California State Testimony on the Proposed Repeal of the Clean Power Plan

U.S. EPA Listening Session
February 28, 2018
San Francisco, CA

Testimony provided by:

California Environmental Protection Agency
California Air Resources Board
California Natural Resources Agency
California Energy Commission
California Public Utilities Commission
California ISO
Office of the Attorney General

CalEPA
California Environmental Protection Agency

Edmund G. Brown Jr.
Governor
Matthew Rodriquez
Secretary for Environmental Protection

California Environmental Protection Agency
Secretary Matthew Rodriquez
Clean Power Plan Testimony
February 28, 2018

Good morning, I am Matthew Rodriquez and I am the Secretary for Environmental Protection for the State of California. Thank you for the opportunity to testify before you today. I will be the first of a number of representatives from California who will be speaking in favor of retaining and implementing the Clean Power Plan

We are here because, consistent with the vision of the Clean Power Plan, Californians are committed to reducing the state's -- the nation's -- greenhouse gas emissions. We are doing this because climate change is not a conceptual or theoretical challenge. The evidence is overwhelming -- universities and scientists worldwide agree -- that climate change is all too real. Indeed, you will hear today about how we are already seeing change in California with our hotter days, drier seasons, dying trees and rising sea levels. There is no time for political posturing and partisan debate. We have to respond to this challenge now, while preparing for an uncertain future.

Fortunately, the people, businesses and institutions in California are not afraid to act, to embrace new ideas and new technologies. We have been active over the last decade in developing programs to reduce the greenhouse gas emissions that cause global warming. As you will hear today, with bipartisan support, we have adopted a suite of programs —ranging from our Renewable Portfolio Standard to the Low Carbon Fuel Standard, from our energy efficiency requirements to the cap and trade program — that have demonstrated that it is possible to wean ourselves from fossil fuels, develop alternatives and use our energy more wisely. As you will hear from my state colleagues, these programs have already successfully reduced our emissions by 10% since 2004 and we will meet our target of reducing our emissions to 1990 level by 2020. We recently completed a plan that will guide us to our next objective -- reducing our greenhouse gas emissions to 40% below 1990 levels by 2030 -- as we work our way to our ultimate goal of achieving 80 to 95% reductions below 1990 levels by 2050.

Over the last decade, California also has refuted the skeptics who claim that climate change programs will ruin economies or endanger energy production while spiking costs. You will hear today about how, over the last 8 years, as we have implemented our climate programs, California's economy has risen from the 10th largest in the world to the 6th. Unemployment has dropped from over 12% to 5%. Our clean energy sector employs more than half a million workers and attracts billions of dollars in venture capital investments annually. And the residents of California continue to have some of the lowest energy bills in the country. To be sure, there is still much we need to do to ensure that all Californians are seeing the protections and receiving the other benefits, both environmental and economic, of these programs, but we are on the right path.

Our experience also dispels the myth that other governments do not see -- or are not doing anything about -- the threat of climate change. Our partners from Washington and Oregon, members of the Pacific Coast Collaborative with California and British Columbia, are here to testify against repeal of the Clean Power Plan. And California is working cooperatively with hundreds of state, regional, local and national governments from around the world as we pool our knowledge, coordinate our programs and encourage more ambitious reduction targets. From the provinces of Quebec and Ontario, to the states in Mexico and Brazil, to the cities of China and regions and countries of Europe there is universal recognition that we must move away from fossil fuels to cleaner energy if the planet is going to avoid catastrophic change.

But even with this worldwide movement, what we really need is the assistance and leadership of our national government. The Clean Power Plan provides this by making it a national policy to encourage greater efficiency in our power plants and to move to cleaner fuel sources, including renewable energy. It takes into consideration the existing circumstances in the individual states, and incentivizes regional collaboration to reduce greenhouse gas emissions. The plan is reasonable, feasible and, as will be explained by the Attorney General's Office, entirely legal, indeed required. California stands prepared to do its part to implement this critical federal program

Leadership is about actions, not words. Achievements not slogans. And right now we need the Federal government to be an active leader and fulfill its obligation to the people of this country to fight against climate change. We cannot afford to stand by and watch our forests burn as the government in Washington fiddles. That is why we intend to do all we can to ensure that rather than being repealed, the Clean Power Plan is retained and implemented. Thank you very much.

