

September 13, 2018

Acting Administrator Andrew Wheeler
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20460
Via regulations.gov: Docket ID No. EPA-HQ-OAR-2018-0355

Re: Request for 120-day Comment Period on Proposed Rule “Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program”, or ACE Rule

CC: Bill Wehrum, Assistant Administrator, Office of Air and Radiation

Dear Acting Administrator Wheeler:

On behalf of the undersigned associations, representing state and local decisionmakers, we respectfully request that EPA extend to 120 days the public comment period for the proposed rule, “Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program,” (docket EPA-HQ-OAR-2018-0355; 83 FR 44,746, August 31, 2018).

If promulgated, this proposal, also known as the Affordable Clean Energy (ACE) rule, would profoundly impact the state and local agencies charged with implementing the Clean Air Act. Section 111 of the Clean Air Act and the ACE rule both envision a primary role for states to set standards of performance for affected units, and this requires a more robust understanding by states of their roles in the proposed rule to provide effective comment. It also suggests broad changes in the way that core Clean Air Act programs like New Source Review will be implemented and has important implications for energy and utility regulatory policy that need to be explored, modeled and better understood before the affected decisionmakers can give this proposal the meaningful review and analysis it requires.

States are the laboratories of democracy. Agencies and decisionmakers in each of the 50 states and D.C., as well as the 116 local clean-air agencies, must have time to do a thorough technical review and coordinate internally and externally to assure that their comments are sufficiently informed to provide meaningful analysis and input. Our associations also need adequate time to brief our members about the

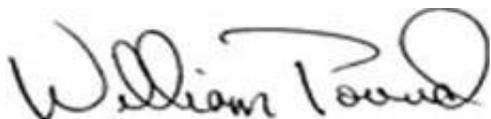


ACE proposal's details and coordinate among them as they exchange information and allow a marketplace of ideas to bring our shared views to the fore.

The rule reflects a proposal to replace the Clean Power Plan, which first appeared in the Federal Register on June 18, 2014, with a 120 day comment period ending October 16, 2014. Given its complexity and importance, the proposed ACE rule designed to replace the Clean Power Plan should afford stakeholders the same period for prudent analysis. As such, we jointly request that the public comment period should be extended by (at least) 60 days from the current date of October 30, 2018, to December 30, 2018, to provide a full 120-day comment period. This extension would offer state and local leaders and experts an opportunity to comment at the level of depth that is consistent with cooperative federalism.

Thank you for considering this extension request. If you have further questions, please do not hesitate to contact Miles Keogh (mkeogh@4cleanair.org, 202-624-7864) or any of the undersigned points of contact.

Sincerely,



William T. Pound, Executive Director
National Conference of State Legislatures



Sam Sankar, Executive Director
Environmental Council of the States



Greg White, Executive Director
National Association of Regulatory Utility
Commissioners



David Terry, Executive Director
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