

FACT SHEET
Revised CAA Section 111(d) Implementing Regulations

ACTION

- On Wednesday, June 19, 2019, EPA finalized revised Clean Air Act (CAA) section 111(d) implementing regulations that will apply to the Affordable Clean Energy (ACE) rule, ongoing emission guidelines, and all future emission guidelines issued under the authority of section 111(d). This action was finalized in conjunction with two related, but separate and distinct rulemakings:
 1. The repeal of the Clean Power Plan (CPP).
 2. Final Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units, also known as ACE.

REVISED CAA SECTION 111(D) IMPLEMENTING REGULATIONS

- These are general regulations implementing CAA section 111(d) that govern how the Agency issues emission guidelines and how and when states develop and submit their plans to establish performance standards for existing sources.
- To better align the implementing regulations with the CAA in its current form, this rule finalizes the following:
 - Revisions to the timing considerations for submittal of state plans, EPA’s action on state plans, and EPA’s promulgation of federal plans.
 - States will be required to submit a plan within three years after promulgation of final emission guidelines, unless a particular emission guideline specifies a different deadline.
 - EPA will have six months to determine completeness of state plan submissions.
 - Once a plan has been deemed “complete,” EPA will have 12 months to approve or disapprove that complete plan submittal.
 - EPA has up to two years to promulgate a federal plan after finding that a state plan submission is incomplete, finding that a state plan has not been submitted by the deadline, or disapproving a state plan.
 - States must provide increments of progress if the compliance schedule for a state plan is longer than 24 months after the plan is due.
 - Changes to specific definitions to provide certainty and clarity of intent.
 - Changes to the completeness criteria for state plans.
 - Establishes a process for determining completeness of a state plan submission.
- These changes to the implementing regulations in section 111(d) harmonize existing regulations with the statute by making it clear that states have broad discretion in establishing and applying emissions standards consistent with EPA’s determined “best system of emission reduction” (BSER).

FOR MORE INFORMATION

- Additional fact sheets along with copies of the final rule and accompanying Regulatory Impact Analysis are on EPA’s website at <https://www.epa.gov/stationary-sources-air-pollution/affordable-clean-energy-rule>.