Testimony of Mary D. Nichols
Chair of the California Air Resources Board

Listening Session on EPA's Proposed Repeal of the Clean Power Plan
San Francisco, CA
February 28, 2018

Good morning. My name is Mary Nichols. I am the Chair of the California Air Resources Board.

The mission of the United States Environmental Protection Agency is to protect human health and the environment. The proposal to repeal the Clean Power Plan is an abdication of the responsibility to fulfill that mission.

EPA has is legally required to protect the American people from the harms of climate change and air pollution. This proposal fails to meet that responsibility.

The proposal also undermines the investments that industries large and small across this country that have rightfully chosen to make in clean energy as the way of the American future.

California is in complete opposition to the EPA's proposed repeal of the Clean Power Plan.

Climate change is happening. It is worsening deadly air pollution and intensifying extreme weather events like heat waves, drought, hurricanes, floods, and catastrophic fire.

These facts are indisputable. Unchecked emissions of greenhouse gases already pose a serious danger to the public health and well-being of all Americans.

The US Environmental Protection Agency has a legal and moral responsibility to take action to confront this challenge. That's why this pragmatic plan was put forward in the first place.

Don't just take it from me though; states across the country are already realizing the environmental and economic benefits of clean energy.

You heard this loud and clear in Missouri last week.

- The Midwest is home to 600,000 clean energy jobs and growing;
- In the Northeast, since the launch of the Regional Greenhouse Gas Initiative, carbon emissions from power plants have dropped by 40 percent; economic growth has outpaced the national average by nearly five percent; and $5.7 billion dollars in health costs have been avoided because of cleaner energy;
- Across this country, clean energy jobs are growing at a rate that far exceeds employment in every other sector; and
- Today the advanced energy economy provides 3.3 million jobs and is approaching consumer electronics as one of the leading industries in the United States.

In California alone we now have more than a half-million clean energy jobs. Since our climate program began more than a decade ago, overall GHG emissions in California have decreased ten percent while job growth outpaced the national average by 27 percent.

We estimate that by 2030, our climate programs – including clean power – will deliver nearly $2 billion dollars in public health benefits and prevent over 3,000 premature deaths.

Simply put, clean energy pays big dividends. And everyone can take part.

But we need the leadership of the federal government to address the challenge we face in climate change.

That's why mayors from 47 states across the country – including cities like Houston, Texas; Orlando, Florida; and New Orleans, Louisiana, have all recently come out in strong opposition to the repeal of the Clean Power Plan.

Because like us, they know that the Clean Power Plan put forward by EPA:

- Makes America increasingly competitive in a global marketplace that has recognized the value of moving toward clean energy;
- Preserves state's rights by letting us choose the most economically beneficial path to compliance;
- Addresses the environmental risks associated with greenhouse gas emissions from power plants;
- Fosters collaboration between states on electric grids and air quality so we can more easily overcome barriers together;
- Is achievable, cost-effective and meaningfully limits carbon pollution from power plants;
- And perhaps most importantly, is good for the public health of the American people;

This is a listening session. So, I ask who you will you listen to? Is it the voices of the polluting, outdated technologies of the past or the ever-growing number of people across this country who are demanding clean energy.

We have already made our choice in California. Our future is in clean energy. We are fully invested in our responsibility to protect the health and well-being of our citizens. We are already realizing the vast economic benefits of moving to newer, cleaner technologies – not clinging to those of the past. And we are doing our part to rise to the challenge of addressing climate change.

Now more than ever is the time for the United States to be a leader and a partner in this effort. Not to walk away from it, which is exactly what repealing the Clean Power Plan would represent.

Thank you.

California Natural Resources Agency
Clean Power Plan Testimony
February 28, 2018

Good morning. My name is Tom Gibson and I am Undersecretary for Natural Resources for the State of California. I am pleased to join my colleagues today to express support for the Clean Power Plan and critical efforts to limit carbon emissions that drive climate change.

There is no question that climate change is here. The impacts are already being felt in California. Rising average temperatures, shrinking mountain snowpack, severe drought, dead and dying trees, wildfires, floods and coastal storm surges are making their mark on our state.

