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August 7, 2025

Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460-0001

Re: **EPA Docket ID No. EPA-HQ-OAR-2025-0124;** Comments by Clean Energy Group on the Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units

Administrator Zeldin,

Clean Energy Group (CEG) respectfully submits these comments in response to the Environmental Protection Agency's proposed repeal of greenhouse gas (GHG) emissions standards for fossil-fuel fired electric generating units. These comments reflect the position of CEG, a national nonprofit focused on accelerating an inclusive transition to a just, resilient, and sustainable future. These comments do not necessarily reflect the positions of CEG's partner organizations or funders.

Thank you for your consideration.

Respectfully submitted,

Abbe Ramanan
Project Director
Clean Energy Group

Comments of Clean Energy Group Regarding the Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units

EPA Docket No. EPA-HQ-OAR-2025-0124

Clean Energy Group (CEG) respectfully submit these comments in response to the Environmental Protection Agency's (the Agency) proposed repeal of greenhouse gas emissions standards for fossil fuel-fired electric generating units (EGUs). These comments reflect the position of CEG, a national nonprofit focused on accelerating an equitable and inclusive transition to a resilient, sustainable future, and our undersigned partners. These comments do not necessarily reflect the positions of CEG's other partner organizations or funders.

Clean Energy Group's multi-year Phase Out Peakers project works to accelerate the retirement of polluting, fossil-fuel peaker power plants and to advance the deployment of clean, cost-effective alternatives, such as energy storage, renewable generation, transmission, energy efficiency, and demand response. It is the first national effort to systematically demonstrate with analysis and technical assessments how communities can harness clean non-combustion alternatives to meet peak electricity demand and capture local health and wealth benefits. This work is done in partnership and close collaboration with organizations representing the low-income communities and communities of color disproportionately impacted by power plant emissions. These comments are informed by CEG's experience working directly with communities living immediately near fossil-fuel fired EGUs and thus most likely to be impacted by air pollution from these power plants. These comments are in direct response to the request for comment prompt C-13, "The proposed determination that GHG emissions from the EGU source category do not "contribute significantly" to dangerous air pollution under CAA section 111(b)(1)(A)."

The proposed determination that GHG emissions from the EGU source category do not "contribute significantly" to dangerous air pollution under CAA section 111(b)(1)(A) (C-13).

Clean Air Act Interpretation

The EPA's determination that fossil-fuel fired EGUs do not "significantly" contribute to dangerous air pollution is based on an unprecedented interpretation of the Clean Air Act's (CAA's) section 111(b)(1)(A). Rather than straightforwardly considering purely quantitative measures of air pollutant emissions, the Agency will instead incorporate "the impacts and effects of statutory policy considerations" into its consideration of significance.[1] The Agency's approach is based on circular logic determining that under this proposed

[1] Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units, § IV(b)(2) (2025). https://www.federalregister.gov/d/2025-10991/p-310.

definition of "contributes significantly," any regulation by the EPA would not significantly contribute to a reduction in air pollutant emissions from fossil fuel EGUs.[2] This approach is undercut by the Agency's own admission that the share of GHG emissions in the US power sector has declined over time, from 5.5 percent of global greenhouse gas emissions in 2005 to 3 percent of global emissions by 2022.[3] This decline in emissions was concurrent with GHG emissions regulation of the power sector by EPA, including the 2015 Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units.[4] It should also be noted that while GHG emissions from the US power sector have declined overall, the US power sector remains one of the largest global contributors to GHGs, and is the second largest emitter of GHGs in the US.[5]

The reasoning behind this approach is not supported by a best reading of the CAA statute and creates a precedent in which any source of emissions, regardless of the volume of emissions produced, may not be deemed significant due to a subjective assessment of the potential solutions to addressing the emissions in the first place. CAA section 111 states that EPA must first *identify* a list of categories of stationary sources of air pollution which may endanger public welfare, and then as a subsequent step determine how to best regulate those emissions.[6] Thus, regardless of the estimated impact of regulation on emissions reduction, the Administrator is obligated to regulate any identified stationary sources of air pollution that may endanger public welfare. Per the US Supreme Court's ruling in *Massachusetts vs. EPA,* GHGs are not only pollutants that fall under the CAA, but this obligates EPA to regulate GHGs as pollutants that contribute to climate change and thus endanger public welfare.[7]

