

Key EPA Regulatory Activity for the Electricity Sector

(as of March 31, 2010)

	EPA Action	Subject	Proposal Date	Projected Date for Final Agency Action	Applicable to New ("N") or Existing ("E") Facilities?
Criteria Pollutants (e.g. SO ₂ , Ozone, PM)	CAIR Replacement Rule	EPA to replace Clean Air Interstate Rule (CAIR) (controls on SO ₂ and NO _x in the Eastern U.S.) that was remanded by D.C. Circuit in 2008.	Expected April 2010	April 2011	N, E
	New PM _{2.5} Ambient Air Quality Standard	EPA to evaluate whether to tighten existing (2006) fine particulate standard pursuant to court remand.	Expected November 2010	July 2011	N, E
	New SO ₂ Ambient Air Quality Standard	EPA proposed rule to replace current annual and 24-hour sulfur dioxide standards with a more stringent 1-hour standard.	November 16, 2009	June 2, 2010	N, E
	New NO ₂ Ambient Air Quality Standard	EPA finalized a new 1-hour NO ₂ standard at the level of 100 parts per billion.	July 15, 2009	February 9, 2010	N, E
	New Ozone Ambient Air Quality Standard	EPA proposed rule to enact more stringent NAAQS for 8-hour "primary" ozone standard, and establish a distinct cumulative, seasonal "secondary" standard to protect "sensitive vegetation and ecosystems."	January 6, 2010	August 31, 2010	N, E
Greenhouse Gases	GHG Reporting Rules for New Sectors	EPA proposed additions to GHG Reporting Rule (finalized October 30, 2009) for fugitive and vented emissions from oil and natural gas systems, CO ₂ injection and geologic sequestration, and producers and emitters of some fluorinated GHGs	March 22, 2010	September 2010	N, E
	"Johnson Memorandum"	EPA revised guidance to defer effective date of BACT and Title V permit requirements for GHG emissions from stationary sources until at least January 2, 2011	Fall 2009	March 29, 2010	N/A
	"Tailoring Rule"	Proposed rule would raise GHG threshold for BACT and Title V for GHGs; expected phase-in starting in 2011 with sources already subject to PSD and Title V	Fall 2009	April 2010	N
	BACT and Title V Implementation				
	- <i>BACT Guidelines</i>	Rule to define what constitutes BACT for GHG emissions from new and modified power plants.	Expected 2010-2011		N
	- <i>Definition of Modification</i>	Rule to define what constitutes a "modification" that triggers BACT for existing power plants.	Expected 2010-2011		N
	- <i>SIP Modifications</i>	Modification of State Implementation Plans (SIPs) to reflect higher Tailoring Rule thresholds	Expected 2010-2011		N/A
	- <i>Permit Streamlining</i>	Simplifying Title V process and reducing permit fees	Expected 2010-2011		N/A
	New Source Performance Standards	GHG emission standards for new and modified power plants	Expected 2010	2011	N
	Performance Standards for Existing Plants	GHG emission standards for existing (unmodified) power plants	Expected 2011(?)	2012(?)	E
NEPA Guidance from Council on Environmental Quality (CEQ)	Draft guidance from CEQ addresses treatment of direct and indirect GHG emissions that may result from proposed federal actions, and potential impact of climate change upon proposed federal actions.	February 18, 2010	No earlier than July 2010; likely later in 2010	N	
Hazardous Air Pollutants (e.g. mercury, acid gases)	MACT Rulemakings for Mercury and other HAPs	EPA to set Maximum Available Control Technology (MACT) standard for all coal-fired power plant mercury emissions; and a range of other hazardous air pollutants emitted by coal and oil-fired power plants.	Expected March 2011	November 2011	N, E
Waste and Water	Coal Combustion Waste	RCRA rules on disposal of coal combustion wastes – possible treatment as hazardous waste.	Expected 2010	2011	N, E
	Waste Water Discharge Regulations under Clean Water Act (CWA)	Regulation of waste water discharges from thermal generating units.	Expected 2011	2012	N, E
	CWA Section 316(b)	EPA rule to replace remanded rule for regulating cooling water intake structures at existing facilities.	Expected Late 2010	2011-2012	E

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