

FACT SHEET

Review of Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units

ACTION

- On December 6, 2018, EPA proposed revisions to the greenhouse gas standards for new, modified, and reconstructed coal-fired electric utility generating units (EGUs), commonly called power plants.
- The agency is proposing to revise the determination of what constitutes the “standards of performance” that reflect the “best system of emission reduction (BSER) ... adequately demonstrated.”
- This revised BSER would replace EPA’s 2015 determination that partial carbon capture and storage technology was the BSER for new coal units. The primary reasons for this proposed revision are the high costs and limited geographic availability of CCS.
- For newly constructed power plants, EPA is proposing limits for carbon dioxide (CO₂) emissions based on the most efficient demonstrated steam cycle in combination with the best operating practices.
 - For large units, the BSER is proposed to be super-critical steam conditions, and if revised, the emission rate will be 1,900 pounds of CO₂ per megawatt-hour on a gross output basis (lb CO₂/MWh-gross).
 - For small units, the BSER is proposed to be subcritical steam conditions, and if revised, the emission rate will be 2,000 lb CO₂/MWh-gross.
- EPA also is proposing separate standards of performance for newly constructed and reconstructed coal refuse-fired units.
 - For these units, the BSER is best available subcritical steam conditions, and if finalized, the emission rate for these sources will be 2,200 lb CO₂/MWh-gross, regardless of the size of the unit.
- In addition, EPA is proposing to revise the standards of performance for reconstructed fossil fuel-fired steam units – which are also based on the most efficient demonstrated steam cycle – to make them consistent with the emission rates for large and small newly constructed units.
- EPA issued the final Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units, on October 23, 2015.
- The 2015 rule made the determination that partial carbon capture and storage (CCS) was the BSER for new power plants.
- The amended BSER determination in this action is based on:
 - An updated analysis of what represents reasonable costs, and
 - An updated analysis of the geographic availability of CCS.

- EPA is not proposing any changes to the Standards of Performance for Newly Constructed or Reconstructed Stationary Combustion Turbines. The agency is taking comment on whether and how to address concerns raised by stakeholders regarding the increased use of simple cycle aeroderivative turbines, including as back-up generation for wind and solar resources, whose operation may exceed the non-base load threshold described in the 2015 rule. Any follow-up regulatory actions would be achieved through a separate and subsequent proposal.
- Finally, EPA is taking comment on the regulatory threshold under section 111(b) that a source category “causes, or contributes significantly to,” air pollution. EPA asks for the public’s views on the proper interpretation of this phrase, the agency’s historic approach to this requirement, and whether this requirement should apply differently in the context of greenhouse gases than for traditional pollutants.
- This proposed action is in response to Executive Order 13783 – Promoting Energy Independence and Economic Growth – that directed all agencies to “immediately review existing regulations ... and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.”
- Section 111(b) of the Clean Air Act (CAA) provides authority to address emissions from new, modified, and reconstructed power plants, recognizing different approaches that are available at different stages of construction.
 - A new source is any newly constructed fossil fuel-fired power plant.
 - A modification is any physical or operational change to an existing source that increases the source’s maximum achievable hourly rate of air pollutant emissions.
 - A reconstructed source is a unit that replaces components to such an extent that the capital cost of the new components exceeds 50 percent of the capital cost of an entirely new comparable facility.
- If finalized, the proposed revised standards would apply to new, modified, and reconstructed sources after the date this proposal is published in the *Federal Register*.
- EPA projects this proposed rule will not result in any significant carbon dioxide (CO₂) emission changes or costs. EPA and U.S. Energy Information Administration analyses currently project there to be few new, reconstructed, or modified sources that would trigger these provisions.
- EPA will accept comment on this proposal for 60 days after publication in the *Federal Register* and hold a public hearing. Details of the public hearing will be announced in a separate Federal Register notice.

BACKGROUND

- In 2007, the United States Supreme Court concluded Congress had drafted the CAA broadly enough that EPA could regulate greenhouse gases (GHGs) from new motor vehicles under CAA section 202(a).

- In 2009, EPA issued an Endangerment Finding concluding that emissions of GHGs from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. This determination allowed EPA to regulate GHGs from new motor vehicles.
- Relying on the 2009 endangerment finding, EPA then proposed to regulate GHGs from power plants.
- In October 2015, the previous Administration issued a final rule to regulate GHGs from new power plants under section 111(b) of the CAA and issued a final rule to regulate GHGs from existing power plants under CAA section 111(d), which was more commonly referred to as the Clean Power Plan (CPP).
- On March 28, 2017, President Trump signed the Energy Independence Executive Order which called for, among other things, a review of the final rule to regulate GHGs from new power plants and, if appropriate, reconsideration proceedings to suspend, revise or rescind the rule. This proposal to revise the 111(b) standards is a step in response to this executive order.

HOW TO COMMENT

- Comments on the proposal should be identified by Docket ID No. EPA-HQ-OAR-2013-0495, and may be submitted by one of the following methods:
 - **Online:** Go to <https://www.regulations.gov> and follow the online instructions for submitting comments to Docket ID No. EPA-HQ-OAR-2013-0495.
 - **Email:** Comments may be sent to a-and-r-Docket@epa.gov. Include Docket ID No. EPA-HQ-OAR-2013-0495 in the subject line of the message.
 - **Fax:** Fax your comments to: (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2013-0495.
 - **Mail:** Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention Docket ID No. EPA-HQ-OAR-2013-0495, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
 - **Hand/Courier Delivery:** EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2013-0495. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.
- For additional information, including the full EPA public comment policy, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR MORE INFORMATION

- A copy of the proposal is available on EPA's website at <https://www.epa.gov/stationary-sources-air-pollution/proposal-nsps-ghg-emissions-new-modified-and-reconstructed-egus>