These events can be devastating. In 2017, the most severe drought in California's recorded history was interrupted by the wettest season on record, causing at least $1.5 billion in flood-related damage. Between October and December, we saw the most destructive and deadly wildfires in state history, fueled by extreme winds and a tree mortality crisis that has decimated 129 million trees since 2010. The massive Thomas Fire, which grew to be the largest in California history and burned more than 280,000 acres and destroyed hundreds of homes in Ventura County in December, was followed by deadly mudslides in January that took 21 lives and destroyed more than 100 homes in fire-scarred areas near Montecito.

California has historically been susceptible to wildfires and hydrologic variability. However, as greenhouse gas emissions continue to accumulate and climate disruption grows, such destructive events are becoming more frequent. And costly. According to the latest estimates, emergency response related to the wildfires and mudslides in late 2017 and early 2018 alone cost our state more than $1.6 billion.

Climate change also is affecting our oceans. Sea-level rise is one of the most obvious manifestations of climate change, and it poses an immediate and real threat to lives, livelihoods, infrastructure, transportation, the economy and the environment in California.

California's coastal counties will directly experience the effects on roads, homes, public services and more. California's $44 billion ocean economy – which includes tourism, recreation, and shipping – will be directly disrupted by the effects of sea-level rise.

Our oceans also are becoming increasingly acidic, as more carbon dioxide is absorbed into seawater. Ocean acidification already is negatively affecting the West Coast, with serious implications for shellfish and corals. It also has the potential to substantially alter

marine food webs and fisheries along our coast, placing additional stress on species such as salmon that already face impacts from increasing temperatures in our rivers and streams.

The impacts of climate change are disproportionately affecting the state's most vulnerable populations. While events such as flooding, heatwaves and wildfires can affect everyday life for all Californians, low-income and other vulnerable communities can face some of the most severe impacts, including contaminated drinking water, poor air quality, power outages and increased asthma rates. That's why state agencies are prioritizing climate justice throughout our climate change response and adaptation efforts.

We are not just sitting on the sidelines while these impacts unfold. California is acting on a wide range of climate adaptation and resilience strategies. Bold initiatives are underway to improve forest health, invest in additional water storage, enhance flood protection and sustainable groundwater management, upgrade our water conveyance infrastructure, help communities prepare for sea-level rise, and greatly expand the number of zero emission vehicles in California, to name just a few efforts.

The Natural Resources Agency's 2018 update to its Safeguarding California report describes more than 1,000 ongoing actions by state agencies to protect communities, infrastructure, services, and the natural environment from climate change impacts. From pinpointing vulnerabilities in the electricity grid to improving energy efficiency to realigning coastal roads to prepare for sea-level rise, state agencies are funding projects and actions to enable local communities and natural ecosystems to better withstand the impacts of climate change.

Even as we pursue these adaptation strategies, California remains solidly committed to clean, renewable energy and low carbon transportation fuels and technologies to reduce GHG emissions, as other state speakers have described in detail. We do not have to choose between environmental protection and a strong economy. We can in fact achieve both.

The Clean Power Plan represents an important step on the path toward cleaner energy sources that can help avoid the worst effects of climate change. Retaining and implementing this important plan is in the best interest of our environment, our communities, our economy, and our shared future.

Thank you.

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Clean Power Plan Repeal Listening Session
February 28, 2018
California Energy Commission Testimony

Good morning. My name is Courtney Smith and I am the Chief Deputy Director of the California Energy Commission. I appreciate the opportunity to join my colleagues in supporting the Clean Power Plan.

The California Energy Commission is the state's energy planning and policy agency, and is responsible for helping implement several of California's key energy programs, including setting energy efficiency standards for appliances and new buildings, and advancing renewable energy use through the state's Renewables Portfolio Standard. Through the success of these actions, California has demonstrated that reducing greenhouse gas emissions from the power sector can be accomplished while continuing to provide Californians with reliable, affordable electricity service.

Over the past 40 years, California has established energy efficiency standards and programs that have resulted in an estimated 95,000 gigawatt hours in cumulative energy savings as of 2016—a savings that is equivalent to the annual carbon dioxide emissions produced by more than 7 million automobiles. The EPA has indicated it has encountered challenges estimating the benefits from energy efficiency measures. California's experience, however, demonstrates these benefits. We estimate that our energy efficiency efforts have saved California consumers billions of dollars on their utility bills.

