



June 30, 2023

Mr. Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation (OAR)
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue
N.W. Washington, D.C. 20460

Submitted electronically to goffman.joseph@epa.gov and via the Federal eRulemaking Portal at <https://www.regulations.gov>

Subject: Second request for a comment period extension for U.S. EPA’s proposed rulemaking, “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)

Dear Mr. Goffman:

On May 30, 2023, the Association of Air Pollution Control Agencies (AAPCA) and National Association of Clean Air Agencies (NACAA) submitted a joint request to extend the comment period by 30 days¹ for U.S. EPA’s proposed “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.”² The members of these Associations will ultimately be responsible for implementing the final rule and advised that more time was need to substantively comment in their capacity as co-regulators under the federal Clean Air Act. Despite this reasonable request, U.S. EPA provided only 15 additional days for comment, until August 8, 2023.³

AAPCA requests that U.S. EPA, as soon as practicably possible, provide at least the 30-day extension initially requested by state and local air agencies for thorough evaluation of the proposal and supporting documents. As noted in AAPCA’s initial letter seeking more time, U.S. EPA is soliciting comment on approximately 200 areas in the proposed rule, which is supported by a 359-page Regulatory Impact Analysis, detailed power sector modeling, and about 80 pages of regulatory text that all need reviewed. Critically, significant technical support documents (TSD) totaling more than 400 pages were not released upon publication of the proposed rule in the *Federal Register*, with multiple taking several weeks to be posted to the docket.

Again, developing comments regarding a rulemaking of this complexity requires substantial coordination by state and local air agencies that strive to appropriately respond to policy, legal, and technical components that will impact their air quality planning processes and resources. Further, U.S. EPA has

¹ https://cleanairact.org/wp-content/uploads/2023/05/AAPCA-NACAA-Extension-Request-Power-Plant-GHG-Proposal_CAA-111-5-30-2023-FINAL.pdf.

² 88 *Federal Register* [33240–33420](#) (May 23, 2023).

³ 88 *Federal Register* [39390–39391](#) (June 16, 2023).

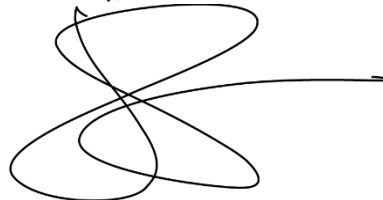
issued several other Clean Air Act proposals, a number of which have overlapping comment periods that could limit the important, expert input from air agencies that will be necessary for successful implementation. Some of these stacked comment periods include:

- *Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles – Phase 3*⁴
- *National Emission Standards for Hazardous Air Pollutants: Ethylene Production, Miscellaneous Organic Chemical Manufacturing, Organic Liquids Distribution (Non-Gasoline), and Petroleum Refineries Reconsideration*⁵
- *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review*⁶
- *National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review*⁷
- *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*⁸
- *New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry*⁹

This list does not include feedback and application deadlines for *Inflation Reduction Act* programs, several proposed consent decrees, important documents relating to current national ambient air quality standards (NAAQS) reviews,¹⁰ or other forthcoming actions from U.S. EPA.¹¹ As U.S. EPA continues to overlap the comment deadlines for multiple major proposals, the Agency should better accommodate extension requests from state, local, and tribal partners. This will improve meaningful, applicable input from air agencies that bring key expertise in the implementation process.

AAPCA urges U.S. EPA to provide at least 90 days for comment on this proposal. If you have any questions, please reach out to AAPCA’s Executive Director, Jason Sloan (jsloan@csg.org or 859-244-8043).

Sincerely,



Jason E. Sloan
Executive Director, AAPCA

⁴ 88 *Federal Register* [25926–26161](#) (April 27, 2023). Comment deadline: June 16, 2023.

⁵ 88 *Federal Register* [25574–25590](#) (April 27, 2023). Comment deadline: June 12, 2023.

⁶ 88 *Federal Register* [24854–24896](#) (April 24, 2023). Comment deadline: June 23, 2023.

⁷ 88 *Federal Register* [22790–22857](#) (April 13, 2023). Comment deadline: June 27, 2023.

⁸ 88 *Federal Register* [29184–29446](#) (May 5, 2023). Comment deadline: July 5, 2023.

⁹ 88 *Federal Register* [25080–25205](#) (April 25, 2023). Comment deadline: July 7, 2023.

¹⁰ Fine particulate matter (PM_{2.5}), ozone, lead, and secondary standards for Oxides of Nitrogen (NOx), Oxides of Sulfur (SOx), and Particulate Matter (PM).

¹¹ Such as Information Collection Requests (ICRs) or the development plan for the 2023 National Emissions Inventory.