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To: Environmental Protection Agency  
*Submitted via online portal.*

From: **Haley Schulz, Public Citizen, [hschulz@citizen.org](mailto:hschulz@citizen.org), 512-477-1155**

Re: **Docket (EPA-HQ-OLEM-2025-2864)**

Hello, my name is Haley Schulz. I am a Community Organizer with Public Citizen, a nonprofit consumer advocacy organization that champions the public interest in the halls of power. We defend democracy, resist corporate power, and fight to ensure that government works for the people – not big corporations.

I come to you today as a concerned citizen, a mother, and a community leader who was born, raised, and lives in Fort Bend County, Texas. I firmly oppose the EPA's proposal to extend the compliance deadline for certain CCR surface impoundments. While the agency states this extension would promote electric grid reliability, supporting analyses and data show coal plants remaining open does not foster grid stability and the known harmful impacts continue to compound as a result.

This proposed delay in the deadline and added flexibility for coal plant compliance are not needed. While the current deadline of October 17, 2028, was set in July 2020, the industry had years to comply, ample time to transition away from coal-fired facilities or retrofit CCR impoundments. This proposed extension will not effectively help improve grid stability. Without proper justification that this proposal will boost grid stability, it feels simply like a handout to the industry with permission to continue polluting and sidestep compliance.

In the 2015 CCR Rule, the EPA identified benefits from better management of CCR facilities. This newly proposed rule would delay the benefits that come with transitioning



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these facilities. There is also no explanation of why these benefits are being dismissed, except to briefly mention that “it is possible that the proposed rule will reduce benefits.”<sup>1</sup>

Additionally, there is the risk and cost of the delayed transition of these facilities. Noting the 11 coal-fired power plants across the country that could remain open thanks to the proposed rule, their combined emissions would cost billions of dollars in health damages, according to the EPA’s own calculations.<sup>2</sup> Comparing these billion-dollar costs to the estimated \$7-\$12 million in annual cost savings, the cost-benefit analysis should speak for itself in implementation of the proposed rule.<sup>3</sup>

In a powerful analysis by Grid Strategies LLC<sup>4</sup>, the mandate for fossil-fueled power plants to remain open rather than retire will not only cost consumers billions of dollars per year, but will continue to cause environmental harms that this agency is meant to protect us from. Delaying compliance deadlines of facilities that are likely near the end of their useful lives will only cost Americans.

The EPA needs to amend the proposal to include a new, complete analysis of how extending a compliance deadline that affects 11 facilities will help grid reliability as a whole. It is already cited how the facilities may or may not continue with a transition plan as a result of this proposal, so the agency should conduct a new cost-benefit analysis for this proposal and share it with the public.

Reviewing the affected facilities’ statements and summaries, all 11 plants indicate plans to continue retirement, transition, or closures by the current deadline of October 17, 2028. Baldwin’s stated closure has already begun and would still be completed by the 2028

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<sup>1</sup> EPA, REGULATORY IMPACT ANALYSIS HAZARDOUS AND SOLID WASTE MANAGEMENT SYSTEM: DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES; EXTENSION OF AN ALTERNATIVE CLOSURE REQUIREMENT DEADLINE (2025), <https://perma.cc/BBK8-AUL6>.

<sup>2</sup> EPA, TECHNICAL SUPPORT DOCUMENT: ESTIMATING THE BENEFIT PER TON OF REDUCING DIRECTLY-EMITTED PM2.5, PM2.5 PRECURSORS AND OZONE PRECURSORS FROM 21 SECTORS, at 24 tbl. 10 (2023), <https://perma.cc/Q9YW-CC6G>.

<sup>3</sup> EPA, REGULATORY IMPACT ANALYSIS HAZARDOUS AND SOLID WASTE MANAGEMENT SYSTEM: DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES; EXTENSION OF AN ALTERNATIVE CLOSURE REQUIREMENT DEADLINE (2025), <https://perma.cc/BBK8-AUL6>.

<sup>4</sup> Goggin, M. (n.d.). The cost of federal mandates to retain fossil-burning power plants. [https://gridstrategiesllc.com/wp-content/uploads/Grid-Strategies\\_Cost-of-Federal-Mandates-to-Retain-Fossil-Burning-Power-Plants.pdf](https://gridstrategiesllc.com/wp-content/uploads/Grid-Strategies_Cost-of-Federal-Mandates-to-Retain-Fossil-Burning-Power-Plants.pdf)



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deadline.<sup>5</sup> Intermountain's coal units went offline before the end of 2025 without impacting grid reliability.<sup>6</sup> Both of the Texas plants, Coletto Creek and J. Robert Welsh, plan to close by October 17, 2028. Coletto Creek began to transition from coal to natural gas last year. J. Robert Welsh still has plans to begin the first phase of closure in February 2027. The market and industry both recognize coal-burning is an archaic technology. We have cleaner, more reliable, more profitable solutions that benefit all parties can benefit. I ask this agency to recognize the clean energy transition and the benefits it provides us all.

The U.S. Energy Information Administration (EIA) reported in 2023 that coal accounted for 16.2% of the country's source for utility-scale electricity generation.<sup>7</sup> And yet, in 2022, coal accounted for 53% of the U.S. electric power industry's CO<sub>2</sub> emissions.<sup>8</sup> It is obvious which electricity generation source is the least efficient, costliest and in need of the most rigid compliance: coal. You can have compliance that protects Americans and the electric generation industry while having a strong, reliable grid. This proposal is unnecessary and similar to other rule proposals made by this agency over the last year; it will do far more harm than good, not only to human health and the environment, but to the very industry it's claiming to save.

Facilities and plant owners are complying with the current deadline and we have sustainable solutions to address grid reliability without the help of coal-fired generation. A power plant can still be compliant and provide power to the grid. If a power plant falls out of compliance from environmental protections set by the EPA, the EPA should address that facility accordingly, not by lowering its standards.

Thank you for your time and consideration.

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<sup>5</sup> *Hazardous and Solid waste Management system: Disposal of coal combustion residuals from electric utilities; Extension of an alternative closure requirement deadline.* (2025, November 28). Federal Register. <https://www.federalregister.gov/d/2025-21597/p-41>

<sup>6</sup> IPP coal-fired units are no longer operating as state government searches for buyers. (2025, December 5). *Utah News Dispatch*. <https://utahnewsdispatch.com/2025/12/05/intermountain-power-plant-coal-fired-units-no-longer-operating/>

<sup>7</sup> *EIA Frequently Asked Questions (FAQs)*. (n.d.). U.S. Energy Information Administration. <https://www.eia.gov/tools/faqs/faq.php?id=427&t=3>

<sup>8</sup> *EIA Frequently Asked Questions (FAQs)*. (n.d.-b). U.S. Energy Information Administration. <https://www.eia.gov/tools/faqs/faq.php?id=77&t=3>