California has also demonstrated it is possible to reduce reliance on coal-fired power plants and use more renewables without burdening ratepayers. Established in 2002, California's Renewables Portfolio Standard has set achievable mandates for its utilities to increase their procurement of renewable energy to 33 percent of retail sales by 2020 and 50 percent by 2030. When the program started in 2002, renewable energy served about 11% of California's retail sales. Today, renewable energy serves about 30 percent of retail electricity sales.
This significant shift toward more renewable energy has occurred while maintaining the reliability of California's electricity system. In 2013, the California Independent System Operator projected that by 2020, meeting peak demand in California could require ramping up to 13,000 megawatts in as little as three hours. In actuality, California hit this unprecedented net load in 2016, and was able to successfully operate to meet this demand. California is showing there are a variety of strategies to integrate renewables, including the use of more flexible resources, the use of new or improved markets, and the use of technology-enabled strategies like energy storage and demand response.

For California, reducing greenhouse gas emissions from the power sector is critical to the resilience of our power system, as the impacts of climate change are threatening

critical infrastructure and making it more difficult to ensure reliability. In California, more than a dozen electric generation facilities are located less than 4 feet above high tide, making them highly vulnerable to storm surge and sea level rise. The increase in frequency and severity of wildfires is threatening transmission lines and other key electric system infrastructure. For example, several of the devastating wildfires that burned through California last year led to power outages and intermittent service to thousands of customers. Rising summertime temperatures in California are increasing the use of air conditioning, driving summer peak demand up, and putting greater strain on the system. And drought and hydrological variability make it difficult to plan for the losses of non-greenhouse gas emitting hydroelectricity production. Without the ability to plan for this unpredictable loss, near-term needs must often be met with natural gas, which increases greenhouse gas emission. If not mitigated and prepared for, these impacts will raise utility expenditures, threaten reliability, and weaken our state's vibrant economy.

As documented in its compliance plan, California has already met the requirements of the Clean Power Plan. Our analysis indicates we reached our 2030 target in 2014, meaning the most populous state in the union would be in compliance more than 15 years early. California's action demonstrates that complying with the Clean Power Plan is not only feasible, it strengthens the resiliency of our power sector, and helps basic services remain affordable for all Californians. Thank you.

U.S. Environmental Protection Agency

Public Hearing on Proposed Rule:
"Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units"

February 28, 2018
San Francisco, California

Testimony of Commissioner Carla Peterman, California Public Utilities Commission

Good morning, I am Carla Peterman, Commissioner with the California Public Utilities Commission. Thank you for the opportunity to provide comments today in support of the Clean Power Plan.

The California Public Utilities Commission sets electricity rates for 75% of the state, and so we are ever mindful of the costs to consumers from climate change related action, and inaction.

We believe that taking action on climate change is not only good for the environment but, can also be good for ratepayers. In the last two decades, we have invested billions of dollars in energy efficiency, renewable energy, demand response, energy storage, and more efficient natural gas plants.

These investments are enabling us to reduce pollution, and by 2030 reach 50% renewable power, double our energy efficiency, and support 5 million zero-emission vehicles – all while monthly electricity bills remain significantly less than the national average.

Let me speak more to costs.

Costs

California's electricity costs have not skyrocketed due to our investments. In fact over the long haul California's electricity rates have tracked inflation. Moreover, a recent analysis from the U.S. Energy Information Administration ranked California as one of the 10 states with the lowest average residential electricity bills in the nation.[1]

Renewable power costs continue to go down. Since 2003, utility renewable power contract prices have declined in real dollars at least 27%. Between 2008 and 2016, the price of California utility scale solar contracts have gone down 77%, and during 2006-2015 prices of wind contracts have gone down 47%.[2]

This indicates that the renewable market in California is robust and competitive and has matured since the start of the renewables program.

Energy efficiency and demand response also remain cost effective methods to meet new demand.

Due to the state's efficiency programs, per capita energy use has remained flat, while the rest of the US has increased by about 33 percent.

We are also investing in cost-effective energy storage to integrate renewables and increase reliability. In 2013, California created the first utility energy storage targets and we've seen over 800 MW of advanced energy storage procured or pending approval.

