



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
ENVIRONMENTAL PROTECTION BUREAU

October 31, 2017

By electronic mail and first class mail  
Sarah Dunham ([dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov))  
Acting Assistant Administrator for Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Acting Administrator Dunham:

By this letter, the Office of the Attorney General of New York hereby requests public hearings on the Environmental Protection Agency's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). In light of Administrator Pruitt's prejudgment of the legality of the Clean Power Plan, we are submitting this request to you. Because of the importance of the issue of climate change to our state, this letter is to request that in addition to holding a public hearing in Washington, D.C., EPA also hold a public hearing in New York so it can have the benefit of hearing first hand from our residents the harms we are experiencing from climate change and why EPA's proposal to eliminate a critical tool to address those harms—the Clean Power Plan—would be a colossal mistake.

New Yorkers have experienced numerous climate change-related harms over the past decade. The approximately twelve inches of sea level rise New York City has experienced since 1900 exacerbated the flooding caused by Hurricane Sandy by about twenty-five square miles, damaging the homes of an additional 80,000 people in New York and New Jersey alone. That flood devastated areas of New York, including the Brooklyn-Queens Waterfront, the East and South Shores of Staten Island, South Queens, Southern Manhattan, and Southern Brooklyn, which in some areas lost power and other critical services for extended periods of time. The State has estimated that costs of Hurricane Sandy will top \$40 billion, including \$32.8 billion to repair and restore damaged housing, parks and infrastructure and to cover economic losses other expenses. That figure includes \$9.1 billion to mitigate potential damage from future severe weather events. Sea level will rise by more than six feet, possibly as early as 2100, if greenhouse gas emissions are not adequately abated.

In addition to harms caused by flooding, New York has experienced more frequent and severe storms. An Office of the Attorney General analysis on the frequency and intensity of damaging extreme rainfall events in New York published in 2014 found such events are increasing, consistent with scientists' predictions.<sup>1</sup> As but one example, devastating rainfall from Hurricane Irene in 2011 dropped more than eleven inches of rain in just twenty-four hours, causing catastrophic flooding in the Hudson Valley, eastern Adirondacks, Catskills and Champlain Valley. Thirty-one counties were declared disaster areas. Over one million people were left without power, more than 33,000 had to seek disaster assistance, and ten were killed. Damage estimates totaled \$1.3 billion. Additional anticipated climate change harms in New York include increased ozone pollution in the New York City area, resulting in worsening asthma rates, and the loss of cold water fisheries like native brook trout in the Adirondack Park.

Because of the urgent need to take action to address these threats to the health of our residents and our natural resources, we have taken steps to shift away from reliance on fossil fuels for electricity generation, transportation, and other sectors of our economy. For example, New York is one of the nine states participating in the Regional Greenhouse Gas Initiative, which has helped reduce regional carbon dioxide emissions from the electricity sector by more than 40 percent from 2005 levels. The RGGI states have demonstrated that by a combination of encouraging shifts to less carbon-intensive fossil fuel generation, increasing reliance on renewable energy, and reducing the demand for generation through energy efficiency, substantial reductions in carbon dioxide emissions are possible over a relatively short period, while supporting economic goals and maintaining grid reliability. We have also joined together with other states and cities to advocate for and defend policies to reduce greenhouse gas emissions, such as the Clean Power Plan, which EPA based in part on the success of RGGI.

Repealing the Clean Power Plan—especially without any commitment to replace it with a better approach to deal with the urgent problem of power plant carbon pollution—would be a grave mistake. Therefore we urge EPA to take the time to listen to the people of our State before proceeding down such a misguided path. We believe it would be appropriate for the agency to schedule the hearing in one of the areas of our State noted above that has already suffered climate change-related harms, and stand ready to work with the agency to make that happen.

Sincerely,



Lemuel M. Srolovic  
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cc: Peter D. Lopez, Regional Administrator, Region 2 (by email at [Lopez.Peter@epa.gov](mailto:Lopez.Peter@epa.gov))  
Peter Tsirigotis, Director, Sector Policies and Programs (by email at [airaction@epa.gov](mailto:airaction@epa.gov))

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<sup>1</sup> [https://ag.ny.gov/pdfs/Extreme\\_Precipitation\\_Report%209%202%2014.pdf](https://ag.ny.gov/pdfs/Extreme_Precipitation_Report%209%202%2014.pdf)

October 30, 2017

Sarah Dunham  
Acting Assistant Administrator for Air and Radiation  
U.S. Environmental Protection Agency  
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Washington, DC 20460  
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Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Acting Assistant Administrator Dunham:

As Commissioner of the Connecticut Department of Energy and Environmental Protection, I hereby request public hearings on EPA's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). Because climate change is an issue of immense importance to the State of Connecticut, I request that, in addition to holding a public hearing in Washington, D.C., EPA also hold public hearings in Hartford, Connecticut. These hearings are essential to ensure that the EPA will hear first-hand from Connecticut citizens about the harms we are already experiencing from climate change and why EPA's proposal to eliminate the Clean Power Plan – a vital tool to combat climate change – would be a serious and costly mistake.

The harmful impacts of climate change in Connecticut have been unmistakable. Rising temperatures increase the number, intensity, and duration of heat waves and lead to poorer air quality through increases in ground level ozone. Poor air quality impairs lung function and can result in increased hospital admissions and emergency room visits for people suffering from asthma, particularly children. This is especially concerning to Connecticut's residents as our State already has one of the Nation's highest incidences of asthma.

Connecticut is also especially vulnerable to sea level rise caused by climate change because of its lengthy coastline. Sea level rise from climate change is already exacerbating coastal flooding and erosion from storm events, such as Tropical Storm Irene and Superstorm Sandy, which combined caused over one million Connecticut residents to lose power and billions of dollars of property damage to the East coast. Sea level rise will eventually inundate low-lying communities, including Bridgeport, the largest city in the State.

In addition to rising water levels, water temperatures are increasing, resulting in a decline in cold water fish species and a marked increase in warm water species. Due to projected changes in climate, seventy-five species characterized as at-risk or endangered will experience large population declines. At the same time, ten invasive or potentially invasive species are likely to experience a significant population increase. These unwelcome invasive – including Asian

clams, mile-a-minute vine, and a new species of mosquito – can spread diseases and will put new stresses on our environment and public health. Furthermore, changing temperatures impact Connecticut’s agriculture and aquiculture industries threatening, for instance, to drive sugar maple trees out of our state.

Due to the urgent need to take action to face these threats to the health of our citizens and natural resources, Connecticut has already taken steps to shift away from reliance on fossil fuels for electricity generation, transportation, and in other sectors of our economy. Connecticut has adopted a broad portfolio of laws and regulations to reduce economy-wide greenhouse gas emissions by 10 percent below 1990 levels by 2020 and 80 percent below 2001 levels by 2050, including the Global Warming Solutions Act, the Regional Greenhouse Gas Initiative, and programs to promote low and zero-emission vehicles, among others. We have also joined together with other states and cities to advocate for and defend policies to reduce greenhouse gas emissions, such as the Clean Power Plan.

Because repealing the Clean Power Plan—especially without a commitment to replace it with any equivalent rule to deal with the urgent problem of carbon pollution from electric generation—would be a grave mistake, we urge EPA to take the time to listen to the people of the State of Connecticut. We recommend in particular scheduling the hearings in Hartford due to its central location and ease of public access. We have excellent facilities available at the Gina McCarthy Auditorium at our Department's headquarters that we would gladly make available for an EPA hearing on the Clean Power Plan. Thank you for your consideration.

