



Memorandum

TO: Air Quality Subcommittee
CC: Coal Policy Task Force
FROM: Tawny Bridgeford, General Counsel & Senior Vice President, Regulatory Affairs
DATE: June 20, 2025
SUBJECT: **NOTICE:** June 26 Teams Meeting on EPA Power Plant Clean Air Act Rules

The National Mining Association (NMA) has scheduled a Teams meeting on **June 26, 2025, from 11 a.m. to noon (Eastern)** to provide an overview of the U.S. Environmental Protection Agency's (EPA) proposed rules that would: (1) repeal all greenhouse gas (GHG) emissions standards for the power sector (now called the Carbon Pollution Standards) under Section 111 of the Clean Air Act (CAA); and (2) repeal the 2024 amendments to the National Emission Standards for Hazardous Air Pollutants for coal- and oil-fired electric utility steam generating units (EGUs) (commonly known as the Mercury and Air Toxics Standards, or simply MATS) under Section 112 of the CAA. We will also share our initial thoughts on NMA's advocacy strategy. **Click [here](#) to add the meeting to your calendar.**

This week, EPA published the rules in the *Federal Register*, starting the clock for public comments. Comments on the [Carbon Pollution Standards repeal](#) are due on **Aug. 7, 2025**, with a public hearing on July 8, 2025. Comments on the [MATS repeal](#) are due on **Aug. 11, 2025**, with a public hearing scheduled on July 10, 2025.

Proposal to Repeal Obama and Biden Administrations' Regulations on Power Plants

In this rulemaking, EPA proposes two approaches. Importantly, EPA explains that if it "does not finalize the primary proposal, it may finalize the alternative proposal" but is not planning to finalize both. This is a critical distinction compared to EPA's approach during the first

Trump administration where EPA repealed the Clean Power Plan first and then initiated a separate rulemaking under CAA section 111.

EPA's primary proposal is to repeal all GHG emissions standards for fossil fuel-fired power plants, including the 2015 CAA 111(b) emissions standards for new coal plants issued during the Obama-Biden Administration, and the 2024 CAA 111(d) rule for existing coal plants issued during the Biden-Harris Administration. According to EPA, "CAA section 111 is best read to require, or at least authorize the EPA to require, an Administrator's determination that an air pollutant emitted by a source category causes, or contributes significantly to, dangerous air pollution as a predicate to establishing emissions standards for that pollutant." Furthermore, EPA "proposes to adopt a statutory interpretation that is centered on the impacts and effects of statutory policy considerations in determining whether a source category's contribution is significant, rather than a purely quantitative measure of significance resting on the absolute volume of emissions from a source category."

EPA has determined that GHG emissions from fossil fuel-fired power plants do not contribute significantly to dangerous air pollution within the meaning of the statute. EPA emphasizes several points in making this determination including: (1) GHGs are global pollutants; (2) the U.S. power sector contributes a relatively minor share of GHG emissions compared to global concentrations; (3) the decline in power sector GHG emissions compared to total global GHG emissions; and (4) increased coal use in other countries. Ultimately, EPA concludes that "the large and growing share of GHG emissions from international sources strengthens the conclusion that U.S. fossil fuel-fired electricity generation, including U.S. coal use for electricity generation, does not contribute significantly to globally elevated concentrations of GHGs in the atmosphere."

EPA's secondary proposal is a more tailored and narrow repeal of the most burdensome set of requirements issued for new and existing fossil fuel-fired steam generating units, including CAA 111(d) emissions guidelines for existing coal plants that require use of carbon capture and sequestration/storage (CCS) technologies. More specifically, "EPA is proposing to determine that 90 percent CCS is not the [Best System of Emission Reduction (BSER)] for existing long-term coal-fired steam generating units because it has not been adequately demonstrated and because the costs are not reasonable." EPA also questions the compliance deadline "because it is unlikely that the infrastructure necessary for CCS can be deployed by the January 1,

2032, compliance date," and therefore finds that "the degree of emission limitation in the [Clean Power Plan 2.0] for long-term coal-fired steam generating units is not achievable."

Additionally, EPA is proposing to determine that 40 percent natural gas co-firing is not the BSER for existing medium-term coal-fired steam generating units because: (1) a consideration of the energy requirements shows that 40 percent natural gas co-firing in a steam generating unit is an inefficient use of natural gas; (2) it constitutes impermissible generation shifting under *West Virginia v. EPA*; and (3) it is unachievable due to the extreme unlikelihood that the necessary pipeline infrastructure can be deployed in the time provided under the [Clean Power Plan 2.0]."

Note, under this secondary approach, EPA is not reopening the 2015 CAA 111(b) standards for new coal plants that require partial CCS. EPA is accepting public comment on this matter and asserts it may engage in further rulemaking at a future date if this alternative proposal is finalized.

EPA estimates this proposal would save the power sector \$19 billion in regulatory costs over the 2026 to 2047 period, or about \$1.2 billion a year (based on a 3 percent discount rate).

Proposal to Repeal Certain Amendments to the 2024 MATS

In this rulemaking, EPA is proposing to repeal certain 2024 amendments to MATS and revert back to the 2012 MATS requirements.

Specifically, this action would remove the:

- **Revised filterable particulate matter (fPM) emission standard:** EPA revised this standard from 0.030 pounds per million British thermal units (lb/MMBtu) to 0.010 lb/MMBtu (a 66 percent reduction). It serves as a surrogate for non-mercury hazardous air pollutant metals for existing coal-fired EGUs. EPA is proposing to repeal this revision because the cost-effectiveness values (e.g., dollar/ton) are higher than other technology reviews and related actions under CAA section 112.
- **Revised fPM emission standard compliance demonstration requirements:** EPA revised the requirements from allowing EGU owners and operators to choose between use of quarterly stack

testing, use of continuous parametric monitoring systems, or use of PM continuous emission monitoring systems (CEMS) to only allowing use of PM CEMS. EPA now believes that this requirement is an unnecessary expense and EGUs should maintain the option to utilize other monitoring methods to demonstrate compliance with the fPM emission standard.

- **Revised mercury (Hg) emission standard for lignite-fired EGUs:** EPA revised the standard for existing lignite-fired EGUs from 4.0 pounds per trillion British thermal units (lb/TBtu) to 1.2 lb/TBtu requirements (a 70 percent reduction). EPA now proposes to find that the agency failed to demonstrate that the revised Hg emission standard for lignite-fired EGUs is achievable across the broad range of boiler types and varying compositions of the different lignite fuels.

EPA estimates that this proposed repeal of the 2024 MATS amendments would save \$1 billion in regulatory costs over the 2028 to 2037 timeframe, with total annualized cost savings of \$120 million a year (based on a 3 percent discount rate).

If you have any questions in advance of next week's meeting, please contact me at tbridgeford@nma.org.