



**CHRISTOPHER M. HUBER**  
**Chief Legal Officer**

Office of Regulatory Staff  
1401 Main Street  
Suite 900  
Columbia, SC 29201  
(803) 737-0800  
ORS.SC.GOV

June 2, 2023

Administrator Michael S. Regan  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

*Submitted electronically via the Federal eRulemaking Portal at <https://www.regulations.gov>*

**RE:** Comment Period Extension for U.S. EPA's Proposed Rulemaking, "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"  
**Docket ID No. EPA-HQ-OAR-2023-0072**

Dear Administrator Regan:

The South Carolina Office of Regulatory Staff ("ORS") respectfully requests a 120-day extension of the July 24, 2023 deadline for submitting comments on U.S. EPA's recently proposed "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."<sup>1</sup> This requested extension is appropriate to allow for thorough review of the proposal and underlying technical supporting documents and the development of substantive comments.

ORS is a state agency whose duties and responsibilities under South Carolina law include providing legal representation of the public interest before state courts, federal regulatory agencies, and federal courts in proceedings that could affect the rates or service of any public utility.<sup>2</sup>

The proposal has significant economic and operational implications for the electric sector, which in turn may impact rates paid by their customers. The proposal includes the 181-page proposed rule, a 359-page impact analysis, and references several technical supporting documents that have

---

<sup>1</sup> 88 Federal Register 33240–33420 (May 23, 2023).

<sup>2</sup> S.C. Code Ann. § 58-4-50(A)(8). South Carolina law defines "public interest" as "the concerns of the using and consuming public with respect to public utility services, regardless of the class of customer, and preservation of continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services." S.C. Code Ann. § 58-4-10(B).

Letter – U.S. EPA

June 2, 2023

Page 2 of 2

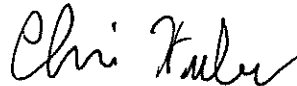
yet to be posted to the rulemaking docket. Additional time is needed to evaluate EPA's proposal, the complex supporting documents and analyses, and develop responses to EPA's requests for comment.

Furthermore, the substantial policy, legal, and technical components of a rulemaking of this magnitude require significant work to coordinate staff analysis and draft comments. State and local agency timelines for review may also need to accommodate multiple interagency approval processes. Providing an additional 120 days for comment will improve meaningful, applicable input from state and local agencies, which have expertise that will be critical to successful implementation of the final rule.

ORS has consulted with and received the support of other South Carolina state agencies for this requested extension of the comment period.

ORS appreciates EPA's consideration of this request. If you have any questions, you can reach me at [chuber@ors.sc.gov](mailto:chuber@ors.sc.gov) or 803-737-5252.

Sincerely,



Christopher M. Huber

Cc: Myra Reece, South Carolina Department of Health and Environmental Control  
Robert H. Boyles, South Carolina Department of Natural Resources  
Thomas Hydrick, Office of the South Carolina Attorney General  
Mike Couick, The Electric Cooperatives of South Carolina, Inc.