February 26, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OAR-2017-0545

Dear Administrator Pruitt,

On behalf of The U.S. Conference of Mayors and the National League of Cities, we appreciate the opportunity to submit comments on the U.S. Environmental Protection Agency’s (EPA) Advance Notice of Proposed Rulemaking (ANPRM) to solicit information as the agency considers proposing a future rule to reduce greenhouse gas emissions from existing power plants. This ANPRM comes as the agency is also soliciting comments on a proposed rule (Docket ID No. EPA-HQ-OAR-2017-0355) to repeal the “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (EGUs),” commonly referred to as the Clean Power Plan (CPP), as promulgated on Oct. 23, 2015. We oppose the Agency’s efforts to repeal the CPP, as well as have concerns with the process the Agency is using to repeal and potentially replace the CPP.

The nation’s mayors, councilmembers and cities strongly support the CPP as a means of nationally reducing greenhouse gas emissions and mitigating the growing negative impacts of climate change on our communities. Cities of every size across the country are taking bold actions to reduce greenhouse gas emissions and prepare their communities for future extreme weather events. Additionally, cities have reaffirmed their commitment to meeting the goals of the Paris Climate Agreement, even with the U.S.’s announcement that it would withdraw from the agreement. While cities are prepared to forge ahead on these initiatives and actions, we urge the federal government to be our partner in these efforts in support of our economy and to build resilient communities. Implementing the CPP is one action the federal government can take to address this important global issue and support local action.

Attached to these comments are letters that our organizations submitted in support of the Clean Power Plan (dated Dec. 1, 2014), the Clean Energy Incentive Program (dated Nov. 1, 2016), and the proposed rule to reduce greenhouse gas emissions from new stationary sources (dated
December 3, 2013 and May 8, 2014). These letters expand upon the need for swift action to address climate change in a comprehensive manner.

Secondly, we are concerned about the process that EPA has undertaken with this ANPRM, while at the same time moving forward with a proposed rule to repeal the CPP. Simultaneously soliciting information for a potential future rulemaking on Electric Generating Units, while also collecting comments for the Agency’s proposal to repeal the CPP, gives the impression that the Agency has already decided on its course of action prior to evaluating the comments it has collected on the repeal. In addition, any changes the Agency implements regarding repealing the CPP could impact the position that local governments would have regarding replacement. We would strongly urge the Agency to move forward in a more deliberative and subsequent manner.

In closing, thank you for considering the perspective of local elected officials as you move forward. We urge you to support and partner with mayors and cities in addressing the urgent need to reduce greenhouse gas emissions. If you have any questions, please do not hesitate to contact our staff: Judy Sheahan, The U.S. Conference of Mayors (jsheahan@usmayors.org or 202-861-6775) and Carolyn Berndt, National League of Cities (berndt@nlc.org or 202-626-3101).

Sincerely,

Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors

Clarence E. Anthony
CEO and Executive Director
National League of Cities
December 1, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OAR-2013-0602

Dear Administrator McCarthy:

The United States Conference of Mayors and the National League of Cities strongly support the U.S. Environmental Protection Agency’s (EPA) Clean Power Plan Proposed Rule on *Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units*. We appreciate the opportunity to submit comments as the agency develops a national policy to reduce greenhouse gas emissions.

**The Need**
The National Climate Assessment released earlier this year showed that all parts of the country are currently experiencing impacts of climate change, such as extreme weather events, changes in precipitation, higher temperatures, sea level rise, wildfires, droughts and flooding. As the nation’s two preeminent organizations representing U.S. cities and towns, we are deeply concerned about these growing negative impacts of climate change upon our cities, which represent a clear, imminent and real danger to our communities.

According to the International Panel on Climate Change Fifth Assessment Report, if we act now to limit greenhouse gas emissions, the world has a 66 percent chance of avoiding the critical threshold of a 2 degree Celsius warming of the planet. Delaying action will result in technical, economic, social and institutional challenges for the 21st Century that may be extremely difficult and expensive to overcome. Moreover, the costs of inaction will greatly outweigh the costs of taking action today.

Given these findings, our country cannot afford to avoid action on limiting greenhouse gas emissions. This is no longer just a national and global issue; it is a local one that will determine the future of our communities and their economies. Beyond moving quickly to finalize a national plan for reducing greenhouse gas emissions, we encourage EPA, other federal agencies, and
Congress to provide additional incentives to states, local governments, and utilities to help them move as quickly as possible in implementing their greenhouse gas reduction actions.

**Overall Response to the Clean Power Plan**
We applaud EPA’s recognition and acknowledgement in the Clean Power Plan that a “one size fits all” model will not promote the creative and innovative thinking necessary to dramatically reduce greenhouse gas emissions. We support the flexible approach that the Clean Power Plan outlines that would allow states to determine their own best method for meeting the emissions reduction targets. Utilities should be encouraged to work with their states, local governments, and businesses to implement strategies that work in their region.

