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Regulatory Impact Analysis for Revisions to the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category

United States
Environmental Protection
Agency

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U.S. Environmental Protection Agency
Office of Water (4303T)
Engineering and Analysis Division
1200 Pennsylvania Avenue, NW
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Abbreviations

ACE	Affordable Clean Energy
AEO	Annual Energy Outlook
ASCC	Alaska Systems Coordinating Council
BAT	Best available technology economically achievable
BCA	Benefit and Cost Analysis
BEA	U.S. Bureau of Economic Analysis
BLS	U.S. Bureau of Labor Statistics
BMP	Best management practice
BPJ	Best professional judgment
BPT	Best practicable control technology currently available
BSER	Best system of emissions reduction
CAA	Clean Air Act
CCI	Construction cost index
CCR	Coal combustion residuals
CFR	Code of Federal Regulations
CP	Chemical precipitation
CPP	Clean Power Plan
CSAPR	Cross-State Air Pollution Rule
CWA	Clean Water Act
DOE	Department of Energy
EA	Environmental Assessment
ECI	Employment Cost Index
EGU	Electricity generating units
EIA	Energy Information Administration
EJ	Environmental justice
ELGs	Effluent limitations guidelines and standards
EO	Executive Order
EPA	U.S. Environmental Protection Agency
FERC	Federal Energy Regulatory Commission
FGD	Flue gas desulfurization
FOM	Fixed O&M
FR	Federal Register
FRCC	Florida Reliability Coordinating Council
GDP	Gross domestic product
GW	Gigawatt
GWh	Gigawatt-hour
HICC	Hawaii Coordinating Council
HRI	Heat rate improvement
HRR	High recycle rate
HRTR	High Hydraulic Residence Time Reduction
IPM	Integrated Planning Model
kWh	Kilowatt-hour

LRTR	Low Hydraulic Residence Time Reduction
MATS	Mercury and Air Toxics Standards
Mcf	Million cubic feet
MDS	Mechanical drag system
MRO	Midwest Reliability Organization
MT	Million short tons
MW	Megawatt
MWh	Megawatt-hour
NAICS	North American Industry Classification System
NERC	North American Electric Reliability Corporation
NPCC	Northeast Power Coordinating Council
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards
NTTAA	National Technology Transfer and Advancement Act
O&M	Operation and maintenance
OMB	Office of Management and Budget
POTW	Publicly owned treatment works
PRA	Paperwork Reduction Act
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
QA	Quality assurance
QC	Quality control
RCRA	Resource Recovery and Conservation Act
RIA	Regulatory Impact Analysis
RFA	Regulatory Flexibility Act
RFC	Reliability First Corporation
RGGI	Regional Greenhouse Gas Initiative
SBA	Small Business Administration
SBREFA	Small Business Regulatory Enforcement Fairness Act
SERC	SERC Reliability Corporation
SISNOSE	Significant impact on a substantial number of small entities
SPP	Southwest Power Pool
TDD	Technical Development Document
TRE	Texas Regional Reliability Entity
TWF	Toxic weighting factor
TWh	Terawatt-hour
TWPE	Toxic weighted pound equivalent
UMRA	Unfunded Mandates Reform Act
USC	United States Code
VIP	Voluntary Incentive Program
VOM	Variable O&M
WECC	Western Energy Electricity Coordinating Council

Executive Summary

The U.S. Environmental Protection Agency (EPA) is finalizing revisions to the technology-based effluent limitations guidelines and standards (ELGs) for the steam electric power generating point source category, 40 CFR part 423, which EPA proposed in November 2019 (84 FR 64620). The final rule revises certain best available technology (BAT) effluent limitations and pretreatment standards for existing sources for two wastestreams: flue gas desulfurization (FGD) wastewater and bottom ash transport water.

This action is an economically significant deregulatory action that was submitted to the Office for Management and Budget (OMB) for interagency review. This Regulatory Impact Analysis (RIA) presents an assessment of the compliance costs and impacts associated with this action and presents analyses to meet various statutory and Executive Order requirements. The accompanying Benefit Cost Analysis (BCA) document presents social costs and benefits of the action, consistent with Executive Orders 12866, 13563, and 13771.

Regulatory Options

EPA analyzed four regulatory options at proposal, the details of which were discussed in the proposed rule [84 FR 64620]. For the final rule, EPA evaluated four regulatory options as shown in Table ES-1. Proposed regulatory options 1, 2, 3, and 4 correspond generally to regulatory options D, A, B, and C here, but do contain differences as detailed below. Public commenters generally supported three of the regulatory options that EPA proposed or variants thereof.[1] The availability and achievability of technologies with better pollutant removals, as well as with the general lack of public comments in support for proposed regulatory Option 1, led EPA to focus updates to the Agency's analysis on the remaining three regulatory options. EPA did not update the analyses for regulatory Option D, but rather retained the results of the proposed rule analyses for this option.

1 Some commenters also supported retaining the 2015 rule.

Table ES-1: Regulatory Options

Wastestream	Subcategory	Technology Basis for BAT/PSES Regulatory Options [Compliance Timing][b]				
		2015 Rule (Baseline)	**Option D[c]**	**Option A**	**Option B**	**Option C**
FGD Wastewater	NA (default)[a]	Chemical Precipitation + HRTR Biological Treatment [2021-2023]	Chemical Precipitation [2021-2023]	Chemical Precipitation + LRTR Biological Treatment [2021-2025]	Chemical Precipitation + LRTR Biological Treatment [2021-2025]	Membrane Filtration [2024-2028]
FGD Wastewater	High FGD Flow Facilities: Plant-level scrubber purge flow >4 MGD	NS	NS	Chemical Precipitation [2021-2023]	NS	NS
FGD Wastewater	Low Utilization Boilers: All units have 24-month average utilization < 10%	NS	NS	Chemical Precipitation [2021-2023]	NS	NS
FGD Wastewater	Generating units ceasing combustion of coal by December 31, 2028	NS	NS[d]	Surface Impoundment	NS	NS
FGD Wastewater Voluntary Incentives Program (Direct Dischargers Only)		Chemical Precipitation + Evaporation [2023]	Membrane Filtration [2028]	Membrane Filtration [2028]	Membrane Filtration [2028]	NA
Bottom Ash Transport Water	NA (default)[a]	Dry Handling / Closed loop [2021-2023]	High Recycle Rate Systems [2021-2023]	High Recycle Rate Systems [2021-2025]	High Recycle Rate Systems [2021-2025]	High Recycle Rate Systems [2021-2025]
Bottom Ash Transport Water	Low Utilization Boilers: All units have 24-month average utilization < 10%	NS	NS	Surface Impoundment + BMP Plan [2021-2023]	NS	NS
Bottom Ash Transport Water	Generating units ceasing combustion of coal by December 31, 2028	NS	NS[d]	Surface Impoundment	NS	NS

Abbreviations: BMP = Best Management Practice; HRTR = High Hydraulic Residence Time; LRTR = Low Hydraulic Residence Time; NS = Not subcategorized; NA = Not applicable

a. The table above does not present existing subcategories included in the 2015 rule as EPA did not reopen the existing subcategorization of oil-fired units or units with a nameplate capacity of 50 MW or less.

b. The compliance timing is 2021-2023 for indirect dischargers across all options.

c. Option D corresponds to proposed Option 1.

d. Option 1 as proposed used surface Impoundment as the technology basis for electric generating units ceasing combustion of coal by December 31, 2028. In its 2019 analysis, however, EPA did not specifically subcategorize these boilers but instead omitted these boilers from the analysis (*see* U.S. EPA, 2019a).

Source: U.S. EPA Analysis, 2020

Annualized Compliance Costs

EPA estimates that the regulatory options provide compliance cost savings when compared to the baseline (Table ES-2). On an *after-tax* basis, the cost savings when compared to baseline compliance costs range from $14 million to $140 million, with the final rule (Option A) providing the greatest estimated cost savings of the regulatory options.

Table ES-2: Estimated Incremental Annualized After-tax Compliance Costs (Million of 2018$, discounted to 2020 using 7 percent)

Regulatory Option	Net Capital Technology	Net Other Initial One-Time[a]	Net Total O&M	Net Total Costs
Option D[b]	*-$97*	*$0*	*-$40*	*-$137*
Option A	-$86	$0	-$54	-$140
Option B	-$74	$0	-$40	-$115
Option C	-$37	$0	$23	-$14

a. Costs analyzed over the period 2021-2047.

b. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2019, 2020

Impacts on Steam Electric Industry and Electricity Market

EPA assessed the impacts of the regulatory options on the steam electric industry and the electricity market in two ways:

1. A screening-level assessment reflecting historical characteristics of steam electric power plants and with assignment of estimated compliance costs to the plants and their owners. Specifically, EPA calculated cost-to-revenue ratios for individual steam electric power plants and for domestic parent-entities owning these plants to assess the relative impact of compliance outlays. Overall, this screening-level analysis shows that few entities are likely to experience significant changes in compliance costs compared to revenues, and all regulatory options further lessen economic impacts to these entities. See Chapter 4 for details.

2. A broader electricity market-level analysis using the Integrated Planning Model (IPM), which provides a more comprehensive indication of the economic impacts of the final rule, including an assessment of changes in the operating characteristics of steam electric power plants and other electricity generators resulting from changes in electricity markets under the final rule. See Chapter 5 for details.

Results across these analyses show that the final rule is estimated to have small impacts on the steam electric power plants, on the entities that own these plants, and on the electricity market as a whole. For example, IPM results for the market show net changes in total generation capacity or generation costs of less than 0.5 percent across economic measures for Option A in the model year 2030 after implementation of the final rule (see Table ES-3). The final rule results in a small projected decrease in total generation capacity (less than 0.1 percent of the baseline) due to decreases in non-coal generation sources even as coal-fired generation capacity increases slightly (0.8 percent). The increase in coal-fired generation capacity is the result of net avoided early retirements of coal-fired electricity generating units relative to the baseline and relative to any scheduled retirements. Results for steam electric power plants analysis accompanying the final rule (in Table ES-4) also show small impacts, with a net increase in total capacity under the final rule when compared to the baseline of approximately 0.3 percent, and net increases in total generation by steam electric power plants of 0.3 percent for the final rule. These findings suggest that the final rule will have small economic consequences for the steam electric power generating industry and the electricity market overall. Looking specifically at plants with estimated compliance cost savings, the results for the final rule show no change, or less than a one percent reduction or one percent increase in capacity utilization, electricity generation, and variable production costs, providing further support for the conclusion that the effects of the final rule on the steam electric industry will be small. See Chapter 5 for details of these analyses, including results by region and for different model years.

Table ES-3: Modeled Impact of Final Rule on National Electricity Market in the Year 2030

Economic Measures[a] (all dollar values in 2018$)	Baseline Value	Option A		
		Value	Difference	% Change
Total Domestic Capacity (GW)	1,169	1,169	-0.4	0.0%
Existing			1.1	0.1%
New Additions			-1.5	-0.1%
Early Retirements			-1.1	-0.1%
Generation (TWh)	4,316	4,316	-0.3	0.0%
Costs ($Millions)	$161,476	$161,351	-$125	-0.1%
Fuel Cost	$66,408	$66,459	$51	0.1%
Variable O&M	$10,045	$10,039	-$5	-0.1%
Fixed O&M	$51,818	$51,823	$6	0.0%
Capital Cost	$33,205	$33,029	-$176	-0.5%
Average Variable Production Cost ($/MWh)	$17.71	$17.72	$0.01	0.1%
CO2 Emissions (Million Metric Tons)	1,482	1,484	2.4	0.2%
Mercury Emissions (Tons)	4	4	0.0	0.2%
NOx Emissions (Million Tons)	1	1	0.0	0.1%
SO2 Emissions (Million Tons)	1	1	0.0	0.2%
HCL Emissions (Million Tons)	0	0	0.0	0.5%

a. See Chapter 5 for a description of the economic measures.

Source: U.S. EPA Analysis, 2020

Table ES-4: Impact of Final Rule on Facilities in the Steam Electric Power Generating Point Source Category, as a Group, in the Year 2030

Economic Measures[a] (all dollar values in 2018$)	Baseline Value	Option A		
		Value	Difference	% Change
Total Domestic Capacity (MW)	314,952	315,752	800	0.3%
Early Retirements - Number of Plants	62	63	1	1.6%
Full & Partial Retirements - Capacity (MW)	68,959	68,159	-800	-1.2%
Generation (GWh)	1,475,819	1,479,979	4,160	0.3%
Costs ($Millions)	$57,620	$57,729	$109	0.2%
Fuel Cost	$32,448	$32,596	$148	0.5%
Variable O&M	$5,800	$5,804	$4	0.1%
Fixed O&M	$18,521	$18,478	-$43	-0.2%
Capital Cost	$851	$851	$0	0.0%

Table ES-4: Impact of Final Rule on Facilities in the Steam Electric Power Generating Point Source Category, as a Group, in the Year 2030

Economic Measures [a] (all dollar values in 2018$)	Baseline Value	Option A		
		Value	Difference	% Change
Average Variable Production Cost ($/MWh)	$25.92	$25.95	$0.03	0.1%

a. See Chapter 5 for a description of the economic measures.

Source: U.S. EPA Analysis, 2020

Potential Impacts on Employment

In addition to addressing the costs and impacts of the regulatory options, EPA discusses the potential impacts of this rulemaking on employment in Chapter 6. Overall, any job impacts of the regulatory options, including the final rule, both positive and negative, are estimated to be small.

Potential Electricity Price Effects

EPA also assessed the estimated impacts of the regulatory options on electricity prices, assuming full cost pass-through of compliance costs in electricity prices. The Agency conducted this analysis in two parts: (1) an assessment of the estimated annual changes in electricity costs per MWh of total electricity sales; and (2) an assessment of the estimated annual changes in household electricity costs. Chapter 7 details these analyses.

Changes in costs per MWh of total electricity sales are small for all regulatory options; the maximum difference in price effect is a fraction of a cent per kWh. Overall across the United States, the final rule results in the highest cost savings of 0.005¢ per kWh, and Option C results in the lowest cost savings of 0.001¢ per kWh.

On the national level, cost savings relative to household electricity costs are greatest on average under the final rule, with average cost savings of $0.49 per year per household; by region, cost savings range between $0.09 and $1.03 per year per household. The average incremental annual cost savings per residential household is greatest in the Southeastern Electric Reliability Council (SERC) region and the least in the Northeast Power Coordinating Council (NPCC) region.

Potential Impacts on Small Entities

In accordance with the Regulatory Flexibility Act (RFA) requirements, EPA assessed whether the regulatory options would have “a significant impact on a substantial number of small entities” (SISNOSE). The analysis is detailed in Chapter 8.

This involved analyzing the baseline and regulatory options, and then drawing conclusions on the basis of the differences between the options and the baseline. Given net cost savings described earlier, EPA estimates that the final rule will also lessen impacts on small entities. EPA estimates that 76 to 127 small entities own steam electric power plants within the scope of the final rule. In the baseline, EPA estimates that 3 small entities owning steam electric power plants will incur costs exceeding one percent of revenue, but none will incur costs exceeding three percent of revenue. Under the final rule (as well as Options B and C), relative to the baseline 1 fewer small entity will incur costs exceeding one percent of revenue.

This screening-level analysis suggests that the final rule is estimated to further reduce the impact to small entities as compared to the baseline by providing cost savings to small entities.

Unfunded Mandate Reform Act

Under Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 section 202, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that might result in expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation) or more in any one year (*i.e.*, $160 million in 2018 dollars). As discussed in *Chapter 9*, EPA estimates that the final rule will not result in incremental expenditures of at least $160 million for State and local government entities, in the aggregate, or for the private sector in any one year. In fact, the final rule will provide net cost savings when compared to the baseline. Furthermore, neither permitted plants nor permitting authorities are estimated to incur significant additional administrative costs as the result of the regulatory options. Consistent with Section 205 of UMRA, EPA presents four regulatory options which would all reduce impacts to governments and the private sector. The final rule (Option A) provides the lowest impacts to governments and the private sector of the options EPA analyzed for the final rule. The subcategories included in the final rule provide additional flexibility to governments and private sector plant owners. Finally, the implementation period built into the final rule is another way for permit writers to consider the site-specific needs of steam electric power plants.

Other Administrative Requirements

EPA conducted analyses to address other administrative requirements. Key findings, which are discussed further in Chapter 10, include:

- **Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review:** Pursuant to the terms of Executive Order 12866, this action is an "economically significant regulatory action" because the action is likely to have an annual effect on the economy of $100 million or more, although the direction of the effect is estimated to be a reduction in costs when compared to the baseline. As such, the action is subject to review by the OMB under Executive Orders 12866 and 13563. Any changes made in response to OMB suggestions or recommendations will be documented in the docket for this action. EPA prepared an analysis of the estimated benefits and costs associated with this action; this analysis is detailed in Chapter 13 of the BCA (U.S. EPA, 2020a).

- **Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs:** The final rule is a deregulatory action under E.O. 13771, Reducing Regulation and Controlling Regulatory Costs. See Chapter 12 in the BCA (U.S. EPA, 2020a) for details on the time profile of costs and annualized discounted costs.

- **Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use:** EPA's analyses show that the final rule will not have a significant adverse effect at a national or regional level under Executive Order 13211. Specifically, the Agency's analyses found that the final rule will not reduce electricity production in excess of 1 billion kilowatt hours per year or in excess of 500 megawatts of installed capacity, nor will it increase U.S. dependence on foreign supply of energy.

- **Executive Order 12898: Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations**: EPA examined whether the benefits from the regulatory options may be differentially distributed among population subgroups in the affected areas. As described in Chapter 10 of this RIA and detailed in Chapter 14 of the BCA (U.S. EPA, 2020a), the majority of communities in proximity to steam electric power plants have a higher proportion of low income and/or minority residents than the state average. Therefore, the regulatory options could benefit or harm populations with EJ concerns depending on each option's pollutant exposure potential. EPA determined that the final rule will not deny communities from the benefits of environmental improvements estimated to result from compliance with the more stringent effluent limits, but it may disproportionally affect communities in cases where the rule may result in small increases in pollutant exposure relative to baseline. For example, because selected pollutant concentrations are generally estimated to increase prior to the latest compliance dates of the rule the regulatory options are likely to adversely affect populations with EJ concerns in the short term, although the effects are small.
- **Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks:** As described in Chapter 10 and detailed in the BCA (U.S. EPA, 2020a), EPA identified several ways in which the final rule could affect children, including by potentially increasing health risk from exposure to pollutants present in steam electric power plant discharges. However, EPA's analysis of the environmental health risks or safety risks addressed by this action show the potential impacts are small and do not present a *disproportionate* risk to children.

1 Introduction

1.1 Background

EPA is finalizing a regulation that revises the technology-based effluent limitations guidelines and standards (ELGs) for the steam electric power generating point source category, 40 CFR part 423, which EPA proposed in November 2019 (84 FR 64620). The final rule revises certain BAT effluent limitations and pretreatment standards for existing sources for two wastestreams: bottom ash transport water and flue gas desulfurization (FGD) wastewater.

This document describes the Agency's analysis of the costs and economic impacts of the final rule and the other options that were evaluated by EPA but were not finalized. It also provides information pertinent to meeting several legislative and administrative requirements.

This document complements and builds on information presented separately in other reports, including:

- *Supplemental Technical Development Document for Revisions to the Effluent Guidelines and Standards for the Steam Electric Power Generating Point Source Category* (Supplemental TDD) (U.S. EPA, 2020e). The *Supplemental TDD* provides background on the regulatory options; applicability and summary of the regulatory options; industry description; wastewater characterization and identifying pollutants; and treatment technologies and pollution prevention techniques. It also documents EPA's engineering analyses to support the regulatory options including facility-specific compliance cost estimates, pollutant loadings, and non-water quality environmental impact assessment.

- *Benefit and Cost Analysis for Revisions to the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category* (BCA) (U.S. EPA, 2020a). The *BCA* summarizes the societal benefits and costs estimated to result from implementation of the regulatory options.

- *Supplemental Environmental Assessment for Revisions to the Effluent Guidelines and Standards for the Steam Electric Power Generating Point Source Category* (Supplemental EA) (U.S. EPA, 2020d). The *Supplemental EA* summarizes the environmental and human health improvements that are estimated to result from implementation of the regulatory options.

The revisions to the ELGs for the Steam Electric Power Generating Point Source Category are based on data generated or obtained in accordance with EPA's Quality Policy and Information Quality Guidelines. EPA's quality assurance (QA) and quality control (QC) activities for this rulemaking include the development, approval and implementation of Quality Assurance Project Plans for the use of environmental data generated or collected from all sampling and analyses, existing databases and literature searches, and for the development of any models which used environmental data. Unless otherwise stated within this document, the data used and associated data analyses were evaluated as described in these quality assurance documents to ensure they are of known and documented quality, meet EPA's requirements for objectivity, integrity and utility, and are appropriate for the intended use.

1.2 Overview of the Costs and Economic Impacts Analysis

This section describes the key components of the analysis framework. The Agency's analysis generally follows the methodology EPA previously used to analyze the November 2019 proposal (see RIA; U.S. EPA, 2019a). *Appendix A* describes the principal changes to the regulatory options analysis, as compared to the 2019 proposal. These changes include:

- Updating the information on the control and treatment technologies and associated costs for bottom ash transport water and FGD wastewater (see *Supplemental TDD* for details).
- Updating the universe of steam electric power plants and their wastestreams to account for major changes such as additional retirements, fuel conversions, ash handling system conversions, wastewater treatment system updates and updated information on capacity utilization.
- Accounting for announced unit retirements and repowerings[2] in estimating the stream of expenditures under the baseline and each regulatory option during the period of analysis.
- Updating the baseline used in analyses using the Integrated Planning Model (IPM). IPM incorporates the effects of existing regulations and programs or estimated to be in effect by the time the final rule is implemented. For the final rule, this baseline includes the final Affordable Clean Energy rule, the final Coal Combustion Residuals (CCR) Part A rule, and an updated representation of the 2015 rule. See Section 2.2 for additional discussion of these regulations and Chapter 5, *Assessment of the Impact of the Final Rule on National and Regional Electricity Markets*, for further description of the analysis using IPM.
- Updating electricity generation, sales, and electricity prices based on the most current data from the Energy Information Administration (EIA) (*e.g.*, 2013-2018 vs. 2011-2016).
- Updating the SBA small business size thresholds (August 2019 standards vs. October 2017 standards), updating information about the entities that own steam electric generating units, based on EIA data, and recategorizing these entities as small or large.

1.2.1 Main Regulatory Options Presented in the Final Rule

EPA analyzed four regulatory options at proposal, the details of which were discussed in the proposed rule [84 FR 64620]. For the final rule, EPA evaluated four regulatory options as shown in Table 1-1. Proposed regulatory options 1, 2, 3, and 4 correspond generally to regulatory options D, A, B, and C here, but do contain differences as detailed below. Public commenters generally supported three of the regulatory options that EPA proposed or variants thereof.[3] The availability and achievability of technologies with better pollutant removals, as well as with the lack of public comments in support for proposed regulatory option 1, led EPA to focus updates to the Agency's analysis on the remaining three regulatory options. EPA did not update the analyses for regulatory option D, but rather retained the results of the proposed rule analyses for this option.

2 Repowering refers to the replacement of coal generation equipment with non-coal generation equipment.

3 Some commenters also supported retaining the 2015 rule.

Table 1-1: Regulatory Options

Wastestream	Subcategory	Technology Basis for BAT/PSES Regulatory Options[a]				
		2015 Rule (Baseline)	**Option D[c]**	**Option A**	**Option B**	**Option C**
FGD Wastewater	NA (default)[b]	Chemical Precipitation + HRTR Biological Treatment [2021-2023]	Chemical Precipitation [2021-2023]	Chemical Precipitation + LRTR Biological Treatment [2021-2025]	Chemical Precipitation + LRTR Biological Treatment [2021-2025]	Membrane Filtration [2025-2028]
FGD Wastewater	High FGD Flow Facilities: Plant-level scrubber purge flow >4 MGD	NS	NS	Chemical Precipitation [2021-2023]	NS	NS
FGD Wastewater	Low Utilization Boilers: All units have 24-month average utilization < 10%	NS	NS	Chemical Precipitation [2021-2023]	NS	NS
FGD Wastewater	Generating units ceasing combustion of coal by 2028[c]	NS	NS[d]	Surface Impoundment	NS	NS
FGD Wastewater Voluntary Incentives Program (Direct Dischargers Only)		Chemical Precipitation + Evaporation [2023]	Membrane Filtration [2028]	Membrane Filtration [2028]	Membrane Filtration [2028]	NA
Bottom Ash Transport Water	NA (default)[b]	Dry Handling / Closed loop [2023]	Dry Handling or High Recycle Rate Systems [2021-2023]	Dry Handling or High Recycle Rate Systems [2021-2025]	Dry Handling or High Recycle Rate Systems [2021-2025]	Dry Handling or High Recycle Rate Systems [2021-2025]
Bottom Ash Transport Water	Low Utilization Boilers: All units have 24-month average utilization < 10%	NS	NS	Surface Impoundment + BMP Plan [2021-2023]	NS	NS
Bottom Ash Transport Water	Generating units ceasing coal combustion by 2028	NS	NS[d]	Surface Impoundment	NS	NS

Abbreviations: BMP = Best Management Practice; HRTR = High Hydraulic Residence Time; LRTR = Low Hydraulic Residence Time; NS = Not subcategorized; NA = Not applicable

a. See *Supplemental TDD* for a description of these technologies

b. The 2015 rule subcategorized units with nameplate capacity 50 MW or less and EPA is not revising requirements for these units in this proposal.

c. Option D corresponds to proposed Option 1.

d. Option 1 as proposed used surface Impoundment as the technology basis for generating units ceasing combustion of coal by December 31, 2028. In its 2019 analysis, however, EPA did not specifically subcategorize these boilers but instead omitted these boilers from the analysis (*see* U.S. EPA, 2019a).

Source: U.S. EPA Analysis, 2020

1.2.2 Baseline

The baseline for the analyses supporting the final rule reflects the 2015 rule requirements as well as the September 2017 postponement rule, which delayed by two years the earliest compliance dates for the 2015 rule applicable to FGD wastewater and bottom ash transport water (in absence of the final rule). While this report evaluates the baseline and four main regulatory options, the Agency focuses on the compliance costs that plants could incur under Options A, B, and C presented in Table 1-1, and estimates presented for Option D have not been updated from proposal.[4] For Options A through C, the Agency calculated the difference between the updated baseline and the final regulatory options to determine the net effect (as positive or negative change) of these regulatory options.

EPA updated baseline information to incorporate major changes in the universe and operational characteristics of steam electric power plants such as additional retirements and fuel conversions since the analysis of the 2019 proposal detailed in U.S. EPA (2019a). EPA also incorporated updated information on the technologies and other controls that plants employ. The current analysis focuses on two wastestreams: bottom ash transport water and FGD wastewater. Because of these updates, the estimated costs and economic impacts of the baseline presented in this document differ from those presented in the RIA document for the 2019 proposal and 2015 rule (U.S. EPA, 2015c; 2019a), and better reflect actual costs of the 2015 rule today.

Unless otherwise specified, references to the 2015 rule baseline in the remainder of this document include both the technical requirements of the 2015 rule as well as the revisions to compliance dates in the 2015 rule as a result of the 2017 steam electric postponement rule. It also includes the effects of the 2020 CCR Part A rule (see Section 2.2.2).

1.2.3 Cost and Economic Analysis Requirements under the Clean Water Act

EPA's effluent limitations guidelines and standards for the steam electric industry are promulgated under the authority of the Clean Water Act (CWA) Sections 301, 304, 306, 307, 308, 402, and 501 (33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361). In establishing national effluent guidelines and pretreatment standards for pollutants, EPA considers the availability and economic achievability of control and treatment technologies, as well as specified statutory factors including "costs." 33 U.S.C. 1311(b)(2)(A), 1314(b)(2)(B).

EPA analyzed economic achievability; the cost and economic impact analysis for this rulemaking also focuses on understanding the magnitude and distribution of compliance cost savings across the industry, and the broader market impacts.[5] This report also documents analyses required under other legislative (*e.g.*, Regulatory Flexibility Act, Unfunded Mandates Reform Act) and administrative requirements (*e.g.*, Executive Order 12866: Regulatory Planning and Review).

[4] The Agency includes values for Option D obtained from the 2019 RIA (see Option 1 in U.S. EPA, 2019a) in summary tables to provide context for comparing the three analyzed options. Because of differences in the baseline information noted above since the 2019 proposal, comparisons between Option D and Options A through C are approximate. Additionally, values for Option D do not reflect changes in the plant universe and other analytical inputs for the analysis of Options A, B, and C.

[5] Since there have been many changes to the industry since the 2015 rule, EPA also evaluates impacts in light of these changes to confirm its findings that the costs are economically achievable.

1.2.4 Analyses of the Regulatory Options and Report Organization

This document discusses the following analyses EPA performed in support of the regulatory options as compared to the baseline:

- **Overview of the steam electric industry** (Chapter 2), which focuses on changes to the industry since the 2015 rule. This chapter includes updates to reflect changes to the industry since the 2019 proposal.
- **Compliance cost assessment** (Chapter 3), which describes the cost components and calculates the industry-wide compliance costs for the baseline and regulatory options and estimates the incremental costs attributable to the regulatory options.
- **Cost and economic impact screening analyses** (Chapter 4), which evaluates the incremental impacts of compliance on plants and their owning entities on a cost-to-revenue basis.
- **Assessment of impacts in the context of national electricity markets** (Chapter 5), which analyzes the impacts of the regulatory options using IPM and provides insight into the incremental effects of the regulatory options on the steam electric power generating industry and on national electricity markets, relative to the baseline.
- **Analysis of employment effects** (Chapter 6), which assesses national-level changes in employment in the steam electric industry, relative to the baseline.
- **Assessment of potential electricity price effects** (Chapter 7), which looks at the incremental impacts of compliance in terms of increased electricity prices for households and for other consumers of electricity.
- **Regulatory Flexibility Act (RFA) analysis** (Chapter 8) which assesses the change in impact of the rule on small entities on the basis of a revenue test, *i.e.*, cost-to-revenue comparison.
- **Unfunded Mandates Reform Act (UMRA) analysis** (Chapter 9) which assesses the change in impact on government entities, in terms of (1) compliance costs to government-owned plants and (2) administrative costs to governments implementing the rule. The UMRA analysis also compares the impacts to small governments with those of large governments and small private entities.
- **Analyses to address other administrative requirements** (Chapter 10), such as Executive Order 13211, which requires EPA to determine if this action would have a significant effect on energy supply, distribution, or use.

These analyses generally follow the same methodology used by EPA for the analysis of the 2015 rule and 2019 proposal and the discussion follows a presentation very similar to that in the associated RIA documents (U.S. EPA, 2015c, 2019a).

Chapter 11 provides detailed information on sources cited in the text and two appendices provide supporting information:

- *Appendix A: Summary of Changes to Costs and Economic Impact Analysis* lists the principal changes EPA made to its costs and economic impact analysis for the regulatory options, relative to the methodology used to analyze the 2019 proposal.
- *Appendix B: Comparison of Incremental Costs and Pollutant Removals* describes EPA's analysis of the cost-effectiveness of the regulatory options.

2 Overview of the Steam Electric Industry

This section provides a general description of the steam electric industry, focusing on changes to the universe of plants and entities that own the plants as compared to the profile used for the 2015 rule (U.S. EPA, 2015c). It also discusses the regulations applicable to the universe of plants subject to the final rule.

2.1 Steam Electric Industry

The final rule revises BAT limitations and pretreatment standards for bottom ash transport water and FGD wastewater for existing sources in the steam electric industry. The Steam Electric Power Generating Point Source Category covers "discharges resulting from the operation of a generating unit by an establishment whose generation of electricity is the predominant source of revenue or principal reason for operation, and whose generation of electricity results primarily from a process utilizing fossil-type fuel (coal, oil, or gas), fuel derived from fossil fuel (e.g., petroleum coke, synthesis gas), or nuclear fuel in conjunction with a thermal cycle employing the steam water system as the thermodynamic medium." (40 CFR 423.10)

EPA had identified 1,080 steam electric power plants – including plants that operate coal, oil, gas, and nuclear generating units – and used this universe in its analysis of the 2015 rule (U.S. EPA, 2015c). Review of more recent data revealed that some of the plants EPA surveyed in 2010[6] have since retired their coal steam units, converted to different fuels, or made other changes that affect discharge characteristics. The *Supplemental TDD* describes the changes in the steam electric industry population since the 2015 rule analysis, including retirements, fuel conversions, ash handling conversions, wastewater treatment updates, and updated information on capacity utilization (U.S. EPA, 2020e).

EPA adjusted the 2015 universe to remove coal steam plants that no longer fit the definition of the Steam Electric Power Generating point source category. As a result of these adjustments, EPA estimates that there are 914 plants in the steam electric power generating industry. As presented in Table 2-1 (next page), the 914 steam electric power plants represent approximately 8 percent of the total number of plants in the power generation sector, but represent approximately 25 percent of the national total electric nameplate generating capacity with 300,816 MW.[7]

Of the estimated 914 steam electric power plants in the universe, EPA expects only a subset to incur compliance costs under the final rule: those coal fired power plants that discharge bottom ash transport water or FGD wastewater. As presented in Table 2-1, EPA estimated that 108 plants would incur non-zero compliance costs under the baseline; these plants represent 1.0 percent of the total plants reported by EIA in 2018 and 2.9 percent of the total generating capacity.

[6] See *Questionnaire for the Steam Electric Power Generating Effluent Guidelines* (Steam Electric Survey; U.S. EPA, 2010)

[7] The total number of plants and electric generating capacity are for 2018. At the time EPA developed the industry profile, 2018 was the most recent calendar year for which EIA had published detailed annual data.

Table 2-1: Steam Electric Industry Share of Total Electric Power Generation Plants and Capacity in 2018

	Total[a]	Steam Electric Industry[b]		Plants with Non-Zero Compliance Costs for Baseline[c]	
		Number	% of Total	Number	% of Total
Plants	10,980	914	8.3%	108	1.0%
Capacity (MW)	1,196,488	300,816	25.1%	34,461	2.9%

a. Data for total electric power generation industry are from the 2018 EIA-860 database (EIA, 2019b).

b. Steam electric power plant count and capacity were calculated on a sample-weighted basis.

c. See Chapter 3 for details on compliance cost estimates, including number of plants with non-zero compliance costs under the final rule and other regulatory options.

Source: U.S. EPA Analysis, 2020; EIA, 2019b.

The following sections present information on ownership, physical, geographic, and operating characteristics of steam electric power plants.

2.1.1 Owner Type and Size

Entities that own electric power plants can be divided into seven major ownership categories: investor-owned utilities, nonutilities[8], federally-owned utilities, State-owned utilities, municipalities, rural electric cooperatives, and other political subdivisions. These categories are important because EPA has to assess the impact of the final rule on State, local, and tribal governments in accordance with UMRA of 1995 (see Chapter 9, *Unfunded Mandates Reform Act (UMRA) Analysis*).

Table 2-2 reports the number of parent entities, plants, and capacity by ownership type for the 914 steam electric power plants (for details on determination of parent entities for steam electric power plants, see Chapter 4, *Cost and Economic Impact Screening Analyses*). The majority of steam electric power plants (54 percent of all steam electric power plants) are owned by investor-owned utilities, while nonutilities make up the second largest category (20 percent of all steam electric power plants). In terms of steam electric nameplate capacity, investor-owned utilities account for the largest share (58 percent) of total steam electric nameplate capacity.

Table 2-2: Existing Steam Electric Power Plants, Their Parent Entities, and Nameplate Capacity by Ownership Type, 2018

Ownership Type	Parent Entities [a,b,c]				Plants [a,b,d]		Capacity (MW) [a,d]	
	Lower Bound		Upper Bound					
	Number	% of Total	Number	% of Total	Number[c]	% of Total	Number[c]	% of Total
Cooperative	27	11.7%	49	10.7%	62	6.8%	25,793	8.6%
Federal	1	0.4%	3	0.7%	20	2.2%	11,844	3.9%
Investor-owned	66	28.6%	149	32.5%	489	53.6%	175,223	58.2%
Municipality	57	24.7%	92	20.1%	120	13.1%	48,557	16.1%
Nonutility	68	29.4%	142	30.9%	185	20.3%	28,550	9.5%
Other Political Subdivisions	10	4.3%	21	4.7%	34	3.7%	6,640	2.2%
State	2	0.9%	2	0.4%	4	0.4%	4,209	1.4%

8 Nonutilities are entities that own or operate facilities that generate electricity for use by the public but are not public utilities.

Table 2-2: Existing Steam Electric Power Plants, Their Parent Entities, and Nameplate Capacity by Ownership Type, 2018

Ownership Type	Parent Entities [a,b,c]				Plants [a,b,d]		Capacity (MW) [a,d]	
	Lower Bound		Upper Bound					
	Number	% of Total	Number	% of Total	Number[c]	% of Total	Number[c]	% of Total
Total	**231**	**100.0%**	**459**	**100.0%**	**914**	**100.00%**	**300,816**	**100.0%**

a. Numbers may not add up to totals due to independent rounding.

b. Ownership information on steam electric power plants and their parent entities is based on information gathered through the Steam Electric Survey (U.S. EPA, 2010) and additional research of publicly available information.

c. Parent entity counts are calculated on a sample-weighted basis and represent the lower and upper bound estimates of the number of entities owning steam electric power plants. For details see Chapter 4.

d. Steam electric power plant count and capacity were calculated on a sample-weighted basis. For details on sample weights, see *Supplemental TDD*.

