
January 30, 2025

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

Dear Administrator Zeldin,

On behalf of the nearly 900 not-for-profit electric cooperative members of the National Rural Electric Cooperative Association (NRECA), congratulations on your confirmation as Administrator of the Environmental Protection Agency (EPA). NRECA shares President Trump's vision of a pro-energy future for America and looks forward to working with EPA under your leadership.

America's electric cooperatives comprise a unique sector of the electric industry. NRECA's member cooperatives include 64 generation and transmission (G&T) cooperatives and 832 distribution cooperatives. The G&Ts generate and transmit power to distribution cooperatives that provide it to the end of line cooperative consumer-members.

These not-for-profit entities are independently owned and governed by the people they serve. From growing exurban regions to remote farming communities, electric cooperatives provide power to 42 million Americans across 48 states. They keep the lights on across 56% of the American landscape – areas that are primarily residential and sparsely populated. Those characteristics make it comparatively more expensive for electric cooperatives to operate than the rest of the electric sector, which tends to serve more compact, industrialized, and densely populated areas.

I am writing today to request a meeting with you to discuss EPA's policy goals and NRECA's perspective on critical issues affecting electric affordability and reliability. Reliable electricity is essential to America's economic growth. And as our nation increasingly relies on electricity to power the economy, keeping the lights on has never been more important – or more challenging.

Over the next five years, the North American Electric Reliability Corporation forecasts that all or parts of several states from North Dakota to Louisiana are at high risk of rolling blackouts during normal peak conditions. Flawed public policies that force the premature closure of existing power plants are a big reason why. This problem is compounded by the rapid growth of data centers in rural areas – some forecasts project data centers will consume 9% of all US electricity generation by 2030.

Cost-effective and lawful federal regulations that minimize unnecessary burdens are critical to cooperatives' ability to provide affordable, reliable, and safe electricity to their consumer-members. I have attached a list that identifies several unlawful and harmful regulations that EPA promulgated during the previous administration. It includes our recommendations for how EPA should address those regulations, unleash American Energy, and ensure reliability and affordability while promoting a healthy environment.

America's electric cooperatives are critical partners in the Trump Administration's commitment to jumpstart the American economy. Thank you for your consideration of this request to meet with you. Please do not hesitate to contact me or have your staff contact Ashley Slater, Vice President, Regulatory Affairs at (703) 907-5825 or ashley.slater@nreca.coop for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Matheson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jim Matheson
CEO, NRECA

NRECA's Priority EPA Actions

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 (Power Plant Rule for Greenhouse Gas Emissions), 89 Fed. Reg. 39,798 (May 9, 2024)

Office

Office of Air and Radiation

Description

The final rule established new greenhouse gas emissions standards for existing coal and new natural gas power plants. For both types of units, the primary requirement is to install and operate a 90% carbon capture and storage (CCS) system by 2032. State implementation plans for existing coal units are due May 11, 2026, and must, among other things, identify which plants plan to retire to avoid impossible to meet CCS requirements. The rule also applies to any new natural gas power plants that commenced construction on or after May 23, 2023, and creates a barrier to construct much needed dispatchable generation.

NRECA Position

The final rule violates the Clean Air Act because it set requirements based on technology that has not been adequately demonstrated, would be exorbitantly costly and would transform EPA's regulatory authority far beyond what Congress envisioned, in contravention of the major questions doctrine. This harmful regulation effectively forces existing coal plants to retire prematurely and impedes the ability to build new natural gas plants at a time of increasing electricity demand. It jeopardizes reliability, resulting in more blackouts, higher costs and greater uncertainty for American families and businesses.

Recommended Actions Consistent with the Executive Order on Unleashing American Energy

- Request the U.S. Court of Appeals for the D.C. Circuit pause litigation so that EPA can reevaluate the rule.
- Suspend implementation of the rule.
- Initiate notice and comment rulemaking to repeal the final rule as soon as possible.
- Initiate a subsequent rulemaking to replace the rule with a commonsense alternative that meets the Clean Air Act's requirements.
- Initiate notice and comment rulemaking to repeal the current administration's separate – but related – rule depriving states of much of their essential discretion for setting standards of performance for existing sources (88 Fed. Reg. 80,480)

National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review (Mercury Air Toxics Standards Risk and Technology Review), 89 Fed. Reg. 38,508 (May 7, 2024)

Office

Office of Air and Radiation

Description

The final rule reversed a 2020 EPA finding that no updates to the stringent standards for particulate and mercury emissions from coal-fired power plants were needed and set unnecessarily stringent new standards that threaten the viability of plants, but are not necessary to protect public health or the environment.

NRECA Position

The rule violates the Clean Air Act because it forces uneconomic equipment upgrades at coal power plants that are not necessary under the statute. Instead, it aims to spur plant retirements. Retirements resulting from the rule will pose risks to electric affordability and reliability.

Recommended Actions Consistent with the Executive Order on Unleashing American Energy

- Request the U.S. Court of Appeals for the D.C. Circuit pause litigation so that EPA can reevaluate the rule.
- Suspend implementation of the rule.
- Initiate notice and comment rulemaking to repeal the final rule as soon as possible.

