

Arnold & Porter

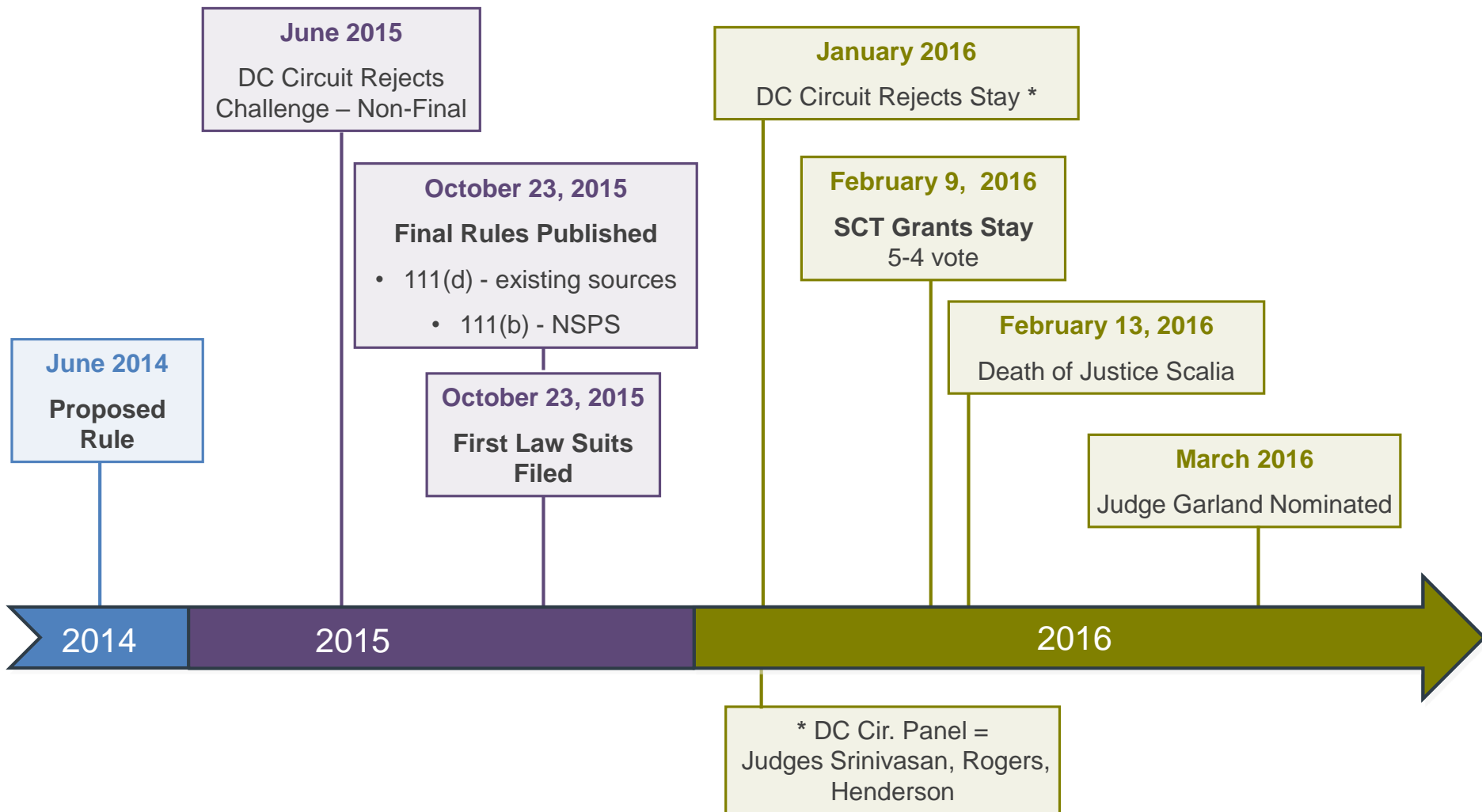
**From Clean Power Plan to
EPA's Proposed ACE Rule:
Timeline of Events**

