



August 6, 2025

Submitted via www.regulations.gov

Honorable Lee Zeldin
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Mail Code: 1101A)
Washington, D.C. 20460

**Re: Establishment of Public Docket and Listening Sessions on Implementation
Challenges Associated with Clean Water Act Section 401
(Docket No. EPA-HQ-OW-2025-0272)**

Dear Administrator Zeldin:

The Energy Marketers of America (EMA) appreciates this opportunity to comment on EPA's solicitation of public feedback on implementation challenges under Section 401 of the Clean Water Act. In line with the Administration's guiding pillars, EMA urges EPA to consider how permitting decisions may impact energy diversity, small business viability, environmental innovation, and consumer choice—particularly in regions like the Northeast where modern liquid fuels remain essential. Preserving a diverse energy mix that includes liquid heating fuels is critical to achieving energy independence and dominance, while also advancing clean air and water stewardship.

As EPA considers ways to improve the Section 401 certification process, EMA urges decision-makers to thoughtfully evaluate the unintended financial burdens that could arise from fast-tracking major infrastructure projects by circumventing established safeguards. Additionally, we caution against policies that promote natural gas pipeline expansion based on the presumption that doing so displaces “dirty” heating oil. This assumption is both outdated and misleading. Indeed, modern liquid heating fuels—including ultra-low sulfur heating oil (ULSHO) and renewable BioHeat® blends—have undergone dramatic improvements, achieving environmental profiles on par with natural gas in many respects.

The Northeast landscape presently offers a well-diversified energy mix, including ULSHO and BioHeat®. This diversity bolsters energy reliability, stimulates market competition, and expands options for consumers—delivering advantages to both residential and commercial users. Meeting the region's energy needs will require leveraging every viable resource, and we support a transparent, fair, and competitive marketplace. For example, ULSHO remains essential in the Northeast, serving as a safe, dependable, efficient, and environmentally friendly energy source for approximately 4 million households.

Since 2018, ULSHO—with a sulfur level of only 15 parts per million (ppm)—has become the norm in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland. This shift has achieved a 99 percent drop in sulfur content and sulfur dioxide emissions relative to earlier benchmarks, effectively eliminating particulate emissions, which are mostly sulfates. ULSHO systems are engineered for "Zero Smoke" performance, rendering them equivalent to natural gas in cleanliness and vastly outperforming options like wood pellets, which emit particulate matter at rates three orders of magnitude higher. Additionally, the drastic reduction in sulfur has led to reduced buildup in heating units, promoting cleaner, safer, and more efficient operations.

The oilheat sector has also pioneered clean energy innovation through the integration of U.S.-produced renewable fuels. BioHeat®, a blend of ULSHO with biodiesel or renewable diesel, lowers greenhouse gas emissions while bolstering American agriculture and energy independence. These fuels work seamlessly with existing infrastructure, allowing households and businesses to adopt cleaner energy without expensive equipment or system overhauls. The industry continues to innovate in pursuit of increasing the biofuel content of its products.

In addition to their environmental attributes, modern liquid heating fuels like ULSHO and BioHeat® contribute to overall energy system reliability by operating independently of the utility grid. With millions of households in the Northeast using off-grid heating oil systems, demand on the electric grid is significantly reduced during winter peaks. This decentralized model enhances resilience, particularly during extreme weather events, pipeline capacity constraints, or power outages. Preserving a base of liquid fuel users not only diversifies the region's energy portfolio but also reduces systemic risk by avoiding overreliance on a single energy delivery system.

Beyond its environmental profile and contributions to grid reliability, the heating oil sector supports thousands of local, frequently family-run businesses that deliver fuel, installations, and maintenance services. These small businesses employ more than 10,000 skilled technicians who apply cutting-edge techniques, such as digital combustion diagnostics, to optimize performance. As community anchors, these businesses drive local economies, offer energy choice, deliver steadfast support to residents, and ensure warm homes in harsh winters.

In this context, EMA encourages EPA to ensure that Section 401 certifications maintain analytical safeguards to ensure that major infrastructure projects are thoroughly evaluated—without relying on outdated assumptions about energy substitution. More broadly, to support balanced and consumer-focused policy, we urge EPA to:

- Promote energy diversity by preserving access to ultra-low sulfur heating oil (ULSHO) and its renewable blends—reliable and increasingly clean heating options that offer consumers alternatives beyond utility-supplied natural gas.
- Acknowledge the environmental progress of modern liquid fuels, which have achieved dramatic reductions in particulate and sulfur emissions and continue to advance through renewable blending.

Honorable Lee Zeldin

August 6, 2025

Page 3 of 3

- Support continued innovation in renewable fuel development to further reduce emissions from existing heating infrastructure without requiring costly system overhauls.
- Encourage adoption of high-efficiency heating technologies through voluntary, performance incentives that improve energy efficiency and reduce emissions in both residential and commercial settings.

Promoting the rapid expansion of natural gas infrastructure, particularly through incentives or favorable permitting treatment, may result in diminished competition, suppressed environmental innovation, increased barriers for small businesses, and elevated expenses for consumers in the form of higher utility bills. Preserving a diverse energy mix that includes environmentally friendly liquid heating fuels can mitigate these issues, promoting both cost-effectiveness and operational reliability.

Thank you for your commitment to shaping America's environmental and energy future. As EPA crafts policy, EMA encourages you to consider the economic, social, and environmental benefits of ULSHO paired with American-produced renewable fuels.

Please do not hesitate to contact me at runderwood@emamerica.org for further discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Underwood". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rob Underwood
President
Energy Marketers of America