Source: U.S. EPA Analysis, 2020; EIA, 2019b

EPA estimates that between 28 percent and 33 percent of entities owning steam electric power plants are small entities (Table 2-3), according to Small Business Administration (SBA) (2019) business size criteria. By definition, states and the federal government are considered large entities.

The size distribution of parent entities owning steam electric power plants varies by ownership type. Under the lowest bound estimate, the lowest share of small entities is in the other political subdivision[9] category (10 percent), while cooperatives and small municipalities make up the largest share of small entities (74 percent and 47 percent, respectively). The pattern is similar under the upper bound estimate, but small entities represent 5 percent of other political subdivision entities, 72 percent of cooperatives, and 38 percent of municipalities.

EPA estimates that out of 914 steam electric power plants, 138 (15 percent) are owned by small entities (Table 2-4). Cooperatives represent the largest share (29 percent) of small entities that own steam electric power plants (40 out of 138 entities), while investor-owned utilities, nonutilities, municipalities, and other political subdivisions make up the remaining 71 percent. For a detailed discussion of the identification and size determination of parent entities of steam electric power plants, see Chapter 4 and Chapter 8.

Table 2-3: Parent Entities of Steam Electric Power Plants by Ownership Type and Size (assuming two different ownership cases)[a,b]

Ownership Type	Lower bound estimate of number of entities owning steam electric power plants				Upper bound estimate of number of entities owning steam electric power plants			
	Small	Large	Total	% Small	Small	Large	Total	% Small
Cooperative	20	7	27	74.1%	35	14	49	71.6%
Federal	0	1	1	0.0%	0	3	3	0.0%
Investor-owned	11	55	66	16.7%	25	124	149	16.5%
Municipality	27	30	57	47.4%	35	57	92	37.8%
Nonutility	17	51	68	25.0%	31	111	142	21.8%
Other Political Subdivision	1	9	10	10.0%	1	20	21	4.7%
State	0	2	2	0.0%	0	2	2	0.0%

9 Other political subdivisions include public power districts and irrigation projects.

Table 2-3: Parent Entities of Steam Electric Power Plants by Ownership Type and Size (assuming two different ownership cases)[a,b]

Ownership Type	Lower bound estimate of number of entities owning steam electric power plants				Upper bound estimate of number of entities owning steam electric power plants			
	Small	Large	Total	% Small	Small	Large	Total	% Small
Total	**76**	**155**	**231**	**32.9%**	**127**	**332**	**459**	**27.6%**

a. Numbers may not add up to totals due to independent rounding.

b. For details on estimates of the number of majority owners of steam electric power plants see Chapter 4 and Chapter 8.

Source: U.S. EPA Analysis, 2020

Table 2-4: Steam Electric Power Plants by Ownership Type and Size

Ownership Type	Number of Steam Electric Power Plants[a,b,c]			
	Small	Large	Total	% Small
Cooperative	40	22	62	64.7%
Federal	0	20	20	0.0%
Investor-owned	27	463	489	5.4%
Municipality	35	85	120	29.2%
Nonutility	35	150	185	18.9%
Other Political Subdivisions	1	33	34	3.0%
State	0	4	4	0.0%
Total	**138**	**776**	**914**	**15.1%**

a. Numbers may not sum to totals due to independent rounding.

b. Plant counts are sample-weighted estimates.

c. Plant size was determined based on the size of majority owners. In case of multiple owners with equal ownership shares, a plant was assumed to be small if it is owned by at least one small entity.

Source: U.S. EPA Analysis, 2020

2.1.2 Geographic Distribution of Steam Electric Power Plants

The U.S. bulk power system is composed of three major networks, or power grids, subdivided into several smaller North American Electric Reliability Corporation (NERC) regions:

- The *Eastern Interconnected System* covers the largest portion of the United States, from the eastern end of the Rocky Mountains and the northern borders to the Gulf of Mexico states (including parts of northern Texas) on to the Atlantic seaboard.

- The *Western Interconnected System* covers nearly all of areas west of the Rocky Mountains, including the Southwest.

- The *Texas Interconnected System*, the smallest of the three major networks, covers the majority of Texas.

The Texas system is not connected with the other two systems, while the other two have limited interconnection to each other. The Eastern and Western systems are integrated with, or have links to, the Canadian grid system. The Western and Texas systems have links with Mexico.

These major networks contain extra-high voltage connections that allow for power transmission from one part of the network to another. Wholesale transactions can take place within these networks to reduce power costs, increase supply options, and ensure system reliability.

NERC is responsible for the overall reliability, planning, and coordination of the power grids. An independent, not-for-profit organization, it has regulatory authority for ensuring electric reliability in the United States, under the oversight of FERC. NERC is organized into seven regional entities that cover the 48 contiguous States, and two affiliated councils that cover Hawaii, part of Alaska, and portions of Canada and Mexico.[10] These regional organizations are responsible for the overall coordination of bulk power policies that affect their regions' reliability and quality of service. Interconnection *between* the bulk power networks is limited in comparison to the degree of interconnection *within* the major bulk power systems. Further, the degree of interconnection between NERC regions even within the same bulk power network is also limited. Consequently, each NERC region deals with electricity reliability issues in its own region, based on available capacity and transmission constraints. The regional organizations also facilitate the exchange of information among member utilities in each region and between regions. Service areas of the member utilities determine the boundaries of the NERC regions. Though limited by the larger bulk power grids described above, NERC regions do not necessarily follow any State boundaries. Figure 2-1 provides a map of the NERC regions EPA used for the analysis of the regulatory options, listed in Table 2-5. The map uses the same regional breakout used for the 2015 rule analysis, which was based on the 2012 EIA data and separates out the Southwest Power Pool (SPP) region.[11]

Table 2-5: NERC regions

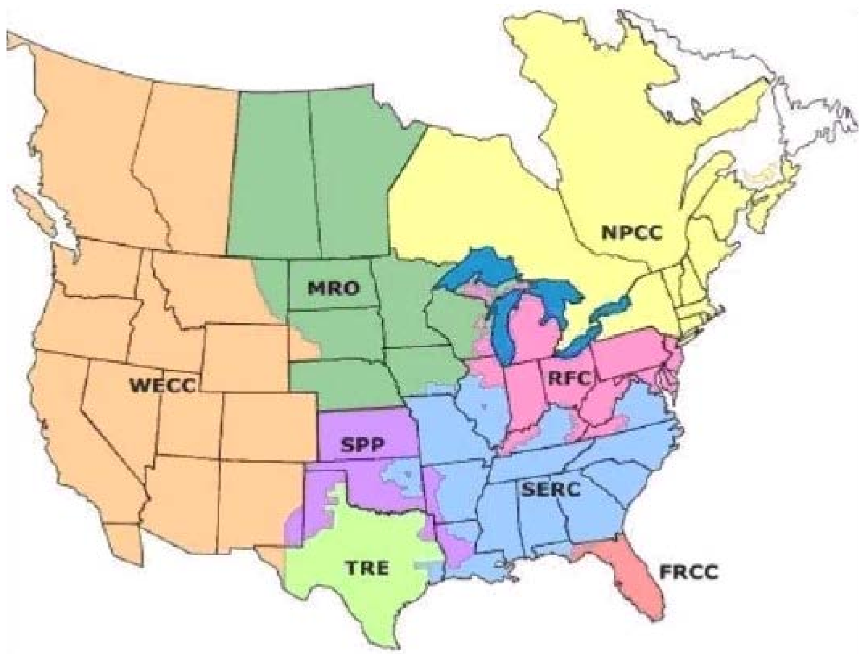
Bulk Power Network	NERC Region	NERC Entity
Eastern Interconnected System	FRCC	Florida Reliability Coordinating Council
	MRO	Midwest Reliability Organization
	NPCC	Northeast Power Coordinating Council (U.S.)
	RFC	Reliability First Corporation
	SERC	SERC Reliability Corporation
	SPP	Southwest Power Pool
Western Interconnected System	WECC	Western Energy Electricity Coordinating Council (U.S.)
Texas Interconnected System	TRE	Texas Regional Reliability Entity
	ASCC	Alaska Systems Coordinating Council
	HICC	Hawaii Coordinating Council

Source: EIA, 2012

10 Energy concerns in the States of Alaska, Hawaii, the Dominion of Puerto Rico, and the Territories of American Samoa, Guam, and the Virgin Islands are not under reliability oversight by NERC.

11 Some NERC regions have been re-defined/re-named over time. This chapter provides NERC region data by the 2012 NERC regions.

Figure 2-1: North American Electric Reliability Corporation (NERC) Regions



Note: The ASCC and HICC regions are not shown.
Source: EIA, 2012.

The evaluated options are estimated to have a different effect on profitability, electricity prices, and other impact measures across NERC regions. This is because of variations in the economic and operational characteristics of steam electric and other power plants across NERC regions, including the share of the region's electricity demand met by steam electric power plants subject to the final rule under the different options. Other factors include the baseline economic characteristics of the NERC regions, together with market segmentation due to limited interconnectedness among NERC regions. To assess the potential reliability impact of the regulatory options, EPA assessed the distribution of steam electric power plants and their capacity across NERC regions.

As reported in Table 2-6, NERC regions differ in terms of both the number of steam electric power plants and their capacity. Steam electric power plants are somewhat concentrated in the RFC, SERC, and WECC regions (21 percent, 21 percent, and 17 percent, respectively); these three regions also account for a majority of the steam electric nameplate capacity in the United States (18 percent, 27 percent, and 20 percent, respectively).

Table 2-6: Steam Electric Power Plants and Nameplate Capacity by NERC Region, 2018

NERC Region	Plants[b]		Capacity (MW)[a,b]	
	Number	% of Total	MW	% of Total
ASCC	2	0.2%	3,231	1.1%
FRCC	48	5.2%	27,244	9.1%
HICC	10	1.1%	1,517	0.5%
MRO	73	8.0%	13,235	4.4%

Table 2-6: Steam Electric Power Plants and Nameplate Capacity by NERC Region, 2018

NERC Region	Plants[b]		Capacity (MW)[a,b]	
	Number	% of Total	MW	% of Total
NPCC	89	9.7%	12,618	4.2%
RFC	189	20.7%	54,912	18.3%
SERC	194	21.2%	80,554	26.8%
SPP	79	8.7%	27,642	9.2%
TRE	71	7.8%	18,802	6.3%
WECC	159	17.4%	61,060	20.3%
TOTAL	**914**	**100.0%**	**300,816**	**100.0%**

a. Numbers may not add up to totals due to independent rounding.

b. The numbers of plants and capacity are calculated on a sample-weighted basis.

Source: U.S. EPA Analysis, 2020; EIA, 2019b

2.1.3 Electricity Generation

Total net electricity generation in the United States for 2018 was 4,174 TWh.[12] The 2018 EIA data was the most recent year of finalized EIA data, and was not available at proposal. Coal accounted for 27 percent of total electricity generation, behind natural gas (35 percent), but ahead of nuclear power (19 percent). Other energy sources accounted for comparatively smaller shares of total generation, with hydropower representing 7 percent; wind, solar and other renewable energy, 10 percent; and petroleum, 1 percent.

As presented in Table 2-7, the 7-year period of 2012 through 2018 saw total net generation increase by approximately 3.1 percent, with the 371 TWh drop in generation from coal-fueled generators (25 percent) offset by growth in generation from natural gas (243 TWh, 19.8 percent increase) and renewables (196 TWh, an 87 percent increase).

Between 2012 and 2018, the amount of electricity generated by utilities declined by 0.2 percent while that generated by nonutilities rose by 7.7 percent. Comparing 2012 and 2018 values, across all fuel-source categories, utilities generated a larger share of their electricity using natural gas (a 43 percent increase) and renewables (a 75 percent increase) even as their overall generation declined. For nonutilities, the largest percent increase in electricity generation (89 percent) occurred for renewables, whereas generation from natural gas increased 4 percent.

Table 2-7: Net Generation by Energy Source and Ownership Type, 2012-2018 (TWh)

Energy Source	Utilities			Nonutilities			Total		
	2012	2018	% Change	2012	2018	% Change	2012	2018	% Change
Coal	1,146	857	-25.2%	368	286	-22.2%	1,514	1,143	-24.5%
Hydropower	249	263	5.6%	23	24	6.7%	271	287	5.7%
Nuclear	395	424	7.5%	375	383	2.2%	769	807	4.9%
Petroleum	15	17	14.9%	8	8	8.8%	22	25	12.8%
Natural Gas	505	720	42.6%	721	749	3.8%	1,226	1,469	19.8%
Other Gases	1	3	271.0%	12	13	11.9%	13	16	28.8%
Renewables[a]	28	49	74.8%	197	372	88.6%	225	421	86.9%

12 One terawatt-hour is 10^{12} watt-hours.

Table 2-7: Net Generation by Energy Source and Ownership Type, 2012-2018 (TWh)

Energy Source	Utilities			Nonutilities			Total		
	2012	2018	% Change	2012	2018	% Change	2012	2018	% Change
Other[b]	0	0	-14.1%	6	6	-9.1%	7	6	-9.4%
Total	**2,339**	**2,334**	**-0.2%**	**1,709**	**1,841**	**7.7%**	**4,048**	**4,174**	**3.1%**

a. Renewables include wood, black liquor, other wood waste, municipal solid waste, landfill gas, sludge waste, agriculture byproducts, other biomass, geothermal, solar thermal, photovoltaic energy, and wind.

b. Other includes batteries, hydrogen, purchased steam, sulfur, tire-derived fuels and other miscellaneous energy sources.

Source: EIA, 2019c

2.2 Other Environmental Regulations

The 2015 RIA described factors, such as deregulation and environmental regulations and programs, that have affected the steam electric power generating industry, and electrical power generation more generally, over the last decades. See Chapter 2 in U.S. EPA (2015c). The sections below provide updated discussions on changes to two environmental regulations since 2015.

2.2.1 Affordable Clean Energy (ACE) Rule

On June 19, 2019, EPA issued the ACE rule pursuant to Clean Air Act (CAA) sections 111(a)(1) and 111(d), providing states with guidelines for establishing standards of performance regulating CO_2 emissions at existing coal-fired electric utility generating units (EGUs). This action was finalized in conjunction with two related, but separate and distinct rulemakings: (1) the repeal of the Clean Power Plan (CPP), and (2) revised implementing regulations for ACE, ongoing emission guidelines, and all future emission guidelines for existing sources issued under the authority of CAA section 111(d).

Under CAA section 111(a)(1) and 111(d), respectively, EPA determines the best system of emission reduction (BSER) and states submit plans establishing standards of performance based on the BSER. The BSER must be applicable to, at, and on the premises of a source subject to CAA section 111(d). EPA repealed the CPP on the basis that it in part improperly premised its BSER on generation shifting between EGUs and other lower emitting sources. In ACE, EPA determined the BSER for coal-fired EGUs as six heat rate improvements (HRI) "candidate technologies", as well as additional operating and maintenance (O&M) practices, all of which are applicable to and at the source. For each candidate technology, EPA has provided the degree of emission limitation achievable through application of the BSER as ranges of expected improvement and costs. States are required to submit plans by July 8, 2022, which establish standards of performance for their EGUs subject to the ACE rule. The standards of performance must reflect the degree of emission limitation through application of the BSER, and states may take into account remaining useful life and other factors in applying a standard to a particular EGU. Multiple legal challenges to this rule were consolidated in American Lung Association v. EPA, No. 19-1140, and are currently pending in the D.C. Circuit Court of Appeals.

The analyses supporting the final rule use the most up-to-date version of IPM available, which includes an illustrative representation of the requirements of the final ACE rule (U.S. EPA, 2020b).[13] See

13 As discussed in the ACE RIA, "EPA did not have sufficient information to assess HRI [heat rate improvement] potential on a unit-by-unit basis. [Clean Air Act] CAA 111(d) also provides states with the responsibility to establish standards of performance and provides considerable flexibility in applying those emission standards. States may take source-specific factors into consideration – including the remaining useful life of the affected source – when applying

additional discussion of IPM in Chapter 5, *Assessment of the Impact of the Final Rule on National and Regional Electricity Markets*.

2.2.2 Coal Combustion Residuals Rule

On April 17, 2015, the Agency published the Disposal of Coal Combustion Residuals from Electric Utilities final rule. This rule finalized national regulations to provide a comprehensive set of requirements for the safe disposal of CCRs, commonly known as coal ash, from coal-fired power plants. The final CCR rule was the culmination of extensive study on the effects of coal ash on the environment and public health. The rule established technical requirements for CCR landfills and surface impoundments under subtitle D of the Resource Conservation and Recovery Act (RCRA), the nation's primary law for regulating solid waste.

These regulations addressed coal ash disposal, including regulations designed to prevent leaking of contaminants into ground water, blowing of contaminants into the air as dust, and the catastrophic failure of coal ash surface impoundments. Additionally, the CCR rule set out recordkeeping and reporting requirements as well as the requirement for each facility to establish and post specific information to a publicly-accessible website. This final CCR rule also supported the responsible recycling of CCRs by distinguishing beneficial use from disposal.

As a result of the DC Circuit Court rulings in USWAG v. EPA, No. 15-1219 (DC Cir. 2018) and Waterkeeper Alliance Inc, et al. v. EPA, No. 18-1289 (DC Cir. 2019), the Administrator signed amendments to the CCR rule (CCR Part A) on July 29, 2020. In particular, four amendments to the CCR rule were finalized. First, the CCR Part A rule establishes a new deadline of April 11, 2021, for all unlined surface impoundments and those surface impoundments that failed the location restriction for placement above the uppermost aquifer to stop receiving waste and begin closure or retrofit. EPA determined this date after evaluating the steps that owners and operators need to take to cease receipt of waste and initiate closure and the time frames necessary for implementation. Second, the rule establishes procedures for facilities to obtain additional time to develop alternate capacity to manage their waste streams (both coal ash and non-coal ash) before they have to stop receiving waste and initiate closure of their coal ash surface impoundments. Third, the rule changes the classification of compacted-soil lined or clay-lined surface impoundments from “lined” to “unlined.” Finally, the rule revises the coal ash regulations to specify that all unlined surface impoundments are required to retrofit or close. This would not impact the ability of facilities to install new, composite-lined surface impoundments.

As explained in the 2015 rule and 2019 proposal, the ELGs and CCR rules may affect the same unit or activity at a power plant. As such, when EPA finalized the ELGs and CCR rules in 2015 and proposed revisions to both rules in 2019, EPA coordinated the two rules to facilitate and minimize the complexity of implementing engineering, financial, and permitting activities. EPA continued to coordinate these two rules in the development of the final rule for ELG and CCR. EPA’s analysis for the final ELG rule estimates how the CCR Part A rule may affect surface impoundments and the ash handling systems and

the standards of performance. Generally, the EPA cannot sufficiently distinguish likely or representative standards of performance across individual affected units or groups of units and their compliance strategies. Therefore, any analysis of the ACE rule must be illustrative. Nonetheless, the EPA believes that such illustrative analysis can provide important insights.” (U.S. EPA, 2019a, see page ES-2)

FGD treatment systems that send wastes to those impoundments. This is further described in *Supplemental TDD* Section 3.[14]

In the 2015 CCR rule RIA (U.S. EPA, 2014b), EPA explicitly accounts for the baseline closure of all surface impoundments (including composite lined surface impoundments) at the end of their useful life (40 years). At the end of a surface impoundment's useful life, facilities are projected to face a decision between multiple replacement disposal alternatives. EPA modeled these alternatives and selected the least-cost alternative for each facility (see section 3.2.4.2 of the 2015 CCR RIA). Based on EPA's cost estimates, the Agency found that the least-cost alternative universally involved some form of converting away from disposal surface impoundments and incurring the costs of making a "wet-dry conversion."

In light of the changes from the USWAG and Waterkeeper mandates, the 2020 CCR Part A RIA (U.S. EPA, 2020c) revises cost estimates to reflect the new timing and number of surface impoundment closures and wet to dry conversions. All unlined surface impoundments are now required by these court decisions to close. EPA estimated the increase in annualized costs as $40.5 million in the adjusted baseline costs in Section 2.5 of the CCR Part A RIA.

In addition to the final CCR Part A rule, EPA has proposed further revisions to the CCR regulations (CCR Part B). Specifically, EPA proposed four changes in the CCR Part B rule. First, EPA proposed procedures to allow facilities to request approval to continue operating CCR surface impoundments equipped with an alternate liner. Second, EPA proposed two options to allow the continued placement of CCR in surface impoundments undergoing forced closure. Third, EPA proposed an additional closure option for CCR units being closed by removal of CCR. Finally, EPA proposed requirements for annual closure progress reports. EPA recognizes that, just as with the Part A rule, the first provision of the Part B rule may affect the same boiler or activity at a facility that these final ELGs affect. To provide the public with meaningful analysis of the potential overlap and impacts of the final rule with the CCR Part B rule, EPA has conducted a sensitivity analysis. See the *Supplemental TDD* and the memorandum titled "*Assessment of the economic impacts of the final revised Steam Electric ELGs relative to an alternative baseline including the CCR Part B Rule*" (DCN SE09360 in the rule docket) for more information.

2.3 Market Conditions and Trends in the Electric Power Industry

The 25 percent decline in coal-fueled electricity generation summarized in Table 2-7 for the period of 2012 through 2018 exemplifies an ongoing trend over the last decade: the progressive reduction in generation capacity as coal units and plants retire. In 2018, EIA reported that nearly all of the utility-scale power plants in the United States that were retired from 2008 through 2017 were fueled by fossil fuels, with coal power plants accounting for 47 percent of the total retired capacity (EIA, 2018a). Capacity additions in that same year primarily consisted of natural gas (62 percent), wind (21 percent), and solar photovoltaic (16 percent) capacity (EIA, 2019d). Multiple factors contribute to this trend.

One factor in the decline in the coal-fueled power generation is the aging fleet of coal-fired power plants. The life expectancy of coal plants is approximately 40 to 50 years, and almost all plants that retired in 2015 were more than 40 years old (Kolstad, 2017). Mills *et al.* (2017) also found that coal plants that retired between 2010 and 2016 had an average age of 52 years, and plants with stated plans to retire were

14 For more information on the CCR Part A rule and accompanying background documents, visit *www.regulations.gov* Docket EPA-HQ-OLEM-2019-0172 and *www.epa.gov/coalash/coal-ash-rule*.

not any younger on average. Coal plant retirements due to aging are likely to continue in the near future, as the capacity-weighted average age of coal plants in operation as of 2017 is 39 years (EIA, 2017).

The lower costs of natural gas, as well as technological advances in solar and wind power have also been important market factors. Fell and Kaffine (2018) found negative impacts on coal-fired generation from both lower natural gas prices and increased wind generation, with declining natural gas prices having a stronger effect. In 2019, coal-fired generation dropped to its lowest level since 1976, primarily driven by increased availability of highly efficient, low-cost natural gas generation, which has reduced coal plant utilization and resulted in the retirement of some coal plants (EIA, 2020). Knittel *et al.* (2015) found that utilities invested more in natural gas capacity when the prices dropped as a result of the boom in shale gas production, although the magnitude of their investments differed depending on the structure of the electricity market in which they operated.

Changes in electricity generation have had impacts in fuel markets. Coal consumption in the electric power industry has declined by about 40 percent between 2005 and 2017, whereas natural gas consumption has increased by about 24 percent in the same time period, resulting in natural gas consumption doubling coal consumption in 2017 (EIA, 2018d). Market conditions have also negatively affected nuclear-powered generation, though this proposed rule has no effect on the nuclear-powered sector, except as it affects relative prices through its impacts on coal-fired generation (EIA, 2018c).

The decline in coal is not independent of environmental regulations affecting coal-fired electricity generation, as power companies have cited regulations promulgated, particularly in the last decade, as reasons for their decision when announcing unit or plant closures, fuel switching, or other operational changes. However, fuel prices and trends toward alternative fuels also appear to be drivers in the shift away from coal for electricity generation. Coglianese *et al.* (2020) found that the decrease in natural gas prices accounted for 92 percent of the decline in coal production while environmental regulations accounted for 6 percent. Linn and McCormack (2019) found that while air emissions regulations were responsible for most reductions in nitrogen oxides from the electricity sector, they had only a small effect on profitability and retirement at coal plants.

As the electric power infrastructure adjusts to market trends by moving toward optimal infrastructure and operations to deliver the country's electricity, EPA recognizes that the changes can have negative effects for some communities and positive effects for others.

3 Compliance Costs

In developing the final rule, EPA updated the proposed rule costs and economic impacts for regulatory options A through C described in Table 1-1. Key inputs for these analyses include the estimated costs to steam electric power plants (and their business, government, or non-profit owners) for implementing control technologies upon which the final BAT limitations and pretreatment standards are based,[15] and to the state and federal government for administering this rule. This chapter summarizes EPA estimates of the incremental compliance costs attributable to the final rule, based on a comparison of steam electric industry compliance costs for the baseline and regulatory options.[16] EPA determined that state and federal governments would not incur significant incremental administrative costs.[17]

EPA applied the same methodology used to analyze the 2015 rule and 2019 proposal to calculate industry-level annualized compliance costs. See Chapter 3 of the respective RIA documents for details (U.S. EPA, 2015c, 2019a). EPA did not update its evaluation of Option D (Option 1 described in the proposal), but is presenting results from the 2019 analysis where appropriate to provide context to the discussion of results for Options A, B, and C.

The *Supplemental TDD* describes the control technologies and their respective wastewater treatment performance in greater detail (U.S. EPA, 2020e). The *Supplemental TDD* also describes how EPA estimated plant-specific capital and operation and maintenance (O&M) costs for six technologies, as well as for BMP plans.

3.1 Analysis Approach and Inputs

EPA updated estimated costs to plants for meeting the limitations of the regulatory options. There are four principal steps to compliance cost development, the last two of which are the focus of the discussion below:

1. Determining the set of plants potentially implementing compliance technologies for each regulatory option. See *Supplemental TDD* for details.

2. Developing plant-level costs for each wastestream and technology option. See *Supplemental TDD* for details.

3. Estimating the year when each steam electric power plant would be required to meet new BAT effluent limits and pretreatment standards, accounting for the regulatory option specifications and any planned unit retirements or units ceasing the combustion of coal. This schedule supports

15 Dischargers are not required to use the technologies specified as the basis for the rule. They are free to identify other perhaps less expensive technologies as long as they meet the BAT limitations and pretreatment standards in the rule.

16 The regulatory options would apply only to existing sources, with new sources continuing to be subject to the New Source Performance Standards (NSPS) and Pretreatment Standards for New Sources (PSNS) promulgated in the 2015 rule.

17 EPA estimates that the final rule will not impose significant additional administrative cost to the State and federal governments. See *Section 10.8*, *Paperwork Reduction Act of 1995*, for additional discussion, including related to additional requirements for permitting authorities to use best professional judgement (BPJ) in making bottom ash purge water volume and technology determinations.

analysis of the timing of compliance costs and benefits for analyses discussed in this document and in the *BCA*.

4. Estimating *total* industry costs for all plants in the steam electric universe for each of the regulatory options.

An additional step involves comparing the total industry costs from Step 4 to total industry costs similarly obtained for the baseline to estimate the incremental costs attributable to each regulatory option.

EPA reports costs in 2018 dollars and discounts the costs to 2020.[18]

3.1.1 Plant-Specific Costs Approach

As detailed in the *Supplemental TDD*, EPA developed costs for steam electric power plants to implement treatment technologies or process changes to control the wastestreams addressed by the regulatory options (*i.e.*, bottom ash transport water and FGD wastewater).

EPA assessed the operations and treatment system components currently in place at a given unit (or required to be in place to comply with other existing environmental regulations), identified equipment and process changes that plants would likely make to meet the 2015 rule (for baseline) and each of the regulatory options presented in Table 1-1, and estimated the cost to implement those changes. Because the 2015 rule[19] is the baseline for analysis but plants were not required to comply with the 2015 rule limitations for the two wastestreams addressed in this rule until November 2020, EPA first developed costs to meet the 2015 rule based on current plant equipment, processes, and treatment technologies. EPA then developed similar costs for the regulatory options. The difference between the baseline and regulatory option cost estimates reflect the incremental costs attributable to the regulatory options. Plants that do not generate a wastewater or that employ technologies which would already meet the given limitations or standards do not incur costs. For several regulatory options, including the final rule, the costs of meeting the BAT imitations or pretreatment standards are less than those estimated for meeting the 2015 rule, and the options therefore result in cost savings to the industry as compared to the baseline.

3.1.2 Plant-Level Costs

Following the approach used for the analysis of the 2015 rule and 2019 proposal (U.S. EPA, 2015c, 2019a), EPA estimated compliance costs for all existing steam electric power plants, estimated to be a total 914 plants for the point source category overall. EPA assessed that only a fraction of the universe of steam electric power plants – 294 plants – have the potential to incur any costs under the regulatory options based on their wastestreams. Furthermore, out of these plants, only a subset would incur non-zero costs under any of the scenarios analyzed for the regulatory options, based on existing control technologies: 110 plants under the baseline and up to 86 plants under regulatory options A through C. The *Supplemental TDD* provides additional details on this analysis.

[18] In its analysis of the 2015 rule, EPA presented costs in 2013 dollars and discounted these compliance costs to 2015 (see U.S. EPA, 2015c).

[19] This includes the September 2017 postponement rule which delayed the earliest compliance date for the ELGs applicable to FGD wastewater and bottom ash transport water.

The major components of technology costs are:

- *Capital costs* include the cost of compliance technology equipment, installation, site preparation, construction, and other upfront, non-annually recurring outlays associated with compliance with the regulatory options. EPA assumes that plants incur all capital costs in the year when their permit is renewed to incorporate the new limitations or standards (see *Technology Implementation Years* below). As explained in the 2015 TDD and Supplemental TDD, all compliance technologies are assumed to have a useful life of 20 years. While the analysis uses as an input the cost to plant owners to purchase equipment, EPA also conducted a sensitivity analysis that compares costs of leasing as opposed to purchasing equipment. This analysis suggests that leasing may be more expensive for short cost recovery periods, such as when the unit may operate over a shorter period than 20 years, but the results are highly uncertain. See the memorandum entitled "*Cost to Lease Flue Gas Desulfurization Wastewater Treatment*" (DCN SE08633 in the rule docket).

- *Initial one-time costs* (apart from capital costs, above), if applicable, consist of a one-time cost to make the bottom ash system closed loop to eliminate discharges of bottom ash transport water (*e.g.*, under the baseline) or a one-time cost to develop a Best Management Practice (BMP) plan to recycle bottom ash transport water (*e.g.*, under Option A). Steam electric power plants are estimated to incur these costs only once during their technology implementation year.

- *Annual fixed O&M costs*, if applicable, include regular *annual* monitoring. Plants incur these costs each year.

- *Annual variable O&M costs*, if applicable, include annual operating labor, maintenance labor and materials, electricity required to operate wastewater treatment systems, chemicals, combustion residual waste transport and disposal operation and maintenance, and savings from not operating and maintaining ash/FGD pond systems. Plants incur these costs each year.

In addition to these initial one-time and annual outlays, certain other costs are estimated to be incurred on a non-annual, periodic basis:

- *3-Yr fixed O&M costs*, if applicable, include mechanical drag system (MDS) chain replacement costs that plants are estimated to incur every three years, beginning three years after the technology implementation year.

- *5-Yr fixed O&M costs*, if applicable, include remote MDS chain replacement costs that plants are estimated to incur every five years, beginning five years after the technology implementation year.

- *6-Yr fixed O&M costs*, if applicable, include mercury analyzer operations and maintenance costs that plants are estimated to incur every six years, beginning in the technology implementation year.

- *10-Yr fixed O&M costs*, if applicable, include savings from not needing to periodically maintain ash/FGD pond systems. Plants are estimated to incur savings every 10 years from not needing to purchase earthmoving equipment for the pond systems, beginning 5 years after the technology implementation year.

Based on information in the record concerning the normal downtime of electricity generating units, EPA estimated that plants would be able to coordinate the implementation of wastewater treatment systems during already scheduled downtime.

3.1.3 Technology Implementation Years

The years in which individual steam electric power plants are estimated to implement control technologies are an important input to the time profile of costs that plants would incur due to the regulatory options. This profile is used to estimate the change in the annualized costs to the steam electric industry and society associated with the regulatory options as compared to the baseline.

EPA envisions that each plant to which the regulatory options would apply would study available technologies and operational measures, and subsequently install, incorporate, and optimize the technology most appropriate for each site. As part of its consideration of the technological availability and economic achievability of the BAT limitations and pretreatment standards in the rule and following the approach the Agency used for the 2015 rule and 2019 proposal, EPA considered the magnitude and complexity of process changes and new equipment installations that would be required at plants to meet the requirements of the regulatory options in determining the time plant owners may need to comply with any revised limitations or pretreatment standards. See discussion in the *Supplemental TDD* (U.S. EPA, 2019b).

As described in greater detail in the final rule preamble, EPA is establishing deadlines for meeting the BAT limitations and pretreatment standards. In analyzing the regulatory options, EPA identified and included in the analysis the differences in deadlines across the options, wastestreams, type of discharge (direct or indirect), and whether a plant participates in the Voluntary Incentive Program (VIP). Table 3-1 summarizes the relevant deadlines for each regulatory option, based on the wastestream and plant category.

Table 3-1: Compliance Deadlines for the Baseline and Regulatory Options

Wastestream	Plant Subset	Compliance "No Later Than" Deadline (Technology Basis)[b]				
		Baseline	Option D[c]	Option A	Option B	Option C
Bottom Ash Transport Water	All[a] plants unless otherwise qualified	2023 (Dry handling)	2023 (CP)	2025 (HRR)	2025 (HRR)	2025 (HRR)
	Low utilization boilers	Not applicable	Not applicable	2023 (BMP)	Not applicable	Not applicable
	Generating units ceasing combustion of coal		Not applicable	2028		

Table 3-1: Compliance Deadlines for the Baseline and Regulatory Options

Wastestream	Plant Subset	Compliance "No Later Than" Deadline (Technology Basis)[b]				
		Baseline	Option D[c]	Option A	Option B	Option C
FGD Wastewater	All[a] plants unless otherwise qualified	2023 (CP + HRTR)	2023 (CP)	2025 (CP + LRTR)	2025 (CP + LRTR)	2028 (Membrane)
	Low utilization boilers	Not applicable	Not applicable	2023 (CP)	Not applicable	Not applicable
	High FGD flow facilities					
	VIP	2023 (CP + Evaporation)	2028 (Membranes)	2028 (Membranes)	2028 (Membranes)	Not applicable
	Generating units ceasing combustion of coal	Not applicable	Not applicable	2028	Not applicable	Not applicable

CP = Chemical precipitation; LRTR = Low Residence Time Reduction; HRTR = High Residence Time Reduction; BMP = Best Management Practices; HRR = High Recycle Rate.

a. For units with nameplate capacity greater than 50 MW

b. The compliance "no later than" deadline is 2023 for indirect discharges across all options.

c. Option D corresponds to proposed Option 1.

The timing decision represents when the technologies are available, accounting for the need to provide sufficient time for plant owners to raise capital, plan and design systems, procure equipment, and construct and then test systems, recognizing that some plant owners have already met or taken steps to meet the ELGs EPA finalized in 2015. Moreover, specifying compliance deadlines in the future enables plants to take advantage of planned shutdown or maintenance periods to install new pollution control technologies. This allows for the coordination of generating unit outages in order to maintain grid reliability and prevent any potential impacts on electricity availability caused by forced outages. It is not possible to predict, for each plant, exactly the date the final rule will be incorporated into permits, for purposes of determining exactly when plants will incur costs to meet the new requirements. Similar to the approach used in analyzing the 2015 rule and 2019 proposal, EPA generally expects plants to meet the new BAT limitations and pretreatment standards in a somewhat staggered fashion, given that (1) for some regulatory options, the permitting authority determines the date after considering certain specified factors, and (2) all permits are not re-issued at the same time due to their 5-year permit term. Thus, for the cost and economic impact analyses, EPA assumed implementation over a 3- to 5-year period preceding any established "no later than" date.[20]

For the purpose of this analysis, EPA accounted for the timing of announced unit retirements or repowerings in determining the compliance year for the plant. Specifically, in cases where the announced retirement occurs after the default compliance year based on the permit renewal cycle but before the applicable final rule compliance deadline, EPA assumed that permit authorities would set the "no later

[20] For the purpose of the analysis, EPA assigned an estimated compliance year to each of the 294 steam electric power plants analyzed for the final rule based on each plant's estimated NPDES permit renewal year and, similar to the approach used for the 2015 rule and 2019 proposal, the assumption that all permits will be renewed promptly (no administrative continuances). EPA projected future NPDES permit years by assuming permits are renewed every 5 years, *i.e.*, a permit expiring in 2021 would be renewed in 2026 and 2031.

than" compliance date to correspond to the retirement date. In these cases, the plant would incur no incremental costs to comply with the final rule.