**Ethan G. Shenkman
Arnold & Porter**

**National Tribal Air Association
Informational Webinar on EPA's Proposed ACE Rule
October 9, 2018 11:00 AM – 12:30 PM PDT**

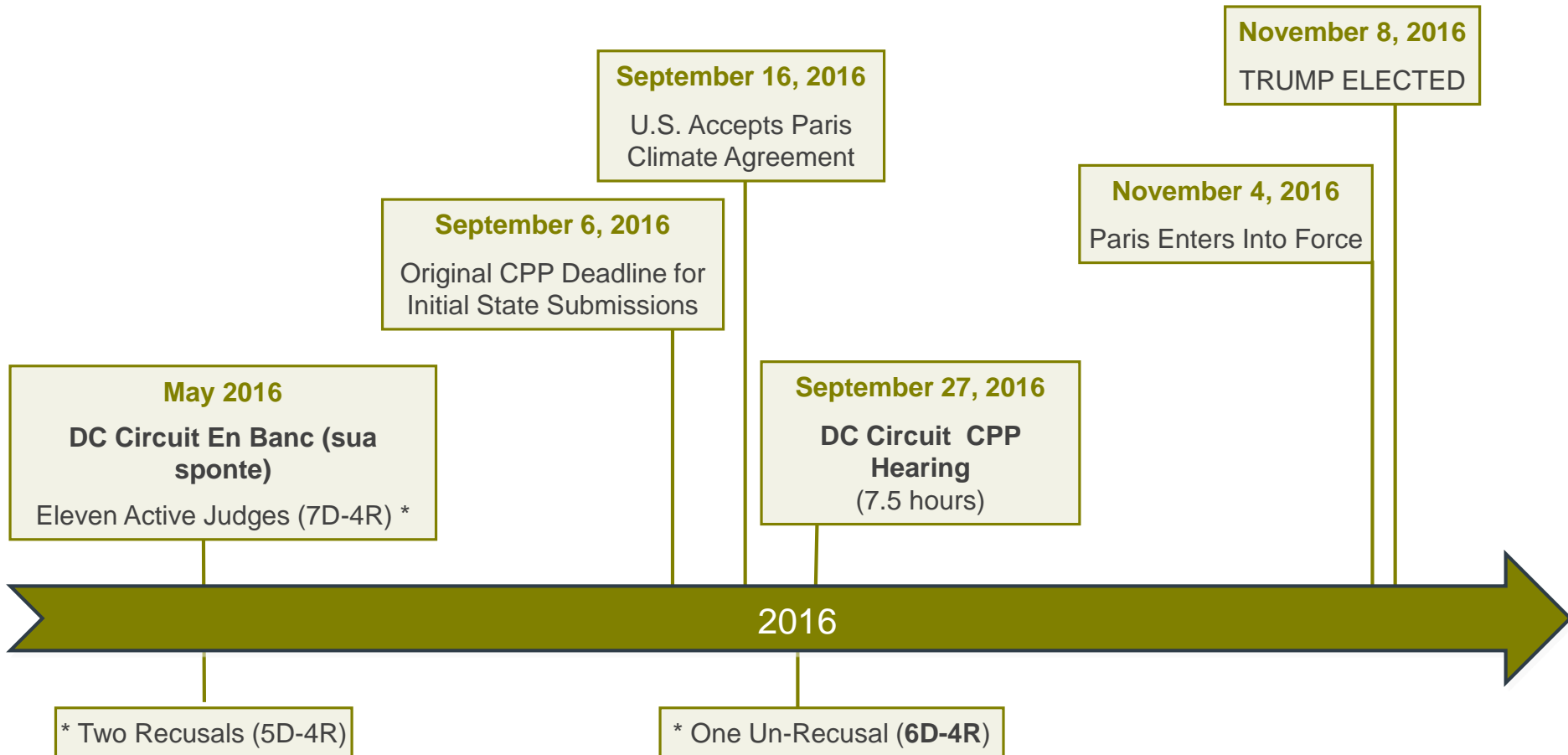
Clean Power Plan Timeline

(Proposal – Final Rule – Stay)

