

March 3, 2025

Honorable Lee M. Zeldin
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Zeldin:

I am writing on behalf of America's Power, the only national trade association whose sole mission is to advocate for the nation's fleet of coal-fired power plants (coal fleet). Our membership is comprised of electricity generators and major sectors of the coal supply chain (coal producers, equipment manufacturers, and companies that transport coal) whose health is necessary to support the coal fleet.

The coal fleet and its supply chain are essential to maintaining a reliable and affordable electricity supply. Among its many attributes, the coal fleet provides essential reliability services that keep the electricity grid stable, helps stabilize electricity prices, provides energy security due to on-site coal stockpiles, possesses a high capacity value (a measure of dependability during extreme events), and contributes to a diversified energy portfolio. The coal fleet is also resilient. For example, the fleet provided one-third of the additional electricity that was needed when January's winter storm peaked. Wind and solar could satisfy only 3 percent of the increased demand for electricity at that time.

Despite the value of coal plants to the grid, roughly 40 percent of the coal fleet has retired. For perspective, the amount of coal-fired generating capacity that has retired so far is roughly three times larger than the electricity supply of New York State. EPA air, waste, and water regulations have played a significant role in causing many of these retirements.

To date, electricity generators have announced plans to retire an additional 60,000 megawatts of coal-fired generation (one-third of the remaining coal fleet) by the end of 2030. These coal retirements – which would be sufficient to power several hundred hyperscale data centers – are in stark contrast to the need to preserve dependable sources of electricity which are desperately needed because of rapidly increasing electricity growth and consistent warnings from the North American Electric Reliability Corporation that half the U.S. is at “high” or “elevated” risk of blackouts during the next 5 years.

Six EPA regulations are either causing or threaten to cause even more coal retirements than those announced so far: Clean Power Plan 2.0, Good Neighbor Plan, Mercury and Air Toxics Standards, Effluent Limitations Guidelines, Coal Combustion Residuals, and the Regional Haze Rule. Besides causing the premature retirement of coal plants, these regulations would add additional costs to the more than \$70 billion that has already been spent by electricity generators over the past two decades for advanced emission controls to reduce emissions of sulfur dioxide, nitrogen oxides, particulate matter, and mercury.

Below is a very brief, high-level description of each rule. While EPA needs to take timely action to address each rule, we urge the agency to make the immediate repeal of the Clean Power Plan 2.0 a high priority.

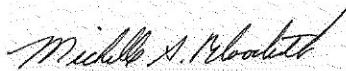
- **Clean Power Plan 2.0** While each rule poses a serious threat to the coal fleet, the Clean Power Plan 2.0 is the greatest threat. The U.S. Supreme Court declined to stay the rule, so it is in effect until repealed. As you know, the rule requires states to submit implementation plans to EPA by May of next year. Because EPA has not had time yet to repeal the rule, states are still obligated by law to adopt plans that implement the rule. These plans must include enforceable requirements to retire coal units before 2032 or meet unachievable performance standards that require either natural gas co-firing at infeasible levels by 2030 or the installation of unproven and exorbitantly expensive carbon capture and storage technology by 2032. These unachievable standards put the entire coal fleet at risk of premature retirement. Meeting these compliance deadlines will force electricity generators and states to make implementation decisions very soon if they have not done so already. Some decisions could have irreversible, adverse impacts. Therefore, we urge EPA to repeal the rule as quickly as possible.
- **Good Neighbor Plan** EPA issued its Good Neighbor Plan in 2023. The purpose of the rule is to comply with the 2015 ambient air quality standard for ozone. The rule imposes a federal implementation plan (FIP) on 23 states to reduce nitrogen oxides emissions. The FIP was issued because EPA disapproved individual state plans to reduce emissions. Federal appeals courts have stayed most of these disapprovals, and the U.S. Supreme Court has stayed the Good Neighbor Plan. EPA should revise or rescind the SIP disapprovals for the 23 states that are covered by the rule. If a federal plan is still necessary after EPA reconsiders the disapprovals, the agency should undertake a new rulemaking to revise the nitrogen oxides control requirements for fossil fuel-fired power plants. A revised rule should (1) increase the threshold for determining whether emission sources in upwind states “significantly contribute” to downwind ozone nonattainment problems and (2) base the need for emission controls on improvements to air quality, not on whether controls are cost-effective even when additional controls are not necessary for addressing non-attainment problems.
- **Mercury and Air Toxics Standards (MATS)** EPA adopted more stringent standards last year for filterable particulate matter (PM) and mercury. The new filterable PM standard applies to all coal (bituminous, subbituminous, and lignite) units, and the new mercury standard applies to lignite-fired units. These new standards should be repealed and not replaced because there are no meaningful public health benefits from tightening these standards, and there have been no new developments in control technologies to justify the revisions, as required by the Clean Air Act.
- **Effluent Limitations Guidelines (ELG)** Last year, EPA issued revised ELGs for certain liquid discharges from coal-fired power plants. (The agency previously issued ELGs for coal-fired power plants in 2015 and 2020.) The recent 2024 rule set stringent limits for three wastewater streams based on the use of technologies to achieve zero discharge. However, these zero discharge technologies are unproven and costly. The 2024 rule requires plants to meet the new requirements by the end of 2029 unless they commit to retire or stop burning coal by 2034. Implementation of the 2024 rule should be stayed to allow EPA time to repeal but not replace the rule, which would leave coal-fired power plants to comply with the 2020 rule. In addition, 29 coal-fired units have committed to

retire by 2028 as one of the options in the 2020 rule. Because of increased power demand and the increased grid reliability risks, EPA should release these units from their commitment to retire so they can continue to operate.

- **Coal Combustion Residuals (CCR)** CCR (also referred to as coal ash) is produced from the burning of coal in coal-fired power plants. EPA issued rules for the disposal of CCR in 2015, 2018, 2020, and 2024. Since 2020, the agency has undertaken several initiatives to increase the stringency and expand the scope of these rules for groundwater monitoring, the closure of surface impoundments that contain CCR, and corrective action. Many of these initiatives are based on new, more stringent interpretations of existing requirements. EPA should reject these stringent interpretations and adopt reasonable interpretations. This can be accomplished through policy guidance without the need to undertake new rulemakings. In addition, EPA issued a CCR Legacy Rule in 2024 that established new requirements for inactive surface impoundments at both operating and retired coal-fired power plants. This legacy rule should be rescinded or revised to correct provisions that require the removal of all CCR at both active and inactive surface impoundments.
- **Regional Haze Rule** The purpose of this rule is to improve visibility in Class I Areas (mostly national parks) by reducing emissions of sulfur dioxide and nitrogen oxides. States have the responsibility for developing plans to reduce emissions of these two pollutants, but EPA must approve these plans. The agency has determined that state regional haze plans are not stringent enough and has imposed federal plans on states. These federal plans require additional emission controls even though additional controls will not achieve perceptible improvements in visibility and are not necessary for states to achieve “reasonable further progress” towards improving visibility. EPA should reverse its current policy of overriding state regional haze plans and approve state plans unless a state has failed to provide a reasonable explanation for its decisions.

Please contact me at Mbloodworth@AmericasPower.org or Paul Bailey at PBailey@AmericasPower.org if you have any questions.

Sincerely,



Michelle Bloodworth
President and CEO