



STATE OF UTAH

GARY R. HERBERT
GOVERNOR

OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

GREG BELL
LIEUTENANT GOVERNOR

October 7, 2011

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Obama:

We respectfully request you direct the Environmental Protection Agency (EPA) to withdraw and re-propose its rule for hazardous air pollutants from coal- and oil-fired power plants known as the Utility MACT (Maximum Achievement Control Technology). This action is urgently needed as the current November 16, 2011, promulgation date gives the Agency approximately (only) 90 days to prepare and draft its final rule. That is not enough time to responsibly address scores of comments and data submitted from states and industries, along with evaluating the cumulative impacts of additional rules the EPA has, or plans to impose, on utilities. Over half the states filed comments on the rule - the bulk of which seek changes. All the while, the Agency must conduct a full interagency review of the final preamble language.

The EPA has acknowledged the proposed Utility MACT rule will be one of the most expensive rules in the history of the Clean Air Act—\$11 billion annually—and produce only marginal benefits from reductions in mercury emissions. Recent analyses show the rule may well risk millions of jobs and increase the cost of power for working families, small businesses, farms, schools and hospitals—all for little benefit from hazardous air pollutant reductions.

The Federal Energy Regulatory Commission (FERC) staff estimated up to 81 gigawatts of existing generation - about 8 percent of total installed capacity - are 'likely' or 'very likely' to be retired as a consequence of recent proposed EPA rules. Even before the Utility MACT rule was proposed, companies began to retire plants and will continue to do so. As these announcements continue, the National Association of Regulatory Utility Commissioners (NARUC), the National Electric Reliability Corporation (NERC) and the Regional Transmission Organizations (RTOs) are advising that full-time power availability could be at risk.

Reflecting its statutory obligation to consider costs and energy requirements, EPA in its preamble pledged to work with FERC, NERC, NARUC, RTOs, and DOE to identify and respond to any reliability concerns arising out of the timing of the rule. After blackouts in 2003, FERC and NERC were mandated by statute to ensure the reliability of the power grid. In response to EPA, both indicate they are evaluating the rule's impact on our nation's power supply and reliability. To satisfy its own statutory obligation, EPA must allow FERC and NERC to complete their evaluation of the proposed rule on our nation's energy system before promulgating its rule.

In addition, we are concerned about the effects of other proposed and recently finalized EPA rules. These actions include: new rules on industrial boilers, new standards on cement

manufacturers, the Cross State Air Pollution Rule imposing significant controls and shut-downs as of January 1, 2012, federal greenhouse gas rules, new regulations for handling coal ash and cooling water intake structures.

We share your interest in protecting the health of all Americans and the common objective of creating new jobs here in the United States, and avoiding the job losses the Utility MACT and the other recent EPA proposals will precipitate. This can only be accomplished if EPA takes the necessary time to reconsider their proposals in light of the critical data they have now received. This task simply cannot be accomplished by the current Utility MACT promulgation date.

In the interest of American workers and the economies of our states, we urge you to act on this request to withdraw and re-propose the Utility MACT rule. Any new rule must reflect information on how it will impact the economy and include a full and complete study of reliability that takes into account the additional regulatory hurdles EPA is considering placing before the power sector.

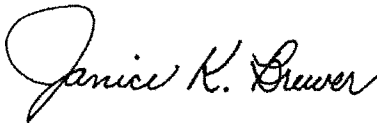
Sincerely,



Governor Sean Parnell
Alaska



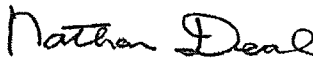
Governor Jack Dalrymple
North Dakota



Governor Janice K. Brewer
Arizona



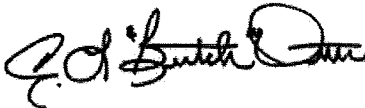
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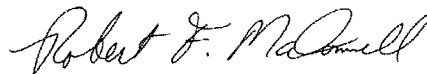
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