



August 7, 2023

U.S. Environmental Protection Agency  
EPA Docket Center  
Docket ID No. EPA-HQ-OAR-2023-0072  
Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**ATTN: Docket ID No. EPA-HQ-OAR-2023-0072**

**RE:** Comments of the Ohio Municipal Electric Association on Proposed Rules: New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule – 88 Fed. Reg. 33240 (May 23, 2023)

Dear Administrator Regan and Agency Staff:

On behalf of the Ohio Municipal Electric Association (OMEA), we appreciate this opportunity to provide the following comments in response to the above-referenced notice of proposed rulemaking. Specifically, we have significant concerns with the rule package and the anticipated impact on grid reliability and affordability. The OMEA does support EPA exemptions for small and infrequently operated thermal electric generating units and appreciate its inclusion in the proposed rulemaking. However, on the rule package as a whole, we respectfully request the EPA to reconsider the proposed rulemaking to allow more thorough discussion and consideration.

Formed in 1962, the OMEA is the membership organization and legislative liaison representing 80 of Ohio's municipal electric utilities, which serve approximately 400,000 customers and represent approximately 5% of the state's electric load. Municipal electric utilities are locally owned and governed by their communities – their customers are their owners. Ohio municipal electric systems range in size from Cleveland Public Power with 73,000 meters to the City of Toledo with a single customer. The majority of our member communities are villages.

The OMEA also serves as the legislative liaison to American Municipal Power (AMP), the non-profit wholesale power supplier and services provider for 133 municipal electric utilities in nine states (Ohio, Delaware, Indiana, Kentucky, Maryland, Michigan, Pennsylvania, Virginia and West Virginia). AMP was founded over 50 years ago to help municipal electric utilities leverage economies of scale to provide more affordable power supply, generation and energy-related services. Currently, AMP member utilities serve approximately 650,000 customers and has resources and load in both PJM and MISO.

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As a part of the broader electric industry, the OMEA and our members work closely with each other and with AMP in the collective ownership and operation of generating resources. AMP owns or manages a collection of diverse resources on behalf of its member utilities to help meet our baseload, intermediate and peaking needs. These generation resources — which represent significant investments in run-of-the-river hydroelectric, solar, wind, natural gas, diesel, and coal-fired generation — also contribute to the overall reliability of the grid at local and regional levels. These investments in a diversified power supply portfolio, often encouraged by federal programs such as the Build America Bond and New Clean Renewable Energy Bond programs, have provided our members and many others with long-term rate stability and power supply reliability. Our members also rely on market purchases and are attuned to changes that alter the resources supplying the market, which these rules would do.

These rules are dependent on technologies, such as low-GHG hydrogen and carbon capture and sequestration, which are currently unproven at the scope and scale necessary to comply with this proposal. The aggressive schedule set forth in the proposed rules provides little time for these technologies to mature and may leave fossil-based plant operators with no viable alternative except closure. As a result, we're concerned that the rules will contribute to a regional loss of necessary dispatchable baseload generation that will in turn have a profoundly negative impact on our ability to provide reliable and affordable electricity to our residents and businesses. This concern is compounded further by today's supply chain constraints and permitting, interconnection and construction timeframes.

While we have significant concerns about the rule package as a whole, we appreciate EPA's recognition of the benefits of small generating units in the proposed rulemaking. Specifically, we support the applicability thresholds and exemptions such that small and/or infrequently operated fossil fuel-fired steam generating units and gas-fired turbines are not impacted by the requirements set forth in the proposed rule. In our experience, thermal generating units (coal and natural gas) are the only form of dispatchable energy resources that can be called upon when needed to provide energy on demand. Small and limited use thermal generation serve to increase reliability for communities such as ours.

With respect to specific provisions and recommendations, we call your attention to the comments that will be submitted to this rulemaking by AMP. These comments will provide more detailed concerns and suggestions regarding mitigating the impact these proposed rules would have on public power systems.

The commitment of our community-owned municipal electric utility members is to provide reliable, cost-effective power and we are genuinely concerned about the detrimental impact of these proposed rules on our customers. As a result, we encourage the EPA to reconsider the rulemaking as a whole, but preserve the exemption for small or infrequently operated units.

Thank you again for the opportunity to comment on the proposed rulemaking.

On behalf of the Members,



Michael A. Beirne  
Executive Director