EPA also accounted for announced unit retirements or repowerings in the social cost analysis, which is discussed and detailed in Chapter 12 of the BCA. Specifically, EPA assumed zero O&M costs in all years following a unit's retirement or repowering.

3.1.4 Total Compliance Costs

EPA used the following methodology and assumptions to aggregate compliance cost components, described in the preceding sections, and develop total plant compliance costs for regulatory options A through C:

- EPA estimated compliance costs (including zero costs) for each of the 294 steam electric power plants with the relevant wastestreams, *i.e.*, coal-fired power plants (see *Supplemental TDD* for details). All other plants covered by the steam electric power point source category are estimated to incur zero costs.

- EPA restated compliance costs estimated in the preceding step, accounting for the specific years in which each plant is assumed to undertake compliance-related activities and in 2018 dollars, using the Construction Cost Index (CCI) from McGraw Hill Construction (2020), the Employment Cost Index (ECI) published by the Bureau of Labor Statistics (BLS) (2020), and the Gross Domestic Product (GDP) deflator index published by the U.S. Bureau of Economic Analysis (BEA) (2019).[21]

- EPA discounted all cost values to 2020, using a rate of 7 percent.[22]

- EPA annualized one-time costs and costs recurring on other than an annual basis over a specific useful life, implementation, and/or event recurrence period, using a rate of 7 percent:[22]

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21 Specifically, EPA brought all compliance costs to an estimated technology implementation year using the CCI from McGraw Hill Construction (2020) or the ECI from the Bureau of Labor Statistics (2020), depending on the cost component. The Agency used the average of the year-to-year changes in the CCI (or ECI) over the most recent ten-year reporting period to bring these values to an estimated compliance year. Because the CCI (or ECI) is a nominal cost adjustment index, the resulting technology cost values are as of the compliance year and in the dollars of the technology implementation year. To restate compliance cost values in 2018 dollars, the Agency deflated the nominal dollar values to 2018 using the average of the year-to-year changes in the GDP deflator index published by the BEA over the most recent ten-year reporting period. As a result, all dollar values reported in this analysis are in constant dollars of the year 2018.

22 The rate of 7 percent is used in the cost impact analysis as an estimate of the private opportunity cost of capital. For the social cost analysis presented in Chapter 12 of the BCA, EPA uses both 3 percent and 7 percent discount rates. The 3 percent discount rate reflects society's valuation of differences in the timing of consumption; the 7 percent discount rate reflects the opportunity cost of capital to society. In Circular A-4, the Office of Management and Budget (OMB) recommends that 3 percent be used when a regulation affects private consumption, and 7 percent in evaluating a regulation that will mainly displace or alter the use of capital in the private sector (U.S. OMB, 2003; updated 2009). The same discount rates are used for both benefits and costs in the BCA.

- Capital costs of each compliance technology: 20 years
- Initial one-time costs: 20 years[23]
- 3-Yr O&M: 3 years
- 5-Yr O&M: 5 years
- 6-Yr O&M: 6 years
- 10-Yr O&M: 10 years

- EPA added annualized capital, initial one-time costs, and annualized O&M costs recurring on other than an annual basis to the annual O&M costs to derive total annualized compliance costs.

EPA accounted for the timing of announced plant retirements in determining the useful life over which to annualize recurring costs. In cases where a plant's announced retirement year occurs after the first instance of a recurring O&M cost but before the second instance, EPA adjusted the useful life of that cost category to be the number of years that the plant is expected to operate after the first instance.

EPA did not adjust the annualization of capital costs to reflect plant-specific considerations. EPA annualized capital costs over 20 years but recognizes that some plants may retire units sooner than the 20-year life of the equipment. EPA determined the 20-year annualization period to be reasonable for this analysis because some regulators may allow utilities to recover the value of undepreciated assets in their rate base on a case-by-case basis. Additionally, actual capital costs may be less than estimated by EPA in some cases should the plant owner elect to lease rather than purchase equipment, as discussed in a sensitivity analysis summarized in the memorandum entitled "*Cost to Lease Flue Gas Desulfurization Wastewater Treatment*" (DCN SE08633 in the rule docket).

For the assessment of compliance costs to steam electric power plants, EPA considered costs on both a pre-tax and after-tax basis. Pre-tax costs provide insight on the total expenditures as initially incurred by the plants. After-tax costs are a more meaningful measure of compliance impact on privately owned for-profit plants, and incorporate approximate capital depreciation and other relevant tax treatments in the analysis. EPA calculated the after-tax value of compliance costs by applying combined federal and State tax rates to the pre-tax cost values for privately owned for-profit plants.[24] For this adjustment, EPA used State corporate rates from the Federation of Tax Administrators (2019) combined with a 21 percent federal corporate tax rate.[25] As discussed in the relevant sections of this document, EPA uses either pre- or after-tax compliance costs in different analyses, depending on the concept appropriate to each analysis (*e.g.*, cost-to-revenue screening-level analyses are conducted using after-tax compliance costs). Note that for social costs, which are discussed and detailed in Chapter 12 of the BCA, EPA uses pre-tax costs.[26]

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[23] EPA annualized these non-equipment outlays over 20 years to match the estimated performance life of compliance technology components.

[24] Government-owned entities and cooperatives are not subject to income taxes. To distinguish among the government-owned, privately owned, and cooperative ownership categories, EPA relied on the Steam Electric Survey and additional research on parent entities using publicly available information. See *Chapter 4: Economic Impact Screening Analyses* for further discussion of these determinations.

[25] This federal tax rate reflects the Tax Cuts and Jobs Act of 2017 which changed the top corporate tax rate from 35 percent to one flat rate of 21 percent after January 1, 2018.

[26] As described in Chapter 12 of the BCA, EPA used costs incurred by steam electric power plants for the labor, equipment, material, and other economic resources needed to comply with the regulatory options as a proxy for social

3.1.5 Voluntary Incentive Program

As described in the proposal, under the VIP component of regulatory options A and B, plants that discharge directly to waters can voluntarily commit to meeting more stringent FGD limitations based on a membrane filtration treatment technology instead of limits based on CP+LRTR technology. VIP participants have more time – until 2028 – to meet the lower limits based on membrane filtration, as compared to having to meet the limits based on CP+LRTR by 2025.

Because participation in the VIP is voluntary, the set of plants participating in the program is uncertain. For the purpose of the economic analysis, EPA estimated VIP participants by comparing the estimated costs of the two technologies for each facility estimated to incur compliance costs and assuming that a plant owner would select the less costly of the two. Specifically, the Agency compared the annualized and discounted cost of implementing CP+LRTR between 2021 and 2025 (based on the plant-specific schedule described in Section 3.1.3) or implementing membrane filtration in 2028. Based on this analysis, EPA estimated that 8 plants may choose to participate in the VIP under Option A (final rule) and 13 plants may choose to participate in the VIP under Option B. For these plants, EPA retained the membrane filtration costs for estimating economics impacts in this document and for the benefit cost analysis in Chapter 12 of the BCA.

3.2 Key Findings for Regulatory Options

3.2.1 Estimated Industry-level Total Compliance Costs

Table 3-2 presents compliance cost estimates for the baseline and regulatory options, Table 3-3 summarizes *incremental* costs for each option as compared to the baseline, and Table 3-4 shows the breakout of incremental total compliance costs for each option by wastestream. Table 3-3 and Table 3-4 include incremental costs previously estimated for Option D (Option 1 in U.S. EPA, 2019a) as context to the estimates for Options A, B, and C.

EPA estimates that, on a *pre-tax* basis, steam electric power plants would incur annualized costs of meeting the regulatory options ranging from $203 million under Option A to $359 million under Option C compared to pre-tax costs of $378 million for the baseline. Thus, all three options reanalyzed provide cost savings when compared to the 2015 rule, with pre-tax savings ranging from $20 million to $175 million (cost savings are shown as negative values in Table 3-3 and Table 3-4). On an *after-tax* basis, the total compliance costs range from $169 million to $295 million, and cost savings range from $14 million to $140 million, depending on the option. On both the pre-and post-tax bases, compliance costs are lowest, and savings greatest, for Option A (the final rule).

All three regulatory options reanalyzed yield annualized costs savings for the bottom ash transport water wastestream. The greatest savings are achieved under Option A ($80 million after-tax), due to subcategorization of low utilization units under Option A. Options A, B, and D provide annualized cost

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costs. The social cost analysis considers costs on an as-incurred, year-by-year basis. In the social cost analysis, EPA assumed that the market prices for labor, equipment, material, and other compliance resources represent the opportunity costs to society for use of those resources in regulatory compliance. EPA further assumed that the regulatory options do not affect the aggregate quantity of electricity that would be sold to consumers and, thus, that the rule's social cost would include no changes in consumer and producer surplus *from changes in electricity sales* by the electricity industry in aggregate. Given the small impact of the regulatory options on electricity production cost for the total industry (see *Chapter 5*), this is a reasonable assumption.

savings for FGD wastewater. The greatest savings for FGD wastewater are achieved under Option A ($60 million after-tax) whereas Option C results in higher costs for FGD wastewater ($49 million on an annualized, after-tax basis), when compared to the baseline.

Table 3-2: Estimated Total Annualized Compliance Costs (in millions, 2018$, at 2020)

Regulatory Option	Pre-Tax Compliance Costs				After-Tax Compliance Costs			
	Capital Technology	Other Initial One-Time	Total O&M	Total	Capital Technology	Other Initial One-Time	Total O&M	Total
Baseline	$208	$0	$170	$378	$170	$0	$139	$310
Option D[a]	*$163*	*$0*	*$114*	*$277*	*$132*	*$0*	*$94*	*$226*
Option A	$102	$0	$102	$203	$84	$0	$85	$169
Option B	$116	$0	$119	$235	$96	$0	$99	$195
Option C	$162	$0	$196	$359	$134	$0	$162	$295

a. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2020

Table 3-3: Estimated Incremental Annualized Compliance Costs (in millions, 2018$, at 2020)

Regulatory Option	Pre-Tax Incremental Costs				After-Tax Incremental Costs			
	Net Capital Technology	Net Other Initial One-Time[a]	Net Total O&M	Net Total Costs	Net Capital Technology	Net Other Initial One-Time[a]	Net Total O&M	Net Total Costs
Option D[a]	*-$117*	*$0*	*-$48*	*-$166*	*-$97*	*$0*	*-$40*	*-$137*
Option A	-$107	$0	-$69	-$175	-$86	$0	-$54	-$140
Option B	-$92	$0	-$51	-$143	-$74	$0	-$40	-$115
Option C	-$46	$0	$26	-$20	-$37	$0	$23	-$14

a. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2019, 2020

Table 3-4: Estimated Incremental Annualized Compliance Costs, by Wastestream (in millions, 2018$, at 2020)

Regulatory Option	Pre-Tax Incremental Costs			After-Tax Incremental Costs		
	Bottom Ash Transport Water	FGD Wastewater	Net Total Costs	Bottom Ash Transport Water	FGD Wastewater	Net Total Costs
Option D[a]	*-$43*	*-$123*	*-$166*	*-$34*	*-$103*	*-$137*
Option A	-$104	-$71	-$175	-$80	-$60	-$140
Option B	-$81	-$62	-$143	-$63	-$51	-$115
Option C	-$81	$62	-$20	-$63	$49	-$14

a. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2019, 2020

3.2.2 Estimated Regional Distribution of Incremental Compliance Costs

Table 3-5 reports incremental costs for each regulatory option at the level of a North American Electric Reliability Corporation (NERC) region as compared to baseline (see Table 2-5).[27] As explained in Chapter 2 (Overview of the Steam Electric Industry), because of differences in operating characteristics of steam electric power plants across NERC regions, as well as differences in the economic and electric power system regulatory circumstances of the NERC regions themselves, the regulatory options may affect costs, profitability, electricity prices, and other impact measures differently across NERC regions.

Annualized after-tax compliance costs are highest in the SERC and RFC regions for all reanalyzed regulatory options (A through C) and, as shown in Table 3-5, these regions also see the greatest incremental cost savings under option A and B. RFC also has the largest cost savings under Option C. For corresponding result for Option D, see the 2019 RIA (U.S. EPA, 2019a).

Table 3-5: Estimated Annualized Incremental Compliance Costs by NERC Region (in millions, 2018$, at 2020)

NERC Region[a]	Pre-Tax Incremental Compliance Costs				After-Tax Incremental Compliance Costs			
	Capital Technology	Other Initial One-Time	Total O&M	Total	Capital Technology	Other Initial One-Time	Total O&M	Total
				Option D[b]				
FRCC	*-$6*	*$0*	*-$2*	*-$9*	*-$5*	*$0*	*-$2*	*-$7*
MRO	*-$3*	*$0*	*-$1*	*-$4*	*-$3*	*$0*	*-$1*	*-$4*
NPCC	*-$1*	*$0*	*-$1*	*-$2*	*-$1*	*$0*	*-$1*	*-$1*
RFC	*-$41*	*$0*	*-$19*	*-$60*	*-$31*	*$0*	*-$14*	*-$46*
SERC	*-$60*	*$0*	*-$22*	*-$82*	*-$52*	*$0*	*-$20*	*-$72*
SPP	*-$4*	*$0*	*-$2*	*-$6*	*-$3*	*$0*	*-$1*	*-$5*
TRE	*-$2*	*$0*	*-$1*	*-$2*	*-$1*	*$0*	*-$1*	*-$2*
WECC	*-$0*	*$0*	*-$0*	*-$0*	*-$0*	*$0*	*-$0*	*-$0*
Total	***-$117***	***$0***	***-$48***	***-$166***	***-$97***	***$0***	***-$40***	***-$137***
				Option A				
FRCC	-$5	$0	$0	-$5	-$4	$0	$0	-$4
MRO	-$5	$0	-$4	-$9	-$4	$0	-$3	-$7
NPCC	-$1	$0	-$2	-$3	-$1	$0	-$1	-$2
RFC	-$37	$0	-$27	-$63	-$27	$0	-$19	-$47
SERC	-$45	$0	-$22	-$67	-$39	$0	-$18	-$58
SPP	-$7	$0	-$5	-$13	-$6	$0	-$4	-$10
TRE	-$2	$0	-$1	-$3	-$2	$0	-$1	-$3
WECC	-$5	$0	-$7	-$13	-$4	$0	-$6	-$10
Total	**-$107**	**$0**	**-$69**	**-$175**	**-$86**	**$0**	**-$54**	**-$140**
				Option B				
FRCC	-$4	$0	$0	-$4	-$3	$0	$0	-$3
MRO	-$3	$0	-$2	-$5	-$3	$0	-$2	-$5
NPCC	$0	$0	$0	$0	$0	$0	$0	$0
RFC	-$32	$0	-$22	-$54	-$24	$0	-$17	-$41
SERC	-$42	$0	-$18	-$59	-$35	$0	-$15	-$50
SPP	-$5	$0	-$3	-$8	-$4	$0	-$2	-$7

27 No steam electric power plant is estimated to incur compliance costs in the ASCC and HICC NERC regions and these two regions are therefore omitted from the presentation of results.

Table 3-5: Estimated Annualized Incremental Compliance Costs by NERC Region (in millions, 2018$, at 2020)

NERC Region[a]	Pre-Tax Incremental Compliance Costs				After-Tax Incremental Compliance Costs			
	Capital Technology	Other Initial One-Time	Total O&M	Total	Capital Technology	Other Initial One-Time	Total O&M	Total
TRE	-$2	$0	-$1	-$3	-$2	$0	-$1	-$3
WECC	-$3	$0	-$5	-$8	-$3	$0	-$4	-$6
Total	**-$92**	**$0**	**-$51**	**-$143**	**-$74**	**$0**	**-$40**	**-$115**
Option C								
FRCC	$0	$0	$5	$5	$0	$0	$4	$4
MRO	-$3	$0	-$2	-$5	-$3	$0	-$2	-$4
NPCC	$0	$0	$0	$0	$0	$0	$0	$0
RFC	-$22	$0	$5	-$17	-$17	$0	$4	-$12
SERC	-$11	$0	$25	$15	-$10	$0	$22	$12
SPP	-$4	$0	-$1	-$5	-$3	$0	-$1	-$4
TRE	-$2	$0	-$1	-$3	-$1	$0	-$1	-$2
WECC	-$3	$0	-$5	-$8	-$3	$0	-$4	-$6
Total	**-$46**	**$0**	**$26**	**-$20**	**-$37**	**$0**	**$23**	**-$14**

a. EPA estimated zero ELG compliance costs in the ASCC and HICC regions. These two regions are omitted from the table presentation. This omission does not affect totals.

b. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2020

3.3 Key Uncertainties and Limitations

Economic analyses are not perfect predictions and thus, like all such analyses, this analysis has some uncertainties and limitations.

- The compliance costs used in this analysis for the regulatory options reflect unit retirements, conversions, and repowerings announced through January 2020 and scheduled to occur by the end of 2028. For details, see memorandum entitled "*Changes to Industry Profile for Coal-Fired Generating Units for the Steam Electric Effluent Guidelines Final Rule*" (DCN SE08688 in the rule docket). To the extent that actual unit retirements, conversions, and repowerings at steam electric power plants differ from announced changes, estimated annualized compliance costs of the regulatory options may differ from actual costs.

- EPA assumed that the equipment installed to meet any new limitations could reasonably be estimated to operate for 20 years or more, based on a review of reported performance characteristics of the equipment components. EPA thus used 20 years as the basis for the cost and economic impact analyses that account for the estimated operating life of compliance technology. To the extent that the actual service life is longer or shorter than 20 years, costs presented on annual equivalent basis would be over- or under-stated.

- Annualized compliance costs depend on the assumed technology implementation year. For the purpose of the cost and economic impact analyses, EPA determined years in which technology implementation would reasonably be estimated to occur across the universe of steam electric power plants, based on plant-specific information about existing NPDES permits and extrapolating future permit issuance dates assuming permits are renewed every five years. To the extent that compliance costs are incurred in an earlier or later year, the annualized values presented in this section may under or overstate the annualized total costs of the regulatory options.

- EPA estimated VIP participants for options A and B based on the lowest cost technology on an annualized and discounted basis, but plant owners may consider other factors in deciding whether to participate in the VIP so actual participation may be higher or lower than projected.

- As described in Section 2.2.2, EPA accounted for the 2015 final CCR rule and incremental effects of the final CCR Part A rule in its analysis of the final rule. EPA did not account for the proposed CCR Part B rule in its analysis of this final ELG rule. Because the proposed CCR Part B rule is a deregulatory action, EPA estimates that cost savings of this final ELG rule are underestimated. For more details on the effects of the proposed CCR Part B rule on the total costs of the final rule, see the memorandum entitled "*Assessment of the economic impacts of the final revised Steam Electric ELGs relative to an alternative baseline including the CCR Part B Rule*" (DCN SE09360 in the rule docket).

4 Cost and Economic Impact Screening Analyses

4.1 Analysis Overview

Following the same methodology used for the 2015 rule and 2019 proposal analyses (U.S. EPA, 2015c, 2019a), EPA assessed the costs and economic impacts of the regulatory options in two ways:

1. A screening-level assessment reflecting current operating characteristics of steam electric power plants and with assignment of estimated compliance costs to those plants. This analysis assumes no changes in operating characteristics – *e.g.*, quantity of generated electricity and revenue – as a result of the regulatory options. This screening-level assessment, which is documented in this chapter, includes two specific analyses:

    - A cost-to-revenue screening analysis to assess the impact of compliance outlays on individual steam electric power plants (Section 4.2)
    - A cost-to-revenue screening analysis to assess the impact of compliance outlays on domestic parent-entities owning steam electric power plants (Section 4.3)

2. A broader electricity market-level analysis based on IPM (the Market Model Analysis). This analysis, which provides a more comprehensive indication of the economic achievability of the regulatory options that EPA evaluated, including an assessment of incremental plant closures (or avoided closures), is discussed in Chapter 5. Unlike the preceding analysis discussed in this chapter, the Market Model Analysis accounts for estimated changes in the operating characteristics of plants from both estimated changes in electricity markets and operating characteristics of plants independent of and as a result of the regulatory options.

4.2 Cost-to-Revenue Analysis: Plant-Level Screening Analysis

The cost-to-revenue measure compares the cost of implementing and operating compliance technologies with the plant's operating revenue and provides a screening-level assessment of the impact that might be estimated of the regulatory options. As discussed in U.S. EPA (2015c; see Chapter 2), the majority of steam electric power plants operate in states with regulated electricity markets. EPA estimates that plants located in these states may be able to recover any compliance cost-based increases in their production costs through increased electricity prices, depending on the business operation model of the plant owner(s), the ownership and operating structure of the plant itself, and the role of market mechanisms used to sell electricity. In contrast, in states in which electric power generation has been deregulated, cost recovery is not guaranteed. While plants operating within deregulated electricity markets *may be* able to recover some of their additional production costs through increased revenue, it is not possible to determine the extent of cost recovery ability for each plant.[28] Note that EPA estimates that the converse also applies – plants operating in regulated markets are more likely to pass on any decline in production costs to their customer as reduced rates, whereas customer savings are not guaranteed in deregulated markets.

28 While the regulatory status in a given state affects the ability of electric power plants and their parent entities to recover electricity generation costs, it is not the only factor and should not be used solely as the basis for cost-pass-through determination.

In assessing the cost impact of the baseline and regulatory options (including the final rule) on steam electric power plants in this screening-level analysis, the Agency assumed that the plants would not be able to pass any of the change in their production costs to consumers (zero cost pass-through). This assumption is used for analytic convenience and provides a *worst-case* scenario of regulatory impacts to steam electric power plants.[29]

4.2.1 Analysis Approach and Data Inputs

As described in Chapter 1, EPA estimates all steam electric power plants to meet any new requirements for bottom ash transport water and FGD wastewater beginning in 2021, with compliance occurring as late as 2028 for certain plants, wastestreams, and regulatory options.

Using the same approach as used for the 2015 rule and 2019 proposal (U.S. EPA, 2015c, 2019a), EPA updated the impacts of the baseline first, and then updated the analysis for regulatory options A through C. The difference in findings between the regulatory options and baseline provides insight into the potential impacts of the regulatory options.

EPA updated the approach used for the 2015 rule and 2019 proposal to incorporate more recent data. For the current analysis, EPA used 2020 as the basis for comparing after-tax compliance costs (see Chapter 3) to revenue at the plant level.[30] For this comparison, EPA developed plant-level revenue values for all steam electric power plants using data from the Department of Energy's Energy Information Administration (EIA) on electricity generation by prime mover, and utility/operator-level electricity prices and disposition. Specifically, EPA multiplied the 6-year average of electricity generation values over the period 2013 to 2018 from the EIA-923 database by 6-year average electricity prices over the period 2013 to 2018 from the EIA-861 database (EIA, 2018b; EIA, 2019c).[31, 32] EPA estimated compliance costs in 2018 dollars. To provide cost and revenue comparisons on a consistent analysis-year (2020) and dollar-year (2018) basis, EPA adjusted the EIA electricity price data, which are reported in nominal dollars of each year.

Cost-to-revenue ratios are used to describe impacts to entities because they provide screening-level indicators of potential economic impacts. Just as for the plants owned by small entities under guidance in

29 Even though the majority of steam electric power plants may be able to pass increases in production costs to consumers through increased electricity prices, it is difficult to determine exactly which plants would be able to do so. Consequently, EPA concluded that assuming zero cost pass-through is appropriate as a screening-level, upper bound estimate of the potential impact of compliance expenditures on steam electric power plants and their parent entities. The analysis, while helpful to understand potential cost impact, does not generally indicate whether profitability is jeopardized, cash flow is affected, or risk of financial distress is increased.

30 For private, tax-paying entities, *after-tax costs* are a more relevant measure of potential private cost burden than *pre-tax costs*. For non-tax-paying entities (*e.g.*, State government and municipality owners of steam electric power plants), the estimated costs used in this calculation include no adjustment for taxes.

31 In using the year-by-year revenue values to develop an average over the data years, EPA set aside from the average calculation any generation values that are anomalously low. Such low generating output likely results from temporary disruption in operation, such as a generating unit being out of service for maintenance.

32 EPA's first step in calculating plant revenue was to restate electricity prices in 2018 dollars using the Gross Domestic Product (GDP) deflator index published by the U.S. Bureau of Economic Analysis (BEA) (2019). These individual yearly values were then averaged and brought forward to 2020 using electricity price projections from the Annual Energy Outlook publication for 2019 (AEO2019) (EIA, 2019a). AEO2019 contains projections and analysis of U.S. energy supply, demand, and prices through 2050. AEO2018 electricity price projections are in constant dollars; therefore, these adjustments yield 2020 revenue values in dollars of the year 2018.

U.S. EPA (2006), and the approach EPA has used previously in analyses of the 2015 ELG rule (U.S. EPA, 2015c) and 316(b) Existing Facilities Rule (U.S. EPA, 2014a), EPA assesses plants incurring costs below one percent of revenue as unlikely to face material economic impacts, plants with costs of at least one percent but less than three percent of revenue as having a higher chance of facing material economic impacts, and plants incurring costs of at least three percent of revenue as having a still higher probability of material economic impacts.

4.2.2 Key Findings for Regulatory Options

EPA estimates that for 902 steam electric power plants, including those estimated to incur zero compliance costs, costs would not exceed the one percent of revenue threshold under the baseline. Table 4-1 presents cost-to-revenue analysis results for the baseline, while Table 4-2 presents results for the regulatory options relative to the baseline. Under all regulatory options reanalyzed, most plants would not experience significant changes in their cost-to-revenue ratios compared to baseline costs. However, additional plants would fall from the higher thresholds into the one percent of revenue threshold, as shown in Table 4-2, which reports changes in plant-level cost-to-revenue results by owner type and regulatory option. Under regulatory options A through C, almost all plants that experience changes in cost-to-revenue thresholds shift downwards. For details on cost-to-revenue results for small entities, see Section 8.2.

Table 4-1: Plant-Level Cost-to-Revenue Analysis Results for the Baseline by Owner Type

Owner Type	Total Number of Plants[a]	Number of Plants with a Ratio of			
		0%[a,b]	≠0 and <1%	≥1 and <3%	≥3%
Baseline					
Cooperative	62	55	5	2	0
Federal	20	16	2	2	0
Investor-owned	489	407	79	2	1
Municipality	120	110	6	2	2
Nonutility	185	183	2	0	0
Political Subdivision	34	33	0	0	1
State	4	2	2	0	0
Total	**914**	**806**	**96**	**8**	**4**

a. Plant counts are weighted estimates

b. These plants already meet discharge requirements for the wastestreams controlled by a given regulatory option and therefore are not estimated to incur compliance costs.

Source: U.S. EPA Analysis, 2020.

Table 4-2: Plant-Level Incremental Cost-to-Revenue Analysis Results by Owner Type and Regulatory Option

Owner Type	Δ Total Number of Plants[a]	Δ Number of Plants with a Ratio of			
		0%[a,b]	≠0 and <1%	≥1 and 3%	≥3%
Option D[c]					
Cooperative	*0*	*0*	*0*	*0*	*0*
Federal	*0*	*2*	*-2*	*0*	*0*
Investor-owned	*0*	*4*	*-3*	*0*	*-1*
Municipality	*0*	*0*	*1*	*0*	*-1*
Nonutility	*0*	*0*	*0*	*0*	*0*
Political Subdivision	*0*	*0*	*0*	*0*	*0*
State	*0*	*0*	*0*	*0*	*0*
Total	***0***	***6***	***-4***	***0***	***-2***
Option A					
Cooperative	0	2	-2	0	0
Federal	0	0	0	0	0
Investor-owned	0	26	-24	-1	-1
Municipality	0	3	-2	-1	0
Nonutility	0	1	-1	0	0
Political Subdivision	0	0	0	0	0
State	0	1	-1	0	0
Total	**0**	**33**	**-30**	**-2**	**-1**
Option B					
Cooperative	0	2	-2	0	0
Federal	0	0	0	0	0
Investor-owned	0	19	-19	1	-1
Municipality	0	2	-1	-1	0
Nonutility	0	1	-1	0	0
Political Subdivision	0	0	0	0	0
State	0	0	0	0	0
Total	**0**	**24**	**-23**	**0**	**-1**
Option C					
Cooperative	0	2	-2	0	0
Federal	0	0	0	-1	1
Investor-owned	0	19	-20	1	0
Municipality	0	2	-1	-1	0
Nonutility	0	1	-1	0	0
Political Subdivision	0	0	0	0	0
State	0	0	0	0	0
Total	**0**	**24**	**-24**	**-1**	**1**

a. Plant counts are weighted estimates

b. These plants already meet discharge requirements for the wastestreams controlled by a given regulatory option and therefore are not estimated to incur compliance costs.

c. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2020.

4.2.3 Uncertainties and Limitations

Despite EPA's use of the best available information and data, this analysis of plant-level impacts has uncertainties and limitations, including:

- The impact of the regulatory options may be over- or under-estimated as a result of differences between actual 2020 plant revenue and those estimated using EIA databases for 2013 through 2018.

- As noted above, the zero cost pass-through assumption represents a worst-case scenario from the perspective of the plant owner. To the extent that companies are able to pass some compliance costs on to consumers through higher electricity prices, this analysis overstates the potential impact of the baseline and regulatory options (including the final rule) on steam electric power plants.

- EPA assumes that owners of plants that retire or repower during the period of analysis, but after installing equipment to comply with the final rule, will continue to amortize capital expenses over the 20-year life of the technology. To the extent that plant owners use an accelerated amortization schedule, this analysis may understate the potential impact of the baseline and regulatory options on steam electric power plants. EPA also conducted a sensitivity analysis that compares costs of leasing to the costs of purchasing equipment, but the analysis is highly uncertain. See the memorandum entitled "*Cost to Lease Flue Gas Desulfurization Wastewater Treatment*" (DCN SE08633 in the rule docket).

4.3 Cost-to-Revenue Screening Analysis: Parent Entity-Level Analysis

Following the methodology EPA used for the analysis of the 2015 rule and 2019 proposal analyses (U.S. EPA, 2015c, 2019a), EPA also assessed the economic impact of the regulatory options at the parent entity level. The cost-to-revenue screening analysis at the entity level adds particular insight on the impact of compliance requirements on those entities that own multiple plants.

EPA conducted this screening analysis at the *highest* level of *domestic* ownership, referred to as the "domestic parent entity." For this analysis, the Agency considered only entities with the largest share of ownership (*e.g.*, majority owner) in at least one surveyed steam electric power plant.[33,34] The entity-level analysis maintains the worst-case analytical assumption of no pass-through of compliance costs to electricity consumers used for the plant-level cost-to-revenue analysis in Section 4.2.

4.3.1 Analysis Approach and Data Inputs

Following the approach used in the 2015 rule and 2019 proposal (U.S. EPA, 2015c, 2019a), to assess the entity-level economic/financial impact of compliance requirements, EPA summed plant-level annualized after-tax compliance costs calculated in Section 3.2 to the level of the steam electric power plant owning entity and compared these costs to parent entity revenue.

33 Throughout these analyses, EPA refers to the owner with the largest ownership share as the "majority owner" even when the ownership share is less than 51 percent.

34 When two entities have equal ownership shares in a plant (*e.g.*, 50 percent each), EPA analyzed both entities and allocated plant-level compliance costs to each entity.

Similar to the plant-level analysis, EPA used cost-to-revenue ratios of one and three percent as markers of potential impact for this analysis. Also similar to the assumptions made for the plant-level analysis, for this entity-level analysis the Agency assumed that entities incurring costs below one percent of revenue are unlikely to face significant economic impacts, while entities with costs of at least one percent but less than three percent of revenue have a higher chance of facing significant economic impacts, and entities incurring costs of at least three percent of revenue have a still higher probability of significant economic impacts.

Following the approach used in the 2015 rule and 2019 proposal (U.S. EPA, 2015c, 2019a; see Section 4.3), EPA analyzed two cases that provide approximate upper and lower bound estimates on: (1) the number of entities incurring compliance costs and (2) the costs incurred by any entity owning one or more steam electric power plant.

This entity-level cost-to-revenue analysis involved the following steps: (1) Determining the parent entity; (2) Determining the parent entity revenue; and (3) Estimating compliance costs at the level of the parent entity. The sections below highlight updates to incorporate more recent data than were used for 2015 rule and the 2019 proposal.

Determining the Parent Entity

EPA used information from the 2018 EIA-860 database which provides owners and the share of ownership in electric generating units (EIA, 2019b) to determine ownership of each coal-fired steam electric power plant and surveyed non-coal steam electric power plants (see U.S. EPA, 2015c for discussion of how non-coal steam electric power plants are incorporated in the analysis). EPA supplemented this information with data from corporate/financial websites and from the Steam Electric Survey to identify the highest-level domestic parent entity for each plant.

Determining Parent Entity Revenue

For each parent entity identified in the preceding step, EPA determined revenue values based on information from corporate or financial websites, if those values were available. EPA tried to obtain revenue for as many years within 2015 through 2017 and used the average of reported values. If revenue values were not reported on corporate/financial websites, the Agency used 2015-2018 average revenue values from the EIA-861 database (EIA, 2018b).

EPA restated entity revenue values in 2018 dollars using the GDP Deflator. For this analysis, the Agency assumed that these average historical revenue values are representative of revenues as of 2020. Although the entity-level revenue values might reasonably be estimated to change by 2020 (*i.e.*, have increased or decreased relative to average historical revenue), EPA was less confident in the reliability of projecting revenue values *at the entity level* than in that of projecting plant-level revenue values to reflect changes in generation. For the entity-level analysis, therefore, EPA did not project or further adjust revenue values developed using the sources and methodology described above but used these values *as is*. In effect, plants and their parent entities are assumed to be the same 'business entities' in terms of constant dollar revenue in 2020 as they were in the year for which revenue were reported.

Estimating Compliance Costs at the Level of the Parent Entity

Following the approach used in the analysis of the 2015 rule, to account for the parent entities of all 914 steam electric power plants, EPA analyzed two approximate bounding cases that provide a range of estimates for the number of entities incurring compliance costs and the costs incurred by any entity owning a steam electric power plant: (1) A lower bound estimate that assumes that the surveyed owners represent all owners, which effectively assumes that any non-surveyed plants are owned by the same surveyed entities and maximizes the number of plants owned by any given entity; and (2) An upper bound estimate that assumes that the non-surveyed owners are different from those surveyed but have similar characteristics, which results in a greater number of owners but minimizes the number of plants owned by each. See Chapter 4 in U.S. EPA (2015c) for details.

4.3.2 Key Findings for Regulatory Options

Table 4-3 and Table 4-4 summarize the results from the entity-level impact analysis under the lower bound (Case 1) and upper bound (Case 2) estimates of the number of entities incurring costs. Table 4-3 presents results under the baseline, while Table 4-4 presents results under the regulatory options relative to the baseline. The tables show the number of entities that incur costs in four ranges: no cost, non-zero costs less than one percent of an entity's revenue, at least one percent but less than three percent of revenue, and at least three percent of revenue.

EPA estimates that between 231 and 459 parent entities own steam electric power plants based on the range indicated by Case 1 and Case 2, respectively. Under the baseline in Case 1, 225 parent entities are estimated to incur costs less than one percent of revenue, and in Case 2, this number is 452 parent entities. When examining changes in number of parent entities that shift across cost-to-revenue thresholds, as shown in Table 4-4, most entities stay within the same threshold.[35] However, where there are changes across thresholds, these changes all move downward, i.e., smaller impacts relative to revenue.

Overall, this screening-level analysis shows that few entities are likely to experience significant changes in cost-to-revenue ratios compared to the baseline, and economic impacts to these entities would be lessened under the final rule.

[35] The results include entities that own only steam electric power plants that already meet discharge requirements for the wastestreams addressed by a given regulatory option and are therefore not estimated to incur any compliance technology costs.

Table 4-3: Baseline Entity-Level Cost-to-Revenue Analysis Results

Entity Type	Case 1: Lower bound estimate of number of firms owning plants that face requirements under the regulatory analysis						Case 2: Upper bound estimate of number of firms owning plants that face requirements under the regulatory analysis					
	Total Number of Entities	Number of Entities with a Ratio of					Total Number of Entities	Number of Entities with a Ratio of				
		0%[a]	≠0 and <1%	≥1 and 3%	≥3%	Unknown		0%[a]	≠0 and <1%	≥1 and 3%	≥3%	Unknown[b]
Baseline												
Cooperative	27	20	6	1	0	0	49	42	6	1	0	0
Federal	1	0	1	0	0	0	3	2	1	0	0	0
Investor-owned	66	33	32	1	0	0	149	116	32	1	0	0
Municipality	57	47	6	4	0	0	92	82	6	4	0	0
Nonutility	68	66	2	0	0	0	142	139	2	0	0	1
Other Political Subdivision	10	9	1	0	0	0	21	20	1	0	0	0
State	2	1	1	0	0	0	2	1	1	0	0	0
Total	**231**	**176**	**49**	**6**	**0**	**0**	**459**	**403**	**49**	**6**	**0**	**1**

a. These entities own only plants that already meet discharge requirements for the wastestreams addressed by a given regulatory option and are therefore not estimated to incur any compliance technology costs.

b. EPA was unable to determine revenues for one parent entity under Case 2.

