category under the CAA to reflect the Agency's most recent review of the feasibility and cost of reducing emissions from these sources. Second, the EPA proposes emissions guidelines (EG) under the CAA, for states to follow in developing, submitting, and implementing state plans to establish performance standards to limit GHGs from existing sources (designated facilities) in the Crude Oil and Natural Gas source category. Third, the EPA is taking several related actions stemming from the joint resolution of Congress, adopted on June 30, 2021 under the Congressional Review Act (CRA), disapproving the EPA's final rule titled, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review," Sept. 14, 2020 ("2020 Policy Rule"). This proposal responds to the President's January 20, 2021, Executive order (E.O.) titled "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," which directed the EPA to consider taking the actions proposed here.

ⁱⁱⁱ https://downloads.regulations.gov/EPA-HQ-OAR-2021-0317-0744/attachment_1.pdf

Comments submitted on behalf of Commissioner Basil Seggos, New York State Department of Environmental Conservation.

^{iv} <https://www.nyiso.com/documents/20142/2223020/2022-Power-Trends-Report.pdf/d1f9eca5-b278-c445-2f3f-edd959611903?t=1654689893527> Until there are enough clean energy resources on the grid to replace the reliability services provided by fossil fueled generation, natural gas must continue to play an important role in

meeting energy needs in New York to maintain system reliability which supports the health, safety, and welfare of New Yorkers. Pg.27