As the proposed rule allows, utilities should be encouraged to not only invest in more renewable energy sources, but also to recognize the value of “outside the fence” plans that promote a more comprehensive and sustainable approach to emissions reductions, such as energy conservation strategies. As proven in California, utility efforts to fund increased energy efficiency in new and existing buildings and homes has yielded significant lower rates of energy usage.

In addition, EPA should ensure that local governments are afforded sufficient opportunity for input into the development of state implementation plans in order to promote cooperative initiatives, but also to avoid the shifting of cost burdens to local governments through unfunded mandates.

**Specific Comments**
We agree with EPA that emission limitations are to be measureable (quantifiable) and verifiable in terms of real reductions in GHG emissions from existing generating units. While we applaud and support flexibility in meeting such reductions through the four “building blocks” as proposed (make fossil fuel plants more efficient, use low-emitting power sources, use zero- and low-emitting power sources, and use electricity more efficiently), the rule must ensure that such reductions are real and absolute in value. For example, because it is likely that much of the emission reductions will be the result of fuel switching from coal to natural gas, we believe utilities should be required to take into account additional emissions of greenhouse gases (i.e. methane) from the extraction and transport of natural gas in their calculations of net emission reductions.

We also expect that the rule, when adopted, will bring institutional focus and cooperation to the task of GHG reductions. State Implementation Plans should include strong commitments and actions from utilities to the broad range of energy efficiency and renewable energy development, as long as such efforts meet stringent tests of measurement and verifiability. The utility sector, in the end, represents the strongest institutional entities to re-shape the nation’s energy system in ways that are innovative, cost-efficient, and in the long-run significantly less reliant on GHG emitting fuels.

We also agree with EPA that if reductions are to be counted in State Implementation Plans, utilities should provide evidence of long-term sustainable funding to ensure that such reductions are properly implemented over time.
In addition to the options outlined in the proposed rule, we strongly encourage EPA to recognize that the energy that is produced from reusing Municipal Solid Waste, which diverts waste from landfills, should be considered a renewable energy source. According to EPA’s own studies, methane “is the second most prevalent greenhouse gas emitted in the United States from human activities” with landfills accounting for 18 percent. It is imperative that if we are to meet our greenhouse gas emission goals, we need to look comprehensively at the options that are before us, including waste-to-energy facilities.

In closing, we thank EPA for its leadership on this issue and for putting forth this proposal. It is vitally important that we waste no further time on debating the importance of this issue, but rather act swiftly and move forward in a comprehensive manner. Thank you for this opportunity to offer our support and comments. If you have any questions, please do not hesitate to contact our staff: Judy Sheahan, The U.S. Conference of Mayors (jsheahan@usmayors.org or 202-861-6775) and Carolyn Berndt, National League of Cities (Berndt@nlc.org or 202-626-3101).

Sincerely,

Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors

Clarence Anthony
CEO and Executive Director
National League of Cities
November 1, 2016

U.S. Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OAR-2016-0033

To Whom It May Concern:

On behalf of The U.S. Conference of Mayors and the National League of Cities, we welcome this opportunity to submit comments on the U.S. Environmental Protection Agency’s (EPA) Clean Energy Incentive Program (CEIP), a component of the Clean Power Plan (CPP). We commend EPA for developing a program that would significantly reduce greenhouse gas (GHG) emissions and help meet the goals set forth in the Paris Climate Agreement. The nation’s local-elected officials recognize that climate change is a leading environmental threat facing cities, which must be addressed comprehensively.

The Clean Power Plan will reduce carbon emissions from power plants by 32 percent below 2005 levels by 2030. Our organizations not only supported the development of the Clean Power Plan during the rulemaking process, but have also joined more than 50 city and county governments from 28 states, and the mayors of Dallas, Knoxville, and Orlando in filing an amicus brief with the DC Circuit Court of Appeals explaining why the Clean Power Plan is critical to the safety and economic security of local communities across the United States.

The CEIP is a voluntary, early-action component of the Clean Power Plan that will encourage investments in renewable energy and incentivize energy efficiency and solar projects in low-income communities as eligible means of meeting state compliance goals. Implementation of the Clean Power Plan, including the CEIP, is critical as cities move forward in reducing greenhouse gas emissions through clean energy and energy efficiency incentives. We applaud EPA for including the CEIP initiative as a means of bringing these energy benefits and cost-saving solutions to cities, particularly low income communities. This is a means of not only reducing GHG emissions but also lowering the energy costs for citizens who can least afford it.
Below are some comments on the design of the CEIP for consideration:

**Eligibility**
As currently drafted, local governments are eligible to participate in the CEIP program only if their state government has chosen to participate in it. However, many cities have been more progressive than their state governments with implementing energy conservation and energy efficiency programs within their communities and could see value in participating in the program even though their state may not. In addition, many cities run their own power plants and may also want to take part in the CEIP program.