Source: U.S. EPA Analysis, 2020.

Table 4-4: Entity-Level Incremental Cost-to-Revenue Analysis Results

Entity Type	Case 1: Lower bound estimate of change in number of firms owning plants that face requirements under the regulatory analysis						Case 2: Upper bound estimate of change in number of firms owning plants that face requirements under the regulatory analysis					
	Δ Total Number of Entities	Δ Number of Entities with a Ratio of					Δ Total Number of Entities	Δ Number of Entities with a Ratio of				
		0%[a]	≠0 and <1%	≥1 and 3%	≥3%	Unknown		0%[a]	≠0 and <1%	≥1 and 3%	≥3%	Unknown
Option D[c]												
Cooperative	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*
Federal	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*
Investor-owned	*0*	*1*	*-1*	*0*	*0*	*0*	*0*	*1*	*-1*	*0*	*0*	*0*
Municipality	*0*	*0*	*2*	*-2*	*0*	*0*	*0*		*2*	*-2*	*0*	*0*
Nonutility	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*
Other[b]	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*
State	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*
Total	*0*	*1*	*1*	*-2*	*0*	*0*	*0*	*1*	*1*	*-2*	*0*	*0*

Table 4-4: Entity-Level Incremental Cost-to-Revenue Analysis Results

Entity Type	Case 1: Lower bound estimate of change in number of firms owning plants that face requirements under the regulatory analysis						Case 2: Upper bound estimate of change in number of firms owning plants that face requirements under the regulatory analysis					
	Δ Total Number of Entities	Δ Number of Entities with a Ratio of					Δ Total Number of Entities	Δ Number of Entities with a Ratio of				
		0%[a]	≠0 and <1%	≥1 and 3%	≥3%	Unknown		0%[a]	≠0 and <1%	≥1 and 3%	≥3%	Unknown
Option A												
Cooperative	0	2	-2	0	0	0	0	2	-2	0	0	0
Federal	0	0	0	0	0	0	0	0	0	0	0	0
Investor-owned	0	10	-10	0	0	0	0	10	-10	0	0	0
Municipality	0	3	-1	-2	0	0	0	3	-1	-2	0	0
Nonutility	0	1	-1	0	0	0	0	1	-1	0	0	0
Other[b]	0	0	0	0	0	0	0	0	0	0	0	0
State	0	0	0	0	0	0	0	0	0	0	0	0
Total	**0**	**16**	**-14**	**-2**	**0**	**0**	**0**	**16**	**-14**	**-2**	**0**	**0**
Option B												
Cooperative	0	2	-2	0	0	0	0	2	-2	0	0	0
Federal	0	0	0	0	0	0	0	0	0	0	0	0
Investor-owned	0	7	-7	0	0	0	0	7	-7	0	0	0
Municipality	0	2	0	-2	0	0	0	2	0	-2	0	0
Nonutility	0	1	-1	0	0	0	0	1	-1	0	0	0
Other[b]	0	0	0	0	0	0	0	0	0	0	0	0
State	0	0	0	0	0	0	0	0	0	0	0	0
Total	**0**	**12**	**-10**	**-2**	**0**	**0**	**0**	**12**	**-10**	**-2**	**0**	**0**
Option C												
Cooperative	0	2	-2	0	0	0	0	2	-2	0	0	0
Federal	0	0	0	0	0	0	0	0	0	0	0	0
Investor-owned	0	7	-7	0	0	0	0	7	-7	0	0	0
Municipality	0	2	-1	-1	0	0	0	2	-1	-1	0	0
Nonutility	0	1	-1	0	0	0	0	1	-1	0	0	0
Other[b]	0	0	0	0	0	0	0	0	0	0	0	0
State	0	0	0	0	0	0	0	0	0	0	0	0
Total	**0**	**12**	**-11**	**-1**	**0**	**0**	**0**	**12**	**-11**	**-1**	**0**	**0**

a. These entities own only plants that already meet discharge requirements for the wastestreams addressed by a given regulatory option and are therefore not estimated to incur any compliance technology costs.

b. Other political subdivision.

c. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2020.

4.3.3 Uncertainties and Limitations

Despite EPA's use of the best available information and data, this analysis of entity-level impacts has uncertainties and limitations, including:

- The entity-level revenue values obtained from the corporate and financial websites or EIA databases are for 2015 through 2018. To the extent that actual 2020 entity revenue values are different, on a constant dollar basis, from those estimated using historical data, the cost-to-revenue measure for parent entities of steam electric power plants may be over- or under-estimated.

- The assessment of entity-level impacts relies on approximate upper and lower bound estimates of the number of parent entities and the numbers of steam electric power plants that these entities own. EPA expects that the range of results from these analyses provides appropriate insight into the overall extent of entity-level effects.

- As is the case with the plant-level analysis discussed in Section 4.2, the zero cost pass-through assumption represents a worst-case scenario from the perspective of the plant owner. To the extent that companies are able to pass some compliance costs on to consumers through higher electricity prices, this analysis may overstate the potential impact of the baseline and regulatory options on steam electric power plants. Also, as is the case with the plant-level analysis discussed in Section 4.2, the assumption that owners of plants that retire or repower during the period of analysis, but after installing equipment to comply with the final rule, will continue to amortize capital expenses over the 20-year life of the technology, may understate the potential impact of the baseline and regulatory options on steam electric power plants. EPA also conducted a sensitivity analysis that compares costs of leasing to the costs of purchasing equipment, but the analysis is highly uncertain. See the memorandum entitled "*Cost to Lease Flue Gas Desulfurization Wastewater Treatment*" (DCN SE08633 in the rule docket).

5 Assessment of the Impact of the Final Rule on National and Regional Electricity Markets

Following the approach used to analyze the impacts of the 2015 rule, the 2019 proposed rule, and other various regulatory actions affecting the electric power sector over the last decade, EPA used the Integrated Planning Model (IPM®), a comprehensive electricity market optimization model that can evaluate such impacts within the context of regional and national electricity markets. To assess market-level effects of the final rule, EPA used the latest version of this analytic system: Integrated Planning Model Version 6 (IPM v6) January 2020 Reference Case (U.S. EPA, 2018, 2020b).[36]

The market model analysis is a more comprehensive analysis compared to the screening-level analyses discussed in Chapter 4, *Cost and Economic Impact Screening Analyses*; it is meant to inform EPA's assessment of whether the final rule would result in any capacity retirements (full or partial plant closures)[37] and to provide insight on the impact of the regulatory options on the overall electricity market, including to assess whether the regulatory options may significantly affect the energy supply, distribution or use under Executive Order 13211 (see Section 10.7). EPA ran IPM for Option A to evaluate the impacts of the final rule.

In contrast to the screening-level analyses, which are static analyses and do not account for interdependence of electric generating units in supplying power to the electric transmission grid, IPM accounts for potential changes in the generation profile of steam electric and other units and consequent changes in market-level generation costs, as the electric power market responds to changes in generation costs for steam electric units due to the regulatory options. IPM is also dynamic in that it is capable of using forecasts of future conditions to make decisions for the present. Additionally, in contrast to the screening-level analyses in which EPA assumed no pass through of compliance costs, IPM depicts production activity in wholesale electricity markets where some recovery of compliance costs through increased electricity prices is possible but not guaranteed. Finally, IPM incorporates electricity demand growth assumptions from the Department of Energy's *Annual Energy Outlook 2018* (AEO2018), whereas the screening-level analyses discussed in other chapters of this report assume that plants would generate approximately the same quantity of electricity in 2021 as they did on average during 2013-2018.

Changes in electricity production costs and potential associated changes in electricity output at steam electric power plants can have a range of broader market impacts that extend beyond the effect on steam electric power plants. In addition, the impact of compliance requirements on steam electric power plants may be seen differently when the analysis considers the impact on those plants in the context of the broader electricity market instead of looking at the impact on a standalone, single-plant basis. Therefore, use of a comprehensive, market model analysis system that accounts for interdependence of electric generating units is important in assessing regulatory impacts on the electric power industry as a whole.

EPA's use of IPM v6 for this analysis is consistent with the intended use of the model to evaluate the effects of changes in electricity production costs, on electricity generation costs, subject to specified demand and emissions constraints. As discussed in greater detail in U.S. EPA (2018), IPM generates

36 For more information on IPM, see https://www.epa.gov/airmarkets/clean-air-markets-power-sector-modeling.

37 For the 2015 rule analysis, EPA used IPM to inform assessment of the economic achievability of the ELG options under CWA Sections 301(b)(2)(A) and 304(b)(2) (see U.S. EPA, 2015c).

least-cost resource dispatch decisions based on user-specified constraints such as environmental, demand, and other operational constraints. The model can be used to analyze a wide range of electric power market scenarios. Applications of IPM have included capacity planning, environmental policy analysis and compliance planning, wholesale price forecasting, and asset valuation.

IPM uses a long-term dynamic linear programming framework that simulates the dispatch of generating capacity to achieve a demand-supply equilibrium on a seasonal basis and by region. The model computes optimal capacity that combines short-term dispatch decisions with long-term investment decisions. Specifically, IPM seeks the optimal solution to an “objective function,” which is the summation of all the costs incurred by the electric power sector, *i.e.*, capital costs, fixed and variable operation and maintenance (O&M) costs, and fuel costs, on a net present value basis over the entire evaluated time horizon. The objective function is minimized subject to a series of supply and demand constraints. Supply-side constraints include capacity constraints, availability of generation resources, plant minimum operating constraints, transmission constraints, fuel supply constraints, and environmental constraints. Demand-side constraints include reserve margin constraints and minimum system-wide load requirements. The assumptions for total electricity demand and demand growth over IPM’s period of analysis (see Section 5.1.1) are obtained from the Department of Energy’s *Annual Energy Outlook 2018* (AEO2018). IPM runs under the assumption that electricity demand must be met and maintains a consistent expectation of future load. This analysis does not consider the relationship of the price of power to electricity demand (U.S. EPA, 2018).

The final difference between EPA’s electricity market optimization model analysis and the screening-level analyses in Chapter 4, *Cost and Economic Impact Screening Analyses* is the inclusion of estimated market-level impacts of environmental rules in the analysis baseline. The screening-level analysis estimates the impacts resulting from compliance with the final rule only. Though the screening-level analysis and EPA’s assumptions regarding baseline operating practices and facility and firm revenue implicitly account for existing environmental rules, it does not explicitly estimate the effects of these rules across the entire electricity market over the period of analysis. The IPM analysis, on the other hand, dynamically estimates changes in capacity and generation over the IPM analysis period that account for retrofits and retirements as a result of a broader set of environmental rules. Notably, for the analysis for the final rule, EPA started from an electricity market “reference case” (January 2020) that includes market-level impacts of the Cross-State Air Pollution Rule (CSAPR and CSAPR Update), Mercury and Air Toxics Standards (MATS), CWA section 316(b) rule, the final 2015 CCR rule, and the ACE rule (U.S. EPA, 2020b), among others. The reference case also includes the effects of the Regional Greenhouse Gas Initiative (RGGI), California’s Global Warming Solutions Act, Renewable Portfolio Standards state-level policies, and the 45Q tax credit for carbon dioxide sequestration. EPA added to this reference case the incremental effects of the CCR Part A rule.

In analyzing the effect of the regulatory options using IPM v6, EPA first specified a baseline that incorporates capital costs[38] and fixed and variable O&M costs that are estimated to be incurred by steam electric power plants and generating units to comply with the 2015 rule requirements for bottom ash

38 Capital costs are represented as the net present value of levelized stream of annual capital outlays and were specified in terms of the expected useful life of the capital outlay (20 years) using IPM’s real discount rate for all expenditures (the weighted average after tax cost of capital, 4.25 percent; see Chapter 10 in the IPM documentation [U.S. EPA, 2018] for more information on IPM’s financial discount rate).

transport water and FGD wastewater (in the IPM documentation, these costs are referred to as "FOM and VOM adders" and correspond to fixed O&M [FOM] and variable O&M [VOM]). Baseline costs were developed using the same approach described in Chapter 3, based on the technology options and compliance deadlines for the 2015 Rule (see Table 1-1 and Table 3-1 for the baseline technology basis and compliance deadlines, respectively). As described in Section 3.1.3 for the screening analysis, the IPM analysis assumes an implementation year based on the compliance deadline and each plant's expected permit renewal year. Results for this first model run provide the baseline against which to compare outputs for regulatory options runs. In analyzing Option A, EPA modified the associated fixed and variable costs input to IPM to reflect the difference between the bottom ash transport water and FGD wastewater compliance costs under the 2015 rule and those for the final rule. EPA ran IPM to simulate the dispatch of electricity generating units that would meet demand at the lowest costs subject to the same constraints as those present in the analysis baseline. Within this optimization framework, IPM provides generating units the option to retrofit or retire a portion or all of the unit's capacity, depending on the specified unit operating costs, which include ELG compliance costs.

The rest of this chapter is organized as follows:

- Section 5.1 summarizes the key inputs to IPM for performing the analyses of the regulatory options and the key outputs reviewed as indicators of the effect of the final rule.
- Section 5.2 provides the findings from the market model analysis.
- Section 5.3 discusses the effects of the regulatory options on new coal capacity.
- Section 5.4 identifies key uncertainties and limitations in the market model analysis.

5.1 Model Analysis Inputs and Outputs

To assess the impact of the final rule, EPA compared the policy run (Option A) to an IPM v6 Baseline projection of electricity markets and plant operations that includes the modeled effects of the 2015 rule, among existing environmental regulations.

5.1.1 Analysis Years

As described in U.S. EPA (2018), IPM v6 models the electric power market over the 34-year period from 2021 to 2054, breaking this period into the eight representative run years shown in Table 5-1. As discussed in Chapter 1, steam electric power plants are estimated to implement control technologies to meet the regulatory option requirements starting in 2021 and as late as 2028. This technology implementation window primarily falls within the time periods captured by the 2021, 2023 and 2025 run years (*i.e.*, 2021-2027). The 2030 run year includes the last year of technology implementation, 2028, and goes through 2032. The last year in the analysis period (2047) coincides with the end of the period captured by the 2045 run year.

Table 5-1: IPM Run Years

Run Year	Years Represented
2021	2021
2023	2022-2023
2025	2024-2027
2030	2028-2032
2035	2033-2037
2040	2038-2042
2045	2043-2047
2050	2048-2054

Source: U.S. EPA, 2018.

To assess the effect of the final rule on electricity markets during the period *after* technology implementation by *all* steam electric power plants – the *steady state* post-compliance period – EPA analyzed results reported for the IPM 2030 run year.[39] As discussed in Chapter 3, under the final rule specifications considered for this analysis, this *steady state* period is estimated to begin in the last year of the technology implementation window, *i.e.*, 2028, and continue into the future. Because the model run year 2030 captures decisions made through the end of 2032 by which time all plants will have achieved the final limitations and standards, EPA determined that 2030 is an appropriate run year to capture steady-state regulatory effects. Effects that may occur during the post-compliance "steady state" include potential *permanent* changes in generating capacity from changes in early retirement (closure) of generating units,[40] *long-term* changes in electricity production costs due to changes in operating expenses, *permanent* changes in electric generating capability and production efficiency at steam electric power plants, and, as described above, changes in dispatches of other generating units resulting from the changes in electric generating capacity.

5.1.2 Key Inputs to IPM V6 for the Market Model Analysis of the Final Rule

5.1.2.1 Existing Plants

The inputs for the electricity market analyses include compliance costs and the technology implementation year. IPM models the entire electric power generating industry using a total of 18,617 generating units at 7,545 plants. EPA estimated that 75 steam electric power plants may incur non-zero compliance costs under the final rule (Option A), based on the costing methodologies described in the *Supplemental TDD* (U.S. EPA, 2020e) and timing of any announced retirements and repowerings relative to compliance deadlines.

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39 Although all run years are reported in the IPM results, for the 2015 rule EPA detailed results for two run years to cover the range of potentially significant changes: one run year representing the period when plants would be in the process of implementing technologies, and one run year falling after the compliance period. The regulatory options of the 2019 proposal and the requirements of the final rule (Option A) were detailed using the run year 2030 only because unlike the 2015 rule analysis, the impacts associated with the final rule were too small to warrant detailed reporting based on two run years. The Agency presents summary results for all other run years.

40 Early retirement of generating units reflects reductions in generating capacity relative to the baseline and relative to any scheduled retirements.

EPA input the final rule capital, initial one-time costs, annual fixed O&M (FOM), and annual variable O&M (VOM) costs, as well as costs incurred on a non-annual, periodic basis (3-year, 5-year, 6-year, 10-year) into IPM as FOM and VOM cost adders.[41] IPM modelers calculated the net present value of annualized costs using IPM's conventional framework for recognizing costs incurred over time, by assigning to each cost the same technology implementation years discussed in Chapter 3.[42] Annualized capital cost and FOM and VOM cost adders are represented in IPM as incremental costs specific to individual model plants.

5.1.2.2 New Capacity

EPA did not specify ELG compliance costs for new coal capacity. IPM projections include new generating capacity as needed to meet demand. As described below, IPM projects no new coal capacity under the baseline or under the final rule.

5.1.3 Key Outputs of the Market Model Analysis Used in Assessing the Effects of the Final Rule

IPM generates a series of outputs at different levels of aggregation (model plant, region, and nation). For this analysis, EPA used a subset of the available IPM output for each model run (Baseline and Option A), focusing on metrics that quantify projected changes in capacity (including early retirements and new capacity), generation, production costs, electricity prices, and emissions. See Chapter 5 in the 2015 RIA (U.S. EPA, 2015c) for descriptions of the IPM variables.

EPA compared national-level outputs for selected IPM run years (2021, 2023, 2025, 2030, 2040, and 2050).[43] EPA then looked at changes in more detailed regional and plant-level outputs for the 2030 run year. Comparison of these outputs for the Baseline and Option A provides insight into the incremental effect of the final rule on steam electric power plants and the broader electric power markets.[44]

5.2 Findings from the Market Model Analysis

The impacts of the final rule are assessed as the difference between key economic and operational impact metrics that compare the results for Option A to the Baseline. This section presents two sets of analysis:

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41 In the IPM documentation, the compliance costs are referred to as "FOM and VOM cost adders" and correspond to fixed O&M [FOM] and variable O&M [VOM].

42 IPM seeks to minimize the total, discounted net present value, of the costs of meeting demand, accounting for power operation constraints, and environmental regulations over the entire planning horizon. These costs include the cost of any new plant, pollution control construction, fixed and variable operating and maintenance costs, and fuel costs. As described in the IPM documentation, "*Capital costs in IPM's objective function are represented as the net present value of levelized stream of annual capital outlays, not as a one-time total investment cost. The payment period used in calculating the levelized annual outlays never extends beyond the model's planning horizon: it is either the book life of the investment or the years remaining in the planning horizon, whichever is shorter. This approach avoids presenting artificially lower capital costs for investment decisions taken closer to the model's time horizon boundary simply because some of that cost would typically be serviced in years beyond the model's view. This treatment of capital costs ensures both realism and consistency in accounting for the full cost of each of the investment options in the model*." (U.S. EPA, 2018, page 2-7).

43 IPM also provides estimates for four additional run years: 2023, 2025, 2035, and 2045.

44 IPM output also includes total fuel usage, which is not part of the analysis discussed in this Chapter.

- *Analysis of national-level impacts*: EPA compared baseline and policy IPM results reported for a series of run years to provide insight on the direction and magnitude of market-level changes attributable to the final rule over time.
- *Analysis of long-term regulatory impacts*: As discussed earlier, to assess the long-term impact of the final rule, EPA compared Baseline and Option A IPM results reported for 2030. These results provide insight on the effect of the final rule both for the entire electricity market and for steam electric power plants specifically.

5.2.1 National-level Analysis Results for Model Years 2021-2050

Table 5-2 shows baseline values of total costs to electric power plants, wholesale electricity price, total existing capacity, new capacity, plant retirements, and generation mix at the national-level based on IPM results for the Baseline. The baseline projections show a progressive decline in total coal generation capacity during the period (from 170.6 GW in 2021 to 122.3 GW in 2050; 28 percent reduction) and nuclear generation capacity (35 percent reduction), and increases in generation capacity from renewables and natural gas. These projections are consistent with the market trends discussed in Section 2.3. Table 5-3 provides incremental changes in these measures for Option A relative to the baseline (negative values represent decreases relative to the baseline). For conciseness, the tables show results for the years 2021, 2023, 2025, 2030, 2040, and 2050, but IPM v6 also provides projections for model years 2035 and 2045. Note that while the table includes projections for the 2050 run year, the represented period (2048-2054) is outside of the analysis period EPA used in its analysis of the social costs and benefits, which covers 2021 through 2047.

Table 5-2: Baseline Projections, 2021-2050

Economic Measures	Baseline					
	2021	2023	2025	2030	2040	2050
Total Costs						
Total Costs (million 2018$)	$135,820	$141,433	$146,455	$158,473	$179,987	$175,584
Prices						
National Wholesale Electricity Price (mills/kWh)	36.81	36.74	40.56	41.06	42.80	39.62
Total Capacity (Cumulative GW)						
Renewables[a]	289.6	316.7	341.0	438.9	483.6	664.3
Coal	170.6	167.3	165.6	158.9	150.4	122.3
Nuclear	90.5	78.5	77.4	68.5	68.4	58.7
Natural Gas	415.8	416.4	418.4	420.4	480.8	562.8
Oil/Gas Steam	66.4	66.7	66.9	66.0	65.5	63.3
Other	6.4	6.4	6.4	6.4	6.4	6.4
Grand Total	**1,041.3**	**1,053.8**	**1,080.2**	**1,169.9**	**1,280.0**	**1,515.6**
New Capacity (Cumulative GW)						
Renewables[a]	67.0	94.4	118.7	216.7	261.4	442.1
Coal	0.0	0.0	0.0	0.0	0.0	0.0
Nuclear	0.0	0.0	0.0	0.0	0.0	0.0
Natural Gas	16.6	17.8	19.8	22.6	83.3	166.5
Other	0.0	0.0	0.0	0.0	0.0	0.0
Grand Total	**84.8**	**113.4**	**142.4**	**249.2**	**368.8**	**645.8**
Retirements (GW)[b]						
Combined Cycle Retirements	3.8	3.8	3.8	4.2	4.2	4.2

Table 5-2: Baseline Projections, 2021-2050

Economic Measures	Baseline					
	2021	2023	2025	2030	2040	2050
Coal Retirements	44.2	46.0	46.6	52.9	61.5	89.0
Combustion Turbine Retirements	1.9	2.5	2.5	2.8	3.1	4.4
Nuclear Retirements	3.9	17.2	18.3	25.9	25.2	34.9
Oil/Gas Retirements	8.4	8.2	8.2	9.1	9.6	11.9
Grand Total	**66.1**	**82.0**	**83.7**	**99.2**	**107.9**	**149.3**
Generation Mix (thousand GWh)						
Renewables[a]	845.3	909.7	964.8	1,241.0	1,355.1	1,943.4
Coal	831.6	879.7	880.4	821.2	718.5	517.1
Nuclear	711.0	621.3	612.4	541.4	540.6	463.6
Natural Gas	1,602.7	1,626.4	1,630.7	1,621.9	1,897.6	1,948.4
Oil/Gas Steam	55.2	56.5	56.1	52.1	47.4	25.9
Other	31.7	31.7	31.7	31.1	31.2	31.0
Grand Total	**4,079.7**	**4,127.6**	**4,181.6**	**4,322.8**	**4,625.3**	**4,982.8**

a. Renewables include hydropower and non-hydropower renewables.

b. There were no changes in projected retirements for IGCC, biomass, fuel cell, other fossil fuel, geothermal, hydropower, landfill gas, other non-fossil fuel, and energy storage plants.

Source: U.S. EPA Analysis, 2020

Table 5-3: National Impact of Final Rule Relative to Baseline, 2021-2050

Economic Measures	Option A Changes Relative to Baseline					
	2021	2023	2025	2030	2040	2050
Total Costs						
Total Costs (million 2018$)	-$9	-$198	-$132	-$130	-$149	-$17
Prices						
National Wholesale Electricity Price (mills/kWh)	-0.04	-0.12	-0.05	-0.11	-0.04	0.01
Total Capacity (Cumulative GW)						
Renewables[a]	-0.1	-0.4	-0.2	-0.5	-0.3	-0.4
Coal	1.3	1.3	1.3	1.2	1.0	2.0
Nuclear	0.0	-0.1	-0.1	0.3	0.4	0.4
Natural Gas	-0.2	-0.2	-0.5	-1.0	-1.3	-2.1
Oil/Gas Steam	-0.3	-0.3	-0.3	-0.3	-0.2	-0.3
Other	0.0	0.0	0.0	0.0	0.0	0.0
Grand Total	**0.7**	**0.2**	**0.2**	**-0.4**	**-0.4**	**-0.4**
New Capacity (Cumulative GW)						
Renewables[a]	0.0	-0.4	-0.2	-0.5	-0.3	-0.4
Coal	0.0	0.0	0.0	0.0	0.0	0.0
Nuclear	0.0	0.0	0.0	0.0	0.0	0.0
Natural Gas	0.0	0.0	-0.3	-0.9	-1.2	-2.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Grand Total	**0.0**	**-0.4**	**-0.5**	**-1.5**	**-1.5**	**-2.4**
Retirements (GW)[b]						
Combined Cycle Retirements	0.2	0.2	0.2	0.1	0.1	0.1
Coal Retirements	-1.3	-1.3	-1.3	-1.2	-1.0	-2.0

Table 5-3: National Impact of Final Rule Relative to Baseline, 2021-2050

Economic Measures	Option A Changes Relative to Baseline					
	2021	2023	2025	2030	2040	2050
Combustion Turbine Retirements	0.0	0.0	0.0	0.0	0.0	0.0
Nuclear Retirements	0.0	0.1	0.1	-0.3	-0.4	-0.4
Oil/Gas Retirements	0.3	0.3	0.3	0.3	0.2	0.3
Grand Total	**-0.7**	**-0.6**	**-0.6**	**-1.1**	**-1.1**	**-2.0**
Generation Mix (thousand GWh)						
Renewables[a]	-0.1	-1.5	-0.2	-1.7	-1.5	-1.8
Coal	0.1	3.3	2.9	4.7	3.0	-1.8
Nuclear	0.0	-0.7	-0.7	2.3	3.1	3.6
Natural Gas	0.1	-1.0	-1.7	-5.7	-4.1	0.1
Oil/Gas Steam	0.0	0.0	-0.1	0.3	-0.3	0.2
Other	0.0	0.0	0.0	0.0	0.0	0.0
Grand Total	**0.2**	**0.2**	**0.1**	**0.1**	**0.3**	**0.1**

a. Renewables include hydropower and non-hydropower renewables.

b. There were no changes in projected retirements for IGCC, biomass, fuel cell, other fossil fuel, geothermal, hydropower, landfill gas, other non-fossil fuel, and energy storage plants.

Source: U.S. EPA Analysis, 2020

5.2.1.1 Findings for the Final Rule

Under the final rule (Option A), total costs to electric power plants are projected to be lower than the baseline from 2021 to 2050. The reduction in costs is greatest in the early years of the modeling period (e.g., by $197.7 million in 2023), which is consistent with the timing of steam electric ELG implementation under the baseline and the final rule. By the end of the modeling period in 2050, costs are projected to decrease by $17.1 million (0.01 percent of baseline costs). IPM projects changes in wholesale electricity prices between 2021 and 2050 between 0.0 and 0.1 mills per kWh.

Looking at results for total capacity by energy source, coal capacity is estimated to increase for all years from 2021 to 2050 with the increase ranging between 1.0 GW and 2.0 GW. The additional capacity under the final rule (Option A) is projected to come from avoided retirements of existing units, as no new coal capacity is projected (as is also the case in the baseline). Meanwhile, decreases in capacity from renewables and natural gas are estimated to occur from 2021 to 2050. Capacity from renewables is estimated to decrease by 0.1 to 0.5 GW, and natural gas capacity is estimated to decrease by 0.2 to 2.1 GW, with both of these changes due to avoided new capacity additions. The reduction in nuclear capacity in 2023-2025, by contrast, is projected to result from incremental retirements of nuclear generation units, as they become relatively less economical to operate.

Avoided coal retirements are estimated for all years, ranging between 1.0 to 2.0 GW of the 44.2 to 89 GW estimated to retire in the baseline. This accounts for most of the avoided retirements in the electric market as a whole, which range between 0.6 to 2.0 GW.

Lastly, examining results for generation by energy source, generation from coal is estimated to increase from 2021 to 2040 by 0.1 to 4.7 GWh, and decline by 1.8 GWh in 2050. These changes are offset in part by a decline in generation by renewables (0.1 to 1.8 GWh reduction) and natural gas generation, which decreases from 2023 to 2040 by 1.0 to 5.7 GWh, then increases in 2050 by 0.1 GWh.

5.2.2 Detailed Analysis Results for Model Year 2030

In the following results which reflect conditions in the period of 2028 through 2032, all plants are estimated to meet the final BAT limits and pretreatment standards associated with the final rule (Option A). For this more detailed analysis, following the approach used for the 2015 rule (U.S. EPA, 2015b) and 2019 proposed rule (U.S. EPA, 2019a), EPA used parsed IPM outputs and considered impact metrics of interest at three levels of aggregation:

- Impact on national and regional electricity markets (Section 5.2.2.1),
- Impact on steam electric power plants as a group (Section 5.2.2.2), and
- Impact on individual steam electric power plants (Section 5.2.2.3).

5.2.2.1 Impact on National and Regional Electricity Markets

The market-level analysis assesses national and regional changes as a result of the regulatory requirements. EPA analyzed six measures:

- *Changes in available capacity*: This measure analyzes changes in the nameplate capacity available to generate electricity. A long-term reduction in available capacity may result from partial or full closures of steam electric power plants. Conversely, increased capacity may result from *avoided* partial or full closure of the plants or the addition of new capacity. Only capacity that is projected to remain operational in the baseline case but is closed in the policy case is considered a closure attributable to the final rule. The Market Model Analysis may project partial (*i.e.*, unit) or full plant early retirements (closures) for the final rule. It may also project partial or full avoided closures in which a unit or plant that is estimated to close in the baseline is estimated to continue operation in the policy case. Avoided closures may occur, in particular, when the regulation results in lower costs for a given plant.

- *Changes in the wholesale price of electricity*: This measure represents the change in the annual average energy price (the marginal cost of meeting demand in each time segment, averaged annually) plus any capacity prices associated with maintaining a reserve margin. In the long term, electricity prices may change as a result of changes in generation costs at steam electric power plants or due to generating unit and/or plant closures.

- *Changes in generation*: This measure considers the amount of electricity generated. At a regional level, long-term changes in generation may result from plant closures or a change in the amount of electricity traded between regions. At the national level, the demand for electricity does not change between the baseline and the final rule (generation within the regions is allowed to vary) because meeting demand is an exogenous constraint imposed by the model. However, demand for electricity does vary across the modeling horizon according to the model's underlying electricity demand growth assumptions.

- *Changes in costs*: This measure considers changes in the overall cost of generating electricity, including fuel costs, variable and fixed O&M costs, and capital costs. These costs are not limited to steam electric generating units or to compliance costs of the final rule, but more broadly reflect changes in the cost of generating electricity across all units. Fuel costs and variable O&M costs are production costs that vary with the level of generation. Fuel costs generally account for the single largest share of production costs. Fixed O&M costs and capital costs do not vary with generation. They are fixed in the short-term and therefore do not affect the dispatch decision of a unit (given sufficient demand, a unit will dispatch as long as the price of electricity is at least equal to its per MWh production costs). However, in the long-run, these costs need to be recovered for a unit to remain economically viable.

- *Changes in average variable production costs per MWh*: This measure considers the change in average variable production cost per MWh. Variable production costs are a subset of the costs in the bullet above and include fuel costs and other variable O&M costs but exclude fixed O&M costs and capital costs. Production cost per MWh is a primary determinant of how often a generating unit is dispatched. This measure presents similar information to total fuel and variable O&M costs, but normalized for changes in generation.

- *Changes in CO_2, Nox, SO_2, Hg, and HCL emissions*: This measure considers the change in emissions resulting from electricity generation, for example due to changes in the fuel mix. Compliance with the final rule is estimated to reduce generation costs when compared to the baseline and make electricity generated by some steam electric units less expensive compared to that generated at other steam electric or non-steam electric units. These changes may in turn result in changes in air pollutant emissions, depending on the emissions profile of dispatched units. Projected changes in air emissions are used as inputs for the analysis of air-related benefits of the final rule (see Chapter 8 in the BCA [U.S. EPA, 2020a]).

Table 5-4 summarizes IPM results for the final rule at the level of the national market and also for regional electricity markets defined on the basis of NERC regions. All of the impact metrics described above are reported at both the national and NERC level except electricity prices, which are calculated in IPM only at the regional level (*i.e.*, not aggregated to national level). Differences in the relative magnitude of impacts across the NERC regions largely reflect regional differences in compliance costs for the final rule as compared to the baseline (*i.e.*, number of plants incurring costs and the magnitude of these costs) and the generation mix.

