

Concept

Clean Air Act Section 111(d) Carbon Pollution Emissions Guidelines for Existing Electric Generating Units (EGUs) (531)

Reason for Action

To implement the Clean Air Act (CAA) Section 111(d) guidelines for existing EGUs which EPA has proposed as 40 CFR 60 Subpart UUUU Emission Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units (EGU).

Scope/Nature/Summary

On June 2, 2014 EPA proposed emissions guidelines for GHG emissions from existing EGUs. The guidelines are also referred to as the 111(d) or Clean Power Plan for existing power plants. EPA is expected to release the final guidelines in late summer 2015.

Section 111(d) requires EPA to identify the “best system of emission reduction” (BSER) that is adequately demonstrated and available to limit pollution and to set guidelines for states to reflect BSER. Based on its evaluation of BSER for existing EGUs, the EPA proposed regulation provides state specific goals for reducing carbon dioxide (CO₂) emissions for the power sector. States are then required to develop a plan including necessary rules to meet those goals. The proposed rule includes interim goals to be met over the period 2020-2029 and a final goal to be met by 2030.

The proposed EPA rules require states to develop and submit a state compliance plan to meet the goals within 1 year, or an initial compliance plan within 1 year with a request for a 1 year (single state plan) or 2 year (multi state plan) extension. A new Section of rules would need to be adopted to address the 111 (d) requirements. Other existing rules may also need to be revised.

These amendments are being proposed in response to federal requirements.

Statutory Authority

G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4), (5), (10); 143-215.108