Sincerely,



Robert J. Klee  
Commissioner  
Department of Energy & Environmental Protection

CC: Peter Tsigotis  
[airaction@epa.gov](mailto:airaction@epa.gov)



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
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October 31, 2017

Sarah Dunham  
Acting Assistant Administrator for Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

**Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan**

Dear Acting Assistant Administrator Dunham:

On behalf of the Commonwealth of Massachusetts, we are writing to request that EPA hold public hearings in our state on the agency's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). Because addressing climate change and developing the clean energy economy are issues of immense importance to Massachusetts residents and the state's economy, we request that, in addition to a single public hearing in Washington, D.C., EPA also hold multiple hearings in Massachusetts to enable our residents, businesses, public leaders, and power generators to share their views on this decision.

In recent years, the harmful impacts of climate change in Massachusetts have been unmistakable. Average temperatures have warmed by over 2 degrees Fahrenheit since 1895, almost twice as much as the rest of the contiguous 48 states. These rising temperatures will increase the number, intensity, and duration of heat waves and lead to poorer air quality through increases in ground level ozone, which impairs lung function and can result in increased hospital admissions and emergency room visits for people suffering from asthma, particularly children. This is especially concerning to our residents as the Commonwealth already has among the nation's highest incidence of asthma—among Massachusetts children in kindergarten to eighth grade, more than 12 percent suffer from pediatric asthma, and 12 percent of Massachusetts's adult population suffers from asthma.

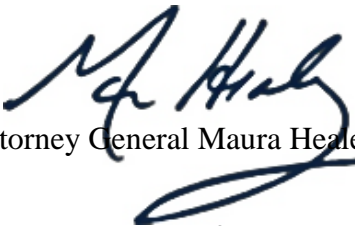
The Commonwealth is especially vulnerable to sea level rise caused by climate change because roughly 75 percent of Massachusetts' residents live near the coast. Sea level rise from climate change is already exacerbating coastal flooding and erosion from storm events and will eventually inundate low-lying communities, including Boston. According to the National Climate Assessment, in Boston alone, cumulative damage to buildings, building contents, and associated emergency costs could potentially be as high as \$94 billion between 2000 and 2100, depending on the sea level rise scenario and which adaptive actions are taken. Increased sea level, combined with increased erosion rates, also imperils our barrier beach and dune systems,

putting at risk extensive areas of coastline from Buzzards Bay to Plum Island as well as large areas of critical coastal and estuarine habitat, including the North Shore's Great Marsh—the largest continuous stretch of salt marsh in New England.


Due to the urgent need to take action to face these threats to the health of our residents and our natural resources, we have taken steps to shift away from reliance on fossil fuels for electricity generation, transportation, and in other sectors of our economy. Massachusetts has adopted a broad portfolio of laws and regulations to reduce economy-wide greenhouse gas emissions by 25 percent below 1990 levels by 2020 and 80 percent below 1990 levels by 2050, including the Global Warming Solutions Act (2008), the Green Communities Act (2008), the Act to Promote Energy Diversity (2016), the Regional Greenhouse Gas Initiative, and programs to promote low and zero-emission vehicles, among others. We have also joined together with other states and cities to advocate for and defend policies to reduce greenhouse gas emissions, such as the Clean Power Plan. In the process, we have developed a thriving clean energy sector in Massachusetts, which has created tens of thousands of new jobs. A decision to repeal the rule puts those investments at risk.

Because repealing the Clean Power Plan—especially without a commitment to replace it with any equivalent rule to deal with the urgent problem of power plant carbon pollution—would be a grave mistake, we urge EPA to take the time to listen to the people of the Commonwealth. We would be happy to assist you in arranging details for these hearings.

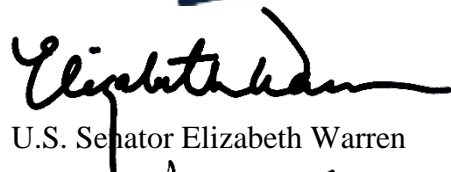
Very Truly Yours,




Attorney General Maura Healey




U.S. Senator Edward Markey



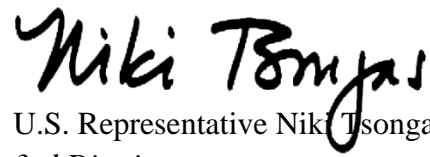
U.S. Senator Elizabeth Warren




U.S. Representative Richard Neal  
*1st District*



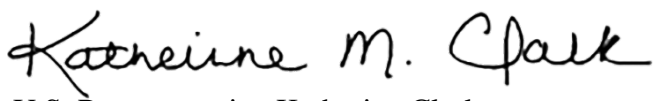
U.S. Representative James McGovern  
*2nd District*



U.S. Representative Niki Tsongas  
*3rd District*



U.S. Representative Joseph Kennedy III  
*4th District*



U.S. Representative Katherine Clark  
*5th District*



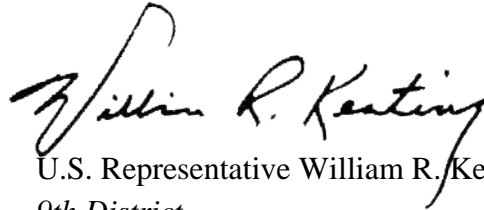
U.S. Representative Seth Moulton  
*6th District*



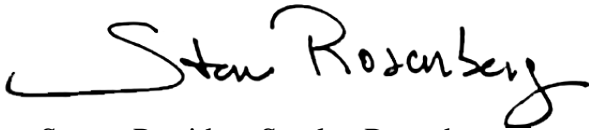
U.S. Representative Michael Capuano  
*7th District*



U.S. Representative Stephen Lynch  
*8th District*



U.S. Representative William R. Keating  
*9th District*



Senate President Stanley Rosenberg  
*Franklin, Hampshire and Worcester*



House Speaker Robert DeLeo  
*Nineteenth Suffolk District*

cc: Deborah Szaro, Acting Regional Administrator, Region 1 (by email at [szaro.deb@epa.gov](mailto:szaro.deb@epa.gov))  
Peter Tsirigotis, Director, Sector Policies and Programs (by email at [airaction@epa.gov](mailto:airaction@epa.gov))

JANET T. MILLS  
ATTORNEY GENERAL



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October 31, 2017

By electronic mail and first class mail

Sarah Dunham  
Acting Assistant Administrator for Air and Radiation  
([dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov))  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Acting Administrator Dunham:

Please accept this request for public hearings on the Environmental Protection Agency's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017), on behalf of the Maine Office of the Attorney General. We are directing this request to you because the public statements of Administrator Pruitt indicate he has prejudged the legality of the Clean Power Plan. The issue of climate change is of substantial interest to Maine people, and we therefore request that in addition to holding a public hearing in Washington, D.C., EPA also hold a public hearing in Maine—or at a minimum in Boston—so that Maine residents are afforded a meaningful opportunity to express their views on EPA's proposed action.

Maine is already experiencing significant, negative effects of climate change through rising sea levels, ocean acidification and invasive species that are expanding their range northward as the environment warms. By way of example, the Gulf of Maine is increasing in temperature faster than 99% of the world's ocean waters. These warmer waters have brought with them an invasion of non-native green crabs that are devastating softshell clam flats in southern and mid-coast Maine. At the same time, ocean waters globally have become approximately 30% more acidic over the last century. That increasing acidity inhibits shell formation in all shellfish, including lobsters, which are the basis of a \$1.7 billion industry in Maine. These symptoms of climate change threaten both the health of our marine ecosystem and a coastal economy that depends on it.



