



Environmental Regulatory Actions: Opportunities for Action

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Conventional Air Pollutants

- Ozone NAAQS: 60-70ppm standard proposed, final decision expected August 2010
- SO₂ NAAQS: 50-100 ppb 1 hr standard proposed, final decision expected June 2, 2010
- Utility MACT standard for Hg, metals, acid gases and other toxics; proposal expected March 2011, final decision by November 2011
- Regional Haze Rule: Best Available Retrofit Technology and requirement for Reasonable Progress in improving visibility in Class I areas

Non-Air Pollutants

- Coal Combustion Residuals: EPA released proposed regulations under RCRA on May 4, 2010
- Cooling Water Intake Requirements: EPA currently developing revised regulations under CWA 316(b) subsequent to 2009 Supreme Court decision.

Regulatory Action on Greenhouse Gases

- Prevention of Significant Deterioration (PSD) Best Available Control Technology (BACT) requirements for GHGs will be triggered on January 2, 2011.
 - GHG emission increases of more than 75,000 tpy CO₂e will require BACT determination
- EPA currently developing greenhouse gas New Source Performance Standards for utility boilers.
- Social Cost of Carbon
 - Interagency Task Force, led by White House, has developed methods and benchmarks for incorporating the social cost of carbon into key regulatory decisions

Regulatory Action on Greenhouse Gases

- National Environmental Policy Act (NEPA) – Draft Guidance on GHG Emissions and Climate Change
 - If a proposed project would cause emissions of >25,000 tpy of GHGs, then the federal agency should analyze the GHG emissions of the proposed project and alternative actions
 - Federal agencies should discuss the effects of climate change on the proposed project— including environmental impacts, mitigation, and adaptation

Legislative Action

- American Clean Energy and Security Act
 - Passed by the House June 26, 2009
- Boxer-Kerry
- Cantwell-Collins
- Bingaman Energy Bill
- Kerry-Lieberman