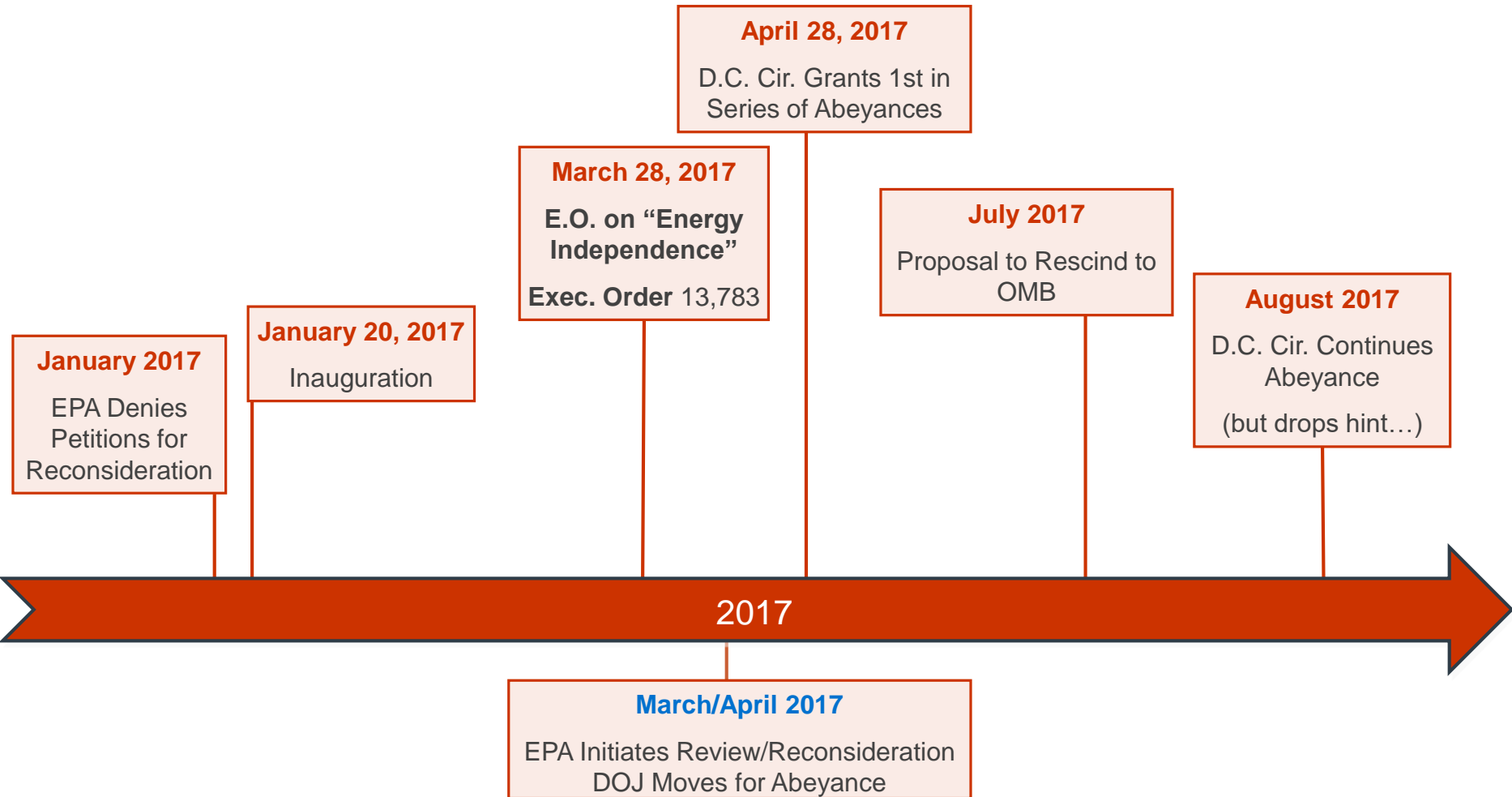


Clean Power Plan Timeline

(En Banc – Election)

