



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 23 2014

OFFICE OF  
AIR AND RADIATION

Mr. Patrick Morrissey  
Attorney General  
State of West Virginia  
1900 Kanawha Boulevard East, Room 26  
Charleston, West Virginia 25305

Dear Attorney General Morrissey:

Thank you for your letter of May 1, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy on the upcoming carbon pollution guidelines for existing power plants. The Administrator has asked that I respond on her behalf.

In your letter, you stress concerns over moving forward with guidelines for existing power plants given that the agency is still collecting comments on the carbon pollution standards for new sources. As you know, President Obama, as part of his Climate Action Plan, has directed the EPA to propose and finalize guidelines and standards for new and existing power plants. While we are still collecting comments on the carbon pollution standards for new sources, we have conducted and are continuing to conduct a robust outreach effort around the guidelines for existing sources. In talking with all 50 states over the past several months, we have heard numerous issues raised, such as: the scope of the best system of emission reductions and the form of the standard; granting flexibility to states to design and implement the program and to work jointly with each other; the timing needed for plan submission; and recognition of programs already in place. As we move forward in crafting guidelines for existing power plants, we are considering these and many other issues carefully, including the potential impacts of the standards on electricity prices, reliability, and jobs.

I appreciate the detailed points raised in your letter. We will consider them carefully as we move forward in developing proposed guidelines for existing sources and proposed standards for modified and reconstructed sources. We also greatly appreciate all the input we have gotten, and continue to get, from the public, the states, industry stakeholders, environmental groups, elected officials, and many others on the various issues. As the agency considers the key elements of federal guidelines under the Clean Air Act's section 111(d), we will consider all the input we have received. You are welcome to provide additional feedback through email at [carbonpollutioninput@epa.gov](mailto:carbonpollutioninput@epa.gov).

Please note that the public meetings we have been holding to date and other outreach efforts have been taking place in advance of our proposal, so that we can be informed by the input we receive. When we issue the draft guidelines in June 2014, a more formal public comment period will follow, as is the case with all rules. The comment period will provide additional opportunities for formal public comment, but we also intend to continue broad stakeholder outreach and engagement. I look forward to hearing your views on the draft guidelines at that time, too.

Again, thank you for your letter. I appreciate the opportunity to be of service and will look for opportunities to work with our partners in West Virginia as we move forward with our plans to propose carbon pollution standards on existing, modified and reconstructed power plants this summer.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Janet G. McCabe  
Acting Assistant Administrator