We recommend that EPA explore an option where local governments could take advantage of the CEIP program even if their state opts not to participate. We believe that more flexibility and opportunities outside of the normal regulatory approach may be needed to ensure success in the overall goals of the program.

**Consultation**
We strongly encourage EPA to go beyond simply urging state regulators to confer with cities and businesses by developing guidance for state regulators to consult with non-regulated entities like cities, businesses, and not-for-profits. This guidance should require ongoing consultation throughout the state’s process of both opting into the CEIP program and through the design and implementation of the state’s plan. We believe that this will ensure that more communities will be able to take advantage of this program and realize more successful programs to be developed.

**Renewable Energy**
We applaud EPA’s decision to expand the list of eligible renewable technologies from wind and solar to include hydro and geothermal, but we urge EPA to also consider other types of generation that do not emit carbon or are carbon neutral, such as waste-to-energy. Additionally, we urge EPA further expand CEIP project eligibility to include distributed renewable energy projects to qualified low-income credits as long as the projects provide documented benefits directly to low-income households, such as energy, environmental or economic benefits. These types of solar projects can lead to cleaner air and spur job growth, in addition to direct electricity bill benefits.

We also urge EPA to remove the proposed prohibition on wind and solar projects and low-income energy efficiency projects that receive other federal tax credits from being eligible for CEIP credits. While we understand the need to ensure that taxpayer dollars are used wisely, this prohibition is an additional barrier to making these projects viable options for communities. Allowing projects to be eligible for both CEIP credits and other federal tax incentives will provide an additional incentive to cities to undertake these projects by making them more cost efficient and therefore, ultimately more widespread. This will be particularly beneficial for residents in low-income neighborhoods who usually are not able to take advantage of these resources but who stand to benefit greatly.

Finally, we recommend that EPA establish the same eligibility start date of September 6, 2018 for both renewable and energy efficiency projects. If renewable and energy efficiency projects have different eligibility start dates, as proposed, we are concerned that it sends a market signal
that favors one type of project over another. By having the same date, local officials will have the flexibility to determine the type of project that is the best fit for their community.

**Definition of a Low-Income Community**
How “low-income community” is defined will determine how the benefits of the CEIP are directed. We applaud EPA for proposing a flexible approach that gives discretion to states to choose from among four pre-existing federal and state definitions of “low-income community” as presumptively acceptable. We encourage EPA to also include the U.S. Department of Housing and Urban Development’s affordable housing definition of households earning less than 80 percent of Area Median Income. Including this definition will help account for variances in cost of living, geography, and other differences among cities in order to better capture individuals who are low-income and live in areas with a high cost of living.

Thank you again for this opportunity to comment on the design of the CEIP. If you have any questions, please contact our staff: Judy Sheahan at USCM (jsheahan@usmayors.org) or Carolyn Berndt at NLC (Berndt@nlc.org).

Sincerely,

Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors

Clarence E. Anthony
CEO and Executive Director
National League of Cities
December 3, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Docket ID No. EPA-HQ-OAR-2013-0495

Dear Administrator McCarthy:

The United States Conference of Mayors (USCM), which represents cities with populations of 30,000 and above, writes in support of the U.S. Environmental Protection Agency’s efforts to promulgate final regulations establishing “Standards of Performance for Green House Gas Emissions (GHG) from New Stationary Sources: Electric Utility Generating Units.”

USCM has been a strong supporter of the Kyoto Protocol and subsequent worldwide efforts to limit GHG emissions. Over 1,000 mayors have signed USCM’s Climate Protection agreement; over 1,000 jurisdictions developed energy efficiency and conservation plans; and those same jurisdictions developed renewable energy and conservation projects funded through the Energy Efficiency Conservation Block Grant. But local governments alone cannot shoulder the entire burden or responsibility of limiting GHG emissions and protecting the health of our citizens. A national regulatory framework is required to achieve the substantial and absolutely necessary reduction in GHG emissions. Therefore, we commend the U.S. EPA for its efforts in this regard and encourage final promulgation of these CAA rules.

In the Supreme Court Case of Massachusetts vs. EPA, the Conference of Mayors supported the position that carbon dioxide should be regulated under the Clean Air Act. At its 2012 annual meeting in Orlando, Fl, the Conference of Mayors reaffirmed its position by passing formal policy, entitled Urgency to Address Climate Protection, which acknowledged the critical need to curb GHG emissions and to “support the Obama Administration’s efforts to regulate carbon emissions under the Clean Air Act.”

