

The Clean Air Act and Greenhouse Gases

Massachusetts v. EPA (2007), Supreme Court rules GHGs are “air pollutants” under Clean Air Act; EPA ordered to act if they endanger public health & welfare

EPA finds GHGs endanger public health & welfare

December 17, 2009

Mobile Sources
(202)

Contribution to air pollution that endangers

Emission standards for new vehicles, reflecting technology, cost, lead-time

Standards for cars and light trucks issued April 1

Vehicle standards trigger “New Source Review”

Stationary Sources
(111)

Significant contribution to air pollution that endangers

Emission standards for new & existing sources, reflecting technology, cost, remaining useful life, energy & other environmental factors

Possible cap & trade approach

Decisions on power plants & other industries pending

National Ambient Air Quality Standards
(108-110)

Triggers state-by-state implementation

NGO petition pending

New Source Review

New and modified major emitting facilities must have preconstruction permit reflecting best available control technology considering cost, etc., for each pollutant subject to regulation (165, 169)

- When will new source review start?
 - January 2, 2011.
- What is the threshold for major emitting facility?
 - 100,000 tons carbon dioxide equivalent, phasing down to 50,000 tons.
- BACT means technology that is available and affordable.
- No permits required --
 - for continuing operations (even increasing output),
 - for capital changes that don't increase pollution.