Integrated Resources Planning

Planning is a key tool we are using to achieve our greenhouse gas reduction goals. This year the CPUC adopted an integrated resources planning process, designed to ensure that the electric sector meets a 2030 greenhouse gas emissions planning targets of 42 million metric tons (MMT). This will represent a 61 percent reduction from 1990 levels.

[1] https://www.eia.gov/todayinenergy/detail.php?id=34932&src=email

[2] CPUC, 2017. "California's Renewable Portfolio Standard Annual Report", submitted to the legislature November 2017.

Continuing to decarbonize the grid remains critical in order to reduce pollution in the transportation sector as well.

The transportation sector is almost 40% of California's greenhouse gas emissions. The sector's electrification can result in significantly fewer greenhouse gases and fewer ozone-forming pollutants. These reductions grow even larger as the grid becomes more renewable. Electric vehicles are good for the grid and can support renewables integration. Charging is a flexible load that can be timed to maximize renewable energy. We also envision vehicles exporting power to help manage the grid.

Reliability

Electricity services remain reliable as we transition to cleaner resources. Over the past ten years, electric reliability has remained consistently high or improved.

For example, Pacific Gas and Electric Company (PG&E) has experienced an average reduction (improvement) in SAIDI of roughly 47% and a reduction (improvement) in SAIFI of roughly 31% over the last 10 years. [3] These reliability trends have occurred coincident with changes in fuel mix towards low-carbon fuels.

California's successful response to several recent extreme weather and astronomical events highlights the adequacy of existing planning processes and the effective operation of our wholesale markets to meet our needs, even as we use more renewables.

CAISO, the California grid operator, notes that despite losing 3,500 MW of utility-scale solar resources within one hour during the August 2017 solar eclipse – in addition to the loss of some 1,500 MW of distributed solar that morning – the system performed without any contingencies, and solar capacity was replaced with imports, hydropower, and natural gas peaking plants.[4]

[3] US Department of Energy, "Grid Modernization: Metrics Analysis (GMLC1.1)," May 2017, pp. iii-iv, https://gridmod.labworks.org/sites/default/files/resources/GMLC1%201_Reference_Manual_2%201_final_2017_06_01_v4_wPNNLNo_1.pdf

[4] California ISO, "California ISO Successfully Weathered Solar Output Drop During Eclipse," http://www.caiso.com/Documents/CaliforniaISOSuccessfullyWeatheredSolarOutputDropDuringEclipse.pdf. Additionally, an educational campaign in California (Do One Thing For the Sun) successfully

In conclusion, investing in greenhouse gas reductions benefits ratepayers and can be done in a manner that ensures reliability and affordability. We look forward to working with the EPA and other states to address climate change and further invest in clean energy.

engaged 58 communities and 160,000 customers of one demand aggregator to reduce demand during the two hour eclipse.

Keith E. Casey, Ph.D.
Vice President, Market & Infrastructure Development

Clean Power Plan Listening Session
CAISO Talking Points
February 28, 2018

My name is Keith Casey. I am the Vice President of Market and Infrastructure Development at the California Independent System Operator Corporation (California ISO). The California ISO operates wholesale energy and ancillary services markets to reliably manage the high-voltage transmission system that serves approximately 80 percent of California electric load as well as a small portion of Nevada's electric load. The California ISO also operates the western Energy Imbalance Market (EIM) that serves over half of the electric load in the Western Interconnection. The EIM optimizes supply to meet load at least cost every fifteen and five minutes by relying on economic transfers between participating entities.

The electricity grid is undergoing a transformation and the ISO has worked and continues to work cooperatively with state agencies to manage the transformation while maintaining electric reliability. Today, renewables comprise about 30 percent of total energy produced to serve California electric load, and California is on track to meet a 50 percent renewable portfolio standard (RPS) by 2030 – if not sooner. The dramatic growth in renewables has improved fuel diversity by reducing our reliance on natural gas plants. This transition – from a large central station power model to a more diverse and decentralized system – has created a new value proposition for the California ISO.