In Maine's interior, iconic species that drive our tourist economy are also suffering from the effects of a warmer environment. A plague of winter ticks brought on by decreased snowpack has taken a serious toll on Maine's moose population. Longer, hotter summers and more frequent droughts are shrinking brook trout habitat and undermining efforts to restore sea-run salmon in Maine's downeast rivers. Shorter and earlier springs have hurt maple sugaring operations. These are just a few examples of how climate change is already damaging Maine's environment and its economy.

At the same time, Maine state government has been at the forefront of efforts to reduce greenhouse gas emissions. Maine has participated in the Regional Greenhouse Gas Initiative since its inception, which has helped reduce regional carbon dioxide emissions from the electricity sector by more than 40% from 2005 levels. The RGGI program has proven that substantially reducing carbon dioxide emissions is compatible with supporting economic goals and maintaining grid reliability. And this Office has joined with other states and cities to advocate for and defend national policies to reduce greenhouse gas emissions, including the Clean Power Plan.

We are strenuously opposed to the repeal of the Clean Power Plan, particularly when EPA has failed to propose an alternative means of reducing greenhouse gas emissions from the electricity sector that achieves equivalent results with similar efficiency. Please schedule a public hearing in Maine, or at a minimum in some central New England location, so Maine people who care deeply about this issue can personally address their concerns to your agency.

Sincerely,



Gerald D. Reid  
Assistant Attorney General  
Chief, Natural Resources Division  
(207)626-8545  
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**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.  
410-576-7036

WRITER'S DIRECT DIAL NO.  
410-576-6311

October 31, 2017

**VIA ELECTRONIC AND FIRST CLASS MAIL**

Sarah W. Dunham (dunham.sarah@epa.gov)  
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William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 6201A  
Washington, DC 20460

Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Ms. Dunham:

By this letter, the Office of the Maryland Attorney General hereby requests a public hearing on EPA's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). In light of Administrator Pruitt's prejudgment of the legality of the Clean Power Plan, we believe he cannot fairly consider issues in this rulemaking, and therefore are submitting this request to you. Because of the importance of the issue of climate change to Maryland, I request that in addition to holding a public hearing in Washington, D.C., EPA also hold a public hearing in Annapolis, Maryland, so that the agency can have the benefit of hearing first hand from our residents the harms that we are experiencing from climate change and why EPA's proposal to eliminate a critical tool to address those harms—the Clean Power Plan—would be a colossal mistake.

In recent years, the harmful impacts of climate change on Annapolis, as well as several other areas of Maryland, have been unmistakable. For example, according to a report published by the City of Annapolis in 2011, "minor nuisance flooding around the City Dock currently begins to occur when tides rise above elevation 1.9 feet. At that level, water begins to flow out of the existing storm drain system even during sunny days." (See attached photo). In addition, it is well documented that the islands of the Chesapeake Bay are disappearing. Based on projections from organizations such as the National Oceanic and Atmospheric Administration and the Maryland Commission on Climate Change ("MCCC"), sea level rise will occur in Maryland on a larger scale than other areas of the world. Specifically, estimates provided by the MCCC's Science and Technical Working Group indicate that Maryland is projected to experience between 2.1 and 5.7 feet of sea level rise over the next century. In fact, sea level could be as much as 2.1 feet higher in 2050 along Maryland's shorelines than it was in 2000.

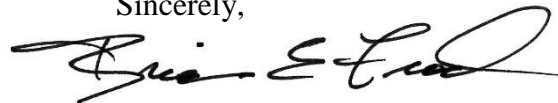
Annapolis is full of great history that could be lost due to sea level rise. The city's historic core, a largely intact pre-industrial colonial city, is a designated National Historic Landmark for possessing exceptional value in illustrating the heritage of the United States. Annapolis boasts the largest collection of 18th century buildings in America. Many are open to the public, where their beauty and architectural style are major attractions.

Annapolis is also home to the U.S. Naval Academy. According to Vice Adm. Walter E. "Ted" Carter Jr., the superintendent of the Academy, heating and ventilation equipment has been moved to rooftops where possible, and giant underground reservoirs have been built to capture storm water. A planned building in which midshipmen will be taught about cybersecurity will also serve as a flood barrier for other parts of the campus, and other new buildings are being constructed at higher elevations.

Due to the urgent need to take action to face these threats to the health of our residents and our natural resources, we have taken steps to shift away from reliance on fossil fuels for electricity generation, transportation, and other sectors of our economy. For example, Maryland enacted the Healthy Air Act in 2006, the Clean Cars Act in 2007, and the Greenhouse Gas Reduction Act in 2009. In addition, the MCCC, previously mentioned above, was established and charged with evaluating and recommending state goals to reduce Maryland's greenhouse gas (GHG) emissions to 1990 levels by 2020 and to reduce those emissions to 80 percent of their 2006 levels by 2050. Finally, my office has joined together with other states' attorneys general to advocate for and defend policies to reduce greenhouse gas emissions, such as the Clean Power Plan.

Because repealing the Clean Power Plan—especially without any commitment to replace it with a better rule to deal with the urgent problem of power plant carbon pollution—would be a grave mistake, we urge EPA to take the time to listen to the people of Maryland who have been impacted most and/or face the most imminent threats from climate change. Should you have any questions, please do not hesitate to contact me at (410) 576-6300.

Sincerely,



Brian E. Frosh  
Attorney General of Maryland

cc: Peter Tsirigotis, Director, Sector Policies and Programs (by email at [airaction@epa.gov](mailto:airaction@epa.gov))  
Cosmo Servidio, Regional Administrator, Region 3 ([R3\\_RA@epa.gov](mailto:R3_RA@epa.gov))



DEPARTMENT OF JUSTICE

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October 31, 2017

By electronic mail and first class mail

Scott Pruitt, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: Request for Public Hearing In Oregon on Proposed Repeal of Clean Power Plan

Dear Administrator Pruitt:

I request a public hearing in Oregon on the Environmental Protection Agency's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). Climate change is negatively affecting Oregon's environment and economy, and we request that EPA hold a hearing in Oregon due to the critical importance of the issue to our state. We want EPA to have the benefit of hearing first hand from Oregonians about the harms we are experiencing from climate change and why we need to implement the Clean Power Plan, not repeal it, to minimize and reverse those harms.

Oregon already is experiencing adverse impacts of climate change and these impacts are expected to become more pronounced in the future. For example, the seasonal flow cycles of Oregon rivers and streams are changing due to warmer winters and decreased mountain snowpack accumulation, as more precipitation falls as rain, not snow. Spring peak stream and river flows are coming sooner, increasing flooding risks, and late-summer flows are decreasing, depleting Oregon's supply of summer water for agriculture, wildlife, and hydropower generation.

As a coastal state, the impact of climate change on the ocean is and will have a profound impact on Oregon. Ocean sea levels will rise between four inches and four and a half feet on the Oregon coast by the year 2100, and coastal residents, cities and towns along Oregon's 300 miles of coastline and 1400 miles of tidal shoreline will be threatened by increased flooding and erosion as a result. Residential development, state highways, and municipal infrastructure are all at risk to such threats. Already, ocean waters are more acidified, hypoxic (low oxygen), and warmer due to climate change, and such impacts are projected to increase, with a particular

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detrimental impact on some marine organisms like oysters and other shellfish, which will threaten marine ecosystems, fisheries and seafood businesses.

Climate change is also adversely affecting Oregon's forests. We just concluded another intense and damaging fire season in Oregon, and climate change is projected to increase fire activity due to warmer, drier summers that will increase the severity of fires and the length of the fire season. And the warmer, drier summers also will exacerbate insect outbreaks in forests as drought stress increases forest vulnerability. There is already evidence of altered geographic distributions of many plant species.

