CPP and the States: Roles and Perspectives of States, EPA, and its Regional Offices

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Clean Air Act Section 111(d) for Existing Sources

- Section 111(d) establishes a cooperative framework similar to section 110
- Section 111(d) directs EPA to promulgate regulations establishing section 110-like procedure under which states submit plan that:
  - Establish standards of performance for affected sources
  - Provide for implementation and enforcement of such standards
- Section 111(d) provides flexibility for states to design a program to achieve standards of performance

Previous Section 111(d) Regulations

- Sulfuric acid plants (acid mist)
- Phosphate fertilizer plants (fluorides)
- Primary aluminum plants (fluorides)
- Kraft pulp plants (total reduced sulfur)
- Municipal solid waste landfills (landfill gases)
Clean Power Plan Roles and Responsibilities

- EPA set emission guidelines that include:
  - Best system of emission reduction (BSER)
  - Goal for reductions based on BSER analysis
  - Timeline for implementation and other guidance

- States develop plans establishing standards of performance:
  - Include building blocks used for BSER or other measures
  - Multi-state or “trading-ready” plans
  - Stakeholder engagement and public comment

- States submit plans to EPA for review and approval
- EPA evaluates plans and takes action through notice & comment
- If state fails to do so, EPA has authority to prescribe a plan or enforce provisions
State Plan Authorities

- Governor
- Department of Health / Environment
  - Air Quality Board / Commission
  - State Legislature
- Public Utilities Commission
  - Supporting agency; oversee programs, reliability, etc.
- State Energy Office
  - Supporting agency; develop and implement policies & programs
- Obligated Parties / Stakeholders
  - Utilities, local governments, industry, etc.
Roles of EPA Regional Offices and Headquarters

► EPA Regional Offices:
   ► Work with states, provide guidance, conduit to EPA Headquarters
   ► Receive, review, and approve 111(d) state plans

► EPA Headquarters:
   ► Manage implementation process, address consistency
   ► Provide guidance and interpretation
   ► Manage EPA-administered tracking system
EPA Assistance to the States

► EPA is committed to working with states

► EPA is continuing to develop guidance, training, and tools

► State Plan Electronic Collection System (SPeCS)

► Clean Power Plan website: http://www.epa.gov/cpp

► Clean Power Plan toolbox: http://www2.epa.gov/cleanpowerplanttoolbox