



May 24, 2023

Administrator Michael S. Regan
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Request for 60-Day Extension of Comment Deadline for New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule (Docket ID No. EPA-HQ-OAR-2023-0072); 88 Fed. Reg. 33, 240 (May 23, 2023)

Dear Administrator Regan,

On May 23, 2023, the U.S. Environmental Protection Agency (EPA) published a proposed rule to limit greenhouse gas emissions from new and existing fossil fuel-fired electric generating units.¹ EPA has provided a 60-day public comment period that will end on July 24, 2023. For the reasons discussed below, the National Rural Electric Cooperative Association (NRECA) and the American Public Power Association (APPA) (together the Associations) respectfully request that the EPA extend the comment period by an additional 60 days to ensure there is adequate time to fully evaluate and comment on the proposal and underlying technical supporting documents.

NRECA is the national trade association representing nearly 900 not-for-profit electric cooperatives that deliver power to 42 million people and serve 92 percent of the nation's persistent poverty counties. NRECA members include 63 generation and transmission (G&T) cooperatives and 832 distribution cooperatives. As not-for-profit, consumer-owned utilities, electric cooperatives are deeply concerned about maintaining affordable and reliable electric service for our members.

APPA is the voice of not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. We represent public power before the federal government to protect the interests of the more than 49 million people that public power utilities serve, and the 96,000 people they employ. Our association advocates and advises on electricity policy, technology, trends, training, and operations. Our members strengthen their communities by providing superior service, engaging citizens, and instilling pride in community-owned power.

¹ New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule, 88 FR 33240 (May 23, 2023).

The proposal has significant economic and operational implications for the electric sector. There is a substantial amount of material to review to fully understand EPA's proposal and provide meaningful comment. The proposal includes the 181-page proposed rule, a 359-page regulatory impact analysis, and references several technical supporting documents that have yet to be posted to the rulemaking docket. EPA has also solicited comment on dozens of various topics in the proposed rule preamble. The Associations and their members need additional time to evaluate EPA's proposal, the supporting documents and analyses, and develop responses to EPA's requests for comment.

In addition to the proposed rule, there are currently open comment periods on other complex EPA proposed rules directly affecting cooperatives and public power utilities, specifically:

- Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category that ends May 30;
- National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review that ends June 23; and
- Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy CCR Surface Impoundments that ends July 17.
- Cooperatives also have an interest in grid reliability and electric infrastructure impacts of the greenhouse gas emissions standards proposed rules for both heavy duty and light duty vehicles with their emphasis on increasing uptake of electric vehicles – those comment periods run through June 16 and July 5, respectively.

These concurrent comment periods on five other extremely technical and significant proposed rules create challenges as cooperatives and public power utilities work to thoughtfully respond to each proposal.

Finally, when EPA first proposed New Source Performance Standards (NSPS) for fossil fuel-fired electric generating units in 2014, it provided a 120-day comment period following a 60-day extension. And when EPA proposed emissions guidelines for existing sources later that year, the agency's initial 120-day comment period was later extended by an additional 45 days. Importantly, those comment periods were not concurrent – the NSPS comment period ended more than a month before the comment period for the proposed emissions guidelines opened. Providing half of that comment period on this most recent power plant proposal would be woefully insufficient for the type of input EPA has requested, particularly because the package includes five actions in one.²

For these reasons, the Associations respectfully request a 60-day extension of the comment period. Providing an extension of the comment period will allow all stakeholders additional time to analyze the proposal and provide more thoughtful comments.

² “The EPA is proposing revised new source performance standards (NSPS), first for GHG emissions from new fossil fuel-fired stationary combustion turbine EGUs and second for GHG emissions from fossil fuel-fired steam generating units that undertake a large modification, based upon the 8-year review required by the CAA. Third, the EPA is proposing emission guidelines for GHG emissions from existing fossil fuel-fired steam generating EGUs, which include both coal-fired and oil/gas-fired steam generating EGUs. Fourth, the EPA is proposing emission guidelines for GHG emissions from the largest, most frequently operated existing stationary combustion turbines and is soliciting comment on approaches for emission guidelines for GHG emissions for the remainder of the existing combustion turbine category. Finally, the EPA is proposing to repeal the Affordable Clean Energy (ACE) Rule.” 88 FR 33240 (May 23, 2023).

The Associations appreciate EPA's consideration of their request and look forward to a response. If you have questions about this request, please do not hesitate to contact me at (703) 907-5861 or Ms. Carolyn Slaughter on behalf of APPA at (202) 467-2900.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dan Bosch', with a stylized flourish at the end.

Dan Bosch
Regulatory Affairs Director
National Rural Electric Cooperative Association

A handwritten signature in black ink, reading 'Carolyn Slaughter', written in a cursive style.

Carolyn Slaughter
Senior Director, Environmental Policy
American Public Power Association