Because of the urgent need to take action to address these threats, Oregon has taken steps to shift away from reliance on fossil fuels for electricity generation, transportation, and other sectors of our economy. For example, Oregon is ranked 8th in the nation for installed wind capacity, with 3,213 megawatts in operation. A total of forty-four projects span the state, with the first project installed in 1998. Individual utility-scale wind projects range from 10 megawatts to nearly 900 megawatts. As of mid-2017, the wind projects in Oregon powered the equivalent of over 660,000 homes. Meanwhile, the only operating coal power plant in the state will close in 2020, with reliable substitute energy provided from expanded use of renewable energy and cleaner natural gas. In the transportation sector, we are also implementing a clean fuels program which will reduce the carbon emissions from transportation fuel by ten percent by 2025. These are just some of the examples of critical steps Oregon has taken to reduce our greenhouse gas emissions.

Actions by individual states, however, will not be sufficient to address the grave threat that climate change presents. We need national programs that will result in substantial and significant reductions in nationwide greenhouse gas emissions. The Clean Power Plan is just such a program, and it should be implemented not repealed. I therefore urge EPA to take the time to listen to Oregonians before making that mistake, and my office would be pleased to work with EPA to schedule such an opportunity.

Sincerely,



Ellen F. Rosenblum  
Attorney General

cc: Sarah Dunham, Acting Assistant Administrator for Air and Radiation (by email at [dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov))  
Michelle Pirzadeh, Regional Administrator, Region 10 (by email at [pirzadeh.michelle@epa.gov](mailto:pirzadeh.michelle@epa.gov))  
Peter Tsirigotis, Director, Sector Policies and Programs (by email at [airaction@epa.gov](mailto:airaction@epa.gov))



**COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

October 31, 2017

**BY ELECTRONIC MAIL AND FIRST CLASS MAIL**

Sarah Dunham (dunham.sarah@epa.gov)  
Acting Assistant Administrator for Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

**Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan**

Dear Acting Administrator Dunham:

The Commonwealth of Pennsylvania, Office of Attorney General and Department of Environmental Protection (“DEP”), hereby request a public hearing on EPA’s proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). As a major energy producer whose air quality and environment is significantly impacted by activities outside our borders, Pennsylvania has unique concerns and is heavily impacted by the Clean Power Plan and federal environmental and energy regulations.

Because of the importance of both energy production and climate change to the economy of Pennsylvania and the health of 12 million Pennsylvanians, we request that EPA hold a public hearing in its region 3 headquarters. We believe you should have the benefit of hearing first hand from our residents both the importance of energy production to our state and the harms we are experiencing from climate change.

Pennsylvania has been dedicated to responsible energy production for generations. Our communities have been built and sustained by natural resource extraction while also suffering first-hand the consequences of pollution and inadequate regulation. We know the potential for

October 31, 2017

Page 2

harm and prosperity. For these reasons, we seek a hearing on the EPA's proposed actions here in our Commonwealth.

Sincerely,



Josh Shapiro  
Attorney General



Patrick Mc Donnell  
Secretary

cc: Peter Tsirigotis  
Sector Policies and Programs Division  
by email at [airaction@epa.gov](mailto:airaction@epa.gov)

Cosmo Servidio  
EPA Region 3 Regional Administrator  
by email at [servidio.cosmo@epa.gov](mailto:servidio.cosmo@epa.gov)



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring  
Attorney General

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October 31, 2017

E. Scott Pruitt, Administrator  
U.S. Environmental Protection Agency  
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Washington, DC 20460  
Pruitt.Scott@epa.gov

Re: Request for Public Hearings on Proposed Repeal of the Clean Power Plan

Dear Administrator Pruitt:

Pursuant to your Federal Register Notice on the proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017), I respectfully request that you hold a public hearing in Hampton Roads, Virginia. Conducting a hearing in Hampton Roads will enable you to hear first-hand from our residents that already experience the serious impacts of climate change as part of their daily lives.

The Hampton Roads area has seen the highest rates of sea level rise along the East Coast. Ordinary rain events now cause flooding in the streets of Norfolk, including large connector streets going underwater, impacting homeowners' access on a regular basis.<sup>1</sup> Hampton Roads is home to a significant number of military installations potentially impacted. As an example, Naval Station Norfolk, the largest navy base in the world, is currently replacing 14 piers due to sea level rise, at a cost of \$35-40 million per pier.<sup>2</sup> The city of Norfolk alone will need at least \$1 billion in the coming decades to replace current infrastructure and keep water out of the city's homes and businesses.<sup>3</sup> Costs from three feet of sea-level rise in the Hampton Roads region are expected to range between \$12 billion and \$87 billion.<sup>4</sup>

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<sup>1</sup> See, for instance: <http://wavy.com/2016/09/21/rain-causes-norfolk-streets-and-neighborhoods-to-flood/>

<sup>2</sup> Center for Sea Level Rise, Old Dominion University, "Center For Sea Level Rise" (2017). *Hampton Roads Intergovernmental Pilot Project: Website*. 1, available at [http://digitalcommons.odu.edu/cgi/viewcontent.cgi?article=1000&context=hripp\\_website](http://digitalcommons.odu.edu/cgi/viewcontent.cgi?article=1000&context=hripp_website)

<sup>3</sup> Id.

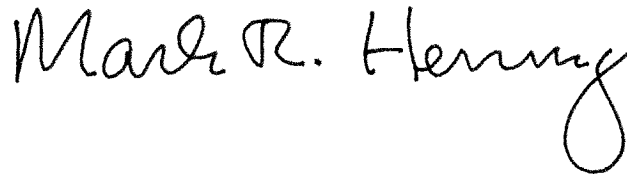
<sup>4</sup> Id.



Demonstrating an understanding of these and other impacts, our electric utilities have shifted away from carbon intensive generation, due in part to a recognition that reducing carbon emissions is necessary. Additionally, Virginia has seen a dramatic increase in the number of solar facilities established in the state.

I was proud to stand with other states and cities to defend the Clean Power Plan in federal court. Carbon pollution is a serious threat to our natural environment, to our public health, and to our way of life. I urge you to conduct a hearing in Hampton Roads so that you can hear firsthand from Virginians that live with climate change as part of your information gathering before you take the unnecessary and harmful step of repealing the Clean Power Plan.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Herring". The signature is written in a cursive style with a large, looped "H" and a long, sweeping underline.

Mark R. Herring  
Attorney General

Cc: Peter Tsirigotis  
Sector Policies and Programs Division (D205-01)  
U.S. Environmental Protection Agency  
Research Triangle Park, NC 27711  
[airaction@epa.gov](mailto:airaction@epa.gov)

**JAY INSLEE**  
Governor



**STATE OF WASHINGTON**  
Office of the Governor

October 30, 2017

The Honorable E. Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

**Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan**

Dear Administrator Pruitt:

By this letter, I hereby request a public hearing on the Environmental Protection Agency's (EPA) proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). Because of the unique perspective of the electricity sector in Washington State and the importance of climate change to Washington, I request that – in addition to holding a public hearing in Washington, D.C. – EPA also hold a public hearing in Seattle. This will afford the agency the benefit of hearing first-hand from our residents on how the EPA's proposal to eliminate this federal rule designed to reduce harmful carbon pollution from power plants will affect them.

The perspective from Washington State is important for a number of reasons. First, our electrical power system is different from that in other parts of the United States. Here, retail power generation and distribution are vertically-integrated and utility purchases are primarily made through traditional bilateral contracts. Another unusual aspect of our electricity system is that a diverse mix of public and investor-owned utilities supplies Washington's power and so, utility governance is more dispersed and diffused here than elsewhere. Indeed, the majority of Washington utilities are consumer-owned. The electricity sector in Washington and the Pacific Northwest is also distinctive in that we rely heavily on federal hydropower and transmission assets owned and operated by the Bonneville Power Administration, and its federally-mandated planning entity, the Northwest Power and Conservation Council.