In the resolution the mayors acknowledged that "fossil fuel emissions ... have continued to grow and that according to the National Oceanic and Atmospheric Administration’s Earth System Research Laboratory, the March 2012 global level of Carbon Dioxide (CO2) in the atmosphere reached an alarming level of 391.46 ppm,
up from pre-industrial levels of approximately 275 ppm.” Many scientists, including Dr. James Hansen, have indicated that a reduction of CO2 levels to 350 ppm or less is needed to avert major, irreversible climate change.

According to Thomas Stoker, Co-Chair of Working Group I of the Intergovernmental Panel on Climate Change (IPCC) September 2013 Report, “Continued emissions of greenhouse gases will cause further warming and changes in all components of the climate system. Limiting climate change will require substantial and sustained reductions of greenhouse gas emissions.” (IPCC Press Release, September 27, 2013) “Global surface temperature change for the end of the 21st Century is projected to be likely to exceed 1.5 degree Centigrade relative to 1850 to 1900 in all but the lowest scenario considered, and likely to exceed 2 degree Centigrade for the two high scenarios.” (September IPCC Report).

These findings represent an extremely strong foundation and justification for the need to limit carbon emissions.

The nation’s Mayors recognize that cities are the principal jurisdictions to bear the destruction and added costs of more intense storms that are projected to occur because of a warming planet due to GHG emissions. While we understand that a direct causal effect of global warming on any single storm cannot be made, we agree with scientists who conclude that future storms will be more destructive because of global warming. The destruction of Hurricane Sandy is evidence of the threats to public safety, human life, critical infrastructure and property that more intense storms can and will bring to our communities and residents as a result of the failure to curb GHG emissions.

These negative impacts will serve to threaten the health and livelihood of U.S. residents. U.S. metro areas (cities and suburbs), according to IHS Global Insight, represent 90% of the nation’s Gross Domestic Product, 86% of all jobs, and over 85% of the nation’s population. Over the next 30 years, U.S. metro areas will increase in population by a projected 84 million people. Many of these metro areas are located in coastal areas that would be extremely vulnerable to more destructive storms and rising ocean levels, another devastating effect of global warming. “As the ocean warms, and glaciers and ice sheets reduce, global mean sea level will continue to rise, but at a faster rate than we have experienced over the past 40 years,” said IPCC Co-Chair Qin Dahe.

For these and other reasons, the Conference of Mayors concurs with the proposed CO2 limits for new fossil fuel-fired utility boilers and integrated gasification combined cycle units. We also concur with the proposed limits for natural gas-fired stationary combustion turbines.

If you have any questions regarding these comments, please contact USCM Assistant Executive Director, Judy Sheahan at jsheahan@usmayors.org or 202-861-6775.

Sincerely,

Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors
May 8, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460


Dear Administrator McCarthy,

On behalf of the 19,000 cities and towns represented by the National League of Cities (NLC), we appreciate the opportunity to provide comments on the U.S. Environmental Protection Agency’s (EPA) proposed rule on Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units. As greenhouse gases lead to a warming of the atmosphere and climate change, NLC supports federal efforts to reduce emissions from new natural gas and coal-fired power plants in order to prevent the worsening of the already visible effects of climate change on the nation’s cities and the global environment.

Across the country local governments are seeing the devastating effects associated with a changing climate, including sea-level rise, extreme weather events, such as heat waves, wildfires, droughts, floods, heavy precipitation and strong storms, pest infestations, and disease, all of which pose threats to human health, cause damage to local infrastructure, jeopardize water quality and availability, and lead to energy and food shortages. Cities continue to be on the front lines every day facing the impacts of climate change and are the first responders in emergency situations, however, the breadth and severity of these impacts across the country requires the assistance and resources of the federal government.

The establishment of a national regulatory framework to significantly reduce greenhouse gas emissions from new natural gas and coal-fired power plants will not only improve air quality and public health in our communities, but will help cities meet their overall sustainability goals by ensuring that new power plants are held to high carbon pollution control standards. Many cities are taking action to reduce carbon dioxide, methane and other greenhouse gas emissions as part of their climate action plans, but without a national effort to reduce emissions from the generation of electricity, which accounts for 33 percent of total greenhouse gas emissions in the U.S., cities and the nation will fall short on efforts to mitigate the effects of climate change.
For all the foregoing reasons, NLC supports EPA’s efforts in this rulemaking, as part of the President’s Climate Action Plan, to reduce carbon dioxide from new power plants. Clean air is essential to the health of citizens and the welfare of our communities. We stand ready to partner with you as you finalize the proposed rule.

Sincerely,

Clarence E. Anthony
Executive Director