Table 5-4: Impact of Final Rule on National and Regional Markets in the Year 2030

Economic Measures (all dollar values in 2018$)	Baseline Value	Option A		
		Value	Difference	% Change
National Totals				
Total Domestic Capacity (GW)	1,169	1,169	-0.4	0.0%
Existing			1.1	0.1%
New Additions			-1.5	-0.1%
Early Retirements			-1.1	-0.1%
Wholesale Price ($/MWh)	$41.59	$41.48	-$0.11	-0.3%
Generation (TWh)	4,316	4,316	-0.3	0.0%
Costs ($Millions)	$161,476	$161,351	-$125	-0.1%

Table 5-4: Impact of Final Rule on National and Regional Markets in the Year 2030

Economic Measures (all dollar values in 2018$)	Baseline Value	Option A Value	Option A Difference	Option A % Change
Fuel Cost	$66,408	$66,459	$51	0.1%
Variable O&M	$10,045	$10,039	-$5	-0.1%
Fixed O&M	$51,818	$51,823	$6	0.0%
Capital Cost	$33,205	$33,029	-$176	-0.5%
Average Variable Production Cost ($/MWh)	$17.71	$17.72	$0.01	0.1%
CO_2 Emissions (Million Metric Tons)	1,482	1,484	2.4	0.2%
Mercury Emissions (Tons)	4	4	0.0	0.2%
NO_X Emissions (Million Tons)	1	1	0.0	0.1%
SO_2 Emissions (Million Tons)	1	1	0.0	0.2%
HCL Emissions (Million Tons)	0	0	0.0	0.5%
Florida Reliability Coordinating Council (FRCC)				
Total Domestic Capacity (GW)	62	61	-0.7	-1.1%
Existing			0.0	0.0%
New Additions			-0.7	-1.1%
Early Retirements			0.0	0.0%
Wholesale Price ($/MWh)	$43.63	$43.61	-$0.02	0.0%
Generation (TWh)	257	257	0	-0.1%
Costs ($Millions)	$10,738	$10,707	-$31	-0.3%
Fuel Cost	$6,245	$6,270	$25	0.4%
Variable O&M	$572	$575	$3	0.5%
Fixed O&M	$2,548	$2,537	-$11	-0.4%
Capital Cost	$1,373	$1,325	-$48	-3.5%
Average Variable Production Cost ($/MWh)	$26.54	$26.67	$0.13	0.5%
CO_2 Emissions (Million Metric Tons)	87	87	0.6	0.7%
Mercury Emissions (Tons)	0	0	0.0	0.5%
NO_X Emissions (Million Tons)	0	0	0.0	1.0%
SO_2 Emissions (Million Tons)	0	0	0.0	12.1%
HCL Emissions (Million Tons)	0	0	0.0	13.5%
Midwest Reliability Organization (MRO)				
Total Domestic Capacity (GW)	75	75	0.1	0.1%
Existing			0.0	0.1%
New Additions			0.1	0.1%
Early Retirements			0.0	-0.1%
Wholesale Price ($/MWh)	$37.23	$37.26	$0.03	0.1%
Generation (TWh)	291	291	0	0.1%
Costs ($Millions)	$9,854	$9,867	$13	0.1%
Fuel Cost	$3,308	$3,311	$2	0.1%
Variable O&M	$741	$741	-$1	-0.1%
Fixed O&M	$2,858	$2,860	$2	0.1%
Capital Cost	$2,947	$2,956	$9	0.3%
Average Variable Production Cost ($/MWh)	$13.93	$13.92	-$0.01	0.0%
CO_2 Emissions (Million Metric Tons)	122	122	0.0	0.0%
Mercury Emissions (Tons)	0	0	0.0	0.1%
NO_X Emissions (Million Tons)	0	0	0.0	0.1%
SO_2 Emissions (Million Tons)	0	0	0.0	0.0%
HCL Emissions (Million Tons)	0	0	0.0	0.0%

Table 5-4: Impact of Final Rule on National and Regional Markets in the Year 2030

Economic Measures (all dollar values in 2018$)	Baseline Value	Option A		
		Value	Difference	% Change
Northeast Power Coordinating Council (NPCC)				
Total Domestic Capacity (GW)	81	81	0.2	0.2%
Existing			0.0	0.0%
New Additions			0.2	0.2%
Early Retirements			0.0	0.0%
Wholesale Price ($/MWh)	$40.95	$40.79	-$0.16	-0.4%
Generation (TWh)	255	256	0	0.1%
Costs ($Millions)	$10,856	$10,882	$26	0.2%
Fuel Cost	$3,261	$3,241	-$20	-0.6%
Variable O&M	$393	$393	$0	0.0%
Fixed O&M	$3,770	$3,781	$11	0.3%
Capital Cost	$3,432	$3,467	$35	1.0%
Average Variable Production Cost ($/MWh)	$14.31	$14.22	-$0.09	-0.6%
CO_2 Emissions (Million Metric Tons)	47	47	0.0	0.0%
Mercury Emissions (Tons)	0	0	0.0	0.5%
NO_X Emissions (Million Tons)	0	0	0.0	0.2%
SO_2 Emissions (Million Tons)	0	0	0.0	6.5%
HCL Emissions (Million Tons)	0	0	0.0	1.8%
ReliabilityFirst Corporation (RFC)				
Total Domestic Capacity (GW)	231	230	-0.8	-0.4%
Existing			-0.4	-0.2%
New Additions			-0.5	-0.2%
Early Retirements			0.4	0.2%
Wholesale Price ($/MWh)	$40.32	$40.27	-$0.05	-0.1%
Generation (TWh)	937	936	-1	-0.1%
Costs ($Millions)	$37,201	$37,075	-$126	-0.3%
Fuel Cost	$15,694	$15,695	$1	0.0%
Variable O&M	$2,467	$2,435	-$32	-1.3%
Fixed O&M	$10,847	$10,823	-$23	-0.2%
Capital Cost	$8,193	$8,121	-$71	-0.9%
Average Variable Production Cost ($/MWh)	$19.38	$19.36	-$0.02	-0.1%
CO_2 Emissions (Million Metric Tons)	405	403	-1.3	-0.3%
Mercury Emissions (Tons)	1	1	0.0	-0.3%
NO_X Emissions (Million Tons)	0	0	0.0	-0.3%
SO_2 Emissions (Million Tons)	0	0	0.0	-0.3%
HCL Emissions (Million Tons)	0	0	0.0	-0.6%
Southeast Electric Reliability Council (SERC)				
Total Domestic Capacity (GW)	269	270	1.2	0.4%
Existing			1.5	0.6%
New Additions			-0.3	-0.1%
Early Retirements			-1.5	-0.6%
Wholesale Price ($/MWh)	$43.32	$42.98	-$0.34	-0.8%
Generation (TWh)	1,116	1,117	0	0.0%
Costs ($Millions)	$43,420	$43,445	$25	0.1%
Fuel Cost	$20,902	$20,930	$28	0.1%
Variable O&M	$2,672	$2,695	$24	0.9%
Fixed O&M	$15,982	$16,023	$41	0.3%

Table 5-4: Impact of Final Rule on National and Regional Markets in the Year 2030

Economic Measures (all dollar values in 2018$)	Baseline Value	Option A		
		Value	Difference	% Change
Capital Cost	$3,864	$3,796	-$68	-1.8%
Average Variable Production Cost ($/MWh)	$21.11	$21.16	$0.04	0.2%
CO_2 Emissions (Million Metric Tons)	400	403	2.5	0.6%
Mercury Emissions (Tons)	1	1	0.0	1.3%
NO_X Emissions (Million Tons)	0	0	0.0	0.2%
SO_2 Emissions (Million Tons)	0	0	0.0	-0.9%
HCL Emissions (Million Tons)	0	0	0.0	1.6%
Southwest Power Pool (SPP)				
Total Domestic Capacity (GW)	83	83	-0.3	-0.4%
Existing			0.0	0.0%
New Additions			-0.3	-0.3%
Early Retirements			0.0	0.0%
Wholesale Price ($/MWh)	$37.91	$37.85	-$0.06	-0.2%
Generation (TWh)	264	264	0	-0.1%
Costs ($Millions)	$8,572	$8,547	-$26	-0.3%
Fuel Cost	$3,538	$3,551	$13	0.4%
Variable O&M	$708	$709	$1	0.1%
Fixed O&M	$2,818	$2,807	-$11	-0.4%
Capital Cost	$1,507	$1,479	-$28	-1.9%
Average Variable Production Cost ($/MWh)	$16.06	$16.12	$0.06	0.4%
CO_2 Emissions (Million Metric Tons)	117	117	0.6	0.5%
Mercury Emissions (Tons)	0	0	0.0	2.0%
NO_X Emissions (Million Tons)	0	0	0.0	0.9%
SO_2 Emissions (Million Tons)	0	0	0.0	2.3%
HCL Emissions (Million Tons)	0	0	0.0	0.4%
Electric Reliability Organization of Texas (TRE)				
Total Domestic Capacity (GW)	123	123	0.0	0.0%
Existing			0.0	0.0%
New Additions			0.0	0.0%
Early Retirements			0.0	0.0%
Wholesale Price ($/MWh)	$38.91	$38.92	$0.01	0.0%
Generation (TWh)	417	417	0	0.0%
Costs ($Millions)	$14,983	$14,981	-$1	0.0%
Fuel Cost	$6,745	$6,748	$2	0.0%
Variable O&M	$839	$838	$0	0.0%
Fixed O&M	$4,740	$4,738	-$2	0.0%
Capital Cost	$2,658	$2,657	-$1	0.0%
Average Variable Production Cost ($/MWh)	$18.18	$18.18	$0.00	0.0%
CO_2 Emissions (Million Metric Tons)	137	137	0.0	0.0%
Mercury Emissions (Tons)	0	0	0.0	-1.0%
NO_X Emissions (Million Tons)	0	0	0.0	0.0%
SO_2 Emissions (Million Tons)	0	0	0.0	1.5%
HCL Emissions (Million Tons)	0	0	0.0	0.0%
Western Electricity Coordinating Council (WECC)				
Total Domestic Capacity (GW)	246	246	0.0	0.0%
Existing			0.0	0.0%
New Additions			0.0	0.0%

Table 5-4: Impact of Final Rule on National and Regional Markets in the Year 2030

Economic Measures (all dollar values in 2018$)	Baseline Value	Option A		
		Value	Difference	% Change
Early Retirements			0.0	0.0%
Wholesale Price ($/MWh)	$44.32	$44.32	$0.00	0.0%
Generation (TWh)	778	778	0	0.0%
Costs ($Millions)	$25,852	$25,848	-$4	0.0%
Fuel Cost	$6,714	$6,714	$0	0.0%
Variable O&M	$1,652	$1,652	$0	0.0%
Fixed O&M	$8,254	$8,253	-$1	0.0%
Capital Cost	$9,232	$9,228	-$4	0.0%
Average Variable Production Cost ($/MWh)	$10.75	$10.75	$0.00	0.0%
CO_2 Emissions (Million Metric Tons)	168	168	0.0	0.0%
Mercury Emissions (Tons)	1	1	0.0	0.0%
NO_X Emissions (Million Tons)	0	0	0.0	0.0%
SO_2 Emissions (Million Tons)	0	0	0.0	0.0%
HCL Emissions (Million Tons)	0	0	0.0	0.0%

a. Numbers may not add up due to rounding.

Source: U.S. EPA Analysis, 2020

5.2.2.1.1 Findings for Regulatory Option A

As reported in Table 5-4, the Market Model Analysis indicates that the final rule can be expected to have small effects on the electricity market, relative to the baseline, on both a national and regional sub-market basis, in the year 2030.

At the national level, total annual costs decrease by an estimated $125 million (approximately 0.1 percent) relative to baseline. Total annual costs vary by region, with estimated decreases in costs in some regions offset by increases in other regions. Total costs in the RFC region decline by the largest amount, $126 million (0.3 percent), followed by the FRCC region with a decrease of $31 million (0.3 percent); changes in estimated total annual costs in the other regions range between savings of $26 million (SPP) to increases of $26 million (NPCC). Overall at the national level, the net change in total capacity, including increases in existing capacity (which includes avoided early retirements) and reductions in new plants/units, is a decrease of approximately 0.4 GW in capacity, which is less than 0.1 percent of total market capacity. Although effects differ geographically, the final rule is estimated to have minimal effect on capacity availability and supply reliability at the national level. The net capacity decrease is a result of a decrease in capacity in the FRCC region of about 0.7 GW (1.1 percent of SERC region capacity), in the RFC region of 0.8 GW (0.4 percent), and in the SPP region of 0.3 GW (0.4 percent), due to an increase in early retirements and reduced new capacity additions in those regions. Overall impacts on wholesale electricity prices are similarly minimal. Wholesale electricity prices are estimated to increase in some NERC regions, and fall in others. Price changes in individual regions range from -$0.34 per MWh (-0.8 percent) in SERC to $0.03 per MWh (0.1 percent) in MRO. Finally, at the national level, total costs decrease by approximately 0.3 percent.

At the national level, there are increases in emissions among all air pollutants modeled. NO_x emissions increase by 0.1 percent; SO_2 emissions increase by 0.2 percent; CO_2 emissions increase by 0.2 percent, mercury emissions increase by 0.2 percent; and HCL emissions increase by 0.5 percent. The impact on emissions varies across regions and by pollutant. Emissions increase in some and decrease in other NERC regions.[45]

5.2.2.2 Impact on Steam Electric Power Plants as a Group

For the analysis of impact on steam electric power plants as a group, EPA used the same IPM v6 results for 2030 used above to analyze the impact on national and regional electricity markets; however, this analysis considers the effect of the final rule on the subset of plants to which the ELGs apply, *i.e.*, steam electric power plants. The purpose of the previously described electricity market-level analysis is to assess the impact of the final rule on the entire electric power sector, *i.e.*, including generators such as combustion turbines, wind or solar to which the ELGs do not apply. By contrast, the purpose of this analysis is to assess the impact of the final rule specifically on steam electric power plants. The analysis results for the group of steam electric power plants overall show a slightly greater impact on a percentage basis than that observed over *all* generating units in the IPM universe (*i.e.*, market-level analysis discussed in the preceding section [*Impact on National and Regional Electricity Markets*]); this is because, at the market level, impacts on steam electric units are offset by changes in capacity and energy production in the non-steam electric units.

The metrics of interest are largely the same as those presented above in assessing the effect of the final rule on the aggregate of the 686 steam electric power plants explicitly represented in IPM (as opposed to additional steam electric power plants that were not surveyed by EPA in the Steam Electric Survey [see U.S. EPA, 2015c]).[46] In addition, a few measures differ: (1) new market-wide capacity additions and prices are not relevant at the level of steam electric power plants, (2) changes in emissions at only the 686 steam electric power plants provide incomplete insight for the overall estimated effect of the rule on emissions and are therefore not presented, and (3) the number of steam electric power plants with projected closure (or avoided closure) is presented.

The following four measures are reported in the analysis of steam electric power plants as a group. In all instances, the measures are tabulated for 686 steam electric power plants explicitly included in EPA's Steam Electric Survey and analyzed in the Market Model Analysis (note that steam electric power plants not included in the tabulation incur no compliance costs for the options EPA analyzed in IPM):

- *Changes in available capacity*: These changes are defined in the same way as in the preceding section (Impact on National and Regional Electricity Markets), with the exception of the units used (MW).
- *Changes in generation*: Long-term changes in generation may result from either changes in available capacity (see discussion above) or in the dispatch of a plant due to changes in production cost resulting from compliance response.

45 The changes in emissions only accounts for changes in the profile of electricity generation, and do not include emissions associated with transportation or auxiliary power, which EPA analyzed separately (see *Supplemental TDD* for details).

46 There are 686 steam electric power plants that were surveyed by EPA in the Steam Electric Survey and are represented in IPM. EPA estimates that there are 914 plants in the total steam electric power generating industry, calculated on a sample-weighted basis. For details on sample weights, see *Supplemental TDD*.

- *Changes in costs*: These changes are defined in the same way as in the preceding section (Impact on National and Regional Electricity Markets).
- *Changes in variable production costs per MWh*: These changes are defined in the same way as in the preceding section (Impact on National and Regional Electricity Markets).

Table 5-5 reports results of the Market Impact Analysis for steam electric power plants, as a group.

The impacts of the final rule on steam electric power plants differ from the total market impacts as these plants become more competitive compared to plants that see no savings under the final rule. As a result, capacity and generation impacts are greater for this set of plants than for the entire electricity market, relative to the baseline, but absolute differences are still small. As described above for the market-level analysis, those impacts vary across the NERC regions.

Table 5-5: Impact of the Final Rule on In-Scope Plants, as a Group, in the Year 2030[a]

Economic Measures (all dollar values in 2018$)	Baseline Value	Option A		
		Value	Difference	% Change
National Totals				
Total Domestic Capacity (MW)	314,952	315,752	800	0.3%
Early Retirements – Number of Plants	62	63	1	1.6%
Full & Partial Retirements – Capacity (MW)	68,959	68,159	-800	-1.2%
Generation (GWh)	1,475,819	1,479,979	4,160	0.3%
Costs ($Millions)	$57,620	$57,729	$109	0.2%
Fuel Cost	$32,448	$32,596	$148	0.5%
Variable O&M	$5,800	$5,804	$4	0.1%
Fixed O&M	$18,521	$18,478	-$43	-0.2%
Capital Cost	$851	$851	$0	0.0%
Average Variable Production Cost ($/MWh)	$25.92	$25.95	$0.03	0.1%
Florida Reliability Coordinating Council (FRCC)				
Total Domestic Capacity (MW)	22,614	22,614	0	0.0%
Early Retirements – Number of Plants	2	2	0	0.0%
Full & Partial Retirements – Capacity (MW)	3,868	3,868	0	0.0%
Generation (GWh)	104,874	105,486	612	0.6%
Costs ($Millions)	$4,318	$4,343	$25	0.6%
Fuel Cost	$2,894	$2,920	$26	0.9%
Variable O&M	$256	$259	$3	1.3%
Fixed O&M	$1,169	$1,164	-$4	-0.4%
Capital Cost	$0	$0	$0	NA
Average Variable Production Cost ($/MWh)	$30.03	$30.13	$0.10	0.3%
Midwest Reliability Organization (MRO)				
Total Domestic Capacity (MW)	21,992	21,981	-11	0.0%
Early Retirements – Number of Plants	8	8	0	0.0%
Full & Partial Retirements – Capacity (MW)	6,589	6,598	8	0.1%
Generation (GWh)	120,975	120,799	-176	-0.1%
Costs ($Millions)	$4,260	$4,251	-$9	-0.2%
Fuel Cost	$2,480	$2,475	-$5	-0.2%
Variable O&M	$639	$637	-$3	-0.4%
Fixed O&M	$1,046	$1,044	-$3	-0.3%
Capital Cost	$95	$96	$1	1.2%
Average Variable Production Cost ($/MWh)	$25.78	$25.75	-$0.02	-0.1%

Table 5-5: Impact of the Final Rule on In-Scope Plants, as a Group, in the Year 2030[a]				
Economic Measures (all dollar values in 2018$)	Baseline Value	Option A		
		Value	Difference	% Change
Northeast Power Coordinating Council (NPCC)				
Total Domestic Capacity (MW)	9,662	9,594	-67	-0.7%
Early Retirements – Number of Plants	4	5	1	25.0%
Full & Partial Retirements – Capacity (MW)	3,480	3,548	67	1.9%
Generation (GWh)	26,660	26,735	75	0.3%
Costs ($Millions)	$1,209	$1,216	$7	0.6%
Fuel Cost	$553	$557	$4	0.7%
Variable O&M	$42	$43	$1	2.4%
Fixed O&M	$615	$617	$2	0.3%
Capital Cost	$0	$0	$0	NA
Average Variable Production Cost ($/MWh)	$22.29	$22.42	$0.13	0.6%
ReliabilityFirst Corporation (RFC)				
Total Domestic Capacity (MW)	72,733	72,116	-617	-0.8%
Early Retirements – Number of Plants	26	25	-1	-3.8%
Full & Partial Retirements – Capacity (MW)	25,149	25,767	617	2.5%
Generation (GWh)	358,944	357,771	-1,173	-0.3%
Costs ($Millions)	$13,723	$13,594	-$129	-0.9%
Fuel Cost	$7,843	$7,822	-$21	-0.3%
Variable O&M	$1,562	$1,528	-$34	-2.2%
Fixed O&M	$4,288	$4,214	-$74	-1.7%
Capital Cost	$29	$29	$0	0.6%
Average Variable Production Cost ($/MWh)	$26.20	$26.14	-$0.07	-0.3%
Southeast Electric Reliability Council (SERC)				
Total Domestic Capacity (MW)	98,515	100,007	1,492	1.5%
Early Retirements – Number of Plants	11	12	1	9.1%
Full & Partial Retirements – Capacity (MW)	20,739	19,247	-1,492	-7.2%
Generation (GWh)	467,976	472,134	4,159	0.9%
Costs ($Millions)	$18,831	$19,040	$209	1.1%
Fuel Cost	$10,850	$10,979	$129	1.2%
Variable O&M	$1,624	$1,660	$36	2.2%
Fixed O&M	$6,250	$6,294	$44	0.7%
Capital Cost	$107	$107	$0	0.1%
Average Variable Production Cost ($/MWh)	$26.66	$26.77	$0.11	0.4%
Southwest Power Pool (SPP)				
Total Domestic Capacity (MW)	26,684	26,687	2	0.0%
Early Retirements – Number of Plants	1	1	0	0.0%
Full & Partial Retirements – Capacity (MW)	1,879	1,879	0	0.0%
Generation (GWh)	105,630	106,211	581	0.6%
Costs ($Millions)	$4,121	$4,129	$8	0.2%
Fuel Cost	$2,328	$2,341	$13	0.6%
Variable O&M	$548	$549	$1	0.2%
Fixed O&M	$1,186	$1,181	-$5	-0.4%
Capital Cost	$60	$59	-$1	-2.4%
Average Variable Production Cost ($/MWh)	$27.22	$27.21	-$0.01	-0.1%

Table 5-5: Impact of the Final Rule on In-Scope Plants, as a Group, in the Year 2030[a]				
Economic Measures (all dollar values in 2018$)	**Baseline Value**	**Option A**		
		Value	**Difference**	**% Change**
Texas Regional Entity (TRE)				
Total Domestic Capacity (MW)	25,037	25,037	0	0.0%
Early Retirements – Number of Plants	0	0	0	NA
Full & Partial Retirements – Capacity (MW)	0	0	0	NA
Generation (GWh)	111,060	111,031	-29	0.0%
Costs ($Millions)	$4,554	$4,550	-$4	-0.1%
Fuel Cost	$2,425	$2,423	-$1	-0.1%
Variable O&M	$447	$446	-$1	-0.1%
Fixed O&M	$1,541	$1,539	-$2	-0.2%
Capital Cost	$142	$142	$0	0.0%
Average Variable Production Cost ($/MWh)	$25.85	$25.84	-$0.01	0.0%
Western Electricity Coordinating Council (WECC)				
Total Domestic Capacity (MW)	37,714	37,716	1	0.0%
Early Retirements – Number of Plants	10	10	0	0.0%
Full & Partial Retirements – Capacity (MW)	7,253	7,252	-1	0.0%
Generation (GWh)	179,701	179,811	110	0.1%
Costs ($Millions)	$6,603	$6,606	$3	0.0%
Fuel Cost	$3,076	$3,078	$3	0.1%
Variable O&M	$683	$683	$0	0.1%
Fixed O&M	$2,427	$2,427	$0	0.0%
Capital Cost	$418	$418	$0	0.0%
Average Variable Production Cost ($/MWh)	$20.91	$20.92	$0.00	0.0%

a. Numbers may not add up due to rounding.

Source: U.S. EPA Analysis, 2020.

5.2.2.2.1 Findings for the Final Rule (Regulatory Option A) in the 2030 Model Year

Under the final rule, the steam electric capacity is estimated to increase, as opposed to decreasing for the electricity market as a whole, although the change in capacity for the group of steam electric power plants is still small at less than one percent.

For the group of steam electric power plants, total capacity increases by 800 MW or approximately 0.3 percent of the 314,952 MW in baseline capacity. This increase is almost entirely attributable to avoided retirements in the SERC region of 1,492 MW (1.5 percent). Two plants (one in SERC and one in NPCC) are projected to close under the final rule (this impact is indirectly the result of the rule for one of the affected plants, as this plant does not incur ELG compliance costs under the final rule). One plant in RFC is estimated to avoid a full retirement, resulting in a net increase of one early full retirement at the national level. In addition, three plants are projected to partially close under the final rule (two in RFC and one in SERC), while two plants (one in SERC and one in NPCC) are projected to avoid a partial retirement.[47]

The change in total generation is an indicator of how steam electric power plants fare, relative to the rest of the electricity market. While at the market level there is essentially no projected change in total

[47] A plant is defined as a partial retirement if it is not a full retirement but has at least one generating unit that is projected to retire 100 percent of its capacity.

electricity generation,[48] for steam electric power plants, total generation is estimated to increase by 4,160 GWh (0.3 percent). SERC is projected to experience the largest increase in generation from steam electric power plants, 4,159 GWh (0.9 percent), while FRCC, NPCC, SPP, and WECC are estimated to experience increases of 0.1 to 0.6 percent. MRO and RFC are projected to experience decreases of 0.1 and 0.3 percent, respectively. TRE is projected to experience a less than 0.1 percent decrease in generation.

Unlike the results for the whole electricity market, where total costs are estimated to decrease under the final rule at the national level, the results for the group of steam electric power plants show a net increase in total costs of $109 million (0.2 percent), which is consistent with the projected increase in electricity generated by the group of plants. Total costs in the regions also follow the increases in electricity generation with costs in SERC increasing the most, by $209 million (1.1 percent), WECC experiencing the smallest increase of less than 0.1 percent, and MRO, RFC, and TRE experiencing decreases between 0.1 to 0.9 percent. At the national level, variable production costs for steam electric power plants increase by $0.03 per MWh (0.1 percent). Effects vary by region, with changes ranging from -$0.07 per MWh in RFC to $0.13 per MWh in NPCC.

5.2.2.3 Impact on Individual Steam Electric Power Plants

Results *for the group* of steam electric power plants as a whole may mask shifts in economic performance among *individual* steam electric power plants. To assess potential plant-level effects, EPA analyzed the distribution of plant-specific changes between the baseline and the final rule for three metrics: capacity utilization,[49] electricity generation, and variable production costs per MWh.[50]

Table 5-6 presents the estimated number of steam electric power plants with specific degrees of change in operations and financial performance as a result of the final rule. In addition to the category of all plants, the table also reports these metrics for plants that incur costs under Option A and plants that incur no costs under Option A separately. Metrics of greatest interest for assessing the adverse impacts of the final rule on steam electric power plants include the number of plants with reductions in capacity utilization or generation (on the left side of the table), and the number of plants with increases in variable production costs (on the right side of the table).

This table excludes steam electric power plants with estimated significant status changes in 2030 that render these metrics of change not meaningful – *i.e.*, a plant is assessed as either a full, partial, or avoided closure in either the baseline or the regulatory option. The measures presented in Table 5-5, such as *change in electricity generation*, are not meaningful for these plants. For example, for a plant that is projected to close in the baseline but avoids closure under the final rule, the percent change in electricity generation relative to baseline cannot be calculated. On this basis, 302 plants are excluded from assessment of effects on individual steam electric power plants under the final rule. In addition, the change in variable production cost per MWh of generation could not be developed for 32 plants with zero

48 At the national level, the demand for electricity does not change between the baseline and the analyzed regulatory options (generation within the regions is allowed to vary) because meeting demand is an exogenous constraint imposed by the model.

49 Capacity utilization is defined as generation divided by capacity times 8,760 hours.

50 Variable production costs per MWh is defined as variable O&M cost plus fuel cost divided by net generation projected in IPM.

generation in either the baseline or under the final rule (because the divisor, MWh, is zero). For *change in variable production cost per MWh*, these plants are recorded in the "N/A" column.

Table 5-6: Impact of Final Rule on Individual In-Scope Plants in the Year 2030

Economic Measures	Reduction > 3%	Reduction ≥1% and <3%	Reduction <1%	No Change	Increase <1%	Increase ≥1% and <3%	Increase ≥3%	N/A[b,c]	Total
Steam Electric Power Plants that Incur Costs under Option A									
Change in Capacity Utilization[a]	1	2	9	27	11	2	3	20	**75**
Change in Generation	2	1	7	27	9	3	6	20	**75**
Change in Variable Production Costs/MWh	1	0	36	3	11	1	0	23	**75**
Steam Electric Power Plants that Incur No Costs under Option A									
Change in Capacity Utilization[a]	4	5	44	224	41	8	3	282	**611**
Change in Generation	19	10	24	225	29	9	13	282	**611**
Change in Variable Production Costs/MWh	0	3	88	148	55	5	1	311	**611**
All Steam Electric Power Plants									
Change in Capacity Utilization[a]	5	7	53	251	52	10	6	302	**686**
Change in Generation	21	11	31	252	38	12	19	302	**686**
Change in Variable Production Costs/MWh	1	3	124	151	66	6	1	334	**686**

a. The change in capacity utilization is the difference between the capacity utilization percentages in the baseline and policy cases. For all other measures, the change is expressed as the percentage change between the baseline and policy values.

b. Plants with operating status changes in either baseline or policy scenario have been excluded from general table calculations. Thus, for Option A, "N/A" reports 240 full and 54 partial baseline closures; 2 additional full and 3 additional partial closures as a result of the regulatory option; and 1 avoided full and 2 avoided partial closures as a result of the regulatory option.

c. The change in variable production cost per MWh could not be developed for 32 plants with zero generation in either the baseline case or Option A policy case.

Source: U.S. EPA Analysis, 2020

5.2.2.3.1 Findings for the Final Rule (Regulatory Option A) in Model Year 2030

For the final rule, the analysis of changes in individual plants indicates that most plants experience only slight effects – *i.e.*, no change or less than a one percent reduction or one percent increase. Only 18 plants (3 percent) are estimated to incur a reduction in capacity utilization of at least one percent and 32 plants (5 percent) incur a reduction in generation of at least one percent. Finally, only 7 plants (1.0 percent) are estimated incur an increase in variable production costs of at least one percent. For the set of 75 plants that incur costs under Option A, more plants incur an increase in generation (18 plants) than a decrease in generation (10 plants).

5.3 Estimated Effects of the Regulatory Options on New Capacity

IPM results show no new coal-fired capacity projected during the analysis period in the baseline. This continues to be the case for the final rule.

5.4 Uncertainties and Limitations

Despite EPA's use of the best available information and data, EPA's analyses of the electric power market and the overall economic impacts of the final rule involve several sources of uncertainty:

- *Steam electric power plant response to changes in production costs*: IPM includes information about announced retirements only to the extent that there is a high degree of certainty about the future implementation of the announced action (U.S. EPA, 2018). To the extent that some utilities' business strategy and integrated resource plans call for the retirement of coal generation assets and transition toward other sources of energy such as renewables or natural gas that is separate from the factors modeled in IPM, then IPM may overstate avoided retirements resulting from cost savings under the final rule.

- *Demand for electricity*: IPM assumes that electricity demand at the national level will not change between the baseline and the final rule (generation within the regions is allowed to vary); this constraint is exogenous to the model. IPM v6 embeds a baseline energy demand forecast that is derived from the Department of Energy's *Annual Energy Outlook 2018* (AEO2018). IPM does not capture changes in demand that may result from electricity price changes associated with the final rule (*i.e.*, demand is inelastic with respect to price). While this constraint may underestimate total demand in analyses of policy options that have lower compliance costs relative to the baseline, EPA assumes that relaxing the constraint would not affect the results analyzed. As described in Section 5.2.1 and Section 5.2.2, the price changes associated with the final rule in all NERC regions are less than $0.34 per MWh. EPA therefore concludes that the assumption of inelastic demand-responses over these changes in prices is reasonable.

- *Fuel prices*: Prices of fuels (*e.g.*, natural gas and coal) are determined endogenously within IPM. IPM modeling of fuel prices uses both short- and long-term price signals to balance supply of, and demand in, competitive markets for the fuel across the modeled time horizon. The model relies on AEO2018's electric demand forecast for the US and employs a set of EPA assumptions regarding fuel supplies and the performance and cost of electric generation technologies as well as pollution controls. Differences in actual fuel prices relative to those modeled by IPM, such as lower natural gas prices that may result from increased domestic production, would be estimated to affect the cost of electricity generation and therefore the amount of electricity generated by steam electric power plants, irrespective of the final rule. More generally, differences in fuel prices, and related changes in electricity production costs, can affect the modeled dispatch profiles, planning for new/repowered capacity, and contribute to differences in a number of policy-relevant parameters such as electricity production costs, prices, and emission changes.

- *International imports*: IPM assumes that imports from Canada and Mexico do not change between the baseline and the final rule. Holding international imports fixed potentially understates the impacts of changes in production costs and electricity prices in U.S. domestic markets. EPA does not expect that this assumption materially affects results, however, since IPM projects that only one of the eight NERC regions will import electricity (WECC) in 2030, and the level of imports compared to domestic generation in this region is very small (about 0.8 percent).

6 Assessment of the Impact of the Regulatory Options on Employment

6.1 Background and Context

In addition to addressing the costs and impacts of the regulatory options, EPA discusses the potential impacts of this rulemaking on employment in this section. Evaluation of employment impacts is required by many environmental statutes, including the Clean Water Act (CWA section 507I, 33 U.S.C. § 1367I). This section explains the methods and estimates of employment impacts due to the final rule. It begins with an explanation of employment impacts due to environmental regulation and discusses a selection of the peer-reviewed literature on this topic. It then qualitatively describes potential employment impacts of the final rule on coal-fired steam electric power plants and pollution control suppliers. In addition, EPA discusses labor effects for coal mining and other energy sources.

6.1.1 Employment Impacts of Environmental Regulations

Economic theory of labor demand indicates that employers affected by environmental regulation may increase their demand for some types of labor, decrease demand for other types, or for still other types, not change it at all. To present a complete picture, an employment impact analysis will describe both positive and negative changes in employment. A variety of conditions can affect employment impacts of environmental regulation, including baseline labor market conditions and employer and worker characteristics such as industry, and region.

A growing body of literature has investigated employment effects of environmental regulation. Morgenstern *et al.* (2002) decompose the labor consequences in a regulated industry facing increased abatement costs. They identify three separate components. First there is a demand effect caused by higher production costs raising market prices. Higher prices reduce consumption (and production) reducing demand for labor within the regulated industry. Second there is a cost effect: as production costs increase, plants use more of all inputs including labor in order to be able to produce the same level of output. Third, there is a factor-shift effect, a consequence of the potential effect of regulation on production technologies leading to different labor intensity.

Additional papers approach employment effects through different frameworks. Deschenes (2018) describes environmental regulations as requiring additional capital equipment for pollution abatement that does not increase productivity. This can be included in a labor demand model as an increase in the rental rate of productive capital. These higher production costs induce regulated firms to lower output and decrease labor demand (an output effect) as well as shift away from the use of more expensive capital towards increased labor demand (a substitution effect).[51] Berman and Bui (2001) discuss how affected firms' overall labor demand could increase, decrease, or remain unaffected, depending, in part, on the labor-intensity of environmental protection activities needed for regulatory compliance compared to the labor-intensity of producing output. To study labor demand impacts empirically, researchers have

51 For an overview of the neoclassical theory of production and factor demand, see Chapter 9 of Layard and Walters (1978). For a discussion specific to labor demand, see chapter 4 of Borjas (1996). When using this theoretic framework, authors have conceptualized regulation as an increase in the price of pollution (Greenstone, 2002, Holland, 2012), an increase in the price of capital (Deschenes, 2018), an increase in energy prices (Deschenes, 2011), an increase in pollution abatement costs (Morgenstern *et al.*, 2002), or with pollution abatement requirements modeled as quasi-fixed factors of production (Berman & Bui, 2001).

compared employment levels at facilities subject to an environmental regulation to employment levels at similar facilities not subject to that environmental regulation; some studies find no employment effects, and others find significant differences. For example, see Berman and Bui (2001), Greenstone (2002), Ferris *et al.* (2014), Walker (2013), and Curtis (2018).

Workers affected by changes in labor demand due to regulation may experience a variety of impacts including job gains or involuntary job loss and unemployment. Localized reductions in employment may adversely impact individuals and communities just as localized increases may have positive impacts. Workforce adjustments can be costly to firms as well as workers, so employers may choose to adjust their workforce over time through natural attrition or reduced hiring, rather than incur costs associated with job separations.[52]

As described above, the small empirical literature on employment effects of environmental regulations focuses primarily on labor demand impacts. However, there is nascent literature focusing on regulation-induced effects on labor supply, though this literature remains very limited due to empirical challenges. This new research uses innovative methods and new data, and indicates that there may be observable impacts of environmental regulation on labor supply, even at pollution levels below mandated regulatory thresholds. Many researchers have found that lost workdays and sick days as well as mortality are reduced when pollution is reduced, although the studies focus specifically on air quality. Another literature estimates how worker productivity declines at the work site when pollution increases. Graff Zivin and Neidell (2013) review the work in this literature, focusing on how health and human capital may be affected by environmental quality, particularly air pollution.

6.1.2 Discussion of Employment Impacts of the Final Rule

An environmental regulation affecting the steam electric industry will likely have a variety of employment impacts. Transitional impacts include reduced employment at retiring coal-fired plants, as well as increased employment for the manufacture, installation, and operation of pollution control equipment and construction of new generation sources to replace retiring units (Smith, 2015). Other employment impacts include effects on labor supply and productivity resulting from changes in pollution, as well as effects on labor demand in generation of energy from other sources, such as natural gas and renewable energy.

I extent to which workers in declining industries will be significantly affected by the final rule depends on such factors as the transferability of affected workers' skills with shifting labor demand in different sectors due to the action, the availability of local employment opportunities for affected workers in communities or industries with high unemployment, and the extent to which migration costs serve as barriers to job search. This latter factor is a bigger concern in areas with historically low migration rates.

On the other hand, dislocated workers operating in tight labor markets may have experienced relatively brief periods of transitional unemployment. Some job seekers may find new employment opportunities due to the final rule; for example, if their skill set qualified them for new jobs procuring, installing, operating, and maintaining wastewater treatment technologies.

[52]See, for example, Curtis (2018) and Hafstead and Williams III (2018).

Speaking more generally, localized reductions in employment may adversely affect individuals and communities, just as localized increases may have positive effects (U.S. EPA, 2015a; p. 6-5). If potentially dislocated workers are vulnerable, for example as those in Appalachia likely are, besides experiencing persistent job loss as already mentioned, earnings can be permanently lowered, and the wider community may be negatively affected. Communitywide effects can include effects on the local tax base, the provision and quality of local public goods, and changes in demand for local goods and services. Neighborhood effects, when people influence neighbors' behaviors, may be possible. As an example, consider the influence that social networks can have on job acquisition. Many job vacancies are filled by people who know an employee at the firm with the vacancy. This type of networking is weakened by high unemployment rates (Durlauf, 2004).

6.2 Analysis Overview

6.2.1 Estimated Employment Effects in Coal-Fired Electric Power Plants Affected by the Regulatory Options

The final rule would have two broad categories of effect on the coal-fired power plants:

1. Coal-fired plants that are expected to incur costs as a result of the final rule are estimated to install and operate compliance technology that is less costly than the technology that formed the basis for the 2015 rule. To the extent that some of these costs are driven by labor inputs, the savings may lead to decreased employment in these plants compared to the baseline. This is reflective of the cost effect discussed above and introduced by Morgenstern *et al.* (2002).

2. Coal-fired plants may generate more electricity than would otherwise occur in the absence of the final rule due to decreased production costs. In addition, some plants may avoid retirement that would otherwise occur. These effects may lead to increased employment at coal fired power plants compared to the baseline. This is reflective of the demand effect discussed above and introduced by Morgenstern *et al.* (2002).

EPA estimates that changes in employment may occur due to incorporation of different pollution controls. As summarized in Chapter 3, EPA estimated that annualized capital costs would be lower under all four regulatory options compared to the baseline. Approximately 45-59 percent of the annualized compliance costs for the regulatory options are annualized capital costs. These capital cost savings are not estimated to significantly affect employment at steam electric power plants themselves, but could decrease employment in industries that manufacture and install pollution control equipment.

The remaining cost savings consist of wastewater treatment O&M costs, including labor costs for the maintenance, repair, and operations of treatment equipment. Options A, B, and D yield O&M cost savings While Option C actually increases annualized O&M costs. Some of these changes in O&M costs savings could potentially affect employment in the steam electric power generating industry, but the changes are small relative to overall electricity production costs.[53]

[53] As summarized in Table 5-5, IPM projections for the model year 2030 show net reductions of 0.2 percent in fixed O&M costs by steam electric power plants for Option A (the final rule) as compared to the baseline.

