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Congress of the United States
House of Representatives

Washington, DC 20515

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COMMITTEE ON
ENERGY AND COMMERCE
VICE CHAIRMAN—SUBCOMMITTEE ON
ENERGY AND POWER
SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS
SUBCOMMITTEE ON
ENVIRONMENT AND THE ECONOMY

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

I write to file comments in opposition to the U.S. Environmental Protection Agency's (EPA) supplemental notice of proposed rulemaking (SPNR) to include Oklahoma in the Cross-State Air Pollution Rule (CSAPR).

As you know, on July 6, 2011 the EPA finalized CSAPR that requires 27 states to significantly reduce emissions of SO₂, pm_{2.5} and NO_x through required deduction in power plant emissions that your agency asserts crosses state lines and contributes to ozone and fine particle pollution in other states. While Oklahoma was not included in the final CSAPR, my state is proposed to be included in the rule through this supplemental rulemaking which could threaten electric reliability, jobs and increase electricity costs to Oklahoma businesses and ratepayers.

If finalized as proposed, the emission reductions would be effective for all Oklahoma electric generating units (EGU's) beginning in May 2012 – just 5 months after a final rule is issued and just 9 months after the first indication that these new emission limitations would apply to Oklahoma. It is evident that EGU's in my state cannot acquire, permit and install the necessary control technology in time to meet the May 2012 compliance deadline proposed by EPA. While your agency claims that only a small number of sources would need to install combustion controls within 6 months in order to comply with the CSAPR, your proposed lead time to achieve this mandate is unrealistic.

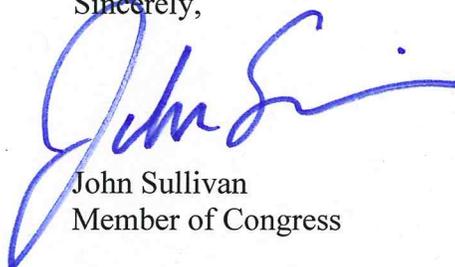
Many EGU's in my state estimate that affected units would need 12-18 months to acquire the necessary equipment and permits, and 21 months of construction time would be necessary once equipment and permits are available for the controls to be operational. Bringing Oklahoma into the CSAPR on such a sudden and restrictive basis and short compliance time period will make electricity more expensive and could drastically impact the state economically.

Administrator Jackson, this is unfortunately another example of EPA overreaching on the states with burdensome regulations without first analyzing its impact on electric reliability or cost to families and small businesses alike. This SPNR in conjunction with EPA's rejection of Oklahoma's State Implementation Plan for regional haze earlier this year in favor of your Federal Implementation Plan (FIP) adds to the regulatory uncertainty facing EGU's in my state. Oklahoma is trying to do its best under given these circumstances to comply with ever encroaching EPA mandates.

It is estimated that your FIP will add \$2 billion in compliance costs to Oklahoma businesses and electric ratepayers in my state. Should Oklahoma be included in the final CSAPR, this will undoubtedly add additional costs already being imposed on EGU's in Oklahoma. The simple fact is, your agency is issuing multiple rules and regulations on top of each other at such an accelerated rate that it makes it difficult for companies to invest and create jobs. Your regulatory actions on the utility sector alone are having a negative impact on electric reliability that threatens our nation's economy recovery.

Again, I oppose the addition of Oklahoma to the CSAPR. Thank you for your attention to this matter and I request a response to this letter before the SPNR is finalized.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Sullivan", is written over the typed name and title.

John Sullivan
Member of Congress