Most importantly, Washington takes climate change very seriously. Climate change is already causing significant harm to our people, communities and natural resources, and climate scientists have projected that these impacts will grow worse in coming decades. Climate impacts in Washington include hotter, drier summers; increased respiratory illness; more devastating wildfire seasons; strained water resources and increased flooding; increasingly acidic coastal waters; and much more. The University of Washington Climate Impacts Group has estimated the impacts of climate change could cost Washington over \$10 billion per year by 2020. This week,



The Honorable E. Scott Pruitt  
October 30, 2017  
Page 2

a report issued by the U.S. Government Accountability Office (GAO) estimated that our nation has spent over \$350 billion over the past decade in response to extreme weather and fire events, and that the U.S. will incur far-higher costs in coming years unless action is taken to reduce the carbon pollution that is driving climate change.

In Washington, we are prepared to face this climate challenge. We have taken numerous steps to shift away from reliance on fossil fuels, including enacting policies to shift away from carbon-intensive coal-fired electricity generation. Further, in a voter-approved initiative, we required our utilities to increase their use of energy-efficient and renewable energy, and we incentivize and invest directly in the deployment of electric vehicles and clean energy technologies. Most recently, we implemented a Clean Air Rule under our state's own Clean Air Act that will cap and reduce carbon pollution from the state's largest sources. We are also collaborating with other states – on a regional and national basis – to help our nation transition to a clean energy economy.

The Clean Power Plan is an important complementary federal policy, which was thoughtfully constructed in consultation with the states, to require each state to reduce its emissions while granting each the flexibility to pursue its own strategies to achieve those reductions. Washington provided substantive comments in the rulemaking process, to which the EPA listened and through which the final rule was optimized (to account for our state's unique electrical generation portfolio, and the decision our state has made to close our last remaining coal plant, for example).

Repeal of the Clean Power Plan will have significant effects in Washington State and throughout the country. Before taking such a major step to undo the years of work that EPA, along with the states, put into developing the Clean Power Plan, it is important that EPA hear the views of a wide variety of stakeholders, including residents on the east and west coasts, from organized and vertically-integrated markets, and representing a variety of system-operating conditions and governance structures. Therefore, I urge EPA to schedule a public hearing in Seattle, Washington, and to listen to the people of the state of Washington before proceeding with the repeal of the Clean Power Plan.

Thank you for your consideration.

Very truly yours,

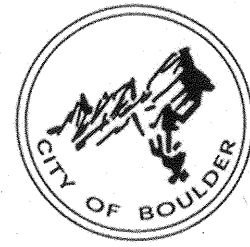


Jay Inslee  
Governor

cc: Peter Tsigotis, Sector Policies and Programs Division (D205-01), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, [airaction@epa.gov](mailto:airaction@epa.gov)

# CITY OF BOULDER, COLORADO

Office of the City Attorney  
Municipal Building  
1777 Broadway  
Post Office Box 791  
Boulder, Colorado 80306  
Telephone (303) 441-3020  
Facsimile (303) 441-3859



October 31, 2017

**Via First Class Mail and Electronic Mail to: ([dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov))**

Sarah Dunham

Acting Assistant Administrator for Air and Radiation

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Acting Administrator Dunham,

By this letter, the City of Boulder, Colorado, hereby requests a public hearing on EPA's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). Due to the importance of the issue of climate change to Colorado, and specifically to the residents and businesses of the City of Boulder, Boulder requests that in addition to holding a public hearing in Washington, D.C., EPA also hold a public hearing in Boulder so that the agency can have the benefit of hearing first hand from our residents the harms we are experiencing from climate change and why EPA's proposal to eliminate a critical tool to address those harms—the Clean Power Plan—would be a mistake.

Global climate change is one of the most significant threats facing local communities and will affect Boulder's ability to deliver services, including fire protection and other emergency services, flood control and public works projects, and health care and social services for vulnerable populations. A 2015 report by the University of Colorado Boulder and Colorado State University to the Colorado Energy Office states that Colorado's climate has warmed in recent decades, and climate models unanimously project this warming trend will continue into the future. Although the actual pace of warming is dependent on the rate of worldwide greenhouse gas emissions, climate change has impacted and will continue to impact Colorado's resources in a variety of ways, including more rapid snowmelt, longer and more severe droughts, and longer growing seasons.

Boulder has seen several significant impacts from climate change. These include increased risk of wildfires, devastating flooding, and loss of snowpack for water storage. For example, since 1989, Boulder County has experienced four major wildland fires, the last of which was the Fourmile Canyon fire in 2010. The Fourmile Canyon fire destroyed over 6,000 acres of forest and 168 homes. The City's principal water treatment facility is in the region affected by the fire and was placed at risk.

Re Request for Public Hearings in Boulder, CO on Proposed Repeal of Clean Power Plan

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In September 2013, Boulder experienced a flood that caused damages estimated as high as \$150 million. In our region, four people died, 1,202 people were airlifted from their homes, and 345 homes were destroyed. Over a period of eight days, Boulder received an unprecedented 17.15 inches of rain. To put this into context, Boulder's annual average precipitation is just 19.14 inches. In September, Boulder normally averages just 1.61 inches of rain. This disaster was so widespread and devastating that the Boulder County Board of Commissioners declared a County-wide disaster, the Governor of Colorado declared a State disaster, and the President of the United States declared the September Colorado Flood a Presidential Disaster.

Perhaps the most significant long-term impact of climate change to Boulder is the potential for impacts to water supply. Increased temperatures will require larger amounts of water to sustain outdoor uses such as agriculture and urban tree canopies. Approximately 89% of the water consumption in Colorado is associated with agriculture so even a modest increase in agricultural water needs will have a significant impact on overall water demands in the state. Like most water users in Colorado, Boulder's water supply infrastructure depends on the accumulation of snowpack in the Rocky Mountains during winter months, followed by a predictable melting and runoff into storage reservoirs throughout the rest of the year. A significant shift from snow to rain or in the timing of runoff would result in a shortfall in water supply because reservoirs are not sized to hold water supply that historically was held in the snowpack.

Although virtually any aspect of Boulder's economy could be affected by changes in the climate, specific industries that rely on natural resources – agriculture, tourism and recreation, and mining and extraction – are particularly vulnerable. Reduced snowpack is an obvious sensitivity in the ski sector, but also important are earlier melt as well as seasonal shifts in temperature, which can exacerbate wildfire potential, negatively affect plants and wildlife, and increase public exposure to vector-borne diseases.

Due to the urgent need to take action to face these threats to the health of our residents and our natural resources, we have taken steps to shift away from reliance on fossil fuels for electricity generation, transportation, and other sectors of our economy. The City of Boulder understand that restraining global warming to an increase of no more than 2 degrees Celsius over the pre-industrial average will require changes in how the world produces and uses energy to power its cities and factories, heats and cools buildings, as well as move people and goods in airplanes, trains, cars, ships and trucks. To that end, in November 2006, Boulder voters approved a Climate Action Plan Tax, the nation's first "Carbon Tax." The tax has allowed the community to develop innovative, nationally acclaimed programs that help the community reduce energy use and greenhouse gas emissions. Since its inception, the carbon tax has funded more than \$8 million in incentives to Boulder residents and businesses through an extensive suite of services and regulations. Much of the first generation of carbon tax funded efforts have focused on conservation and efficiency efforts, particularly in the built environment where electricity and natural gas make up almost 80% of emissions. Since 2010, more than 7,500 City of Boulder housing units and 2,300 businesses

Re Request for Public Hearings in Boulder, CO on Proposed Repeal of Clean Power Plan

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have participated in energy upgrades resulting in over \$20 million in energy related private investments and significant reductions in emissions from building energy use.