IPM projects that total coal-fired generating capacity is estimated to increase between 2021 and 2050 by approximately 0.5-1.6 percent under the final rule relative to the baseline.[54] In addition, IPM projects that, in 2030, the final rule would lead to avoided retirement of 1.2 GW (2.4 percent) of coal-fired capacity. The direction of estimated changes in coal-fired generation capacity projected by IPM indicates potential increase in total O&M labor at coal-fired electricity plants, compared to the baseline. However, given the relatively small effect of the final rule on total capacity and avoided generating unit retirements described above, EPA expects any increase in labor in the steam electric generating industry to be small.

6.2.2 Coal Mining and Other Energy Sources

This analysis uses the results from IPM to discuss potential labor effects in the coal mining, natural gas extraction, and non-hydro renewable generation. The IPM analysis of the final rule provides estimates of the changes in coal usage (in million short tons per year, or MT), natural gas usage (in trillion cubic feet), and non-hydro renewable generation (in thousand GWh) in 2021-2050. IPM provides changes in coal demand (in short tons) in three coal supply regions: Appalachia (Pennsylvania through Mississippi), Interior (Indiana through Texas), and the West (North Dakota through Arizona).

IPM projects increases in coal use between less than 0.1 percent and 0.3 percent as a result of the final rule from 2023-2045, before declining 0.4 percent in 2050. This could lead to a small overall increase in coal mining employment. However, changes in coal use vary by region, with Appalachia estimated to experience the largest changes in coal use over the period of analysis (-0.7 percent to 3.2 percent), while the West and the Interior are estimated to experience changes in coal use ranging from -0.6 percent to 0.3 percent and -0.3 percent to 0.4 percent, respectively, during that period. Natural gas usage and non-hydro renewable generation are estimated to slightly decrease overall as a result of the final rule, which may lead to declines in employment in the extraction and generation of energy from these other sources.

6.3 Findings

In conclusion, analyzing how environmental regulations will impact employment is challenging. It requires consideration of changes in labor demand in both the regulated and environmental protection sectors, as well as in other related sectors which in the case of the current rulemaking would include fuel suppliers. Effects of the final rule on O&M labor demand at coal-fired steam electric power plants seem likely to be positive given the net increase in capacity and generation in the steam electric power sector. However, effects due to lowered costs of environmental controls may lower demand for labor. In industries supplying fuels to the electricity sector, given projections of small changes in production across fuels, there may also be a mix of small positive and small negative changes in employment. Overall, any employment impacts of the final rule, both positive and negative, are expected to be small.

[54] See Chapter 5 for a description of the IPM analysis and results.

7 Assessment of Potential Electricity Price Effects

7.1 Analysis Overview

EPA assessed the potential impacts of regulatory options A through C on electricity prices. Following the methodology EPA used to analyze the 2015 rule and 2019 proposal (U.S. EPA, 2015c, 2019a), the Agency conducted this analysis for the baseline and each of the regulatory options in two parts:

- An assessment of the potential annual increase in electricity costs per MWh of total electricity sales (Section 7.2)
- An assessment of the potential annual increase in household electricity costs (Section 7.3).

As is the case with the plant-level and parent entity-level cost-to-revenue screening analyses discussed in Chapter 4 (Economic Impact Screening Analyses), this analysis of electricity price effects uses a historical snapshot of electricity generation against which to assess the relative impacts of the regulatory options. However, unlike the plant- and entity-level screening analyses which assume that steam electric power plants and their parent entities would absorb 100 percent of the compliance burden (zero cost pass-through), this electricity price impact assessment assumes the opposite: 100 percent pass-through of compliance costs through electricity prices (*i.e.*, full cost pass-through).

Although this convenient analytical simplification does not reflect actual market conditions,[55] EPA judges this assumption appropriate for two reasons: (1) the majority of steam electric power plants operate in the cost-of-service framework and *may be* able to recover increases in their production costs through increased electricity prices and (2) for plants operating in states where electric power generation has been deregulated, it would not be possible to estimate this consumer price effect at the state level. Thus, this 100 percent cost pass-through assumption represents a "worst-case" impact scenario from the perspective of the electricity consumers. To the extent that all compliance-related costs are *not* passed forward to consumers but are absorbed, at least in part, by electric power generators, this analysis overstates consumer impacts.

It is also important to note that, if the full cost pass-through condition assumed in this analysis were to occur, then the screening analyses assessed in Chapter 4 would overstate the impacts to plants and owners of these plants because the two conditions (full cost pass-through and no cost pass-through) could not simultaneously occur for the same steam electric power plant.

55 Plants located in states where electricity prices remain regulated under the traditional cost-of-service rate regulation framework may be able to recover compliance cost-based increases in their production costs through increased electricity rates, depending on the business operation model of the plant owner(s), the ownership and operating structure of the plant itself, and the role of market mechanisms used to sell electricity. In contrast, in states in which electric power generation has been deregulated, cost recovery is not guaranteed. While plants operating within deregulated electricity markets *may be* able to recover some of their additional production costs in increased revenue, it is not possible to determine the extent of cost recovery ability for each plant. Moreover, even though individual plants may not be able to recover all of their compliance costs through increased revenues, the market-level effect may still be that consumers would see higher overall electricity prices because of changes in the cost structure of electricity supply and resulting changes in market-clearing prices in deregulated generation markets.

7.2 Assessment of Impact of Compliance Costs on Electricity Prices

EPA assessed the potential increase in electricity prices to the four electricity consumer groups: residential, commercial, industrial, and transportation.

7.2.1 Analysis Approach and Data Inputs

For this analysis, EPA assumed that compliance costs would be fully passed through as increased electricity prices and allocated these costs among consumer groups (residential, commercial, industrial, and transportation) in proportion to the historical quantity of electricity consumed by each group. EPA performed this analysis at the level of the North American Electric Reliability Corporation (NERC) region. Using the NERC region as the basis for this analysis is appropriate given the structure and functioning of sub-national electricity markets, around which NERC regions are defined. The analysis, which uses the exact same approach as used for the 2015 rule analysis (see Chapter 7 in the 2015 RIA [U.S. EPA, 2015c]), involves the following steps:

- EPA summed weighted pre-tax plant-level annualized compliance costs by NERC region.[56, 57]
- EPA estimated the approximate average price impact per unit of electricity consumption by dividing total annualized compliance costs by the projected total MWh of sales in 2020 by NERC region, from AEO2019.
- EPA compared the estimated average price effect to the projected electricity price by consumer group and NERC region for 2020 from AEO2019.

7.2.2 Key Findings for Regulatory Options

As reported in Table 7-1, changes are very small for all reanalyzed regulatory options; the maximum difference in price effect is a fraction of a cent per kWh. Under Options A and B, the regions with the greatest cost savings per unit of electricity are SERC and RFC, whereas under Option C, SPP and MRO are the regions with the greatest cost savings. Overall across the United States, Option A (the final rule) results in the highest cost savings of 0.005¢ per kWh, and Option C results in the lowest cost savings of 0.001¢ per kWh.

56 These compliance costs are in 2018 dollars as of a given technology implementation year (2021 through 2028) and discounted to 2020 at 7 percent. This analysis accounts for the different years in which plants are estimated to implement the compliance technologies in order to reflect the effect of differences in timing of these electricity price impacts in terms of cost to household ratepayers and society. Costs and ratepayer effects occurring farther in the future (*e.g.*, in the last year of the technology implementation period) have a lower present value of impact than those that occur sooner following rule promulgation. Estimating the cost and ratepayer effect as of the assumed technology implementation year (2021 through 2028) and then discounting these effects to a single analysis year (2020) accounts for this consideration.

57 For this analysis, EPA brought compliance costs forward to a given compliance year using the CCI and ECI.

Table 7-1: Compliance Cost per KWh Sales by NERC Region and Regulatory Option in 2020 (2018$)

NERC[a]	Total Electricity Sales (at 2020; MWh)	National Pre-Tax Compliance Costs (at 2020; 2018$)	Costs per Unit of Sales (2018¢/kWh Sales)	Incremental Annualized Pre-Tax Compliance Costs (at 2020; 2018$)	Incremental Costs per Unit of Sales (2018¢/kWh Sales)
Baseline					
FRCC	226,245,590	$9,504,276	0.004¢	N/A	N/A
MRO	222,014,957	$19,661,060	0.009¢	N/A	N/A
NPCC	264,949,388	$4,553,635	0.002¢	N/A	N/A
RFC	838,308,571	$146,122,338	0.017¢	N/A	N/A
SERC	1,005,073,883	$163,337,158	0.016¢	N/A	N/A
SPP	207,157,569	$14,638,444	0.007¢	N/A	N/A
TRE	362,982,758	$5,211,212	0.001¢	N/A	N/A
WECC	690,781,289	$15,425,634	0.002¢	N/A	N/A
US[a]	**3,831,848,389**	**$378,453,756**	**0.010¢**	N/A	N/A
Option D[b]					
FRCC	*222,490,204*	*$1,020,938*	*0.000¢*	*-$8,539,541*	*-0.004¢*
MRO	*223,130,516*	*$14,147,566*	*0.006¢*	*-$4,380,313*	*-0.002¢*
NPCC	*262,100,581*	*$5,371,158*	*0.002¢*	*-$1,809,321*	*-0.001¢*
RFC	*833,731,788*	*$106,415,315*	*0.013¢*	*-$59,791,502*	*-0.007¢*
SERC	*992,215,820*	*$122,399,799*	*0.012¢*	*-$82,189,869*	*-0.008¢*
SPP	*205,244,514*	*$18,614,853*	*0.009¢*	*-$6,051,164*	*-0.003¢*
TRE	*357,430,000*	*$4,252,972*	*0.001¢*	*-$2,427,689*	*-0.001¢*
WECC	*694,787,895*	*$4,555,803*	*0.001¢*	*-$426,229*	*0.000¢*
US[a]	***3,806,416,322***	***$276,778,404***	***0.007¢***	***-$165,615,626***	***-0.004¢***
Option A					
FRCC	226,245,590	$4,448,262	0.002¢	-$5,056,014	-0.002¢
MRO	222,014,957	$10,614,532	0.005¢	-$9,046,527	-0.004¢
NPCC	264,949,388	$1,633,832	0.001¢	-$2,919,803	-0.001¢
RFC	838,308,571	$83,038,191	0.010¢	-$63,084,146	-0.008¢
SERC	1,005,073,883	$96,499,929	0.010¢	-$66,837,229	-0.007¢
SPP	207,157,569	$2,116,666	0.001¢	-$12,521,778	-0.006¢
TRE	362,982,758	$1,993,637	0.001¢	-$3,217,576	-0.001¢
WECC	690,781,289	$2,905,383	0.000¢	-$12,520,250	-0.002¢
US[a]	**3,831,848,389**	**$203,250,432**	**0.005¢**	**-$175,203,324**	**-0.005¢**
Option B					
FRCC	226,245,590	$5,306,656	0.002¢	-$4,197,620	-0.002¢
MRO	222,014,957	$14,336,965	0.006¢	-$5,324,094	-0.002¢
NPCC	264,949,388	$4,055,126	0.002¢	-$498,509	0.000¢
RFC	838,308,571	$91,677,805	0.011¢	-$54,444,532	-0.006¢
SERC	1,005,073,883	$104,093,676	0.010¢	-$59,243,482	-0.006¢
SPP	207,157,569	$6,512,037	0.003¢	-$8,126,406	-0.004¢
TRE	362,982,758	$1,993,637	0.001¢	-$3,217,576	-0.001¢
WECC	690,781,289	$7,333,494	0.001¢	-$8,092,139	-0.001¢
US[a]	**3,831,848,389**	**$235,309,397**	**0.006¢**	**-$143,144,359**	**-0.004¢**
Option C					
FRCC	226,245,590	$14,443,023	0.006¢	$4,938,747	0.002¢
MRO	222,014,957	$14,742,980	0.007¢	-$4,918,079	-0.002¢
NPCC	264,949,388	$4,055,126	0.002¢	-$498,509	0.000¢
RFC	838,308,571	$128,694,043	0.015¢	-$17,428,295	-0.002¢

Table 7-1: Compliance Cost per KWh Sales by NERC Region and Regulatory Option in 2020 (2018$)

NERC[a]	Total Electricity Sales (at 2020; MWh)	National Pre-Tax Compliance Costs (at 2020; 2018$)	Costs per Unit of Sales (2018¢/kWh Sales)	Incremental Annualized Pre-Tax Compliance Costs (at 2020; 2018$)	Incremental Costs per Unit of Sales (2018¢/kWh Sales)
SERC	1,005,073,883	$177,846,117	0.018¢	$14,508,958	0.001¢
SPP	207,157,569	$9,281,755	0.004¢	-$5,356,689	-0.003¢
TRE	362,982,758	$2,549,164	0.001¢	-$2,662,049	-0.001¢
WECC	690,781,289	$7,333,494	0.001¢	-$8,092,139	-0.001¢
US[a]	**3,831,848,389**	**$358,945,702**	**0.009¢**	**-$19,508,054**	**-0.001¢**

a. ELG compliance costs are zero in the AK and HICC regions and these regions are therefore omitted from the presentation. Because of this, the sum of electricity sales for all regions do not sum to the total for the United States.

b. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2020

To determine the relative significance of compliance costs on electricity prices across consumer groups, EPA compared the per kWh compliance cost to retail electricity prices projected by EIA (AEO2019; EIA, 2019a) by consuming group and for the average of the groups. As reported in Table 7-2, across the United States, the baseline is estimated to result in an average electricity price increase for all sectors of 0.01 cents per kWh (0.10 percent of the average price of 10.2 cents per kWh). Table 7-3 presents incremental impacts on electricity prices under the regulatory options relative to the baseline. Across all reanalyzed options, average electricity price increases are less than under the baseline, with cost savings ranging from 0.001 cents per kWh (0.005 percent) under Option C, to 0.005 cents per kWh (0.04 percent) under Option A.

Looking across the four consumer groups and assuming that any price change would apply equally to all consumer groups, under all scenarios industrial consumers are estimated to experience the highest price changes relative to the electricity price basis, while residential consumers are estimated to experience the lowest price changes, shown in Table 7-2. As with the average national results for all sectors, industrial and residential price increases under options A through C are less than under the baseline, yielding estimated cost savings to these consumer groups when compared to the 2015 rule. As presented in Table 7-3, industrial consumers and residential consumers are estimated to experience cost savings of 0.07 percent and 0.04 percent, respectively under Option A. Under Option C, industrial and residential consumers are estimated to experience cost savings of 0.01 percent and 0.004 percent, respectively. The higher relative price effect to industrial consumers is due to their lower electricity rates and EPA's assumption of uniform changes across all consumer groups; it does not reflect differential distribution of the incremental costs across consumer groups.

Table 7-2: Projected 2020 Price (Cents per kWh of Sales) and Potential Price Increase Due to Compliance Costs by NERC Region and Regulatory Option (2018$)

		Residential		Commercial		Industrial		Transportation		All Sectors Average	
NERC[b]	Compliance Costs (2018¢ /kWh)	EIA Price Basis (2018¢ /kWh)	% Change [a]	EIA Price Basis (2018¢ /kWh)	% Change [a]	EIA Price Basis (2018¢ /kWh)	% Change [a]	EIA Price Basis (2018¢ /kWh)	% Change [a]	EIA Price Basis (2018¢ /kWh)	% Change [a]
Baseline											
FRCC	0.004¢	10.9¢	0.04%	8.8¢	0.05%	7.2¢	0.06%	11.8¢	0.04%	9.8¢	0.04%
MRO	0.009¢	11.3¢	0.08%	8.8¢	0.10%	6.2¢	0.14%	12.4¢	0.07%	8.6¢	0.10%
NPCC	0.002¢	18.4¢	0.01%	15.9¢	0.01%	12.3¢	0.01%	13.1¢	0.01%	16.4¢	0.01%
RFC	0.017¢	13.7¢	0.13%	10.3¢	0.17%	7.5¢	0.23%	9.9¢	0.18%	10.7¢	0.16%
SERC	0.016¢	11.1¢	0.15%	9.2¢	0.18%	5.6¢	0.29%	12.1¢	0.13%	9.0¢	0.18%
SPP	0.007¢	11.6¢	0.06%	9.5¢	0.07%	6.4¢	0.11%	12.5¢	0.06%	9.4¢	0.08%
TRE	0.001¢	9.5¢	0.02%	8.8¢	0.02%	5.6¢	0.03%	8.1¢	0.02%	8.2¢	0.02%
WECC	0.002¢	13.2¢	0.02%	11.6¢	0.02%	7.5¢	0.03%	14.8¢	0.02%	11.2¢	0.02%
US	**0.010¢**	**12.4¢**	**0.08%**	**10.5¢**	**0.09%**	**6.8¢**	**0.15%**	**12.2¢**	**0.08%**	**10.2¢**	**0.10%**
Option D[c]											
FRCC	*0.000¢*	*11.7¢*	*0.00%*	*9.6¢*	*0.00%*	*8.2¢*	*0.01%*	*10.8¢*	*0.00%*	*10.6¢*	*0.00%*
MRO	*0.006¢*	*12.1¢*	*0.05%*	*9.7¢*	*0.07%*	*7.2¢*	*0.09%*	*12.5¢*	*0.05%*	*9.5¢*	*0.07%*
NPCC	*0.002¢*	*19.1¢*	*0.01%*	*13.4¢*	*0.02%*	*13.5¢*	*0.02%*	*12.0¢*	*0.02%*	*15.5¢*	*0.01%*
RFC	*0.013¢*	*14.5¢*	*0.09%*	*10.8¢*	*0.12%*	*7.8¢*	*0.16%*	*10.0¢*	*0.13%*	*11.2¢*	*0.11%*
SERC	*0.012¢*	*12.2¢*	*0.10%*	*10.4¢*	*0.12%*	*6.5¢*	*0.19%*	*12.1¢*	*0.10%*	*10.0¢*	*0.12%*
SPP	*0.009¢*	*11.9¢*	*0.08%*	*10.0¢*	*0.09%*	*6.7¢*	*0.14%*	*12.3¢*	*0.07%*	*9.7¢*	*0.09%*
TRE	*0.001¢*	*9.6¢*	*0.01%*	*8.8¢*	*0.01%*	*5.8¢*	*0.02%*	*7.8¢*	*0.02%*	*8.3¢*	*0.01%*
WECC	*0.001¢*	*13.8¢*	*0.00%*	*12.2¢*	*0.01%*	*7.6¢*	*0.01%*	*13.0¢*	*0.01%*	*11.6¢*	*0.01%*
US	***0.007¢***	***13.1¢***	***0.06%***	***10.9¢***	***0.07%***	***7.3¢***	***0.10%***	***11.4¢***	***0.06%***	***10.8¢***	***0.07%***
Option A											
FRCC	0.002¢	10.9¢	0.02%	8.8¢	0.02%	7.2¢	0.03%	11.8¢	0.02%	9.8¢	0.02%
MRO	0.005¢	11.3¢	0.04%	8.8¢	0.05%	6.2¢	0.08%	12.4¢	0.04%	8.6¢	0.06%
NPCC	0.001¢	18.4¢	0.00%	15.9¢	0.00%	12.3¢	0.01%	13.1¢	0.00%	16.4¢	0.00%
RFC	0.010¢	13.7¢	0.07%	10.3¢	0.10%	7.5¢	0.13%	9.9¢	0.10%	10.7¢	0.09%
SERC	0.010¢	11.1¢	0.09%	9.2¢	0.10%	5.6¢	0.17%	12.1¢	0.08%	9.0¢	0.11%
SPP	0.001¢	11.6¢	0.01%	9.5¢	0.01%	6.4¢	0.02%	12.5¢	0.01%	9.4¢	0.01%
TRE	0.001¢	9.5¢	0.01%	8.8¢	0.01%	5.6¢	0.01%	8.1¢	0.01%	8.2¢	0.01%
WECC	0.000¢	13.2¢	0.00%	11.6¢	0.00%	7.5¢	0.01%	14.8¢	0.00%	11.2¢	0.00%
US	**0.005¢**	**12.4¢**	**0.04%**	**10.5¢**	**0.05%**	**6.8¢**	**0.08%**	**12.2¢**	**0.04%**	**10.2¢**	**0.05%**
Option B											
FRCC	0.002¢	10.9¢	0.02%	8.8¢	0.03%	7.2¢	0.03%	11.8¢	0.02%	9.8¢	0.02%
MRO	0.006¢	11.3¢	0.06%	8.8¢	0.07%	6.2¢	0.10%	12.4¢	0.05%	8.6¢	0.07%
NPCC	0.002¢	18.4¢	0.01%	15.9¢	0.01%	12.3¢	0.01%	13.1¢	0.01%	16.4¢	0.01%
RFC	0.011¢	13.7¢	0.08%	10.3¢	0.11%	7.5¢	0.15%	9.9¢	0.11%	10.7¢	0.10%
SERC	0.010¢	11.1¢	0.09%	9.2¢	0.11%	5.6¢	0.18%	12.1¢	0.09%	9.0¢	0.12%
SPP	0.003¢	11.6¢	0.03%	9.5¢	0.03%	6.4¢	0.05%	12.5¢	0.03%	9.4¢	0.03%
TRE	0.001¢	9.5¢	0.01%	8.8¢	0.01%	5.6¢	0.01%	8.1¢	0.01%	8.2¢	0.01%
WECC	0.001¢	13.2¢	0.01%	11.6¢	0.01%	7.5¢	0.01%	14.8¢	0.01%	11.2¢	0.01%
US	**0.006¢**	**12.4¢**	**0.05%**	**10.5¢**	**0.06%**	**6.8¢**	**0.09%**	**12.2¢**	**0.05%**	**10.2¢**	**0.06%**

Table 7-2: Projected 2020 Price (Cents per kWh of Sales) and Potential Price Increase Due to Compliance Costs by NERC Region and Regulatory Option (2018$)

NERC[b]	Compliance Costs (2018¢ /kWh)	Residential EIA Price Basis (2018¢ /kWh)	Residential % Change [a]	Commercial EIA Price Basis (2018¢ /kWh)	Commercial % Change [a]	Industrial EIA Price Basis (2018¢ /kWh)	Industrial % Change [a]	Transportation EIA Price Basis (2018¢ /kWh)	Transportation % Change [a]	All Sectors Average EIA Price Basis (2018¢ /kWh)	All Sectors Average % Change [a]
Option C											
FRCC	0.006¢	10.9¢	0.06%	8.8¢	0.07%	7.2¢	0.09%	11.8¢	0.05%	9.8¢	0.07%
MRO	0.007¢	11.3¢	0.06%	8.8¢	0.08%	6.2¢	0.11%	12.4¢	0.05%	8.6¢	0.08%
NPCC	0.002¢	18.4¢	0.01%	15.9¢	0.01%	12.3¢	0.01%	13.1¢	0.01%	16.4¢	0.01%
RFC	0.015¢	13.7¢	0.11%	10.3¢	0.15%	7.5¢	0.20%	9.9¢	0.15%	10.7¢	0.14%
SERC	0.018¢	11.1¢	0.16%	9.2¢	0.19%	5.6¢	0.32%	12.1¢	0.15%	9.0¢	0.20%
SPP	0.004¢	11.6¢	0.04%	9.5¢	0.05%	6.4¢	0.07%	12.5¢	0.04%	9.4¢	0.05%
TRE	0.001¢	9.5¢	0.01%	8.8¢	0.01%	5.6¢	0.01%	8.1¢	0.01%	8.2¢	0.01%
WECC	0.001¢	13.2¢	0.01%	11.6¢	0.01%	7.5¢	0.01%	14.8¢	0.01%	11.2¢	0.01%
US	**0.009¢**	**12.4¢**	**0.08%**	**10.5¢**	**0.09%**	**6.8¢**	**0.14%**	**12.2¢**	**0.08%**	**10.2¢**	**0.09%**

a. The rate impact analysis assumes full pass-through of all compliance costs to electricity consumers.

b. ELG compliance costs are zero in the AK and HICC regions and these regions are therefore omitted from the presentation.

c. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Sources: U.S. EPA Analysis, 2020; EIA, 2018b; EIA, 2019a

Table 7-3: Potential Incremental Price Changes Relative to Baseline Due to Compliance Costs by NERC Region and Regulatory Option (2018$)

NERC[b]	Δ Compliance Costs (2018¢/ kWh)	Δ Residential Price [a]	Δ Commercial Price [a]	Δ Industrial Price [a]	Δ Transportation Price [a]	Δ All Sectors Average Price [a]
Option D[c]						
FRCC	*-0.004¢*	*-0.03%*	*-0.04%*	*-0.05%*	*-0.04%*	*-0.04%*
MRO	*-0.002¢*	*-0.02%*	*-0.02%*	*-0.03%*	*-0.02%*	*-0.02%*
NPCC	*-0.001¢*	*0.00%*	*-0.01%*	*-0.01%*	*-0.01%*	*0.00%*
RFC	*-0.007¢*	*-0.05%*	*-0.07%*	*-0.09%*	*-0.07%*	*-0.06%*
SERC	*-0.008¢*	*-0.07%*	*-0.08%*	*-0.13%*	*-0.07%*	*-0.08%*
SPP	*-0.003¢*	*-0.02%*	*-0.03%*	*-0.04%*	*-0.02%*	*-0.03%*
TRE	*-0.001¢*	*-0.01%*	*-0.01%*	*-0.01%*	*-0.01%*	*-0.01%*
WECC	*0.000¢*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*
US	***-0.004¢***	***-0.03%***	***-0.04%***	***-0.06%***	***-0.04%***	***-0.04%***
Option A						
FRCC	-0.002¢	-0.02%	-0.03%	-0.03%	-0.02%	-0.02%
MRO	-0.004¢	-0.04%	-0.05%	-0.07%	-0.03%	-0.05%
NPCC	-0.001¢	-0.01%	-0.01%	-0.01%	-0.01%	-0.01%
RFC	-0.008¢	-0.05%	-0.07%	-0.10%	-0.08%	-0.07%
SERC	-0.007¢	-0.06%	-0.07%	-0.12%	-0.05%	-0.07%
SPP	-0.006¢	-0.05%	-0.06%	-0.09%	-0.05%	-0.06%
TRE	-0.001¢	-0.01%	-0.01%	-0.02%	-0.01%	-0.01%

Table 7-3: Potential Incremental Price Changes Relative to Baseline Due to Compliance Costs by NERC Region and Regulatory Option (2018$)

NERC[b]	Δ Compliance Costs (2018¢/ kWh)	Δ Residential Price [a]	Δ Commercial Price [a]	Δ Industrial Price [a]	Δ Transportation Price [a]	Δ All Sectors Average Price [a]
WECC	-0.002¢	-0.01%	-0.02%	-0.02%	-0.01%	-0.02%
US	**-0.005¢**	**-0.04%**	**-0.04%**	**-0.07%**	**-0.04%**	**-0.04%**
			Option B			
FRCC	-0.002¢	-0.02%	-0.02%	-0.03%	-0.02%	-0.02%
MRO	-0.002¢	-0.02%	-0.03%	-0.04%	-0.02%	-0.03%
NPCC	0.000¢	0.00%	0.00%	0.00%	0.00%	0.00%
RFC	-0.006¢	-0.05%	-0.06%	-0.09%	-0.07%	-0.06%
SERC	-0.006¢	-0.05%	-0.06%	-0.11%	-0.05%	-0.07%
SPP	-0.004¢	-0.03%	-0.04%	-0.06%	-0.03%	-0.04%
TRE	-0.001¢	-0.01%	-0.01%	-0.02%	-0.01%	-0.01%
WECC	-0.001¢	-0.01%	-0.01%	-0.02%	-0.01%	-0.01%
US	**-0.004¢**	**-0.03%**	**-0.04%**	**-0.06%**	**-0.03%**	**-0.04%**
			Option C			
FRCC	0.002¢	0.02%	0.02%	0.03%	0.02%	0.02%
MRO	-0.002¢	-0.02%	-0.03%	-0.04%	-0.02%	-0.03%
NPCC	0.000¢	0.00%	0.00%	0.00%	0.00%	0.00%
RFC	-0.002¢	-0.02%	-0.02%	-0.03%	-0.02%	-0.02%
SERC	0.001¢	0.01%	0.02%	0.03%	0.01%	0.02%
SPP	-0.003¢	-0.02%	-0.03%	-0.04%	-0.02%	-0.03%
TRE	-0.001¢	-0.01%	-0.01%	-0.01%	-0.01%	-0.01%
WECC	-0.001¢	-0.01%	-0.01%	-0.02%	-0.01%	-0.01%
US	**-0.001¢**	**0.00%**	**0.00%**	**-0.01%**	**0.00%**	**0.00%**

a. The rate impact analysis assumes full pass-through of all compliance costs to electricity consumers.
b. ELG compliance costs are zero in the AK and HICC regions and these regions are therefore omitted from the presentation.
c. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Sources: U.S. EPA Analysis, 2020; EIA, 2018b; EIA, 2019a

7.2.3 Uncertainties and Limitations

As noted above, the assumption of 100 percent pass-through of compliance costs to electricity prices represents a worst-case scenario from the perspective of consumers. To the extent that some steam electric power plants are not able to pass their compliance costs to consumers through higher electricity rates, this analysis may overstate the potential impact of the baseline and regulatory options on electricity consumers.

In addition, this analysis assumes that costs would be passed on in the form of a flat-rate price increase per unit of electricity, to be applied equally to all consumer groups. This assumption is appropriate to assess the general magnitude of potential price increases. The allocation of costs to different consumer groups could be higher or lower than estimated by this approach.

7.3 Assessment of Impact of Compliance Costs on Household Electricity Costs

EPA also assessed the potential increases in the cost of electricity to residential households.

7.3.1 Analysis Approach and Data Inputs

For this analysis, EPA again assumed that compliance costs would be fully passed through as increased electricity prices and allocated these costs to residential households in proportion to the baseline electricity consumption. EPA analyzed the potential impact on annual electricity costs at the level of the 'average' household, using the estimated household electricity consumption quantity by NERC region. Following the approach used in analyzing the 2015 rule and 2019 proposal (U.S. EPA, 2015c, 2019a), the steps in this calculation are as follows:

- As done for the electricity price analysis discussed in Section 7.2, to estimate total annual cost in each NERC region, EPA summed weighted pre-tax, plant-level annualized compliance costs by NERC region.[58]

- As was done for the analysis of impact of compliance costs on electricity prices, EPA divided total compliance costs by the total MWh of sales reported for each NERC region. EPA used electricity sales (in MWh) for 2020 from AEO2019.[59]

- To calculate average annual electricity sales per household, EPA divided the total quantity of *residential* sales (in MWh) for 2018 in each NERC region by the number of households in that region; the Agency obtained both the quantity of residential sales and the number of households from the 2018 EIA-861 database (EIA, 2018b). For this analysis, EPA assumed that the average quantity of electricity sales per household by NERC region would remain the same in 2020 as in 2018.

- To assess the potential annual cost impact per household, EPA multiplied the estimated average price impact by the average quantity of electricity sales per household in 2018 by NERC region.

7.3.2 Key Findings for Regulatory Options A through C

Table 7-4 reports the results of this analysis by NERC region for each regulatory option, and overall for the United States.[60]

The average incremental annual cost savings per residential household is greatest in SERC and the least in NPCC under Options A and B. On the national level, cost savings are greatest on average under Option A (the final rule), with average cost savings per residential household of $0.49 per year; by region, cost savings range between $0.08-$0.94 per year. The least cost savings occur under Option C, with average cost savings per residential household of $0.05 per year; by region, cost savings range between $0.01-$0.34 per year, with two regions (FRCC and SERC) projected to see an increase in average cost per household of $0.29 and $0.20, respectively.

58 Compliance costs in the ASCC and HICC regions are zero and EPA therefore did not include these regions in its analysis.

59 AEO does not provide information for HICC and ASSC. None of the plants estimated to incur compliance costs as a result of the proposed ELG, however, are located in these two NERC regions.

60 Average annual cost per residential household is zero in ASCC and HICC for the baseline and the three options and these regions are therefore omitted from the details. They are included in the U.S. totals.

Table 7-4: Average Incremental Annual Cost per Household in 2020 by NERC Region and Regulatory Option (2018$)

NERC[b]	Constant values				Incremental values [a]		
	Total Electricity Sales (MWh)	Residential Electricity Sales (MWh)	Number of Households	Residential Sales per Residential Household (MWh)	Total Incremental Pre-Tax Compliance Costs (at 2020; 2018$)	Incremental Compliance Costs per Unit of Sales (2018$ /MWh)	Incremental Compliance Costs per Residential Household (2018$)
Option D[c]							
FRCC	*222,490,204*	*123,474,310*	*9,157,068*	*13.48*	*-$8,539,541*	*-$0.04*	*-$0.52*
MRO	*223,130,516*	*61,667,737*	*6,157,998*	*10.01*	*-$4,380,313*	*-$0.02*	*-$0.20*
NPCC	*262,100,581*	*148,760,464*	*18,761,676*	*7.93*	*-$1,809,321*	*-$0.01*	*-$0.05*
RFC	*833,731,788*	*352,481,555*	*35,967,640*	*9.80*	*-$59,791,502*	*-$0.07*	*-$0.70*
SERC	*992,215,820*	*403,431,581*	*29,294,201*	*13.77*	*-$82,189,869*	*-$0.08*	*-$1.14*
SPP	*205,244,514*	*28,987,604*	*2,451,321*	*11.83*	*-$6,051,164*	*-$0.03*	*-$0.35*
TRE	*357,430,000*	*113,645,980*	*8,236,191*	*13.80*	*-$2,427,689*	*-$0.01*	*-$0.09*
WECC	*694,787,895*	*255,116,789*	*29,814,787*	*8.56*	*-$426,229*	*$0.00*	*-$0.01*
US[b]	***3,806,416,322***	***1,492,029,155***	***140,547,123***	***10.62***	***-$165,615,626***	***-$0.04***	***-$0.46***
Option A							
FRCC	226,245,590	118,262,427	8,896,093	13.29	-$5,056,014	-$0.02	-$0.30
MRO	222,014,957	60,224,622	5,854,099	10.29	-$9,046,527	-$0.04	-$0.42
NPCC	264,949,388	108,614,150	14,403,876	7.54	-$2,919,803	-$0.01	-$0.08
RFC	838,308,571	327,985,018	32,502,385	10.09	-$63,084,146	-$0.08	-$0.76
SERC	1,005,073,883	395,682,720	28,041,052	14.11	-$66,837,229	-$0.07	-$0.94
SPP	207,157,569	72,449,763	5,567,843	13.01	-$12,521,778	-$0.06	-$0.79
TRE	362,982,758	82,521,266	6,097,030	13.53	-$3,217,576	-$0.01	-$0.12
WECC	690,781,289	242,702,979	28,807,025	8.43	-$12,520,250	-$0.02	-$0.15
US[b]	**3,831,848,389**	**1,412,947,745**	**130,883,366**	**10.80**	**-$175,203,324**	**-$0.05**	**-$0.49**
Option B							
FRCC	226,245,590	118,262,427	8,896,093	13.29	-$4,197,620	-$0.02	-$0.25
MRO	222,014,957	60,224,622	5,854,099	10.29	-$5,324,094	-$0.02	-$0.25
NPCC	264,949,388	108,614,150	14,403,876	7.54	-$498,509	$0.00	-$0.01
RFC	838,308,571	327,985,018	32,502,385	10.09	-$54,444,532	-$0.06	-$0.65
SERC	1,005,073,883	395,682,720	28,041,052	14.11	-$59,243,482	-$0.06	-$0.83
SPP	207,157,569	72,449,763	5,567,843	13.01	-$8,126,406	-$0.04	-$0.51
TRE	362,982,758	82,521,266	6,097,030	13.53	-$3,217,576	-$0.01	-$0.12
WECC	690,781,289	242,702,979	28,807,025	8.43	-$8,092,139	-$0.01	-$0.10
US[b]	**3,831,848,389**	**1,412,947,745**	**130,883,366**	**10.80**	**-$143,144,359**	**-$0.04**	**-$0.40**
Option C							
FRCC	226,245,590	118,262,427	8,896,093	13.29	$4,938,747	$0.02	$0.29
MRO	222,014,957	60,224,622	5,854,099	10.29	-$4,918,079	-$0.02	-$0.23
NPCC	264,949,388	108,614,150	14,403,876	7.54	-$498,509	$0.00	-$0.01
RFC	838,308,571	327,985,018	32,502,385	10.09	-$17,428,295	-$0.02	-$0.21
SERC	1,005,073,883	395,682,720	28,041,052	14.11	$14,508,958	$0.01	$0.20
SPP	207,157,569	72,449,763	5,567,843	13.01	-$5,356,689	-$0.03	-$0.34
TRE	362,982,758	82,521,266	6,097,030	13.53	-$2,662,049	-$0.01	-$0.10
WECC	690,781,289	242,702,979	28,807,025	8.43	-$8,092,139	-$0.01	-$0.10
US[b]	**3,831,848,389**	**1,412,947,745**	**130,883,366**	**10.80**	**-$19,508,054**	**-$0.01**	**-$0.05**

	Constant values				Incremental values [a]		
NERC[b]	**Total Electricity Sales (MWh)**	**Residential Electricity Sales (MWh)**	**Number of Households**	**Residential Sales per Residential Household (MWh)**	**Total Incremental Pre-Tax Compliance Costs (at 2020; 2018$)**	**Incremental Compliance Costs per Unit of Sales (2018$ /MWh)**	**Incremental Compliance Costs per Residential Household (2018$)**

Table 7-4: Average Incremental Annual Cost per Household in 2020 by NERC Region and Regulatory Option (2018$)

a. The rate impact analysis assumes full pass-through of all compliance costs to electricity consumers.

b. ELG compliance costs are zero in the AK and HICC regions and these regions are therefore omitted from the presentation. For this reason, electricity sales shown for the United States is greater than the total for NERC regions included in the table.

c. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Sources: U.S. EPA Analysis, 2020; EIA, 2018b; EIA, 2019a

7.3.3 Uncertainties and Limitations

As noted above, the assumption of 100 percent pass-through of compliance costs to electricity prices represents a worst-case scenario from the perspective of households. To the extent that some steam electric power plants are not able to pass their compliance costs to consumers through higher electricity rates, this analysis may overstate the potential impact of the regulatory options on households.