Our centralized energy markets can successfully integrate and manage a diverse fleet of grid resources. The market efficiently commits and dispatches all types of resources (gas-fired generation, demand response, and renewables) to balance the system and maintain reliability. The markets also provide transparency on what is happening on the electric system by setting energy prices that reflect supply needs across an operating day and identifying transmission congestion.

In addition to operating the wholesale market, the California ISO has developed a transparent and effective process for interconnecting new resources to the transmission system. In addition, as part of its responsibilities, the California ISO performs transmission planning functions for its planning area. These processes examine forecasts of electricity use and changes in resource portfolios to ensure sufficient infrastructure is available to serve electric customers.

Similar to other independent system operators and regional transmission organizations operating in the United States, the California ISO conducts an annual transmission planning process. California ISO's planning process takes a long-term (10 year) analytical approach to transmission planning pursuant to its tariff approved by the Federal Energy Regulatory Commission (FERC) and consistent with mandatory transmission planning reliability standards developed by the North American Electric Reliability Corporation (NERC) as well as the California ISO's own planning standards.

This process assesses and identifies reliability-driven, policy-driven, and economic-driven transmission system needs, ensures that the California ISO meets all applicable reliability standards and planning standards, and also identifies efficient solutions to ensure continued compliance with those standards and reliable operation of the electric grid.

Since 2011, the California ISO's transmission planning process has identified transmission needs based on federal and state policies. This feature was reinforced by the final FERC rule known as Order 1000, which addressed regional transmission planning and cost allocation. This rule requires that transmission planning processes consider transmission needs driven by public policy requirements established by state or federal laws or regulations. A significant focus of the California ISO's policy-driven transmission planning has been to assess and identify transmission needs to achieve California's RPS goal, among other goals.

California ISO's transmission planning relies on a consultative process. The California ISO, public utilities, state agencies and other stakeholders work closely together to assess how to meet environmental and reliability objectives. For example, California ISO and state agencies have worked to improve infrastructure planning coordination by developing unified assumptions for use within three core processes: (1) the CEC's long-term forecast of energy demand produced as part of its biennial Integrated Energy

Policy Report; (2) the CPUC's LTPP/IRP proceeding, which authorizes new resource procurement; and (3) California ISO's annual transmission planning process. Each year California ISO consults with the state agencies and stakeholders to develop planning assumptions and scenarios for use infrastructure planning studies in the coming year. The assumptions include demand, supply, and system infrastructure elements, including likely portfolios of renewable resources.

Based on the process alignment achieved to date and the progress in developing common planning assumptions, California ISO has successfully identified system and local needs on the transmission grid resulting from implementation of California's environmental policies and the CPP.

In addition, the California ISO is working with entities and states across the western region to explore opportunities where the ISO's market platform can accommodate their energy and environmental policies as well. In this respect, the EIM and a potential western regional energy market may become powerful tools to balance electricity supply and demand across the region in a cost-effective manner. Regional dispatch also contributes to significant grid reliability by providing situational awareness and enhancing the ability of participating entities to respond to major contingencies.

Thank you for the opportunity to appear before you today.

State of California
Office of the Attorney General
Xavier Becerra
Attorney General

U.S. Environmental Protection Agency
Public Hearing on Proposed Rule:
"Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units"

February 28, 2018
San Francisco, California

Testimony of Arsenio Mataka
Special Assistant Attorney General
on behalf of
Xavier Becerra
Attorney General of the State of California

1300 I Street • Suite 1740 • Sacramento, California 95814 • (916) 210-6029

Testimony of Arsenio Mataka on

U.S. Environmental Protection Agency's Proposed Repeal of Clean Power Plan

Good morning, my name is Arsenio Mataka. I am a Special Assistant to the State of California's Attorney General, Xavier Becerra. On his behalf, I am pleased to offer the following testimony in opposition to EPA's proposal to repeal the Clean Power Plan.

As you've just heard from my fellow California colleagues, climate change is already exacting a very real human, economic and environmental toll in California—exacerbating the devastating consequences of forest fires, the severity of droughts, the intensity of heat waves and levels of choking smog.[i] These effects will only become more severe over time if we do not dramatically reduce our emissions of greenhouse gases. Yet, any recognition of the seriousness of climate change and its dangerous impacts across the United States is strikingly absent from EPA's proposed repeal.