However, like most communities, the majority of Boulder's emissions come from burning fossil fuels to produce electricity. Energy-related activities represent more than 95% of Boulder's emissions, encompassing three energy related emissions sources: electricity (coal and natural gas), natural gas for heating and other processes/uses, and petroleum. For those efforts, we look forward to the increasing availability of electricity from renewable sources under Colorado's Renewable Energy Standards, some of the most stringent standards in the country. We also recognize more must be done. These City programs and community action permitted Boulder to avoid 147,000 metric tons of emissions between 2005 and 2012, despite significant economic growth. While efficiency and conservation efforts remain effective, it is essential that communities shift dependency away from fossil fuels and change the energy source. As such, local clean energy generation is a cornerstone of Boulder's long-term strategy. Boulder owns and operates eight hydroelectric facilities with the combined capacity of 15 megawatts. Boulder also has one of the highest levels of installed solar per capita in the country, with more than 1,900 solar installations on Boulder homes and businesses with a current combined capacity of over 16 megawatts.

While Boulder is committed to reducing emissions, it is equally important to Boulder to ensure its resilience from climate-related impacts. Through its ongoing work with the Rockefeller Foundation and the Western Adaptation Alliance, Boulder continues to prioritize the critical linkages between mitigation and resilience building. Boulder has established six near-term priorities for building resilience including efforts to:

- Complete flood infrastructure design and implementation based on the experience of our recent 100 year+ flood event.
- Update the design and infrastructure related to storm water, wastewater and drinking water, particularly in high flood/fire risk zones.
- Increase fire hazard mitigation treatments, particularly in high vulnerability zones.
- Continue to diversify transportation options to increase mobility and access, particularly for lower income residents.
- Expand "localized" energy such as distributed generation and micro-grid development to decrease vulnerability and increase stability and reliability of critical power systems during extreme weather or other disruption events starting first with critical community services such as public safety, public health, and basic governance functions.
- Identify cross-cutting opportunities between essential functions that prioritize resilience planning.

Sarah Dunham  
Acting Assistant Administrator for Air and Radiation  
Page 4  
October 31, 2017

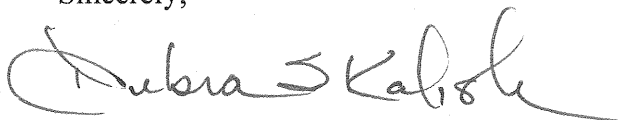
Re Request for Public Hearings in Boulder, CO on Proposed Repeal of Clean Power Plan

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Recognizing that many other cities will continue to face similar challenges, Boulder is harmonizing its climate mitigation and adaptation strategies to grow technological, financial and social innovations that can be useful to others. For Boulder, growing mitigation and resilience efforts is a core theme in our future economic development strategy. We have also joined together with other states and cities to advocate for and defend policies to reduce greenhouse gas emissions, such as the Clean Power Plan.

Because repealing the Clean Power Plan—especially without any commitment to replace it with a better rule to deal with the urgent problem of power plant carbon pollution—would be a grave mistake, we urge EPA to take the time to listen to the people of our city and state before proceeding down this path. We request, in particular, that EPA schedule a public hearing in Boulder, Colorado.

Sincerely,



Debra S. Kalish  
Sr. Assistant City Attorney

Cc: Doug Benevento, Regional Administrator, EPA Region 8 (via email to [Benevento.doug@epa.gov](mailto:Benevento.doug@epa.gov))  
Peter Tsirigotis, Director, Sector Policies and Programs (via email only to [airaction@epa.gov](mailto:airaction@epa.gov))  
Boulder City Council  
Suzanne Jones, Mayor  
Jane Brautigam, City Manager  
Thomas A. Carr, City Attorney  
Heather Bailey, Executive Director, Energy Strategy and Electric Utility Development  
Jonathan Koehn, Regional Sustainability Coordinator



DEPARTMENT OF PUBLIC HEALTH  
CITY OF CHICAGO

October 31, 2017

By electronic mail and first class mail  
Sarah Dunham (dunham.sarah@epa.gov)  
Acting Assistant Administrator for Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Acting Assistant Administrator Dunham:

By this letter, the City of Chicago hereby requests public hearings on EPA's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). In light of Administrator Pruitt's prejudgment of the legality of the Clean Power Plan, we are submitting this request to you. Because of the importance of the issue of climate change to Chicago, we request that in addition to holding a public hearing in Washington, D.C., EPA also hold a public hearing in Chicago.

On a number of past occasions, EPA has held public hearings in Chicago on proposed rules or Agency actions. Chicago's central, easily accessible location at the heart of the industrial Midwest makes it an ideal choice to ensure robust public participation. EPA's Region 5 is, of course, also based in Chicago. As it has done in the past, the Agency should hold a hearing here so it can have the benefit of hearing first hand from both our residents and others in the surrounding region.

While Chicago's location fortunately spares it from most hurricanes and the effects of sea level rise, in recent years the harmful impacts of climate change on our city and region have still been unmistakable. For example, more frequent heavy precipitation events cause dangerous and expensive flash flooding of Chicago neighborhoods. In addition, the EPA's own researchers predict more frequent and longer heat waves, which increase health risks to Chicago's elderly and low-income populations.

Due to the urgent need to take action to face these threats to the health of our residents and our natural resources, we have taken steps to shift away from reliance on fossil fuels for





DEPARTMENT OF PUBLIC HEALTH  
CITY OF CHICAGO

electricity generation, transportation, and other sectors of our economy. As just one example, earlier this year, Mayor Emanuel announced that by 2025 all of Chicago's public buildings will be powered by 100 percent renewable energy. We have also joined together with other states and cities to advocate for and defend policies to reduce greenhouse gas emissions, such as the Clean Power Plan.

Repealing the Clean Power Plan—especially without any commitment to replace it with a better rule to deal with the urgent problem of power plant carbon pollution—would be a grave mistake. Thus, we urge EPA to take the time to listen to the people of our region, and take their views into account to avoid proceeding down the misguided path of repeal.

Sincerely,

Handwritten signature of Christopher Wheat.

Christopher Wheat  
Chief Sustainability Officer  
(312) 744-3840  
Christopher.wheat@cityofchicago.org

Handwritten signature of Julie Morita.

Julie Morita, M.D.  
Commissioner  
Chicago Department of Public Health  
(312) 747-9884  
Julie.Morita@cityofchicago.org

cc: Peter Tsirigotis (by email [airaction@epa.gov](mailto:airaction@epa.gov))  
Robert Kaplan, Acting Regional Administrator, Region 5  
(by email at [Kaplan.robert@epa.gov](mailto:Kaplan.robert@epa.gov))



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

ZACHARY W. CARTER  
*Corporation Counsel*

CARRIE NOTEBOOM  
phone: (212) 356-2319  
email: [cnoteboo@law.nyc.gov](mailto:cnoteboo@law.nyc.gov)

October 31, 2017

Via E-mail & Regular Mail

Sarah Dunham ([dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov))  
Acting Assistant Administrator for Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan, EPA  
Docket ID No. EPA-HQ-OAR-2017-0355

Dear Acting Administrator Dunham:

By this letter, the City of New York is requesting a public hearing on EPA's proposal to repeal the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, also known as the Clean Power Plan.<sup>1</sup> Because of the importance of the issue of climate change to the City, we request that in addition to whatever other public hearing is planned, EPA also hold a public hearing in New York City so the agency can hear from residents directly impacted by climate change about the importance of keeping the Clean Power Plan in place to address the harmful climate pollution from the power sector.

