



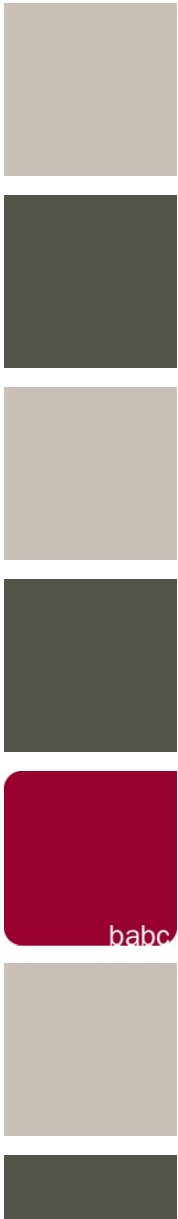
AIR & WASTE MANAGEMENT
A S S O C I A T I O N

MISSISSIPPI CHAPTER
SOUTHERN SECTION

Regulatory Update

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GHG Legislative Update

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GHGs entering the atmosphere as a result of human activity:

- Carbon dioxide – burning of fossil fuels, solid waste, trees and wood products (also occur naturally in the environment)
- Methane – emitted during production and transport of coal, natural gas, and oil.
- Nitrous oxide – agricultural and industrial activities, and combustion of fossil fuels and solid waste
- Flourinated gases – hydrofluorocarbons, perfluorocarbons, and sulfur hexaflouride (powerful GHGs emitted through industrial processes)



Massachusetts v. EPA (2007)

- **Held that GHGs are air pollutants that can be regulated under the Clean Air Act.**
- **Held that EPA must determine whether GHG emissions from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare pursuant to section 202(a)(2) of the CAA.**



Endangerment Finding (Dec. 2009)

- **Stated that current and projected concentrations of GHGs in the atmosphere threaten the public health and welfare of current and future generations.**
- **EPA went on to say that motor vehicles emit GHGs that cause or contribute to air pollution that threatens the public health or welfare.**
- **As a result, EPA promulgated new GHG emissions standards applicable to light duty motor vehicles.**

Establishing Greenhouse Gas Emission Standards

- **Has the consequence of greatly expanding the number of “major sources” potentially subject to the Prevention of Significant Deterioration (PSD) program.**
- **Potentially expands number of sources required to obtain Title V operating permits because major sources under the PSD program also are regulated as major sources for purposes of Title V.**



Best Available Control Technology Analysis

- **Step 1: identify all available control technologies**
- **Step 2: eliminate technically infeasible options**
- **Step 3: evaluate and rank remaining control technologies based on environmental effectiveness**
- **Step 4: evaluate cost effectiveness of controls**
- **Step 5: select BACT**

Mandatory Greenhouse Gas Reporting Rule

- **Facilities covered were required to submit a valid certificate of representation through EPA's electronic greenhouse gas reporting tool by January 30, 2011, and**
- **Reporting of 2010 emissions to be completed by March 31, 2011**



Additional EPA Rules

- **Light duty vehicle rule controlling greenhouse gas emissions was finalized on April 1, 2010**
- **Greenhouse gas tailoring rule, which establishes higher applicability thresholds for GHG emissions under the PSD and Title V operating permit programs, was adopted on May 13, 2010**



Waxman-Markey Bill

- **The American Clean Energy and Security Act of 2009 passed the House in June 2009**
- **Required a reduction in greenhouse gas emissions to 83% of 2005 levels by 2020**
- **Would have prevented greenhouse gases from being categorized as criteria pollutants or HAPs under the CAA, and would have exempted major GHG-emitting facilities from the NSR and Title V provisions of the CAA**



Kerry-Boxer Bill

- **In September 2009, introduced this climate bill entitled the Clean Energy Jobs and American Power Act**
- **Required a reduction in greenhouse gas emissions to 80% of 2005 levels by 2020**
- **Would include caps on greenhouse gas emissions, and prohibited EPA from creating NAAQS for greenhouse gas emissions or regulating them as HAPs**



American Power Act

- **In May 2010, Kerry and Lieberman released a modified climate bill that would not have included a comprehensive cap and trade system**
- **Cap and trade for some, delayed that system for others, and focused heavily on creating jobs in the energy sector**
- **Would have excluded GHGs from triggering NSR for any facility that I initially permitted after January 1, 2009, and would have prohibited EPA from setting performance standards for certain GHG sources**



Energy Tax Prevention Act

- Upton introduced a bill on March 3, 2011 to amend the Clean Air Act to prohibit EPA from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes.

McConnell Amendment

- Rider bill raised in the Senate that was virtually identical to Upton's bill
- Would strip EPA's authority to regulate GHG emissions under the CAA and retroactively nullify most of EPA's GHG rulemakings, preserving only the light-duty vehicle GHG emissions rule
- On April 6, there was a split vote in the Senate of 50/50 with 60 votes needed.



House votes on Upton's bill

- **On April 7, 2011, the House approved Upton's bill by 225 to 172.**
- **Would have barred EPA from acting to limit emissions of carbon dioxide and other GHGs that they declared a threat to human health and the environment.**



Questions or for more information

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