

**STANDARDS. SCIENCE.
EDUCATION. ADVOCACY.**

US EPA Clean Power Plan

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Executive Director**

US EPA Clean Power Plan

- The Clean Power Plan will reduce carbon pollution from power plants, the nation's largest source.
- These are the first-ever US standards that address carbon pollution from power plants.
- The Clean Power Plan cuts significant amounts of power plant carbon pollution and the pollutants that cause the soot and smog that harm health, while advancing clean energy innovation.
- The final rule is the result of unprecedented outreach to states, tribes, utilities, stakeholders and the public, including more than 4.3 million comments EPA received on the proposed rule.

State Plans

- States must develop and implement plans that ensure the power plants in their state – either individually, together, or in combination with other measures – achieve the interim CO₂ performance rates between 2022 and 2029, and the final CO₂ emission performance for their state by 2030.
- States may choose between two plan types to meet their goals:
 - **Emission standards plan**– includes source-specific requirements ensuring all affected power plants within the state meet their required emissions performance
 - **State measures plan**– includes a mixture of measures implemented by the state, such as renewable energy standards and programs to improve residential energy efficiency that are not included as federally enforceable components of the plan.

State Plans

- The final rule also gives states the option to work with other states on multi-state approaches, including emissions trading.
- The flexibility of the rule allows states to spur private investments in renewable energy and energy efficiency technologies.
- States can tailor their plans to meet their respective energy, environmental and economic needs and goals, and those of their local communities by:
 - relying on a diverse set of energy resources;
 - protecting electric system reliability;
 - providing affordable electricity; and
 - recognizing investments that states and power companies are already making.

Emissions Trading

- Per US EPA:

“Trading is a proven approach to address pollution and provides states and affected plants with another mechanism to achieve their emission standards. Emission trading is a market-based policy tool that creates a financial incentive to reduce emissions where the costs of doing so are the lowest and clean energy investment enjoys the highest leverage.”

State Plan Timing

- States will be required to submit an initial final plan by September 6, 2016.
- Final complete state plans must be submitted no later than September 6, 2018.
- The final rule provides 15 years (from 2015 – 2030) for full implementation of all emission reduction measures,
- Each state plan must include provisions that will allow the state to demonstrate that the plan is making progress toward meeting the 2030 goal.
- During the interim period states are required periodically to compare emission levels achieved by their affected power plants with emission levels projected in the state plan and report results to EPA.

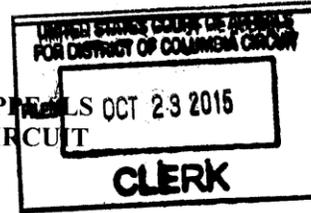
State Response

- EPA Final Rule Official on August 23, 2015
- While States have 60 days to reply...
- Following filed in DC Appellate Court on August 23, 2015

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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT



STATE OF WEST VIRGINIA,
STATE OF TEXAS,
STATE OF ALABAMA,
STATE OF ARIZONA CORPORATION
COMMISSION,
STATE OF ARKANSAS,
STATE OF COLORADO,
STATE OF FLORIDA,
STATE OF GEORGIA,
STATE OF INDIANA,
STATE OF KANSAS,
COMMONWEALTH OF KENTUCKY,
STATE OF LOUISIANA,
STATE OF LOUISIANA DEPARTMENT
OF ENVIRONMENTAL QUALITY
ATTORNEY GENERAL BILL SCHUETTE,
People of Michigan,
STATE OF MISSOURI,
STATE OF MONTANA,
STATE OF NEBRASKA,
STATE OF NEW JERSEY,
STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL
QUALITY,
STATE OF OHIO,
STATE OF SOUTH CAROLINA,
STATE OF SOUTH DAKOTA,
STATE OF UTAH,
STATE OF WISCONSIN, and
STATE OF WYOMING,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
and REGINA A. MCCARTHY, Administrator,
United States Environmental Protection Agency,

PETITION FOR REVIEW

Case No. 15-1383

State Appeal

“Petitioners will show that the final rule is

in excess of the agency's statutory authority, goes beyond the bounds set by the United States Constitution, and otherwise is arbitrary, capricious, an abuse of discretion and not in accordance with law.

Accordingly, Petitioners ask the Court to hold unlawful and set aside the rule, and to order other such relief as may be appropriate.”

Future

- Too soon to say how this will advance
- State appeal may go to US Supreme Court
- US EPA under current administration has recently been criticized by US Supreme Court for overreach and unlawful regulation
- Presidential elections in 2016 and future years will be relevant to how this issue develops

Thank You