Having just commemorated the fifth anniversary of Hurricane Sandy, which hit New York City on October 29, 2012, the City is keenly aware of the devastating impacts of climate change. Sandy, as well as the recent storms that caused massive damage in Texas, Florida, and Puerto Rico, demonstrated the scale of devastation that storms intensified by climate change can impose on coastal areas; the high winds and unprecedented storm surge that accompanied Sandy left forty-four people dead in the City and countless others injured, with at least \$19 billion in damages and lost economic activity in New York City alone.<sup>2</sup>

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<sup>1</sup> 82 Fed. Reg. 48,035 (Oct. 16, 2017).

<sup>2</sup> See City of New York, *A Stronger, More Resilient New York* (2013) at 5, at [www.nyc.gov/html/sirr/html/report/report.shtml](http://www.nyc.gov/html/sirr/html/report/report.shtml); see generally *id.* at 10-18. While this report lists the Sandy

Continued...

In the New York metropolitan region, we are already seeing a changing climate, with hotter annual temperatures, increasingly frequent heavy downpours, and rising sea levels. These trends are projected to continue and even worsen in the coming decades due to higher concentrations of GHGs in the atmosphere caused by burning of fossil fuels and clearing of forests for agriculture.<sup>3</sup> These aspects of a changing climate increase the risks for the people, economy, and infrastructure of New York City and other coastal communities throughout the country and around the world. Long-term changes in climate mean that when extreme weather events strike, they are likely to be increasingly severe and damaging. By the 2050s, New York City will likely experience sea levels that are up to twenty-one inches higher than today, doubling the probability that historic 100-year coastal floods and hurricanes will increase in frequency and intensity, and extreme precipitation events will increase.<sup>4</sup>

Rising sea levels will expose the homes, businesses, streets, wastewater treatment plants, and power plants that line our 520 miles of coastline to increased hazards. More extreme weather will also leave the City and its essential infrastructure susceptible to more frequent violent storms and severe flooding; at other times, the new extremes could subject the City to prolonged periods of drought.<sup>5</sup> Similarly, as global temperatures get warmer due to climate change, heat waves are expected to become more frequent, last longer, and intensify—posing a serious threat to the City’s power grid and New Yorkers’ health.<sup>6</sup> Warming temperatures can

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death toll as forty-three, an additional fatality was identified by the medical examiner’s office after the report was released, bringing the City’s death toll to forty-four. *See* City of New York, *One City Built to Last: Transforming New York City’s Buildings for a Low-Carbon Future* (2014) at 19, at <http://www.nyc.gov/html/builttolast/assets/downloads/pdf/OneCity.pdf> (hereinafter “One City”).

<sup>3</sup> New York City Panel on Climate Change, *Building the Knowledge Base for Climate Resiliency: New York City Panel on Climate Change 2015 Report*, *Annals of the New York Academy of Science*, Vol. 1336 (Jan. 2015), at 9 (hereinafter “*New York City Panel on Climate Change 2015 Report*”), available at <http://onlinelibrary.wiley.com/doi/10.1111/nyas.2015.1336.issue-1/issuetoc>.

<sup>4</sup> *New York City Panel on Climate Change 2015 Report*, Chapter 2; *Stronger, More Resilient New York* at 33, 40-41.

<sup>5</sup> *See generally A Stronger, More Resilient New York* at 23-27. For a comprehensive discussion of the likely effects of climate change on New York City’s watershed and water delivery systems, *see* The New York City Department of Environmental Protection Climate Change Program, *Assessment and Action Plan* (May 2008), at [http://www.nyc.gov/html/dep/pdf/climate/climate\\_complete.pdf](http://www.nyc.gov/html/dep/pdf/climate/climate_complete.pdf). Details of climate change impacts on the City’s wastewater treatment system are presented in DEP’s *NYC Wastewater Resiliency Plan: Climate Risk Assessment and Adaptation Study* (Oct. 2013), at [http://www.nyc.gov/html/dep/html/about\\_dep/wastewater\\_resiliency\\_plan.shtml](http://www.nyc.gov/html/dep/html/about_dep/wastewater_resiliency_plan.shtml).

<sup>6</sup> *A Stronger, More Resilient New York* at 27.

exacerbate or introduce a wide range of health problems, including cardiovascular and respiratory diseases, pollution and allergen-related health problems, and vector-borne diseases.<sup>7</sup> The health consequences of climate change disproportionately affect our most vulnerable populations—the elderly, children, and low-income communities who already experience elevated instances of cardiovascular and respiratory diseases.<sup>8</sup>

Should regulations limiting greenhouse gas emissions be curtailed, rising temperatures and sea levels and incidents of extreme weather events will present even graver dangers than those we must already abate. Thus, repealing the Clean Power Plan—especially without any commitment to replace it with a better plan to address the urgent problem of power plant carbon pollution—would be a grave mistake. We urge EPA to hold a hearing in New York City so that the agency can listen to feedback on the proposed repeal directly from our residents. If it would facilitate such a hearing, we are ready to work with the agency to find an appropriate location.

Sincerely,



Carrie Noteboom  
Senior Counsel  
Environmental Law Division

cc: Peter D. Lopez, Regional Administrator, Region 2 (by email at [Lopez.Peter@epa.gov](mailto:Lopez.Peter@epa.gov))  
Peter Tsirigotis, Director, Sector Policies and Programs (by email at [airaction@epa.gov](mailto:airaction@epa.gov))

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<sup>7</sup> *A Stronger, More Resilient New York* at 78-82.

<sup>8</sup> See DOHMH, *Air Pollution and the Health of New Yorkers: The Impact of Fine Particles and Ozone* at 4, at <https://www1.nyc.gov/assets/doh/downloads/pdf/eode/eode-air-quality-impact.pdf>; see also Globalchange.gov, *The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment Ch. 9, Populations of Concern* (April 2016), at <https://health2016.globalchange.gov/populations-concern>.

THE CITY OF PHILADELPHIA  
— OFFICE OF —  
SUSTAINABILITY

October 31, 2017

By electronic mail and first class mail

Sarah Dunham ([dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov))

Acting Assistant Administrator for Air and Radiation

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

Re: Proposed Repeal of Clean Power Plan - Request for Public Hearings

Dear Acting Assistant Administrator Dunham:

The City of Philadelphia (City) hereby requests a public hearing on EPA's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). Given EPA's near complete reversal of its position on climate change generally, and Administrator Pruitt's past role in suing EPA to stop the Clean Power Plan, the City is, therefore, submitting this request to you. Because of the importance of the issue of climate change to the City, we also request that in addition to holding a public hearing in Washington, D.C., EPA also hold a public hearing in Philadelphia, PA. EPA will benefit greatly from hearing first hand from our residents the harms we are experiencing from climate change, and why EPA's proposal to eliminate as critical a tool as the Clean Power Plan to address those harms is a serious mistake.

The extremely harmful impacts of climate change on the City and the Mid-Atlantic United States is clear. Since 2010, Philadelphia has experienced a variety of extreme weather, including the two snowiest winters, the three hottest summers, the wettest day, and the two wettest years on record, as well as two hurricanes and a derecho. In addition, 57 daily high temperature records have been set in Philadelphia since the year 2000, 28 of them since the year 2010.

