Clean Air Act
Sections 111(d) and 129

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Clean Air Act Section 111:
Standards of Performance for New Stationary Sources

• Section 111 (b): the federal program to address new, modified and reconstructed sources

• Section 111 (d): a state-based program for existing sources. EPA establishes emissions guidelines (EG); states then design programs that meet the guidelines.
  – Regulation under 111(d) only required for certain pollutants and source categories
  – Procedural requirements for state plan submittal and approval are in 40 CFR Part 60, Subpart B
The Clean Power Plan

Overview

• Relies on a federal‐state partnership under the Clean Air Act
• Sets carbon dioxide emissions performance rates that reflect the "best system of emission reduction" (BSER)
• Power plants are subject to the same standards no matter where they are located. In general, a standard for:
  • Power plants fueled by natural gas
  • Power plants fueled by coal
• Based on 3 "building blocks"
  • Each state assigned a "state goal" based on the state's unique mix of power plants; energy efficiency is a key part of achieving the goals
  • Allows states to develop their own plans for power plants to achieve either the performance rate or the state goal

Clean Air Act Section 111(d) Process

Set Guidelines

State Plan to Reduce Emissions

Developed by states and submitted to EPA

Goal: Emissions Reductions

If a state does not submit a plan, a federal Implementation Plan, or FIP, is put in place.
Clean Air Act Section 129: Solid Waste Combustion

- Regulates *new* and *existing* solid waste combustion units
  - Commercial/Industrial Solid Waste Incinerators (CISWI)
  - Hospital/Medical/Infectious Waste Incinerators (HMIWI)
  - Large and Small Municipal Waste Combustors (MWC)
  - Sewage Sludge Incinerators (SSI)*
  - Other Solid Waste Incinerators (OSWI)
- Solid waste for purposes of being regulated under CAA Section 129 is defined by the Non-Hazardous Secondary Material (NHSM) Rule (40 CFR Part 241, Subpart B)
- CAA § 129 specifically directs EPA to regulate emissions of PM (total and fine), opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans
- *Generally* follows the same procedural requirements as 111(d)
Clean Air Act Section 111(d)/129
New and Upcoming Requirements

SSI Rule

• Applicability:
  – NSPS: Units that commenced construction after 10/14/10
  – EG: Units that commenced construction on or before 10/14/10
• State plans due: 3/21/2012
• Compliance deadline for existing sources: 3/21/2016

NSPS – 40 CFR Part 60, Subpart LLLL
EG – 40 CFR Part 60, Subpart MMMM
Clean Air Act Section 111(d)/129
New and Upcoming Requirements

CISWI Rule

- Applicability:
  - NSPS: Units that commenced construction after 6/4/2010 or commenced reconstruction/modification after 8/7/2013
  - EG: Units that commenced construction on or before 6/4/2010 or commenced reconstruction/modification on or before 8/7/2013

- State plans due: 2/7/14
- Compliance deadline for existing sources: 2/7/18

NSPS – 40 CFR Part 60, Subpart CCCC
EG – 40 CFR Part 60, Subpart DDDD
Federal Plan – TBD
Clean Air Act Section 111(d)/129: New and Upcoming Requirements

Municipal Solid Waste Landfill Rule (under 111(d))

• Applicability:
  – NSPS: Units that commenced construction after 6/4/10 or reconstruction/modification after 8/7/13
  – EG: MSW landfill for which construction, reconstruction, or modification commenced on or before 7/17/2014.

• State plans due: 5/30/17

• Compliance deadline for existing sources: Varies based on when landfill first exceeds certain NMOC emissions (see 40 CFR 60.32f)

NSPS – 40 CFR Part 60, Subpart XXX
EG – 40 Part 60, Subpart Cf
Federal Plan – TBD
Any questions?