This analysis also assumes that costs would be passed on in the form of a flat-rate price increase per unit of electricity, an assumption EPA concluded is reasonable to characterize the magnitude of compliance costs relative to household electricity consumption. The allocation of costs to the residential class could be higher or lower than estimated by this approach.

7.4 Distribution of Electricity Cost Impact on Household

In general, lower-income households spend less, in the absolute, on energy than do higher-income households, but energy expenditures represent a larger *share* of their income. Therefore, electricity price increases tend to have a relatively larger effect on lower-income households, compared to higher-income households. In analyzing the impacts of the 2015 rule, EPA conducted a distributional analysis of the final rule to assess (1) whether an increase in electricity rates that may occur under the final rule would disproportionately affect lower-income households and (2) whether households would be able to pay for these electricity rate increases without experiencing economic hardship (*i.e.*, whether the increase is affordable). The analysis provided additional insight on the distribution of impacts among residential electricity consumers to help respond to concerns regarding the impacts of the rule on utilities and cooperatives in service areas that include a relatively high proportion of low-income households.

In the 2015 analysis, EPA had concluded that even when looking at a worst-case scenario of 100 percent pass through of the compliance costs, the "incremental economic burden of any final rule based on the regulatory options in the proposal on households is small both relative to income and relative to the baseline energy burden of households in different income ranges. While the incremental burden relative to income is not distributionally neutral, *i.e.*, any increase would affect lower-income households to a greater extent than higher-income households, the small impacts may be further moderated by existing pricing structures (see Section 7.4 in U.S. EPA, 2015c)." As presented in the preceding sections, EPA estimates that regulatory options A through C would reduce compliance costs for FGD wastewater and bottom ash transport water when compared to the baseline. To the extent that these savings are in turn passed through to electricity consumers in the form of lower prices, the resulting lower electricity prices may have a larger positive effect on lower-income households. EPA finds that the earlier conclusion of small impacts from the 2015 rule still holds given the lower compliance costs of the four regulatory options, relative to the baseline.

8 Assessment of Potential Impact of the Regulatory Options on Small Entities – Regulatory Flexibility Act (RFA) Analysis

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires federal agencies to consider the impact of their rules on small entities, to analyze alternatives that minimize those impacts,[61] and to make their analyses available for public comments. The RFA is concerned with three types of small entities: small businesses, small nonprofits, and small government jurisdictions.

The RFA describes the regulatory flexibility analyses and procedures that must be completed by federal agencies unless they certify that the rule, if promulgated, would not have a significant economic impact on a substantial number of small entities. This certification must be supported by a statement of factual basis, *e.g.*, addressing the number of small entities affected by the proposed action, estimated cost impacts on these entities, and evaluation of the economic impacts.

In accordance with RFA requirements and as it has consistently done in developing effluent limitations guidelines and standards, EPA assessed whether the regulatory options would have "a significant impact on a substantial number of small entities" (SISNOSE). Following the approach used in the analysis of the 2015 rule and 2019 proposal (U.S. EPA, 2015c, 2019a), this assessment involved the following steps:

- Identifying the domestic parent entities of steam electric power plants.
- Determining which of those domestic parent entities are small entities, based on Small Business Administration (SBA) size criteria.
- Assessing the change in potential impact of the regulatory options on those small entities by comparing the estimated entity-level annualized compliance cost to entity-level revenue; the cost-to-revenue ratio indicates the magnitude of economic impacts. Following EPA guidance (U.S. EPA, 2006), EPA used threshold compliance costs of one percent or three percent of entity-level revenue to categorize the degree of *significance* of the economic impacts on small entities.
- Assessing the change in whether those small entities incurring potentially significant impacts represent a substantial number of small entities. Following EPA guidance (U.S. EPA, 2006), EPA determined whether the number of small entities impacted is *substantial* based on (1) the estimated *absolute numbers* of small entities incurring potentially significant impacts according to the two cost impact criteria, and (2) the *percentage of small entities* in the relevant entity categories that are estimated to incur these impacts.

EPA performed this assessment for the baseline and each of the regulatory options, with the differences between the findings indicative of the impacts of the options on small entities. This chapter describes the analytic approach (Section 8.1), summarizes the findings of EPA's RFA assessment (Section 8.2), and

[61] Section 603(c) of the RFA provides examples of such alternatives as: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

reviews uncertainties and limitations in the analysis (Section 8.3). The chapter also discusses how regulatory options developed by EPA served to mitigate the impact of the regulatory options on small entities (Section 8.4).

8.1 Analysis Approach and Data Inputs

EPA used the same methodology and assumptions used for the analysis of the 2015 rule and 2019 proposal (U.S. EPA, 2015c, 2019a), but updated input data to reflect more recent information about plant ownership, entity size, and compliance costs as described in the sections below.

One difference from the approach used for the 2015 rule analysis is the explicit analysis of the impacts of the baseline on small entities, which serves as contrast for analyzed impacts of the regulatory options. This two-part analysis enables the Agency to understand how the regulatory options mitigate any impacts to small entities projected under the baseline.

8.1.1 Determining Parent Entity of Steam Electric Power Plants

Consistent with the entity-level cost-to-revenue analysis (see Chapter 4), EPA conducted the RFA analysis at the highest level of domestic ownership, referred to as the "domestic parent entity" or "domestic parent firm", including only entities with the largest share of ownership (majority owner)[62] in at least one of the estimated 914 steam electric power plants in the steam electric point source category. As was done for the entity-level cost-to-revenue analysis in Section 4.3, EPA identified the majority owner for each plant using 2018 databases published by EIA (EIA, 2019b), corporate and financial websites, and the Steam Electric Survey (U.S. EPA, 2010).

8.1.2 Determining Whether Parent Entities of Steam Electric Power Plants Are Small

EPA identified the size of each parent entity using the SBA size threshold guidelines in effect as of August 19, 2019 (SBA, 2019). The criteria for entity size determination vary by the organization/operation category of the parent entity, as follows:

- **Privately owned (non-government) entities**: Privately owned entities include investor-owned utilities, non-utility entities, and entities with a primary business other than electric power generation. For entities with electric power generation as a primary business, small entities are those with less than the threshold number of employees specified by SBA for each of the relevant North American Industry Classification System (NAICS) sectors (NAICS 2211) (see *Table 8-1*). For entities with a primary business other than electric power generation, the relevant size criteria are based on revenue or number of employees by NAICS sector. [63]

- **Publicly owned entities**: Publicly owned entities include federal, State, municipal, and other political subdivision entities. The federal and State governments were considered to be large; municipalities and other political units with population less than 50,000 were considered to be small.

62 Throughout the analyses, EPA refers to the owner with the largest ownership share as the "majority owner" even when the ownership share is less than 51 percent.

63 Certain steam electric power plants are owned by entities whose primary business is not electric power generation.

- **Rural Electric Cooperatives**: Small entities are those with less than the threshold number of employees specified by SBA for each of the relevant NAICS sectors, depending on the type of electricity generation (see *Table 8-1*).

Table 8-1: NAICS Codes and SBA Size Standards for Non-government Majority Owners Entities of Steam Electric Power Plants

NAICS Code[a]	NAICS Description	SBA Size Standard[b]
212111	Bituminous Coal and Lignite Surface Mining	1250 Employees
221111	Hydroelectric Power Generation	500 Employees
221112	Fossil Fuel Electric Power Generation	750 Employees
221113	Nuclear Electric Power Generation	750 Employees
221114[c]	Solar Electric Power Generation	250 Employees
221115[c]	Wind Electric Power Generation	250 Employees
221116[c]	Geothermal Electric Power Generation	250 Employees
221117[c]	Biomass Electric Power Generation	250 Employees
221118[c]	Other Electric Power Generation	250 Employees
221121	Electric Bulk Power Transmission and Control	500 Employees
221122	Electric Power Distribution	1,000 Employees
221210	Natural Gas Distribution	1,000 Employees
221310	Water Supply and Irrigation Systems	$30.0 million in revenue
237130	Power and Communication Line and Related Structures Construction	$39.5 million in revenue
332410	Power Boiler and Heat Exchanger Manufacturing	750 Employees
333611	Turbine and Turbine Generator Set Unit Manufacturing	1,500 Employees
523920	Portfolio Management	$41.5 million in revenue
524113	Direct Life Insurance Carriers	$41.5 million in revenue
524126	Direct Property and Casualty Insurance Carriers	1,500 employees
541614	Process, Physical Distribution and Logistics Consulting Services	$16.5 million in revenue
551112	Offices of Other Holding Companies	$22.0 million in revenue
562219	Other Nonhazardous Waste Treatment and Disposal	$41.5 million in revenue

a. Certain plants affected by this rulemaking are owned by non-government entities whose primary business is not electric power generation.

b. Based on size standards effective at the time EPA conducted this analysis (SBA size standards, effective August 19, 2019).

c. NAICS code used as proxy for determining size threshold for entities categorized in NAICS 221119.

Source: SBA, 2019

To determine whether a majority owner is a small entity according to these criteria, EPA compared the relevant entity size criterion value estimated for each parent entity to the SBA threshold value. EPA used the following data sources and methodology to estimate the relevant size criterion values for each parent entity:

- **Employment**: EPA used entity-level employment values from corporate/financial websites, if those values were available, or from the Steam Electric Survey if more recent data were not available.

- **Revenue**: EPA used entity-level revenue values described in Section 4.3.1. For entities with values reported for more than one year, EPA used the average of reported values.
- **Population**: Population data for municipalities and other non-state political subdivisions were obtained from the U.S. Census Bureau (estimated population for 2017) (U.S. DOC, 2017).

Parent entities for which the relevant measure is less than the SBA size criterion were identified as small entities and carried forward in the RFA analysis.

As discussed in Chapter 4, EPA estimated the number of small entities owning steam electric power plants as a range, based on alternative assumptions about the possible ownership of electric power plants that fall within the definition of the point source category. Following the approach used in the analysis of the 2015 rule, EPA analyzed two cases that provide a range of estimates for (1) the number of firms incurring compliance costs and (2) the costs incurred by any firm owning a regulated plant (U.S. EPA, 2015c).

Table 8-2 presents the total number of entities with steam electric power plants as well as the number and percentage of those entities determined to be small. Table 8-3 presents the distribution of steam electric power plants by ownership type and owner size. Analysis results are presented by ownership type for the baseline and the three reanalyzed regulatory options under the lower (Case 1) and upper (Case 2) bound estimates of the number of entities owning steam electric power plants.

As reported in Table 8-2 and Table 8-3, EPA estimates that between 231 and 459 entities own 914 steam electric power plants (for Case 1 and Case 2, respectively).[64] A typical parent entity on average is estimated to own four steam electric power plants (for both Case 1 and Case 2). The Agency estimates that between 76 (33 percent) and 127 (28 percent) parent entities are small (Table 8-2), and these small entities own 138 steam electric power plants (Table 8-3), or approximately 15 percent of all steam electric power plants. Across ownership types, cooperatives have the largest share of small entities (74 and 72 percent, for Case 1 and Case 2 respectively); cooperatives also have the largest share of steam electric power plants owned by small entities (65 percent).

64 As described in Chapter 8 in the 2015 RIA (U.S. EPA, 2015c), Case 1 assumed that any entity owning a surveyed plant(s) owns the known surveyed plant(s) and all of the sample weight associated with the surveyed plant(s). This case minimizes the count of affected entities, while tending to maximize the potential cost burden to any single entity. Case 2 assumed (1) that an entity owns only the surveyed plant(s) that it is known to own from the Steam Electric Survey and (2) that this pattern of ownership, observed for surveyed plants and their owning entities, extends over the entire plant population. This case minimizes the possibility of multi-plant ownership by a single entity and thus maximizes the count of affected entities, but also minimizes the potential cost burden to any single entity.

Table 8-2: Number of Entities by Sector and Size (assuming two different ownership cases)

Ownership Type	Small Entity Size Standard	Case 1: Lower bound estimate of number of entities owning steam electric power plants [a,b]			Case 2: Upper bound estimate of number of entities owning steam electric power plants [a,b]		
		Total	Small	% Small	Total	Small	% Small
Cooperative	number of employees	27	20	74.07%	49	35	71.59%
Federal	assumed large	1	0	0.00%	3	0	0.00%
Investor-owned	number of employees[d]	66	11	16.67%	149	25	16.53%
Municipality	50,000 population served	57	27	47.37%	92	35	37.80%
Nonutility	number of employees[d]	68	17	25.00%	142	31	21.84%
Other Political Subdivision[c]	50,000 population served	10	1	10.00%	21	1	4.69%
State	assumed large	2	0	0.00%	2	0	0.00%
Total		**231**	**76**	**32.90%**	**459**	**127**	**27.61%**

a. Eleven plants are owned by a joint venture of two entities.

b. Of these, 39 entities, 6 of which are small, own steam electric power plants that are estimated to incur compliance technology costs under Option A under both Case 1 and Case 2.

c. EPA was unable to determine the size of one parent entity owned by a political subdivision; for this analysis, this entity is assumed to be large.

d. Entity size may be based on revenue, depending on the NAICS sector (see *Table 8-1*).

Source: U.S. EPA Analysis, 2020.

Table 8-3: Steam Electric Power Plants by Ownership Type and Size

Ownership Type	Small Entity Size Standard	Number of Steam Electric Power Plants[a,b,c,d]		
		Total	Small	% Small
Cooperative	number of employees	62	40	64.7%
Federal	assumed large	20	0	0.0%
Investor-owned	number of employees[e]	489	27	5.4%
Municipality	50,000 population served	120	35	29.2%
Nonutility	number of employees[e]	185	35	18.9%
Other Political Subdivisions	50,000 population served	34	1	3.0%
State	assumed large	4	0	0.0%
Total		**914**	**138**	**15.1%**

a. Numbers may not add up to totals due to independent rounding.

b. The numbers of plants and capacity are calculated on a sample-weighted basis.

c. Plant size was determined based on the size of the owner with the largest share in the plant. In case of multiple owners with equal ownership shares (*e.g.*, two entities with 50/50 shares), a plant was assumed to be small if it is owned by at least one small entity.

d. Of these, 107 steam electric power plants are estimated to incur compliance costs under the baseline, whereas 74 plants incur compliance costs under Option A; 6 of the 74 steam electric power plants are owned by small entities.

e. Entity size may be based on revenue, depending on the NAICS sector (see *Table 8-1*).

Source: U.S. EPA Analysis, 2020.

8.1.3 Significant Impact Test for Small Entities

As outlined in the introduction to this chapter, two criteria are assessed in determining whether the regulatory options would qualify for a no-SISNOSE finding:

- Is the *absolute number* of small entities estimated to incur a potentially significant impact, as described above, *substantial*?

and

- Do these *significant impact* entities represent a *substantial* fraction of small entities in the electric power industry that could potentially be within the scope of a regulation?

A measure of the potential impact of the regulatory options on small entities is the fraction of small entities that have the potential to incur a significant impact. For example, if a high percentage of potentially small entities incur significant impacts *even though the absolute number of significant impact entities is low*, then the rule could represent a substantial burden on small entities.

To assess the extent of economic/financial impact on small entities, EPA compared estimated compliance costs to estimated entity revenue (also referred to as the "sales test"). The analysis is based on the ratio of estimated annualized after-tax compliance costs to annual revenue of the entity. For this analysis, EPA categorized entities according to the magnitude of economic impacts that entities would incur as a result of the regulatory options. EPA identified entities for which annualized compliance costs are at least one percent and three percent of revenue. EPA then evaluated the absolute number and the percent of entities in each impact category, and by type of ownership. The Agency assumed that entities incurring costs below one percent of revenue are unlikely to face significant economic impacts, while entities with costs of at least one percent of revenue have a higher chance of facing significant economic impacts, and entities incurring costs of at least three percent of revenue have a still higher probability of significant economic impacts. Consistent with the parent-level cost-to-revenue analysis discussed in Chapter 4, EPA assumed that steam electric power plants, and consequently, their parents, would not be able to pass any of the increase in their production costs to consumers (zero cost pass-through). This assumption is used for analytic convenience and provides a worst-case scenario of regulatory impacts to steam electric power plants.

A detailed summary of how EPA developed these entity-level compliance cost and revenue values is presented in Chapter 3 and Chapter 4.

8.2 Key Findings for Regulatory options

As described above, EPA developed estimates of the number of small parent entities in the specified cost-to-revenue impact ranges. Table 8-4 and Table 8-5 summarize the results of the analysis, with Table 8-4 showing baseline results and Table 8-5 showing incremental results of the regulatory options relative to this baseline. In terms of *number* of entities in each of the impact categories, analysis results for each option are the same under Case 1 and Case 2; however, these numbers represent different percentages of all small entities owning steam electric power plants under each weighting case.

In the baseline, EPA estimates that 3 small entities owning steam electric power plants, two small municipalities and one small cooperative, would incur costs exceeding one percent of revenue (Table

8-4). On the basis of *percentage*, the two small municipalities represent approximately 6 to 7 percent of the number of small municipalities owning steam electric power plants. The small cooperative represents approximately 3 to 5 percent of the number of small cooperatives owning steam electric power plants. The three small entities represent 2 to 4 percent of the total number of small entities owning steam electric power plants. The analysis shows no small business entity incurring costs greater than three percent of revenue in the baseline.

As shown in Table 8-5, under the final rule, relative to the baseline 1 fewer small entity would incur costs exceeding one percent of revenue. There are still no entities incurring costs exceeding three percent of revenue. These results are the same under options B and C.

On the basis of *percentage* of small entities by entity type across the range of owning entities, the analysis of regulatory options A through C shows 3 to 4 percent fewer small government entities incurring costs greater than one percent of revenue (Table 8-5).

This screening-level analysis suggests that the baseline is unlikely to have a significant economic impact on a substantial impact on small entities. And because the regulatory options reduce this impact further by providing cost savings to many small entities, the same conclusion can be reached for the final rule.

Table 8-4: Estimated Baseline Cost-To-Revenue Impact on Small Parent Entities, by Entity Type and Ownership Category

Entity Type/Ownership Category	Case 1: Lower bound estimate of number of entities owning steam electric power plants (out of total of 76 small entities)				Case 2: Upper bound estimate of number of entities owning steam electric power plants (out of total of 127 small entities)			
	≥1%		≥3%[a]		≥1%		≥3%[a]	
	Number of small entities	% of all small entities[b]	Number of small entities	% of all small entities[b]	Number of small entities	% of all small entities[b]	Number of small entities	% of all small entities[b]
Baseline								
Small Business								
Cooperative	1	5.0%	0	0.0%	1	2.8%	0	0.0%
Investor-Owned	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Nonutility	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Small Government								
Municipality	2	7.4%	0	0.0%	2	5.7%	0	0.0%
Political Subdivision	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	**3**	**3.9%**	**0**	**0.0%**	**3**	**2.4%**	**0**	**0.0%**

a. The number of entities with cost-to-revenue impact of at least three percent is a subset of the number of entities with such ratios exceeding one percent.

b. Percentage values were calculated relative to the total of 76 (Case 1) and 127 (Case 2) small entities owning steam electric power plants regardless of whether these plants are estimated to incur compliance technology costs under any of the regulatory options.

Source: U.S. EPA Analysis, 2020

Table 8-5: Estimated Incremental Cost-To-Revenue Impact on Small Parent Entities, by Entity Type and Ownership Category

Entity Type/Ownership Category	Case 1: Lower bound estimate of number of entities owning steam electric power plants (out of total of 76 small entities)				Case 2: Upper bound estimate of number of entities owning steam electric power plants (out of total of 127 small entities)			
	≥1%		≥3%[a]		≥1%		≥3%[a]	
	ΔNumber of small entities	Δ% of all small entities[b]	ΔNumber of small entities	Δ% of all small entities[b]	ΔNumber of small entities	Δ% of all small entities[b]	ΔNumber of small entities	Δ% of all small entities[b]
Option D[c]								
Small Business								
Cooperative	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*
Investor-Owned	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*
Nonutility	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*
Small Government								
Municipality	*-1*	*-3.4%*	*0*	*0.0%*	*-1*	*-2.7%*	*0*	*0.0%*
Political Subdivision	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*
Total	***-1***	***-1.3%***	***0***	***0.0%***	***-1***	***-0.8%***	***0***	***0.0%***
Option A								
Small Business								
Cooperative	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Investor-Owned	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Nonutility	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Small Government								
Municipality	-1	-3.7%	0	0.0%	-1	-2.9%	0	0.0%
Political Subdivision	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	**-1**	**-1.3%**	**0**	**0.0%**	**-1**	**-0.8%**	**0**	**0.0%**
Option B								
Small Business								
Cooperative	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Investor-Owned	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Nonutility	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Small Government								
Municipality	-1	-3.7%	0	0.0%	-1	-2.9%	0	0.0%
Political Subdivision	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	**-1**	**-1.3%**	**0**	**0.0%**	**-1**	**-0.8%**	**0**	**0.0%**
Option C								
Small Business								
Cooperative	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Investor-Owned	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Nonutility	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Small Government								
Municipality	-1	-3.7%	0	0.0%	-1	-2.9%	0	0.0%
Political Subdivision	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	**-1**	**-1.3%**	**0**	**0.0%**	**-1**	**-0.8%**	**0**	**0.0%**

Table 8-5: Estimated Incremental Cost-To-Revenue Impact on Small Parent Entities, by Entity Type and Ownership Category

Entity Type/Ownership Category	Case 1: Lower bound estimate of number of entities owning steam electric power plants (out of total of 76 small entities)				Case 2: Upper bound estimate of number of entities owning steam electric power plants (out of total of 127 small entities)			
	≥1%		≥3%[a]		≥1%		≥3%[a]	
	ΔNumber of small entities	Δ% of all small entities[b]	ΔNumber of small entities	Δ% of all small entities[b]	ΔNumber of small entities	Δ% of all small entities[b]	ΔNumber of small entities	Δ% of all small entities[b]

a. The number of entities with cost-to-revenue impact of at least three percent is a subset of the number of entities with such ratios exceeding one percent.

b. Percentage values were calculated relative to the total of 76 (Case 1) and 127 (Case 2) small entities owning steam electric power plants regardless of whether these plants are estimated to incur compliance technology costs under any of the regulatory options.

c. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2020

8.3 Uncertainties and Limitations

Despite EPA's use of the best available information and data, the RFA analysis discussed in this chapter has sources of uncertainty, including:

- None of the sample-weighting approaches used for this analysis accounts precisely for the number of parent-entities and compliance costs assigned to those entities simultaneously. EPA assesses the values presented in this chapter as reasonable estimates of the numbers of small entities that could incur a significant impact according to the cost-to-revenue metric.

- In cases where available information was insufficient to determine the size of an entity, the Agency generally assumed the entity to be small, with one exception. As noted in Table 8-2, EPA assumed one entity owned by a political subdivision to be large based on publicly available information about the entity's identified assets. However, this large entity does not incur compliance costs under the baseline or any of the three regulatory options and therefore the assumption only affects the total number of entities in each size category (*i.e.*, denominator used to estimate the percent of entities).

- As discussed in Chapter 4, the zero cost pass-through assumption represents a worst-case scenario from the perspective of the plants and parent entities. To the extent that some entities are able to pass at least some compliance costs to consumers through higher electricity prices, this analysis may overstate potential impact of regulatory options A through C on small entities and affect the assessment of incremental effects of the regulatory options, although it would not affect the direction of those effects.

8.4 Small Entity Considerations in the Development of Rule Options

As described in the introduction to this chapter, the RFA requires federal agencies to consider the impact of their regulatory actions on small entities and to analyze alternatives that minimize those impacts. Although EPA presents three regulatory options which would all reduce impacts to small entities, the final rule is the least costly option presented, and thus would result in the lowest impacts to small entities. Furthermore, as EPA explicitly states in the final rule, the implementation period built into the final rule is another way for permit writers to consider the needs of small entities, as these entities may need additional time to plan and finance capital improvements.

9 Unfunded Mandates Reform Act (UMRA) Analysis

Title II of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4, requires that federal agencies assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under UMRA section 202, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that might result in expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation) or more in any one year (*i.e.*, $160 million in 2018 dollars). Before promulgating a regulation for which a written statement is needed, UMRA section 205 generally requires EPA to "identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule." (2 U.S.C. 1535(a) The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative, if the Administrator publishes with the rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that might significantly or uniquely affect small governments, including Tribal governments, it must develop a small government agency plan, under UMRA section 203. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant intergovernmental mandates, and informing, educating, and advising small governments on compliance with regulatory requirements.

EPA estimated the incremental costs for compliance with the regulatory options for different categories of entities. All four regulatory options analyzed by EPA result in lower compliance costs (cost savings) when compared to the baseline. The Agency estimates that the *maximum* incremental cost *in any one year* to government entities (excluding federal government) range from -$74 million under Option A to -$30 million under Option C.[65,66] The *maximum* incremental cost *in any given year* to the private sector range from -$738 million under Option C to -$914 million under Option A. From these incremental cost values, EPA determined that the final rule does not contain a federal mandate that may result in expenditures of $160 million (in 2018 dollars) or more for State, local, and Tribal governments, in the aggregate, or the private sector in any one year, and in any case the final (Option A) is the least costly option presented.

This chapter contains additional information to support that statement, including information on compliance and administrative costs, and on impacts to small governments. Following the approach used for the analysis of the 2015 rule and 2019 proposal (U.S. EPA, 2015c, 2019a; see Chapter 9), the annualized costs presented in this UMRA analysis are calculated using the social cost framework presented in Chapter 12 of the BCA (U.S. EPA, 2020a). Specifically, this analysis uses costs in 2020 stated in 2018 dollars and accounts for costs in the year they are anticipated to be incurred between 2021 and 2047. Non-recurring costs are annualized over a 27-year period. As discussed in Chapter 10 (Other Administrative Requirements; see Section 10.8) in this document, the reporting and recordkeeping requirements in the final rule would not increase the reporting and recordkeeping burden for the review,

65 Maximum costs are costs incurred by the entire universe of steam electric power plants in a given year of occurrence under a given regulatory option. For all regulatory options, these maximum costs are smaller than the maximum costs projected under the baseline, resulting in net cost savings.

66 For this analysis, rural electric cooperatives are considered to be a part of the private sector.

oversight, and administration of the rule relative to baseline requirements. NPDES permitting authorities are required to determine site-specific volumes and technologies for bottom as purge water using BPG but are estimated to see no significant change in costs to administer this rule. Government entities owning steam electric power plants would potentially incur costs as the result of this rule associated with the cost to implement control technologies at power plants they own. For more details on how social costs were developed, see Chapter 12 in the BCA.

9.1 UMRA Analysis of Impact on Government Entities

This part of the UMRA analysis assesses the compliance cost burden to State, local, and Tribal governments that own existing steam electric power plants. The use of the phrase "government entities" in this section does *not* include the federal government, which owns 20 of the 914 steam electric power plants; four of these plants incur compliance costs under the regulatory options. Additionally, in evaluating the magnitude of the impact of the options on government entities, EPA analyzed only *compliance costs* incurred by government entities owning steam electric power plants. EPA estimated that government entities will not incur significant incremental *administrative costs* to implement the rule, regardless of whether or not they own steam electric power plants. As discussed in Section 10.8, EPA estimated no significant net change (increase or decrease) in the burden associated with this rule. In the case of plant owners, EPA estimated that changes that may increase the reporting burden will be offset by burden savings of not having to undergo a full permit modification process.[67] And while permitting authorities will need to use BPJ to determine the site-specific volumes and technology-based BAT effluent limitations for bottom ash purge water, EPA has taken steps to reduce the burden on NPDES permitting authorities of making these determinations (*see* preamble section XIV(A)(2)).

Table 9-1 summarizes the number of State, local and Tribal government entities and the number of steam electric power plants they own. The determination of owning entities, their type, and their size is detailed in Chapter 4 (*Cost and Economic Impact Screening Analyses*) and Chapter 8 (*Assessment of Potential Impact of the Regulatory Options on Small Entities – Regulatory Flexibility Act (RFA) Analysis*).

Table 9-1: Government-Owned Steam Electric Power Plants and Their Parent Entities

Entity Type	Parent Entities[a]	Steam electric power plants[b]
Municipality	57	120
Other Political Subdivision	10	34
State	2	4
Tribal	0	0
Total	**69**	**157**

a. Counts of entities under weighting Case 1, which provides an upper bound of total compliance costs for any given parent entity. For details see Chapter 8.

b. Plant counts are relative to the estimated 914 plants covered under the point source category.

Source: U.S. EPA Analysis, 2020

67 For government entities that own steam electric power plants, the eight reporting and recordkeeping requirements of the rule are in the context of larger burden reductions. For example, while there is a burden of reporting when transferring between alternatives under 40 CFR 423.13(o), that burden is more than offset by the burden savings of not having to undergo a full permit modification process.

Out of 914 steam electric power plants, 157 are owned by 69 government entities.[68] The majority (76 percent) of these government-owned plants are owned by municipalities, followed by other political subdivisions (21 percent), and State governments (3 percent).

All three reanalyzed regulatory options result in government entities incurring lower compliance costs compared to the baseline. Table 9-2 shows compliance costs for government entities owning steam electric power plants. Compliance costs to government entities under the baseline are approximately $28 million in the aggregate, with an average of $0.2 million per plant. As shown in Table 9-3, which shows the difference between the options and the baseline, all three reanalyzed regulatory options by comparison provide cost savings to government owned plants. The estimated pre-tax savings range from $6 million (Option C) to $11 million (Option A), with most of the aggregate savings going to municipalities. The maximum annualized compliance costs estimated to be incurred by any single government-owned plant is also generally lower under the regulatory options, with the sole exceptions being municipality under Option C which have greater maximum costs, at $6 million, than the maximum costs projected under the baseline ($5 million).

Table 9-2: Estimated Compliance Costs to Government Entities Owning Steam Electric Power Plants (Millions of 2018$)

Ownership Type	Number of Steam Electric Power Plants (weighted)[a]	Total Weighted, Annualized Pre-Tax Cost[a]	Average Annualized Cost per MW of Capacity[b]	Average Annualized Cost per Plant[c]	Maximum Annualized Cost per Plant[d]
		Baseline			
Municipality	120	$21	$479	$0.2	$4.6
Other Political Subdivision	34	$2	$84	$0.1	$2.2
State	4	$5	$909	$1.2	$3.4
Total	**157**	**$28**	**$374**	**$0.2**	**$4.6**
		Option D[e]			
Municipality	*123*	*$19*	*$414*	*$0.2*	*$3.1*
Other Political Subdivision	*34*	*$1*	*$41*	*$0.0*	*$1.2*
State	*4*	*$2*	*$499*	*$0.6*	*$2.3*
Total	*160*	*$23*	***$285***	***$0.1***	***$3.1***
		Option A			
Municipality	120	$14	$318	$0.1	$3.5
Other Political Subdivision	34	$2	$72	$0.1	$1.9
State	4	$1	$170	$0.2	$0.9
Total	**157**	**$17**	**$223**	**$0.1**	**$3.5**
		Option B			
Municipality	120	$14	$330	$0.1	$3.5
Other Political Subdivision	34	$2	$72	$0.1	$1.9
State	4	$1	$184	$0.2	$0.9
Total	**157**	**$17**	**$231**	**$0.1**	**$3.5**

68 Counts exclude federal government entities and steam electric power plants they own. The owning entity is determined based on the entity with the largest ownership share in each plant, as described in Chapter 4.

Table 9-2: Estimated Compliance Costs to Government Entities Owning Steam Electric Power Plants (Millions of 2018$)

Ownership Type	Number of Steam Electric Power Plants (weighted)[a]	Total Weighted, Annualized Pre-Tax Cost[a]	Average Annualized Cost per MW of Capacity[b]	Average Annualized Cost per Plant[c]	Maximum Annualized Cost per Plant[d]
			Option C		
Municipality	120	$18	$411	$0.2	$5.9
Other Political Subdivision	34	$2	$72	$0.1	$1.9
State	4	$2	$385	$0.5	$1.8
Total	**157**	**$22**	**$292**	**$0.1**	**$5.9**

a. Plant counts are relative to the estimated 914 plants covered under the point source category.

b. Average cost per MW values were calculated using total compliance costs and capacity for all steam electric power plants owned by entities in a given ownership category. In case of multiple ownership structure where parent entities of a given plant have equal ownership shares and are in different ownership categories, compliance costs and capacity were allocated to appropriate ownership categories in accordance with ownership shares.

c. Average cost per plant values were calculated using the total number of steam electric power plants owned by entities in a given ownership category.

d. Reflects maximum of un-weighted costs to surveyed plants only.

e. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2019, 2020.

Table 9-3: Estimated Incremental Compliance Costs to Government Entities Owning Steam Electric Power Plants (Millions of 2018$)

Ownership Type	Number of Steam Electric Power Plants (weighted)[a]	Total Weighted, Annualized Pre-Tax Cost[a]	Average Annualized Cost per MW of Capacity[b]	Average Annualized Cost per Plant[c]	Maximum Annualized Cost per Plant[d]
			Option D[e]		
Municipality	*123*	*-$11*	*-$230*	*-$0.1*	*-$1.6*
Other Political Subdivision	*34*	*-$0*	*-$12*	*$0.0*	*-$0.3*
State	*4*	*-$4*	*-$906*	*-$1.1*	*-$1.5*
Total	***160***	***-$15***	***-$192***	***-$0.1***	***-$1.6***
			Option A		
Municipality	120	-$7	-$161	-$0.1	-$1.2
Other Political Subdivision	34	-$0	-$13	$0.0	-$0.3
State	4	-$4	-$739	-$1.0	-$2.5
Total	**157**	**-$11**	**-$151**	**-$0.1**	**-$1.2**
			Option B		
Municipality	120	-$7	-$149	-$0.1	-$1.2
Other Political Subdivision	34	-$0	-$13	$0.0	-$0.3
State	4	-$4	-$725	-$1.0	-$2.5
Total	**157**	**-$11**	**-$143**	**-$0.1**	**-$1.2**

Table 9-3: Estimated Incremental Compliance Costs to Government Entities Owning Steam Electric Power Plants (Millions of 2018$)

Ownership Type	Number of Steam Electric Power Plants (weighted)[a]	Total Weighted, Annualized Pre-Tax Cost[a]	Average Annualized Cost per MW of Capacity[b]	Average Annualized Cost per Plant[c]	Maximum Annualized Cost per Plant[d]
			Option C		
Municipality	120	-$3	-$68	$0.0	$1.3
Other Political Subdivision	34	-$0	-$13	$0.0	-$0.3
State	4	-$38	-$524	-$0.7	-$1.6
Total	**157**	**-$6**	**-$82**	**$0.0**	**$1.3**

a. Plant counts are relative to the estimated 914 plants covered under the point source category.

b. Average cost per MW values were calculated using total compliance costs and capacity for all steam electric power plants owned by entities in a given ownership category. In case of multiple ownership structure where parent entities of a given plant have equal ownership shares and are in different ownership categories, compliance costs and capacity were allocated to appropriate ownership categories in accordance with ownership shares.

c. Average cost per plant values were calculated using the total number of steam electric power plants owned by entities in a given ownership category.

d. Reflects maximum of un-weighted costs to surveyed plants only.

e. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2019, 2020.

9.2 UMRA Analysis of Impact on Small Governments

As part of the UMRA analysis, EPA also assessed whether the regulatory options would significantly and uniquely affect small governments. To assess whether the regulatory options would affect small governments in a way that is disproportionately burdensome in comparison to the effect on large governments, EPA compared total incremental costs and costs per plant estimated to be incurred by small governments with those values estimated to be incurred by large governments. EPA also compared the changes in per plant costs incurred for small government-owned plants with those incurred by non-government-owned plants. The Agency evaluated costs per plant on the basis of both average and maximum annualized incremental cost per plant.

Out of 157 government-owned steam electric power plants, EPA identified 36 plants that are owned by 28 small government entities. These 36 plants constitute approximately 23 percent of all government-owned plants.[69]

69 Counts exclude federal government entities and steam electric power plants they own.

Table 9-4: Counts of Government-Owned Plants and Their Parent Entities, by Size

Entity Type	Entities[a]			Steam Electric Power Plants[b]		
	Large	Small	Total	Large	Small	Total
Municipality	31	27	58	85	35	120
Other Political Subdivision	9	1	10	33	1	34
State	1	0	1	4	0	4
Total	**41**	**28**	**69**	**121**	**36**	**157**

a. Counts of entities under weighting Case 1, which provides an upper bound of total compliance costs for any given parent entity. For details see Chapter 8.

b. Plant counts are relative to the estimated 914 plants covered under the point source category.