There is an urgent need to take action to face these threats to the health of our residents and our natural resources. As outlined in the City's Municipal Energy Master Plan, the City will lead by example and is committed to an ultimate transition to 100 percent clean energy. Philadelphia is taking steps to shift away from reliance on fossil fuels for electricity generation, transportation, and other sectors of our economy. For example, Philadelphia improved the energy efficiency in our four large downtown office buildings, which reduces emissions by 7,800 MTCO<sub>2e</sub> a year, or the equivalent of removing 1,670 cars from the road. The City is also working with other states and cities to advocate for and defend policies to reduce greenhouse gas emissions, such as the Clean Power Plan.

Repealing the Clean Power Plan especially without any commitment to replace it with a better rule to deal with the urgent problem of power plant carbon pollution is a grave mistake. Philadelphia

strongly urges EPA to take the time to listen to the people of our City before proceeding with such an environmentally destructive policy.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Knapp".

Christine Knapp  
Director, Office of Sustainability

cc: Cosmo Servidio, Regional Administrator, Region 3 (by email at [servidio.cosmo@epa.gov](mailto:servidio.cosmo@epa.gov))  
Peter Tsirigotis (by email [airaction@epa.gov](mailto:airaction@epa.gov))



**City of South Miami**  
**Philip K. Stoddard, Ph.D.**  
**Mayor**  
**6130 Sunset Drive**  
**South Miami, FL 33143**  
**Phone: 305-663-6338**  
**Fax: 305-663-6345**  
**[pstoddard@southmiamifl.gov](mailto:pstoddard@southmiamifl.gov)**

October 31, 2017

Sarah Dunham  
Acting Assistant Administrator, Office of Air and Radiation  
U.S. Environmental Protection Agency Headquarters  
1200 Pennsylvania Ave., NW  
Mail Code: 6201A  
Washington, DC 20460  
[Dunham.sarah@Epa.gov](mailto:Dunham.sarah@Epa.gov)

Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Acting Assistant Administrator Dunham:

In light of Administrator Pruitt's prejudgment of the legality of the Clean Power Plan, we believe he cannot fairly consider issues in this rulemaking, therefore we are submitting this request to you.

The City of South Miami, Florida, ("City") hereby requests a public hearing on EPA's proposed repeal of the Clean Power Plan, 82 Fed. Reg.

48,035 (Oct. 16, 2017). Because of the importance of the issue of climate change to the City, I request that, in addition to holding a public hearing in Washington, D.C., the EPA also hold a public hearing in Miami-Dade County, Florida, so that the agency can have the benefit of hearing first-hand from the residents and public officials of the incorporated and unincorporated areas of Miami-Dade County as to the harms we are experiencing from climate change and why EPA's proposal to eliminate the Clean Power Plan, a critical tool to address those harms, would be a disastrous error in judgment.

Because of its location and geographic features, the City is vulnerable to the known consequences of climate change, such as sea level rise, rising water table, flooding, and storm surge.

The City is located one-mile west of Biscayne Bay, and bounded by a major canal on the southern edge that connects directly to Biscayne Bay, and is bisected by a second canal that connects to the first one. According to data recorded by the Rosenstiel School of Marine and Atmospheric Science (RSMAS) at the University of Miami, Biscayne Bay has experienced almost five inches of sea level rise in the past five years alone.

The City, as well as much of South Florida, sits on very porous rock and, as the level of the sea rises, the pressure causes water to rise up through the ground and flood the inland areas. Ongoing threats to the City from the rising water table include slowed drainage during and following rains, increased flood risk, saltwater intrusion into our groundwater and soils, displacement of our drinking water supply, and failure of residential septic systems.

The City is already experiencing higher levels of flooding due to sea level rise, which translates into reduced ability for stormwater to drain into the ocean through the floodwater canal system in the City. The low-lying areas within the City are prone to flooding, evidenced by their recent inclusion in FEMA Flood Zone AE, the increased intensity of flooding in the Twin Lakes area of the City, and the storm surge flooding experienced for the first time during Hurricane Irma. The



canal areas of the City that are already contained within FEMA flood zones (due to extremely low elevation) are now prone to storm flooding and destined to become increasingly vulnerable to riverine flooding and storm surge as sea level continues to rise.

In recent years, the harmful impacts of climate change on our City have been unmistakable. In 2015, the City hired a consultant to assess and identify critical vulnerabilities in regards to sea level rise, storm surge and inland riverine flooding, and the effect on the infrastructure of the City. The study revealed increasing vulnerabilities of septic systems, roads, bridges, and residential properties.

The financial cost and burden of dealing with the effects of climate change are manifold. Increased flood threat caused by sea level rise will require the City to elevate roads in low-lying areas and to rebuild all bridges both higher and with greater clearance to handle flood waters, as well as to install additional sewage infrastructure to allow for replacement of all septic systems with municipal sewer system (currently 2/3 of residences are on septic).

Increased area flooding from sea level rise promises to directly disrupt regional transportation and commerce, threatening jobs, education systems, and the tax base that supports local government. It is also anticipated that flooding from sea level rise promises to harm the City by interfering with finance markets, specifically, increasing the costs of private insurance, hindering the ability of local home-buyers to obtain 30-year mortgages, and preventing local government from bonding necessary infrastructure projects. Low-lying residential neighborhoods that are continually flooded in the future will require the City to condemn properties in order to avoid slum and blight, demolish the homes, and restore these areas so as to function as estuaries and parks. All of these factors will harm the City's tax base and interfere with the City's ability to provide municipal services including police protection and parks programs.

Upon seeing the very real consequences of climate change in our area, the City has decided to take a proactive approach and has already

begun both adaptation and mitigation strategies to address the consequences of sea level rise induced by climate change.

The City completed a Storm Water Master Plan and updated that plan in 2012 and it has budgeted and spent millions of dollars to reduce the City's storm threat rating through drainage improvements in the lowest areas of the City. The City has begun implementation of numerous drainage, sewer and stormwater management projects. The City has initiated engineering studies to replace residential septic systems with municipal sewer hookups that will be less vulnerable flooding caused by the rise in the water table. City residents pay the bulk of their property taxes to Miami-Dade County, which has begun a multi-billion-dollar redesign of the entire County-wide sewer system, desalination projects to provide drinking water, and a groundwater modeling study. The City has initiated a series of climate mitigation projects, including initiatives for financing and group pricing on rooftop solar installations, green fleet conversion, and plans to replace energy-inefficient municipal buildings with more efficient ones. The rate of solar adoption has doubled, with residents reporting high return on investment. The City's green fleet initiative has already returned budget savings. The City has recently passed a solar ordinance that requires installation of solar collectors on new residential construction. However, despite all our efforts, we cannot do it alone.

Other cities in Miami-Dade County are also waging a war against rising sea level. For example, the City of Miami Beach has already begun to raise their roadways and add enormous pumps to offset the flooding due to the rising sea. This past week the City of Miami, located a few miles north of our city, passed a resolution to put a new bond referendum on the ballot for its upcoming election to acquire approximately 200 million dollars to protect against flooding due to climate change and sea level rise.

The City recognizes that greenhouse gas emissions from human activity have been proven by the best science to be heating the oceans and atmosphere, accelerating sea level rise, and acidifying the oceans.

We urge the EPA to take the time to listen to the people of Miami-Dade County before proceeding down path of repealing the Clean Power Plan. We, as a country, need to deal with the urgent problem of power plant carbon pollution. To repeal the Clean Power Plan, with no commitment to replace it with a better rule, will be a catastrophic mistake.

Therefore, we request that you hold at least one hearing in Miami-Dade County, Florida, which is the areas in our state that has been harmed the most and which faces the most imminent threats from climate change of any area in the United States.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip K. Stoddard".

Philip K. Stoddard, Mayor

Cc: Peter Tsirigotis  
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