



July 18, 2023

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

Re: Request for an Additional 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 originally provided a 60-day public comment period ending on July 24. On May 24, the National Rural Electric Cooperative Association (NRECA) and the American Public Power Association (APPA) (together the Associations) submitted a comment to the docket requesting a 60-day extension of the comment period.²

On June 12, EPA notified the Associations that it would only extend the comment deadline 15 days to August 8. The 15-day extension is inadequate, and the Associations requested in a letter submitted on June 29 that the EPA reconsider extending the comment period by an additional 45 days.³ No response has been provided.

On July 7, EPA posted a memorandum to the docket titled “Integrated Proposal Modeling and Updated Baseline Analysis.” The document, and the numerous attachments associated with it, updated EPA’s analysis of the proposed rule’s impacts. The updated modeling introduces meaningful changes to EPA’s baseline modeling more than halfway through the 75-day comment period. The Associations have spent considerable time evaluating the Proposed Rule’s initial modeling.

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) (Proposed Rule).

² Comments submitted by National Rural Electric Cooperative Association (NRECA) and American Public Power Association (APPA). May 24, 2023. <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0072-0062>.

³ Comments submitted by National Rural Electric Cooperative Association (NRECA) and American Public Power Association (APPA). June 29, 2023. Comments not yet posted in the online docket.

EPA's unexpected mid-comment-period modeling update now requires the Associations and other stakeholders to begin their analysis anew to identify changes between the two model runs. EPA has not provided parsed files to figure out how individual units were modeled in the updated baseline and policy cases; this work must be done manually and is still ongoing. We are concerned that the remaining comment period is insufficient for a proper analysis that can be effectively incorporated into comments.

In addition, we have uncovered issues that call into question the accuracy of certain aspects of the modeling – and our analysis is not yet complete. These issues include at least three units that, according to EPA's updated baseline case, were modeled to have installed carbon capture and storage (CCS) by 2030. Yet, in the policy case, these units show up as retired in 2028 or 2030. This result defies logic because a unit that EPA assumes would install CCS by taking advantage of the Inflation Reduction Act's 45Q tax credit in the updated baseline should remain operational under the policy case.

Due to the lack of sufficient time to assess EPA's modeling update and the fact that we have already identified errors despite an incomplete review, EPA should extend the comment deadline by an additional 60 days so that the public can adequately respond to the changes.

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 Dan Bosch on behalf of NRECA at (703) 907-5861 or Ms. Carolyn Slaughter on behalf of APPA at (202) 467-2900.

Sincerely,



Dan Bosch
Regulatory Affairs Director
National Rural Electric Cooperative Association



Carolyn Slaughter
Senior Director, Environmental Policy
American Public Power Association