

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company and The Toledo)	
Edison Company for Authority to Provide)	Case No. 14-1297-EL-SSO
for a Standard Service Offer Pursuant to R.C.)	
4928.143 in the Form of an Electric Security)	
Plan)	

REBUTTAL TESTIMONY OF

RAYMOND L. EVANS

ON BEHALF OF

**OHIO EDISON COMPANY
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY
THE TOLEDO EDISON COMPANY**

OCTOBER 20, 2015

1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, POSITION, AND BUSINESS ADDRESS.**

3 A. My name is Raymond L. Evans. I am employed by FirstEnergy Service Company as
4 Vice President, Environmental and Technologies. My business address is 76 South Main
5 Street, Akron, Ohio 44308.

6 **Q. DID YOU PRESENT SUPPLEMENTAL TESTIMONY IN THIS PROCEEDING?**

7 A. Yes.

8 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

9 A. The purpose of my rebuttal testimony is to respond to portions of the Supplemental
10 Testimony of Sierra Club witness Tyler Comings concerning compliance with pending
11 environmental regulations by the W.H. Sammis Plant (“Sammis”).

12 **II. EFFLUENT LIMITATION GUIDELINES**

13 **Q. MR. COMINGS ASSERTS THAT YOUR SUPPLEMENTAL TESTIMONY DID**
14 **NOT SUFFICIENTLY ADDRESS COMPLIANCE WITH THE PROPOSED**
15 **REVISIONS TO THE ELG RULE.¹ IS HE CORRECT?**

16 A. No. My supplemental testimony addressed compliance with the proposed revisions to the
17 ELGs to the full extent possible. The United States Environmental Protection Agency
18 (“U.S. EPA”) proposed eight different potential technology pathways for consideration
19 and identified four of those as potentially being preferred by the agency. Developing a

¹ Comings Supplemental Testimony at 18.

1 concrete plan to comply with a proposed rule that could go in any of eight or more
2 different directions may be an interesting academic exercise, but it would not be a
3 reasonable use of resources.

4 On September 30, 2015, U.S. EPA finalized the revisions to the ELG requirements.
5 Sammis is well-positioned to meet the new ELG requirements for fly ash, bottom ash,
6 and flue gas desulfurization (“FGD”) wastewater. Compliance requirements phase in
7 between 2018 and 2023. I expect existing state-of-the-art technology currently installed
8 at Sammis will significantly help Sammis comply with the rule’s requirements. The new
9 ELG requirements for fly ash will not impact Sammis because all of Sammis’ fly ash
10 transport is dry (i.e., there is zero fly ash wastewater to treat and, hence, zero treatment
11 costs). In addition, existing equipment at Sammis can address most of the process for
12 bottom ash wastewater recycling, with additional investment to modify wastewater flow
13 performed through minimal modifications.² The new ELG rule sets performance limits
14 for certain pollutants in FGD wastewater, and current processes at Sammis allow the
15 plant to meet the new requirements for nearly all applicable pollutants. Biological
16 treatment processes that may be required to address the remaining performance limits can
17 be implemented at minimal cost.

18 **III. 8-HOUR OZONE NAAQS**

19 **Q. MR. COMINGS TESTIFIES THAT THE COMPANIES HAVE NO BASIS FOR**
20 **THEIR CONCLUSION THAT THERE WILL BE NO NEW REQUIREMENTS**
21 **FOR SAMMIS TO REDUCE EMISSIONS, BECAUSE THE COMPANIES HAVE**

² This includes the cost of lining the bottom ash settling pond I testified to previously.

1 **NOT PROVIDED AIR DISPERSION MODELING OF THE IMPACTS OF THE**
2 **PROPOSED OZONE STANDARD ON SAMMIS.³ DO YOU AGREE?**

3 A. No. Air dispersion modeling is not used to determine whether Sammis has any impact on
4 air quality under an ozone standard. If modeling were necessary, which it is not, the
5 correct methodology would be photochemical grid modeling. Moreover, modeling is
6 unnecessary because the Sammis plant is in an attainment area, and that area is projected
7 to remain in attainment for ozone. On October 1, 2015, U.S. EPA revised the standard
8 for ground-level ozone to 70 parts per billion (“ppb”). The area around the Sammis plant
9 currently is in attainment with the 2015 ozone standard of 70 ppb based on ozone
10 concentrations measured in Jefferson County.⁴ Moreover, the U.S. EPA projects that
11 ozone levels will fall to 60 ppb in Jefferson County by 2025 and, thus, that Jefferson
12 County will not be nonattainment with the 2015 ozone standard.⁵ Assuming Mr.
13 Comings referenced the appropriate modeling (which he did not), any such modeling
14 would not change the fact that neither U.S. EPA nor Ohio EPA is seeking to regulate
15 NOx emissions from the Sammis plant for purposes of ozone nonattainment.

16 **Q. MR. COMINGS TESTIFIES THAT NEITHER THE COMPANIES NOR FES**
17 **HAS HARD EVIDENCE, SUCH AS EMISSION MODELING, THAT SCR**

³ Comings Supplemental at 18.

⁴ The annual fourth highest 8-hour ozone concentration as measured in Steubenville peaked at 77 ppb in 2012, and fell to 66 ppb and 67 ppb in 2013 and 2014, respectively. Through August 2015, the annual fourth highest 8-hour ozone concentration is 66 ppb. See U.S. EPA Daily Data, available on U.S. EPA website at http://www3.epa.gov/airdata/ad_data_daily.html. See also Local Trends in Ozone Levels, available on U.S. EPA website at <http://www3.epa.gov/airtrends/ozone.html>.

⁵ Counties Projected to Violate the 2015 Primary Ground-Level Ozone Standard, available on U.S. EPA website at <http://www3.epa.gov/ozonepollution/pdfs/20151001datatable2025.pdf>.

1 **WOULD NOT BE REQUIRED AT SAMMIS UNITS 1-5 IN ORDER TO**
2 **COMPLY WITH THE 2015 OZONE STANDARD OR WITH CSAPR.⁶ DO YOU**
3 **AGREE?**

4 A. No. SCRs are a control for NOx as an ozone precursor. As I explained above, the
5 Sammis plant will not become subject to any additional NOx limits or operational
6 controls as a result of the 2015 ozone standard. Nor will any such limits or controls result
7 from NOx regulation tied to CSAPR. The only requirement of CSAPR is for sources to
8 hold sufficient emissions allowances to cover their emissions of SO₂ and NOx. There are
9 no requirements for emissions modeling under the CSAPR regulations. Also, contrary to
10 Mr. Comings' claim that the Companies lack "hard evidence" that SCRs are not required,
11 the area around Sammis has been designated attainment with the current ozone NAAQS.⁷
12 This is hard evidence. There is no requirement to install SCRs to make the area around
13 Sammis more in attainment.

14 **IV. CONCLUSION**

15 **Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

16 A. Yes.

⁶ Comings Supplemental Testimony at 19; Comings Direct Testimony at 41-42.

⁷ Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Jefferson County to Attainment of the 8-Hour Ozone Standard, 72 Fed. Reg. 27640 (May 16, 2007).

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/20/2015 4:57:39 PM

in

Case No(s). 14-1297-EL-SSO

Summary: Testimony Rebuttal Testimony of Raymond Evans electronically filed by Mr. Nathaniel Trevor Alexander on behalf of Ohio Edison Company and The Cleveland Illuminating Company and The Toledo Edison Company