



May 26, 2023

Submitted via REGULATIONS.GOV

Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Re: Proposed Rule, Environmental Protection Agency; 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 Fed. Reg. 33,240-33,420, May 23, 2023)

Dear Administrator Regan:

The U.S. Chamber of Commerce (“Chamber”) respectfully requests a comment period extension of at least 60 days for the proposed rules published earlier this week in the *Federal Register* and entitled *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* (or “Powerplant Rules”).¹ That publication commenced a rather abbreviated 60-day timeline for public comment to the Environmental Protection Agency (EPA) on the Powerplant Rules, which were made public only shortly before such *Federal Register* publication.² Given the significant breadth and scope of the proposed rules, the multiple actions proposed therein, and the numerous stakeholders potentially impacted by the Powerplant Rules, a minimum 60-day extension to the comment deadline in this proceeding is warranted.

¹ 88 Fed. Reg. 33,240 (May 23, 2023).

² For comparison’s sake, when EPA issued its similarly focused Clean Power Plan an initial 90-day comment period was provided to interested stakeholders. That comment period was then extended by an additional 45 days for a total comment period of 135 days. The CPP covered only existing generating sources, while the Powerplant Rules propose new regulations for both new, reconstructed, and existing power generation facilities.

The Chamber represents a significant portion of the business community that either would be directly or indirectly impacted by the Powerplant Rules. The broad Chamber umbrella represents numerous interested entities, inclusive of many electric utilities directly regulated by the rule and the millions of businesses large and small that depend upon reliable and affordable electricity to power their livelihoods. The Powerplant Rules propose significant changes to how our nation generates electricity and, as such, these proposals have the potential to significantly impact the availability and cost of this essential commodity on businesses, individuals, and families. These far-reaching impacts across a broad stakeholder audience merit sufficient additional time for the assembly and development of thoughtful and comprehensive comments responsive to EPA's proposal.

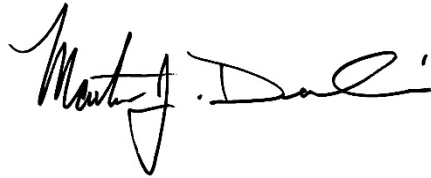
In addition, the Powerplant Rules are extraordinary and technically complex, while also including five separate regulatory actions issued under two significant subsections of the Clean Air Act (CAA). While the EPA has previously issued separately its power plant regulations under sections 111(b) and 111(d) of the CAA, the current EPA proposal stretches across both new and existing electric generation facilities utilizing coal, natural gas, and/or oil as their feedstock. In particular, the EPA is proposing:

- (1) Revised new source performance standards (NSPS) for greenhouse gas emissions from new fossil fuel-fired stationary combustion turbine electric generating units (EGUs);
- (2) Revised NSPS for greenhouse gas emissions from modified fossil fuel-fired steam generating EGUs;
- (3) Emission guidelines for greenhouse gas emissions from existing fossil fuel-fired steam generating EGUs;
- (4) Emission guidelines for greenhouse gas emissions from existing stationary combustion turbines; and
- (5) Repeal of the Affordable Clean Energy Rule.

Moreover, due to the significance of the proposed rules and their potential impact upon approximately 60 percent of the nation's current electricity supply, adequate additional time for meaningful stakeholder feedback should be beneficial in the EPA's need to balance its regulatory proposal with the reliability and affordability of electric generation.

In light of these considerations, a minimum of 60 days of additional commenting time is needed to ensure that affected members of the business community are able to provide accurate and appropriately detailed comments on the proposal that will provide adequate information to the agencies to inform the development of any final rule. Thank you for considering our comments, and please contact us if you would like any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Durbin". The signature is fluid and cursive, with a large initial "M" and a distinct "D".

Marty Durbin
President, Global Energy Institute
and Senior Vice President, Policy
U.S. Chamber of Commerce