Our obligation to act on behalf of our children and grandchildren is clear. We must plot a path to a decarbonized future that minimizes the toll that climate change will exact on our health, our environment and our economy. In California, we are doing just that. Our efforts will not only reduce the effects of climate change, they will also remove thousands of tons of other harmful pollutants – sources of ozone, smog and particulate matter – that shorten and worsen lives. And our actions are aimed at protecting *all* Californians, including people from low-income communities and communities of color, who will be hit first and worst by pollution and climate change.

Congress directed EPA nearly 50 years ago to address sources of pollution that endanger public health and welfare. It is settled law that this includes the carbon

dioxide emitted by power plants, the single largest stationary source of CO_2. And, EPA itself has recognized that "[n]o serious effort to address the monumental problem of climate change can succeed without meaningfully limiting [power] plants' CO_2 emissions."

The Clean Power Plan represents a meaningful step in the right direction. By 2030, it would cut the electricity sector's carbon pollution by approximately one-third from 2005 levels. But now, less than two years after its adoption, EPA proposes to repeal the Clean Power Plan.

EPA's proposal is more than ill-advised. It is unlawful for at least four reasons:

First, repealing the Clean Power Plan prior to replacing it with an alternative that meaningfully reduces power plants' greenhouse gas emissions would violate EPA's duty under the Clean Air Act to address carbon pollution from power plants. The Supreme Court's decisions in *Massachusetts v. EPA*[ii] in 2007 and in *AEP v. Connecticut*[iii] in 2011 leave no room to conclude otherwise.

Second, EPA's proposal attempts to artificially narrow its regulatory authority under the Clean Air Act, and runs directly contrary to Congress's intent that EPA have broad authority to address monumental sources of air pollution.

Third, the Clean Air Act requires EPA to utilize the best system of emission reduction. Yet, EPA's repeal discards the very system that state legislatures and power plants have found through years of application to be the most effective: namely, increased usage of renewable and natural gas generation and reduced reliance on coal-fired generation. EPA's refusal to consider these critical on-the-ground realities is simply arbitrary.

Fourth, having already unalterably closed his mind on the subject before us today, Administrator Pruitt is depriving the public of the fair process the law requires. As Attorney General Becerra and eighteen other states and municipalities detailed in a comment letter submitted on January 9, 2018, EPA's proposed repeal is being orchestrated by an Administrator who, as the Attorney General of Oklahoma, challenged the Clean Power Plan on the very theories that EPA now relies on to repeal it. And, since being sworn in to office, Administrator Pruitt has continued to do everything he can to bring down the Clean Power Plan.

In conclusion, Attorney General Becerra's message for the EPA and Administrator Pruitt is simple: fulfill your duty to regulate carbon pollution from the largest stationary sources in the United States by defending the Clean Power Plan, rather than tearing it up. If you ignore your responsibilities and continue down the path you are on, the Attorney General will be there to fight you every inch of the way.

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[i] See, e.g., United States Global Change Research Program ("USGCRP"), 2017: Climate Science Special Report" Fourth National Climate Assessment, Volume 1 [D.J. Wuebbles, D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. USGCRP, Washington, D.C., U.S., 470 pp., doi: 10.7930/JOJ964J6; see also Westerling, A. L., B. P. Bryant, H. K. Preisler, T. P. Holmes, H. G. Hidalgo, T. Das, and S. R. Shrestha, *2011: Climate change and growth scenarios for California wildfire.* Climatic Change, 109, 445-463, available at https://www.fs.usda.gov/treesearch/pubs/41222, last visited Feb. 27, 2018; Schwalm, C. R., C. A. Williams, K. Schaefer, D. Baldocchi, T. A. Black, A. H. Goldstein, B. E. Law, W. C. Oechel, K. T. Paw, and R. L. Scott, *2012: Reduction in carbon uptake during turn of the century drought in western North America. Nature Geoscience*, 5, 551-556, doi:10.1038/ngeo1529, available at http://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/33148/LawBeverlyForestryReductionCarbonUptake.pdf?sequence=1, last visited Feb. 27, 2018.

[ii] *Massachusetts v. U.S. Environmental Protection Agency*, 549 U.S. 497 (2007).

[iii] *American Electric Power Co. v. Connecticut*, 564 U.S. 410 (2011)