Source: U.S. EPA Analysis, 2020.

All regulatory options result in small government entities incurring lower compliance costs compared to the baseline. As presented in Table 9-5, under regulatory options A through C, overall compliance cost savings are greatest under Option A and smallest under Option C, and the distribution of cost savings among different entity categories and sizes is uniform. For all options, aggregate compliance cost savings are the largest for large private entities, followed by large governments, small private entities, and small governments. On a per MW basis, small governments are projected to see larger cost savings – as much as $328 per MW under Option A – than large governments or private entities. Because plants owned by small governments tend to be smaller compared to those owned by large governments or small private entities, the same is not necessarily true on a per plant basis under the regulatory options. Given these results, EPA finds that small governments would not be significantly or uniquely affected by the regulatory options, including the final rule.

Table 9-5: Estimated Incremental Compliance Costs for Electric Generators by Ownership Type and Size (2018$)

Ownership Type	Entity Size	Number of Plants [a]	Total Annualized Pre-Tax Costs (Millions)[a]	Average Annualized Pre-tax Cost per MW of Capacity[b]	Average Annualized Pre-tax Cost per Plant (Millions)[c]	Maximum Annualized Pre-tax Cost per Plant (Millions)
			Option D[d]			
Government (excl. federal)	*Small*	*38*	*-$3*	*-$627*	*-$0.07*	*-$1.0*
	Large	*122*	*-$12*	*-$166*	*-$0.10*	*-$2.4*
Private	*Small*	*101*	*-$96*	*-$252*	*-$0.08*	*-$1.7*
	Large	*669*	*-$105*	*-$186*	*-$0.14*	*-$2.9*
All Plants		***951***	***-$154***	***-$218***	***-$0.15***	***-$15.7***
			Option A			
Government (excl. federal)	Small	36	-$2	-$382	-$0.05	-$1.0
	Large	121	-$10	-$137	-$0.08	-$1.8
Private	Small	111	-$4	-$118	-$0.04	-$0.7
	Large	625	-$118	-$222	-$0.19	-$1.2
All Plants		**914**	**-$154**	**-$228**	**-$0.17**	**-$16.0**

Table 9-5: Estimated Incremental Compliance Costs for Electric Generators by Ownership Type and Size (2018$)

Ownership Type	Entity Size	Number of Plants [a]	Total Annualized Pre-Tax Costs (Millions)[a]	Average Annualized Pre-tax Cost per MW of Capacity[b]	Average Annualized Pre-tax Cost per Plant (Millions)[c]	Maximum Annualized Pre-tax Cost per Plant (Millions)
Option B						
Government (excl. federal)	Small	36	-$2	-$382	-$0.05	-$1.0
	Large	121	-$9	-$129	-$0.08	-$1.8
Private	Small	111	-$4	-$118	-$0.04	-$0.7
	Large	625	-$99	-$186	-$0.16	-$1.2
All Plants		**914**	**-$127**	**-$188**	**-$0.14**	**-$8.7**
Option C						
Government (excl. federal)	Small	36	-$1	-$321	-$0.04	-$0.8
	Large	121	-$5	-$67	-$0.04	$1.3
Private	Small	111	-$3	-$103	-$0.03	-$0.7
	Large	625	-$16	-$31	-$0.03	$2.3
All Plants		**914**	**-$19**	**-$28**	**-$0.02**	**$5.4**

a. Plant counts are relative to the estimated 914 plants covered under the point source category.

b. Average cost per MW values were calculated using total compliance costs and capacity for all steam electric power plants owned by entities in a given ownership category, *including plants that incur zero costs*. In case of multiple ownership structure where parent entities of a given plant have equal ownership shares and are in different ownership categories, compliance costs and capacity were allocated to appropriate ownership categories in accordance with ownership shares.

c. Average cost per plant values were calculated using total number of steam electric power plants owned by entities in a given ownership category. As a result, plants with multiple majority owners are represented more than once in the denominator of relevant cost per plant calculations.

d. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2020.

9.3 UMRA Analysis of Impact on the Private Sector

As the final part of the UMRA analysis, this section reports the compliance costs projected to be incurred by private entities.

Table 9-6 summarizes the total annualized costs, maximum one-year costs, and the year when maximum costs are incurred by type of owner. As shown in the last two columns of the table, all regulatory options result in cost savings, both on an annualized basis and for the maximum one-year costs, when compared to the baseline. EPA estimates the incremental annualized pre-tax compliance costs for private entities to range from -$121.4 million under Option A to -$19.1 million under Option C.

Table 9-6: Compliance Costs for Electric Generators by Ownership Type (2018$)

Ownership Type	Total Annualized Costs	Maximum One-Year Costs	Year of Maximum Costs[a]	Incremental Annualized Costs Relative to Baseline	Incremental Maximum One-Year Costs Relative to Baseline[b]
Baseline					
Government (excl. federal)	$28	$113.5	2023	NA	NA
Private	$254	$1,312.7	2023	NA	NA
Option D[c]					
Government (excl. federal)	*$23*	*$21*	*2021*	*-$15.2*	*-$23.5*
Private	*$197*	*$514*	*2023*	*-$114.0*	*-$327.5*
Option A					
Government (excl. federal)	$17	$39.4	2028	-$11.4	-$74.1
Private	$133	$399.1	2025	-$121.4	-$913.6
Option B					
Government (excl. federal)	$17	$39.4	2028	-$10.8	-$74.1
Private	$152	$440.3	2025	-$102.3	-$872.4
Option C					
Government (excl. federal)	$22	$84.0	2028	-$6.1	-$29.6
Private	$235	$574.7	2025	-$19.1	-$738.1

NA: Not applicable for the baseline.

a. The year when the maximum cost occurs is driven by the modeled technology implementation schedule and is determined based on the renewal of individual NPDES permits for plants owned by the different categories of entities. See Section 3.1.3 in this report and Chapter 11 in the BCA for more details on the technology implementation years and assumptions on the timing of cost incurrence.

b. The maximum one-year cost does not necessarily occur on the same year for a given plant across all the options analyzed. For the purpose of comparing the regulatory options to the baseline, EPA used the maximum costs in any year rather than comparing costs on a year-to-year basis to obtain the maximum difference.

c. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2020.

9.4 UMRA Analysis Summary

EPA estimates that none of the regulatory options would result in incremental expenditures of at least $160 million for State and local government entities, in the aggregate, or for the private sector in any one year. In fact, all regulatory options provide net cost savings when compared to the baseline. Furthermore, as discussed above, neither permitted plants nor permitting authorities are estimated to incur significant additional administrative costs as the result of the regulatory options.

Consistent with Section 205, EPA presents four regulatory options which would all reduce impacts to governments and the private sector. The final rule (Option A) is the least costly option EPA analyzed, and thus would result in the lowest impacts to governments and the private sector. Furthermore, several government and private sector plants would likely fall into subcategories which would provide additional flexibility. Finally, the implementation period built into the final rule is another way for permit writers to consider the site-specific needs of steam electric power plants.

10 Other Administrative Requirements

This chapter presents analyses conducted in support of the regulatory options to address the requirements of applicable Executive Orders and Acts. These analyses complement EPA's assessment of the compliance costs, economic impacts, and economic achievability of the final rule, and other analyses done in accordance with the RFA and UMRA, presented in previous chapters.

10.1 Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and other requirements of the Executive Order. The order defines a "significant regulatory action" as one that is likely to result in a regulation that may:

- Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; or
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; or
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Executive Order 13563 (76 FR 3821, January 21, 2011) was issued on January 18, 2011. This Executive Order supplements Executive Order 12866 by outlining the President's regulatory strategy to support continued economic growth and job creation, while protecting the safety, health and rights of all Americans. Executive Order 13563 requires considering costs, reducing burdens on businesses and consumers, expanding opportunities for public involvement, designing flexible approaches, ensuring that sound science forms the basis of decisions, and retrospectively reviewing existing regulations.

Pursuant to the terms of Executive Order 12866, EPA determined that the final rule is an "economically significant regulatory action" because the action is likely to have an annual effect on the economy of $100 million or more, although the direction of the effect is estimated to be a *reduction* in costs when compared to the baseline. As such, the action is subject to review by OMB under Executive Orders 12866 and 13563. Any changes made in response to OMB suggestions or recommendations will be documented in the docket for this action.

EPA prepared an analysis of the potential benefits and costs associated with this action; this analysis is described in Chapter 13 of the BCA (U.S. EPA, 2020a).

As detailed in earlier chapters of this report, EPA also assessed the impacts of the regulatory options on the wholesale price of electricity (Chapter 5: Electricity Market Analyses), retail electricity prices by consumer group (Chapter 7: Electricity Price Effects), and on employment or labor markets (Chapter 6: Employment Effects).

10.2 Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

The final rule is considered a deregulatory action under E.O. 13771, Reducing Regulation and Controlling Regulatory Costs. As presented in Chapter 3 (Table 3-3), all four regulatory options analyzed have total compliance costs less than zero, when compared to the baseline. Accounting for the timing of the costs shows net social cost savings for all four options using a 7 percent discount rate. Using a 3 percent discount rate options A, B, and D show a net social cost savings while option C shows a net social cost increase. See Chapter 12 in the BCA (U.S. EPA, 2020a) for details on the time profile of costs and annualized discounted costs.

10.3 Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

E.O. 12898 (59 FR 7629, February 11, 1994) requires that, to the greatest extent practicable and permitted by law, each Federal agency must make the achievement of environmental justice (EJ) part of its mission. E.O. 12898 provides that each Federal agency must conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures such programs, policies, and activities do not have the effect of (1) excluding persons (including populations) from participation in, or (2) denying persons (including populations) the benefits of, or (3) subjecting persons (including populations) to discrimination under such programs, policies, and activities because of their race, color, or national origin.

To meet the objectives of E.O 12898 and consistent with EPA guidance on considering EJ in the development of regulatory actions (U.S. EPA, 2015b), EPA examined whether the benefits from the regulatory options may be differentially distributed among population subgroups in the affected areas. EPA conducted two main analyses, described in Chapter 14 of the BCA (U.S. EPA, 2020a), to evaluate the EJ considerations for the final rule: (1) Summarizing the demographic characteristics of the households living in proximity to steam electric power plants, plant air emissions and surface water discharges, and to the downstream reaches affected by plant discharges; and (2) Analyzing the distribution of estimated human health impacts among minority and/or low-income populations from estimated changes in exposure to pollutants in drinking water, self-caught fish, and the air.

The first analysis provides insight on the distribution of estimated regulatory option effects (*e.g.*, estimated effects on water quality and air pollutant emissions) on communities in proximity to steam electric power plants. The second analysis seeks to provide more specific insight on the distribution of estimated changes in adverse health effects and benefits and to assess whether minority and/or low-income populations incur disproportionately high environmental impacts and/or will be disproportionately excluded from realizing benefits under the regulatory options.

Overall, the various analyses show that estimated environmental changes under the regulatory options analyzed, including the final rule, may affect minority and/or low income populations to different degrees across environmental media, exposure pathways, and over time, but the estimated effects (positive or negative) of the changes will be small.

Communities living near steam electric power plants (*i.e.*, up to 50 miles) tend to have a lower proportion of low-income households and minority population than the national average, when considered in the aggregate, but there may be localized EJ considerations for some communities near individual plants (up to 50 miles) that have higher proportions of low-income or minority populations than the national and/or state average.

EPA's analysis considered the distribution of estimated effects on populations near both immediate and downstream reaches, in downstream PWS service areas, and in adjacent airsheds to assess whether low-income and/or minority populations may be disproportionately affected by changes under the final rule. The analysis shows that the EJ population subgroups are not excluded from the benefits of the final rule. For example, projected air quality changes under the final rule may disproportionately benefit minority and low-income populations based on the socioeconomic characteristics of populations of counties with changes in $PM_{2.5}$ and ozone levels during the period of analysis. Additionally, estimated foregone benefits related to water quality changes may disproportionately affect minority and subsistence fisher populations. However, the magnitude of the changes (positive and negative) and associated benefits (including foregone benefits) is small, relative to the baseline, both overall across the exposed population, and across socioeconomic and fisher subgroups.

10.4 Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866 and (2) concerns an environmental health or safety risk that EPA has reason to believe might have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health and safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

As detailed in the Supplemental EA and BCA (U.S. EPA, 2020a, 2020d), EPA identified several ways in which the regulatory options would affect children, including by potentially increasing health risk from exposure to pollutants present in steam electric power plant discharges. The potential increases are estimated to be small and arise from less stringent limits or later deadlines for meeting effluent limits under certain regulatory options as compared to the baseline. EPA quantified the changes in IQ losses from lead exposure among pre-school children and from mercury exposure *in-utero* resulting from maternal fish consumption under the three regulatory options, as compared to the baseline. EPA also estimated changes in the number of children with very high blood lead concentrations (above 20 ug/dL) and IQs less than 70 may requiring compensatory education tailored to their specific needs.

EPA estimated that the final rule could have a small impact on children. The analysis shows small potential changes in lead exposure (from fish consumption) for an average of 1.6 million children annually, and in mercury exposure (from maternal fish consumption) for an average of 226,000 infants born annually. However, EPA estimates the resulting health impacts to be small. EPA estimated that the final rule (Option A) would lead to slight increases in lead and mercury exposure, increasing IQ losses by approximately 18 points from lead exposure and between 2001 points from mercury exposure over the entire exposed population. The social welfare effects from increased IQ loss associated with children's exposure to lead and mercury are -$0.1 million and -$0.3 million using 3 percent and 7 percent discount rates, respectively. Chapter 5 in the BCA provides further details, including results for the other regulatory options (U.S. EPA, 2020a). EPA did not quantify additional benefits to children from changes in exposure to steam electric pollutant discharges due to data limitations. These include changes in the incidence or severity of other health effects from exposure to lead, mercury, and other pollutants including arsenic, boron, cadmium, copper, nickel, selenium, thallium, and zinc. They also include potential small adverse effects from increases in exposure to disinfection byproducts for children in households served by drinking water systems that use source waters downstream of steam electric power plant outfalls.

10.5 Executive Order 13132: Federalism

Executive Order 13132 (64 FR 43255, August 10, 1999) requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." Policies that have federalism implications are defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute unless the federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments or unless EPA consults with State and local officials early in the process of developing the regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the regulation.

EPA has concluded that this action will not have federalism implications. As discussed in earlier chapters of this document, EPA anticipates that the final rule will not impose a significant incremental administrative burden on States from issuing, reviewing, and overseeing compliance with discharge requirements. With respect to direct compliance costs, while the regulatory options may impose such costs on State or local governments that own steam electric power plants, and the Federal government would not provide the funds necessary to pay those costs, the regulatory options are estimated to provide savings to State or local governments when compared to the costs they would incur under the baseline.

Specifically, EPA has identified 157 steam electric power plants that are owned by State or local government entities or other political subdivisions. EPA estimates that the maximum compliance cost in any one year to governments (excluding federal government) ranges from $39.4 million under Option A to $84 million under Option C (see Chapter 9, *Unfunded Mandates Reform Act (UMRA)*, for details). This is compared to a maximum compliance cost to governments of $114 million under the baseline. Annualized cost savings to governments range from $6 million under Option C to $11 million under Option A.

10.6 Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

Executive Order 13175 (65 FR 67249, November 6, 2000) requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive

Order to include regulations that have "substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and the Indian Tribes, or on the distribution of power and responsibilities between the federal government and Indian Tribes."

EPA assessed potential tribal implications for the regulatory options arising from three main changes, as described below: (1) direct compliance costs incurred by plants; (2) impacts on drinking water systems downstream from steam electric power plants; and (3) administrative burden on governments that implement the NPDES program.

- Direct compliance costs: EPA's analyses show that no plant estimated to be affected by the regulatory options is owned by tribal governments.
- Impacts on drinking water systems: EPA identified 14 public water systems (PWS) operated by tribal governments that may be affected by bromide and iodine discharges from steam electric power plants.[70] In total, these systems serve approximately 27,600 people. This analysis finds small changes in incremental bromide and iodine concentrations at these PWS. The analysis is detailed in Chapter 4 of the BCA (U.S. EPA, 2020a).
- Administrative burden: No tribal governments are currently authorized pursuant to section 402(b) of the CWA to implement the NPDES program.

10.7 Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires Agencies to prepare a Statement of Energy Effects when undertaking certain agency actions. Such Statements of Energy Effects shall describe the effects of certain regulatory actions on energy supply, distribution, or use, notably: (i) any adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increased use of foreign supplies) should the proposal be implemented, and (ii) reasonable alternatives to the action with adverse energy effects and the estimated effects of such alternatives on energy supply, distribution, and use.

The OMB implementation memorandum for Executive Order 13211 outlines specific criteria for assessing whether a regulation constitutes a "significant energy action" and would have a "significant adverse effect on the supply, distribution or use of energy." [71] Those criteria include:

- Reductions in crude oil supply in excess of 10,000 barrels per day;
- Reductions in fuel production in excess of 4,000 barrels per day;
- Reductions in coal production in excess of 5 million tons per year;
- Reductions in natural gas production in excess of 25 million mcf per year;

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70 EPA included public water systems identified in EPA's Safe Drinking Water Information System as having a tribe as the primacy agency and one tribe-operated system with the state of Oklahoma as the primacy agency.

71 Executive Order 13211 was issued May 18, 2002. The OMB later released an Implementation Guidance memorandum on July 13, 2002.

- Reductions in electricity production in excess of 1 billion kilowatt-hours per year, or in excess of 500 megawatts of installed capacity;
- Increases in the cost of energy production in excess of 1 percent;
- Increases in the cost of energy distribution in excess of 1 percent;
- Significant increases in dependence on foreign supplies of energy; or
- Having other similar adverse outcomes, particularly unintended ones.

None of the criteria above regarding potential significant adverse effects on the supply, distribution, or use of energy (listed above) apply to the final rule. While the regulatory options might affect (1) the production of electricity, (2) the amount of installed capacity, (3) the cost of energy production, and (4) the dependence on foreign supplies of energy, the four regulatory options provide cost savings when compared to the baseline, reducing electricity generation costs. As described below and demonstrated by the results from the national electricity market analyses conducted for Option A (the final rule) (see Chapter 5), changes for the first three factors are in a direction than does not present a concern under this Executive Order or are smaller than the thresholds of concern specified by OMB.

10.7.1 Impact on Electricity Generation

The electricity market analyses (Chapter 5) estimate that the final rule will increase coal-fired generation, including generation from power plants to which the final rule applies, by less than 0.1 percent to approximately 0.6 percent in 2021 through 2045, relative to baseline generation. The changes in coal-fired generation would be offset by roughly corresponding changes in production from other plants, resulting in no net decrease in overall production; electricity generated in 2030 decreases by 322 GWh, which is less than 0.01 percent of baseline generation. These changes are very small and support EPA's assessment that the final rule does not constitute a "significant energy action" in terms of overall impact on electricity generation.

10.7.2 Impact on Electricity Generating Capacity

As documented in Chapter 5, the Agency's electricity market analysis estimated that the final rule would result in net cumulative avoided retirement of 1,127 MW of generating capacity by 2030, and net cumulative avoided retirement of 2,010 MW by 2050.

10.7.3 Cost of Energy Production

Based on the IPM analysis results, EPA estimated that the final rule will not significantly affect the total cost of electricity production. At the national level, total electricity generation costs (fuel, variable O&M, fixed O&M and capital) under the final rule are projected to decrease by 0.1 percent. At the regional level, the change in electricity generation costs varies. Table 5-4 in Chapter *5* summarizes changes projected in IPM for the 2030 run year and shows range from a decrease of 0.3 percent in FRCC, RFC, and SPP under the final rule to an increase of 0.2 percent in NPCC. None of the NERC regions show increases approaching 1 percent.

Consequently, no region would experience energy price increases greater than the 1 percent threshold as a result of the final rule in either the short or the long run. This supports EPA's assessment that the final rule does not constitute a "significant energy action" in terms of estimated potential effects on the cost of energy production.

10.7.4 Dependence on Foreign Supply of Energy

EPA's electricity market analyses did not support explicit consideration of the effects of the regulatory options on foreign imports of energy. However, the regulatory options directly affect electric power plants, which generally do not face significant foreign competition. Only Canada and Mexico are connected to the U.S. electricity grid, and transmission losses are substantial when electricity is transmitted over long distances. In addition, the effects on installed capacity and electricity prices are estimated to be small.

Table 10-1 presents IPM projected generating capacity and generation by type in 2030 under the baseline and the final rule. The final rule is estimated to increase coal-based electricity generation by 0.6 percent, while generation using several other sources of energy is estimated to either decrease (natural gas, biomass, solar, wind, hydro) or increase (*i.e.*, oil/gas steam, nuclear). Changes are less than 1 percent across all generation types.

Table 10-1: Total Market-Level Capacity and Generation by Type for the Final Rule in 2030

	Generating Capacity (GW)			Electricity Generation (Thousand GWh)		
Type	**Baseline**	**Option A**	**% Change**	**Baseline**	**Option A**	**% Change**
Hydro	110.5	110.5	0.00%	327.3	327.1	-0.04%
Biomass	0.6	0.6	0.00%	1.7	1.7	-0.16%
Geothermal	2.9	2.9	0.00%	20.6	20.6	0.00%
Landfill Gas	1.8	1.8	0.00%	9.4	9.4	0.00%
Solar	134.7	134.5	-0.15%	245.6	245.2	-0.15%
Wind	188.5	188.2	-0.14%	636.5	635.3	-0.19%
Coal	158.9	160.2	0.78%	821.2	825.9	0.57%
Nuclear	68.5	68.8	0.38%	541.4	543.7	0.42%
Natural Gas	420.4	419.4	-0.24%	1,621.9	1,616.2	-0.35%
Oil/Gas Steam	66.0	65.8	-0.43%	52.1	52.5	0.63%
Others	17.1	16.9	-0.74%	45.1	44.9	-0.49%
Total[a]	**1,169.9**	**1,169.5**	**-0.03%**	**4,322.8**	**4,322.4**	**-0.01%**

a. Numbers may not add up due to rounding.

Source: U.S. EPA Analysis, 2020.

Table 10-2 presents the corresponding projections of the quantity of fuel used for power generation. Changes are consistent with changes in generation presented in Table 10-1 with more coal (0.3 percent) and less natural gas (0.3 percent) consumed under the final rule. Changes are less than 1 percent for natural gas and lignite, but bituminous and subbituminous coal consumption increases by 2.8 percent and decreases by 1.1 percent, respectively.

Table 10-2: Total Market-Level Fuel Use by Fuel Type for the Final Rule in 2030

	Fuel Consumption		
Fuel Type	**Baseline**	**Option A**	**% Change**
Coal (million tons)	446	448	0.29%
Bituminous Coal (million tons)	143	147	2.75%
Subbituminous Coal (million tons)	252	249	-1.06%
Lignite (million tons)	52	52	0.01%
Natural Gas (trillion cubic feet)	12	12	-0.27%

Source: U.S. EPA Analysis, 2020.

Given the very small changes in coal and other fuels use under the final rule, it is reasonable to assume that any increase in demand for fuel used in electricity generation would be met through domestic supply, thereby not increasing U.S. dependence on foreign supply of energy. Consequently, EPA assesses that the final rule does not constitute a "significant energy action" from the perspective of energy independence.

10.7.5 Overall E.O. 13211 Finding

From these analyses and the electricity markets analysis in Chapter 5, EPA concludes that the final rule would not have a *significant adverse effect* at a national or regional level under Executive Order 13211. Specifically, the Agency's analysis found that the rule would not reduce electricity production in excess of 1 billion kilowatt hours per year or in excess of 500 megawatts of installed capacity, nor would the rule increase U.S. dependence on foreign supply of energy. As such, the final rule does not constitute a significant regulatory action under Executive Order 13211 and EPA did not prepare a Statement of Energy Effects.

10.8 Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 (PRA) (superseding the PRA of 1980) is implemented by OMB and requires that agencies submit a supporting statement to OMB for any information collection that solicits the same data from more than nine parties. The PRA seeks to ensure that Federal agencies balance their need to collect information with the paperwork burden imposed on the public by the collection.

The definition of "information collection" includes activities required by regulations, such as permit development, monitoring, record keeping, and reporting. The term "burden" refers to the "time, effort, or financial resources" the public expends to provide information to or for a Federal agency, or to otherwise fulfill statutory or regulatory requirements. PRA paperwork burden is measured in terms of annual time and financial resources the public devotes to meet one-time and recurring information requests (44 U.S.C. 3502(2); 5 C.F.R. 1320.3(b)). Information collection activities may include:

- reviewing instructions;
- using technology to collect, process, and disclose information;
- adjusting existing practices to comply with requirements;
- searching data sources;
- completing and reviewing the response; and

- transmitting or disclosing information.

Agencies must provide information to OMB on the parties affected, the annual reporting burden, the annualized cost of responding to the information collection, and whether the request significantly impacts a substantial number of small entities. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB control number.

OMB has previously approved the information collection requirements contained in the existing regulations 40 CFR part 423 under the provisions of the Paperwork Reduction Act.[72]

The final rule will not result in any significant change in the information collection requirements associated with initial permit application, re-permitting activities, and activities associated with monitoring and reporting after the permit is issued beyond those already required under the existing NPDES program.

EPA estimated small changes in monitoring costs due to changes in the number of pollutants for which EPA is finalizing limits and standards, as well as monitoring of flow under the high recycle rate systems for bottom ash; the Agency accounted for these costs as part of its analysis of the economic impacts of the regulatory options (see Chapter 3, *Compliance Costs*). In some cases, in lieu of these monitoring requirements, steam electric power plants would have additional paperwork burden such as that associated with certifications and applicable BMP plans. However, plants would also realize savings, relative to the baseline, by no longer monitoring pollutants for some subcategories (and because their requirements are based on less costly technologies). EPA projects that the burden associated with the new paperwork requirements would be largely offset by the reduced burden associated with less monitoring; therefore, it projects that the final rule will have no net effect on the burden in the approved information collection requirements.

With respect to permitting authorities, based on the information in its record EPA does not expect the regulatory options (including the final rule, Option A), to affect the total administrative burden. The regulatory options do not change permit application requirements or the associated review, nor do they affect the number of permits issued to steam electric power plants. While permitting authorities will need to use BPJ to determine the site-specific volumes and technology-based BAT effluent limitations for bottom ash purge water, EPA has taken steps to reduce the burden on NPDES permitting authorities of making these determinations. EPA is requiring information on the types of discharges and available treatment technologies in the reporting and recordkeeping requirements and EPA provides principles that permitting authorities may consider (see preamble section XIV(A)(2)). Accordingly, EPA estimated no significant net change (increase or decrease) in the cost burden to federal or state governments or dischargers associated with any of the regulatory options in this rule.

10.9 National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995, Pub L. No. 104-113, Sec. 12(d) directs EPA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and

[72] OMB has assigned control number 2040-0281 to the information collection requirements under 40 CFR part 423.

business practices) that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through the OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The regulatory options do not involve technical standards, for example in the measurement of pollutant loads. Nothing in the regulatory options would prevent the use of voluntary consensus standards for such measurement where available, and EPA encourages permitting authorities and regulated entities to do so. Therefore, EPA did not include any voluntary consensus standards in the final rule.

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A Summary of Changes to Costs and Economic Impact Analysis

Table A-1 summarizes the principal methodological changes EPA made to analyses of the costs and economic impacts of the final ELG reconsideration rule as compared to the proposed ELG reconsideration rule described in the 2019 RIA (U.S. EPA, 2019a).

Table A-1: Changes to Costs and Economic Impacts Analysis Since Proposal

Cost or Impact Category	Analysis Component	Cost or Impact Category
General inputs for screening-level analyses	Generation, plant revenue, and estimated electricity prices using EIA-861 and EIA-923 databases; six-year (2011-2016) average values	Updated with data from more current EIA-861 and EIA-923 databases to use more recent six-year [2013-2018] average values
	Generating capacity from 2016 EIA-860	Updated using 2018 EIA-860
	NERC regions from 2016 EIA-860	Updated using 2017 EIA-860
	Electricity revenue, sales, and number of consumers by consumer class (residential, industrial, commercial, and transportation) for ASCC and HICC regions from EIA-861 for [2016]	Updated to use data from EIA-861 for [2018]
	Electricity revenue, sales, and number of consumers by consumer class (residential, industrial, commercial, and transportation) for NERC regions other than ASCC and HICC regions from [2018] AEO projections	Updated using [2019] AEO projections
Industry profile	Total count of plants (951 plants)	Updated universe of 914 plants reflects information on actual, planned, and announced unit retirements through the end of 2028.
	Industry data (*i.e.*, capacity, generation, number of plants, etc.) from 2016 EIA databases	Updated using 2018 EIA databases
Screening-level plant impacts	Cost-to-revenue impact indicators (1% and 3%) based on 6-year (2011-2016) average values of electricity generation and electricity prices (to estimate plant-level revenue)	Updated to use average electricity generation and electricity prices for [2013-2018]
Market-level impacts (IPM)	The Baseline includes existing regulatory requirements as of December 2019 and representation of the 2015 ELG based on 2018 data.	The Baseline includes existing regulatory requirements as of January 2020, plus the final CCR Part A rule and an updated representation of the 2015 ELG based on 2020 data.
Potential electricity price effects	Projected total electricity sales in [2020] from [AEO 2018]	Projected total electricity sales in [2020] from [AEO 2019]
	Electricity sales data by consumer group from [2016] EIA-860 database	Electricity sales data by consumer group from [2018] EIA-860 database
Owner-level impacts and RFA/SBREFA	Owners identified in EIA-860 [2016]	Owners identified in EIA-860 [2018]
	Small business size determination metrics [mostly publicly available sources for private entities; Census ACS 2016 for governments]	Small business size determination metrics [mostly publicly available sources for private entities; Census ACS 2017 for governments]

Table A-1: Changes to Costs and Economic Impacts Analysis Since Proposal		
Cost or Impact Category	**Analysis Component**	**Cost or Impact Category**
EO 12898: EJ	Refers to BCA Chapter 14. Qualitative discussion draws on benefits analyses. See Table 2 for details. Presents profile of population in the vicinity of steam electric power plants and selected results of the benefits analyses by income and minority status	Update profile and discussion of distributional effects to reflect exposure via drinking water

B Comparison of Incremental Costs and Pollutant Removals

This appendix describes EPA's analysis of the incremental costs and pollutant removals of the regulatory options. The information provides insight into how regulatory options compare to each other in terms of reducing toxic pollutant discharges to surface waters.

B.1 Methodology

Cost-effectiveness is defined as the incremental annualized cost of a pollution control option in an industry or industry subcategory per incremental pound equivalent of pollutant (*i.e.*, pound of pollutant adjusted for toxicity) removed by that control option. The analysis compares removals for pollutants directly regulated by the ELGs and incidentally removed along with regulated pollutants.

As described for the 2015 rule, EPA's cost-effectiveness analysis involves the following steps to generate input data and calculate the desired values (see Appendix F in U.S. EPA, 2015c):

1. Determine the pollutants considered for regulation.
2. For each pollutant, obtain relative toxic weights and POTW removal factors.
3. Define the regulatory pollution control options.
4. Calculate pollutant removals and toxic-weighted pollutant removals for each control option and for each of direct and indirect discharges. For indirect dischargers, the calculations include applying a factor that reflects the ability of a POTW or sewage treatment plant to remove pollutants prior to discharge to water. See *Supplemental TDD* (U.S. EPA, 2020e) for details.
5. Determine the total annualized compliance cost for each control option and for direct and indirect dischargers.
6. Adjust the cost obtained in step 5 to 1981 dollars.
7. Calculate the cost-effectiveness ratios for each control option and for direct and indirect dischargers.

The regulatory options analyzed for the final rule represent only a subset of the requirements contained in the ELG for the steam electric industry since they address only two of the relevant wastestreams. Accordingly, EPA did not calculate the cost-effectiveness ratios for the regulatory options since these ratios would not be comparable to cost-effectiveness values EPA estimated for the 2015 rule (see Appendix F in U.S. EPA, 2015c) or for ELGs for other point source categories. The next section provides results for steps 1 through 5, where the total annualized compliance costs calculated in step 5 are relative to the 2015 rule baseline.[73]

[73] Adjustment of costs to 1981 dollars is a convention to facilitate comparison of cost-effectiveness values across rules. Since EPA is not estimating cost-effectiveness ratios in this analysis, this adjustment was not needed.

B.2 Results

Toxic Weights of Pollutants and POTW Removal

The *Supplemental TDD* provides information on the pollutants addressed by the regulatory options (U.S. EPA, 2020e). The pollutants include several metals (*e.g.*, arsenic, mercury, selenium), various non-metal compounds (*e.g.*, chloride, fluoride, sulfate), nutrients, and conventional pollutants (*e.g.*, oil and grease, biochemical oxygen demand.)

The toxic weighted pound equivalent (TWPE) analysis involves multiplying the changes in loadings of each pollutant by a pollutant-specific toxic weighting factor (TWF) that represents the toxic effect level relative to the toxicity of copper. For indirect dischargers, the changes are multiplied by a second factor that reflects the ability of a POTW or sewage treatment plant to remove pollutants prior to discharge to waters. For TWF and POTW removal factors, see Appendix F in U.S. EPA, 2015c.

Evaluated Options

EPA updated its analyses of Options A, B, and C summarized in Table 1-1. To provide context for the results, EPA did not update, but also includes results for Option D, which the Agency previously analyzed in the 2019 proposal (see Option 1 in U.S. EPA, 2019a).

Pollutant Removals and Pound Equivalent Calculations

Table B-1, below, presents estimated annual reduction in the mass loading of pollutant anticipated from direct and indirect dischargers for each regulatory option, relative to the baseline. The toxic weighted removals account for pollutant toxicity and, for indirect dischargers, for POTW removals. The calculations do not account for the removal of pollutants that do not have TWFs, either because data are not available to set a TWF or toxicity is not the pollutant's primary environmental impact (*e.g.*, nutrients contributing to eutrophication, high BOD resulting in anoxia). Furthermore, the pound equivalent pollutant removal analysis does not address routes of potential environmental damage and human exposure, and therefore potential benefits from reducing pollutant exposure.

The incremental pollutant removals for Option D are relative to the baseline analyzed for the 2019 proposal, whereas incremental pollutant removals of Options A, B, and C are estimated relative to the revised baseline for the final rule analysis.

Annualized Compliance Costs

EPA developed costs for technology controls to address each of the wastestreams present at each steam electric power plant. The *Supplemental TDD* provides additional details on the methods used to estimate the costs of meeting the limitations and standards under the baseline and each of the regulatory options (U.S. EPA, 2020e). The method used to calculate the incremental annualized compliance costs is described in greater detail in Chapter 3, *Compliance Costs*. EPA categorized these annualized compliance costs as either direct or indirect based on the discharge associated with each wastestream at each plant. Table B-1 summarizes the annualized compliance costs of the regulatory options relative to the 2015 rule baseline, whereas Figure B-1 compares the pollutant removals and costs of the regulatory options graphically.

The incremental compliance costs for Option D were calculated relative to the baseline analyzed for the 2019 proposal, whereas incremental compliance costs of Options A, B, and C are estimated relative to the revised baseline for the final rule analysis.

Table B-1: Estimated Pollutant Removal and Costs of Regulatory Options by Discharger Category

Discharger Category	Option[a]	Total Annual TWF-Weighted Pollutant Removals (lb-eq.)		Total Annual Pre-tax Compliance Costs (million, 2018$)	
		Total[b]	Incremental[c]	Total[b]	Incremental[c]
Direct	*D[d]*	*-87,291*	*-87,291*	*-$163.1*	*-$163.1*
	A[e]	-16,415	-16,415	-$173.5	-$173.5
	B	5,630	22,045	-$142.3	$31.2
	C	472,478	466,848	-$18.4	$123.9
Indirect	*D[d]*	*-526*	*-526*	*-$2.5*	*-$2.5*
	A[e]	0	0	-$1.7	-$1.7
	B	0	0	-$0.9	$0.9
	C	4,506	4,506	-$1.1	-$0.2

a. Options are listed in increasing order of pollutant removals, relative to the baseline.

b. Total removals and costs are compared to those for the baseline.

c. Incremental removals and costs are compared to those for the next least stringent option in the order listed in the table. For direct dischargers, the incremental removals and costs under Option 1 are calculated relative to the baseline, the incremental removals and costs for Option 2 are calculated relative to those of Option 1, etc.

d. Option D corresponds to the proposed Option 1. EPA did not reanalyze this option for the final rule. All results shown for Option D are based on the 2019 analysis, as detailed in the 2019 RIA (U.S. EPA, 2019a). As such, the values do not reflect changes in the baseline, plant universe, and other analytical inputs for the analysis of Options A, B, and C.

Source: U.S. EPA Analysis, 2019, 2020

Figure B-1: Estimated Removals and Costs of the Regulatory Options, Relative to Baseline.