

Clean Air Act Section 111

National Association of State Energy Officials

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U.S. Environmental Protection Agency

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The President's Climate Action Plan

- Calls on the federal government to work with states, cities, industries, consumers and the international community to address one of the greatest challenges of our time
- Reinforces the federal commitment to:
 - Cut harmful pollution
 - Protect our country from the impacts of climate change
 - Lead an international effort to address a changing climate



Reducing Carbon Pollution From Power Plants

President's Directive to EPA:

- Set flexible carbon pollution standards, regulations or guidelines, as appropriate, for power plants under section 111 of the Clean Air Act
- Focus on these elements when developing the standards
 - Stakeholder engagement on program design
 - States
 - Leaders in the power sector
 - Labor leaders
 - Non-governmental organizations
 - Tribal officials
 - Members of the public
 - Flexibilities in the program design
 - Market-based instruments, performance standards, others
 - Costs
 - Tailor regulations and guidelines to reduce costs
 - Continued importance of relying on a range of energy sources
 - Other regulations that affect the power sector



Clean Air Act Section 111

- Authorized in 1970
- Establishes a mechanism for controlling air pollution from stationary sources
 - Applies to sources for which the Administrator, in her judgment, finds “causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare”
 - Can apply to new, existing, modified and reconstructed sources
- Technology-based regulations
- More than 70 stationary source categories and subcategories are currently regulated under section 111
 - A full list of sources regulated under section 111 can be found in 40 CFR Part 60



EPA's Task

1. Using the Clean Air Act authority, issue carbon pollution standards for new power plants

- New proposal by September 20, 2013
- Proposal is currently under interagency review
 - Informed by the more than 2.5 million comments received on the April 2012 proposal
 - Will reflect recent developments and trends in the power sector
- Will follow the agency's open and transparent review process, including public comment and a public hearing



EPA's Task

2. Using the Clean Air Act authority, issue carbon pollution standards for modified and reconstructed power plants

- Will follow the agency's open and transparent regulatory process
 - Proposal: June 2014
 - Final: June 2015



EPA's Task

3. Using the Clean Air Act authority, issue carbon pollution guidelines for existing power plants

- Issue federal guidelines for the states
 - Work in partnership with states
 - States will develop plans that set standards for existing sources
 - States use EPA guidelines as a reference
- Federal guidelines should build on states' leadership and experience with programs that reduce GHGs
- Will follow the agency's open and transparent regulatory process to develop guidelines and review state plans
 - Proposed guidelines: June 2014
 - Final guidelines: June 2015
 - State plans due: June 2016



Next Steps: Actions and Timing

- Per the President's Directive
 - EPA will issue proposed carbon pollution standards, regulations, or guidelines, as appropriate, for modified, reconstructed and existing power plants
 - By no later than June 1, 2014
 - EPA will issue final standards, regulations or guidelines, as appropriate
 - By no later than June 1, 2015
 - EPA will include in the guidelines addressing existing power plants a requirement that states submit to EPA the implementation plans
 - By no later than June 30, 2016