Federal Good Neighbor Plan (GNP) for the 2015 Ozone National Ambient Air Quality Standards (Ozone Transport Rule), 88 Fed. Reg. 36,654 (June 5, 2023)

Office

Office of Air and Radiation

Description

The rule finalized significant nitrogen oxides (NOx) reductions in 23 states purportedly to address ozone issues in downwind states. The reductions will require many power plants, particularly coal-fired plants, to invest in uneconomic equipment upgrades.

NRECA Position

The rule violates the Clean Air Act because it controls emissions beyond those necessary to ensure that upwind states do not significantly contribute to nonattainment in downwind states. The Supreme Court indicated in a June 2024 order staying the rule that it is likely unlawful.

Recommended Actions Consistent with the Executive Order on Unleashing American Energy

- Request the U.S. Court of Appeals for the D.C. Circuit pause litigation so that EPA can reevaluate the rule.
- Initiate notice and comment rulemaking to repeal the final rule.

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy Surface Impoundments (Legacy Coal Ash Rule), 89 Fed. Reg. 38,950 (May 8, 2024)

Office

Office of Land and Emergency Management

Description

This final rule establishes two new classes of regulated coal ash (known as coal combustion residuals or CCR) units in addition to those previously regulated in 2015: Legacy CCR Surface Impoundments (inactive surface impoundments at unactive facilities) and CCR “management units.”

NRECA Position

EPA has exceeded its statutory authority and finalized a one-size-fits-all coal ash rule that imposes unnecessary and duplicative costs on electric cooperatives by forcing them to reclose coal ash units that had been properly closed under state requirements, including sites where all coal ash has already been removed, and reverses EPA’s previous position that there are beneficial uses for CCR.

Recommended Actions Consistent with the Executive Order on Unleashing American Energy

- Request the U.S. Court of Appeals for the D.C. Circuit pause litigation so that EPA can reevaluate the rule.
- Suspend implementation of the rule.
- Initiate notice and comment rulemaking to repeal the final rule as soon as possible.
- Initiate separate rulemakings to replace the rule with a commonsense alternative that is consistent with the Resource Conservation and Recovery Act and create a Federal permitting program consistent with Congress’ direction in the WIIN Act of 2016
- Review and make determinations on all pending state requests for primacy of CCR permitting programs.
- Rescind the Biden EPA’s incorrect interpretation that on-site uses of CCR do not qualify as exempt beneficial uses.

Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category (Power Plant Wastewater Rule), 89 Fed. Reg. 40,198 (May 9, 2024)

Office

Office of Water

Description

This final rule imposes stringent effluent limitations and guidelines (ELGs) on wastewater discharges from coal-fired power plants that exceed what the Trump Administration found appropriate in 2020. Specifically, the rule sets “zero-discharge” limits that prohibit any effluent discharges for three wastewater streams (flue gas desulfurization wastewater, bottom ash transport water, and combustion residual leachate) and establishes more stringent limits for certain legacy wastewaters.

NRECA Position

The new ELG rule is not supported by the record, requires unproven technologies, is not economically feasible, and, ultimately, is unlawful. It also penalizes utilities that acted in good faith and spent millions of dollars to comply with the 2020 ELG rule.

Recommended Actions Consistent with the Executive Order on Unleashing American Energy

- Request the U.S. Court of Appeals for the 8th Circuit pause litigation so that EPA can reevaluate the rule.
- Suspend implementation of the rule.
- Initiate notice and comment rulemaking to repeal the final rule and replace it with a commonsense alternative that is consistent with the Clean Water Act and does not penalize companies that acted in good faith to comply with previous requirements.

Revised Definition of “Waters of the United States”; Conforming (WOTUS), 88 Fed. Reg. 61,964 (September 8, 2024)

Office

Office of Water

Description

This final rule updates an earlier rule defining which waterbodies are Federally jurisdictional under the Clean Water Act (i.e. “waters of the United States” or WOTUS) to reflect the Supreme Court’s decision in *Sackett v. EPA*, which narrowed the scope of federal jurisdiction.

NRECA Position

While the amended final rule removes certain provisions that were effectively invalidated by the *Sackett* decision, it still takes an overly broad approach to federal jurisdiction and fails to define several key terms such as “relatively permanent,” “indistinguishable,” and “continuous surface connection,” thereby producing significant regulatory uncertainty.

Recommended Actions Consistent with the Executive Orders on Unleashing American Energy and Declaring a National Energy Emergency

- Together with the U.S. Army and Army Corps of Engineers, initiate a separate notice and comment rulemaking to amend the rule to achieve consistency with the Supreme Court’s decision in *Sackett v. EPA* and to provide much-needed clarity on implementing key terms such as “relatively permanent,” “indistinguishable,” and “continuous surface connection.”
- Together with the U.S. Army and Army Corps of Engineers, review all guidance documents and inter-agency memoranda implementing the rule for consistency with the *Sackett* decision and the Administration’s policies and rescind and/or replace them, as appropriate.