Congress of the United States
Washington, DC 20515

June 10, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Administrator Jackson,

On May 3, 2011, the Environmental Protection Agency (EPA) published in the Federal Register a proposed rule for national emission standards for hazardous air pollutants from coal and oil-fired electric generation – the so-called "Utility MACT" rule. This proposed rule, unparalleled in its size and scope for maximum achievable control technology rule, presents a set of new regulations with possible wide-reaching impacts on the way our country generates and consumes electricity. Accordingly, such a dense and wide-ranging rulemaking requires thorough analysis and evaluation by stakeholders. We are writing to request that EPA extend the comment period beyond the 60 days, to a total of 120 days, in order to allow for the necessary analysis and ultimate comments on this very complex proposed rule.

Like you, we believe constructive efforts must be made to reduce harmful emissions from our nation's electric utilities for the betterment of human health and the environment; this is the meritorious goal of the Clean Air Act. At the same time, we also must be mindful of the economic impact new regulations could have, especially with the complexity and breadth of applicability for this proposed rule being so significant. By EPA's own analysis, this proposed rule will cost nearly $11 billion per year with retail electricity rates increasing by an average of 3.7% annually.

Moreover, errors in calculations have come to light since the rule was proposed on May 3. While EPA states that the errors will not have a significant impact on the limit for mercury at existing power plants, we believe that the public should have ample opportunity to examine the revised mercury calculations and comment on them.

A request for an extension of the comment period would be consistent with the consent decree issued by the U.S. District Court for the District of Columbia in April, 2010 where the court provides that EPA may modify the rulemaking process beyond the November deadline by providing notice and reasons for a modification. Clearly, the importance and complexity of this proposed rule, and the concerns cited above, warrant additional time for public consumption.

We thank you in advance for your consideration.

John D. Dingell
Member of Congress

Tim Holden
Member of Congress

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