

ALERTS

Environmental Law Alert - EPA Publishes Proposed Rule To Cap Carbon Emissions From New Power Plants

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U.S. EPA's long anticipated proposed rule for greenhouse gas (GHG) emissions from new power plants was published in the Federal Register on Jan. 8, 2014. In a year that is likely to be filled with significant U.S. EPA rulemakings, this proposed rule for new fossil fuel-fired electric generating units (EGUs) will be particularly important. U.S. EPA's prior proposed rule to regulate greenhouse gas emissions from fossil fuel-fired EGUs garnered an unprecedented 2.5 million public comments. Further, the rule is one of the centerpieces of the White House's Climate Action Plan.

As we [previously reported](#), the specific standards U.S. EPA is accepting comments on are as follows:

- Proposed fossil fuel-fired utility boilers and integrated gasification combined cycle ("IGCC") units limits are:
 - 1,100 lb CO₂/MWh gross over a 12-operating month period, or
 - 1,000-1,050 lb CO₂/MWh gross over an 84-operating month (7-year) period
- Proposed natural gas-fired stationary combustion units limits are:
 - 1,000 lb CO₂/MWh gross for larger units (> 850 mmBtu/hr)
 - 1,100 lb CO₂/MWh gross for smaller units (? 850 mmBtu/hr)

Although there are many similarities between U.S. EPA's prior proposed rule issued in April 2012 and this new proposed rule, U.S. EPA will not reconsider comments on the prior rulemaking, so many interested parties will need to submit new comments even if duplicative. U.S. EPA is withdrawing the April 2012 proposed rule pursuant to a withdrawal notice that was also published on Jan. 8, 2014. Further, there are several key differences between the new proposed rule and the April 2012 proposed rule— notably the emission limits for boilers and IGCC units are slightly higher—on which the Agency has requested comment. The comment deadline for the new proposed rule is currently set for March 10, 2014.

A copy of the proposed rule is available online here: <http://www.gpo.gov/fdsys/pkg/FR-2014-01-08/pdf/2013-28668.pdf>

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