Available Emissions Control Measures

The EPA states in its proposal that there are no viable regulatory options for developing a Best System of Emissions Reduction (BSER) for this source category which would meaningfully and cost-effectively reduce GHG emissions, therefore, under its new interpretation of the CAA, this source category does not significantly contribute to GHG emissions.[8] It is unlikely that carbon capture and storage (CCS) technology, the BSER identified under 2024's New Source Performance Standards for New, Modified, and Reconstructed Fossil Fuel Fired Electric Generating Units, will have sufficiently developed in terms of both efficacy and cost to be employed as a BSER by 2032, the timeline set in the

[2] *Id* at 25767.
[3] *Id* at 25768.
[4] Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units (2015). https://www.federalregister.gov/documents/2015/10/23/2015-22837/standards-of-performance-for-greenhouse-gas-emissions-from-new-modified-and-reconstructed-stationary.
[5] US EPA, OAR. "Electric Power Sector Emissions." Overviews and Factsheets. January 9, 2025. https://www.epa.gov/ghgemissions/electric-power-sector-emissions.
[6] 42 U.S.C. § 7411(b).
[7] *Massachusetts v. EPA*, 549 U.S. 497, 499 (2007).
[8] *Id* at 25766.

2024 standards. The Agency also rejects BSERs such as natural gas co-firing for coal-based EGUs under the basis that it is an "inefficient" use of natural gas resources.[9]

However, additional BSERs are available to cost-effectively and meaningfully reduce GHG emissions from this source category, particularly for low-load units (sometimes known as peakers). For example, energy storage systems can be added to existing low-load plants as an add-on control. This technology is immediately available, cost-effective, and has a proven track record of peak demand performance and emissions reduction when operated with the objective of doing so. Second, this hybrid concept falls under the definition of a "technology-based" standard for hazardous emissions[10] and complies with *West Virginia v. EPA*. As an add-on control, battery storage would serve the short to medium duration peaking functions with priority over the combustion turbine. This peaker hybridization would not require the retirement of existing combustion turbines or negatively impact the reliability of the electric grid. The Agency could require that the battery energy storage be charged from zero-emission generation or, at a minimum, the grid rather than from the onsite fossil EGU. There is no reason that the Agency cannot include a requirement that storage must be charged with zero-emission sources or when the grid is the cleanest. Absent this requirement, EGU operators, if forbidden from charging from the onsite fossil EGU, will charge co-located battery storage when energy is least expensive, which is increasingly when low-cost, zero-GHG renewables are producing the most. The Agency's reasoning that viable BSER options to cost-effectively reduce GHG emissions for this source category ignores the significant technology and policy options available and fully within its authority to implement.

Emissions Implications

Overall, the Agency's proposal to not regulate GHG emissions from fossil-fuel fired power plants will have serious negative impacts on public welfare. The health impacts from oil and gas production in the US already cost $77 billion every year.[11] The EPA's previous regulation of GHG emissions provided valuable incentives for power plants to limit oil and gas usage. GHGs also contribute to warming temperatures due to climate change, which exacerbates the negative health outcomes associated with other regulated air pollutants such as ozone.[12] These negative externalities are particularly potent for the communities living directly near power plants, such as the 56 million Americans living within a three-mile radius of a peaker power plant.[13] While GHG emissions contribute to the global

[9] *Id* at 25767.
[10] *Alaska Dept. of Environmental Conservation v. EPA*, 540 U. S. 461, 485, n. 12 (2004)
[11] Buonocore, Jonathan J, Srinivas Reka, Dongmei Yang, Charles Chang, Ananya Roy, Tammy Thompson, David Lyon, Renee McVay, Drew Michanowicz, and Saravanan Arunachalam. "Air Pollution and Health Impacts of Oil & Gas Production in the United States." *Environmental Research: Health* 1, no. 2 (May 8, 2023): 021006. https://doi.org/10.1088/2752-5309/acc886.
[12] American Lung Association. "Climate Change and Lung Health." Accessed August 7, 2025. https://www.lung.org/clean-air/climate-change/climate-change-lung-health.
[13] Clean Energy Group. "Peaker Plant Map." February 27, 2025. https://www.cleanegroup.org/initiatives/phase-out-peakers/maps/.

phenomenon of climate change, the impact of these emissions directly harms the welfare of those living near fossil fuel-fired power plants, and exacerbates the harm of other regulated air pollutants. Failing to consider the potential outcomes for these communities is antithetical to the public health and welfare goals as outlined in CAA section 111(d).

Clean Energy Group would welcome a conversation to discuss these issues further if that would be of interest.

Respectfully submitted,

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