



## STATE OF INDIANA

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*Eric J. Holcomb*, Governor



February 16, 2018

EPA Docket Center  
United States Environmental Protection Agency (U.S. EPA)  
Mail Code: 2822T  
Attention: Air Docket ID EPA–HQ–  
OAR–2017–0355  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

The State of Indiana via the undersigned agencies appreciates the opportunity to comment on the United States Environmental Protection Agency's (U.S. EPA) proposed rule entitled "Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units" (October 26, 2017, 82 Fed. Reg. 48035).

When the Clean Power Plan was proposed in 2014, the State of Indiana joined with other states in challenging its validity in court<sup>1</sup>. After the Clean Power Plan became final in 2015, Indiana once again reaffirmed its position that the rule represented a vast overreach of authority by U.S. EPA. Therefore, Indiana supports the full repeal of the Clean Power Plan with no replacement.

Indiana stands by our view that Congress never intended for greenhouse gases (GHGs) to be regulated under the Clean Air Act or subsequent Amendments. Further, Indiana believes Congress did not intend for U.S. EPA to regulate GHGs under Section 111(d), nor did it intend for U.S. EPA to regulate mechanisms that go beyond the fence line of a stationary source.

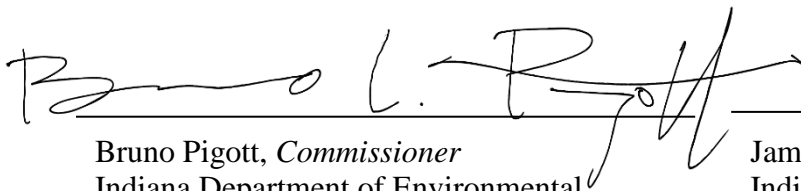
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<sup>1</sup> *State of West Virginia, et al. v. United States Environmental Protection Agency, et al.*, Case No. 15-1363 et seq., U.S. Court of Appeals for the District of Columbia Circuit.

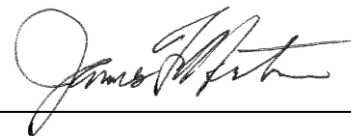
In addition to being an overreach of power by U.S. EPA, the Clean Power Plan would require owners of affected sources to invest a substantial amount of money in order to comply or have to close. This rule is a significant economic burden on both affected sources and ratepayers, who would most likely see a substantial increase in utility bills due to rate recovery by sources. Hoosiers, especially those in lower socioeconomic brackets, would be affected the most by this rule and could lose heat and power because they would not be able to pay for rising utility costs.

Indiana appreciates the opportunity to provide feedback to U.S. EPA regarding the proposed repeal of the Clean Power Plan. For the reasons mentioned above, Indiana supports a full repeal with no replacement. If you have any questions or need additional information, please contact Bruno Pigott, Commissioner for the Indiana Department of Environmental Management, at (317) 232-8611, or bpigott@idem.in.gov.

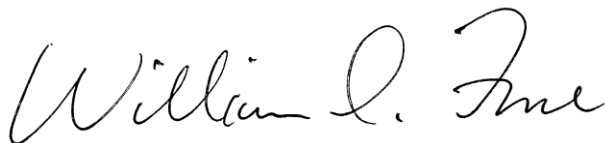
Respectfully,




Bruno Pigott, *Commissioner*  
Indiana Department of Environmental  
Management



James F. Huston, *Interim Commission Chair*  
Indiana Utility Regulatory Commission



William I. Fine, *Utility Consumer  
Counselor*  
Indiana Office of Utility Consumer  
Counselor



Tristan Vance, *Director & Chief Energy  
Officer*  
Indiana Office of Energy Development