United States Senate

WASHINGTON, DC 20510

September 11, 2014

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
U.S. EPA Headquarters – William J. Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

We are writing to request that the Environmental Protection Agency (EPA) provide a 60 day extension of the comment period for the "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Generating Units." While we appreciate EPA granting an initial 120 day comment period, the complexity and magnitude of the proposed rule necessitates an extension. This extension is critical to ensure that state regulatory agencies and other stakeholders have adequate time to fully analyze and comment on the proposal. It is also important to note that the challenge is not only one of commenting on the complexity and sweeping scope of the rule, but also providing an opportunity to digest more than 600 supporting documents released by EPA in support of this proposal.

The proposed rule regulates or affects the generation, transmission, and use of electricity in every corner of this country. States and stakeholders must have time to fully analyze and assess the sweeping impacts that the proposal will have on our nation's energy system, including dispatch of generation and end-use energy efficiency. In light of the broad energy impacts of the proposed rule, state environmental agencies must coordinate their comments across multiple state agencies and stakeholders, including public utility commissions, regional transmission organizations, and transmission and reliability experts, just to name a few. The proposed rule requires a thorough evaluation of intra- and inter-state, regional, and in some cases international energy generation and transmission so that states and utilities can provide the most detailed assessments on how to meet the targets while maintaining reliability in the grid. This level of coordination to comment on an EPA rule is unprecedented, extraordinary, and extremely time consuming.

It is also important to note that the proposed rule imposes a heavy burden on the states during the rulemaking process. If the states want to adjust their statewide emission rate target assigned to them by EPA, they must provide their supporting documentation for the adjustment during the comment period. The EPA proposal provides no mechanism for adjusting the state emission rate targets once they are adopted based on the four building blocks. So the states need enough time to digest the rule, fully understand it, and then collect the data and justification on why their specific target may need to be adjusted, and why the assumptions of the building blocks may not apply to their states. This cannot be adequately accomplished in only 120 days.

Thank you for your consideration of this request.

Sincerely,

Bob Corker

Heidi Heitkamp

Lee Meschowski

Mitch McConnell

David Vitter

Joe Donnelly

[illegible]

Tom Harkin

Jim Johnson

Pat Roberts

John Cornyn

John Boozman

[illegible]

Boucarh

718

Mary L Landrieu

Tim Kim

Mark R Warner

MARK Pryor

[illegible] Manchester

Chuck Grassley

Orrin Hatch

Olson Kim

Ron Johnson

Robert Wicker

Lamar Alexander

Mike Crapo

Dan Coats

James E. Risch

Mike Johanns

Saxby Chambliss

Michael B. Enzi

Jerry Moran

Jeff Sessions

James M. Inhofe

John McCain

Mike Crapo

Jeff Flake

Tom Coburn

Mark Begich

Mark Udall

Rob Portman

John Barrasso

Richard Burr

John Hoeven

Richard Shelby

Roy Blunt

Rand Paul

Jim Risch

Lindsey Graham

Pat Toomey