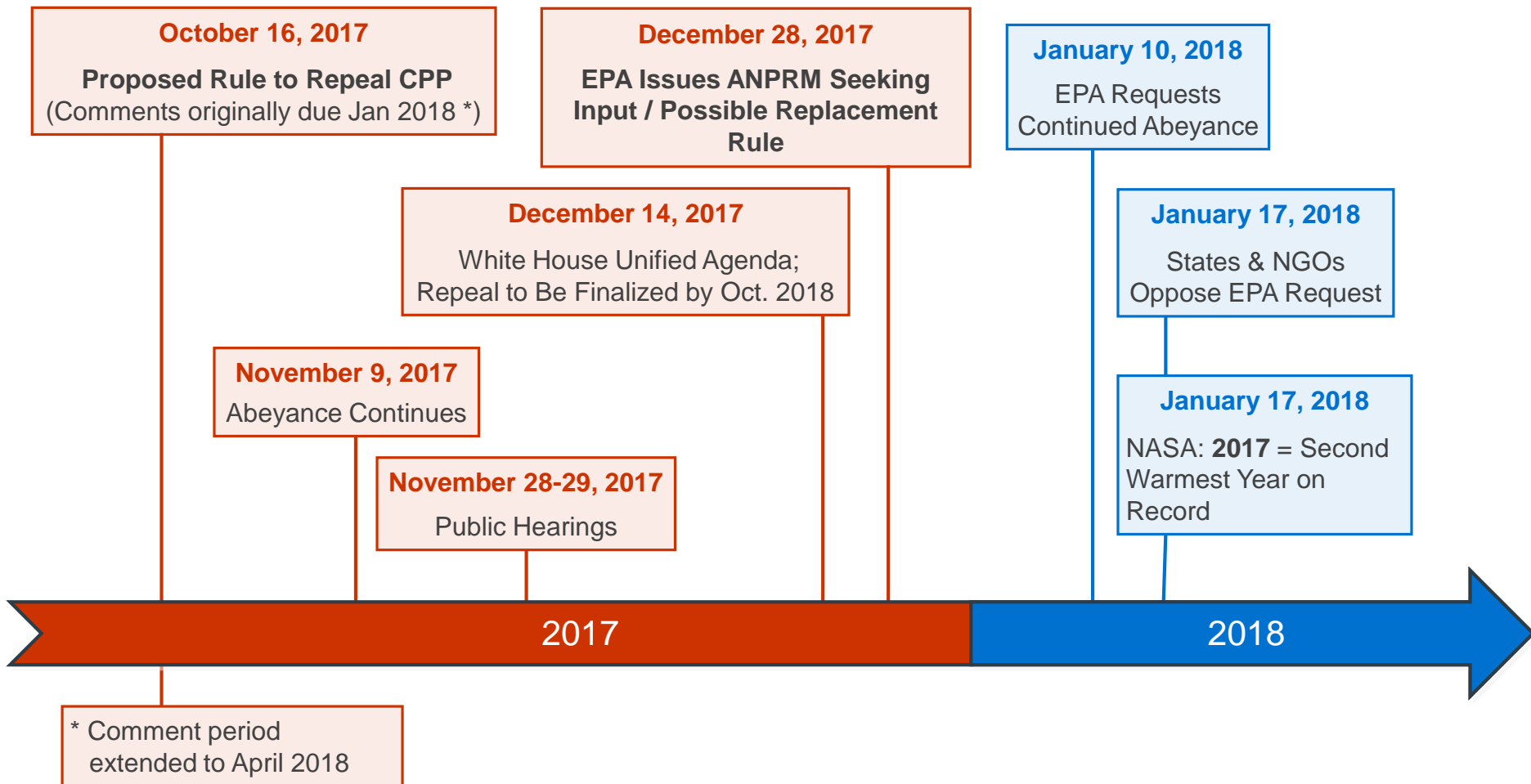


Clean Power Plan Timeline (Reconsideration)

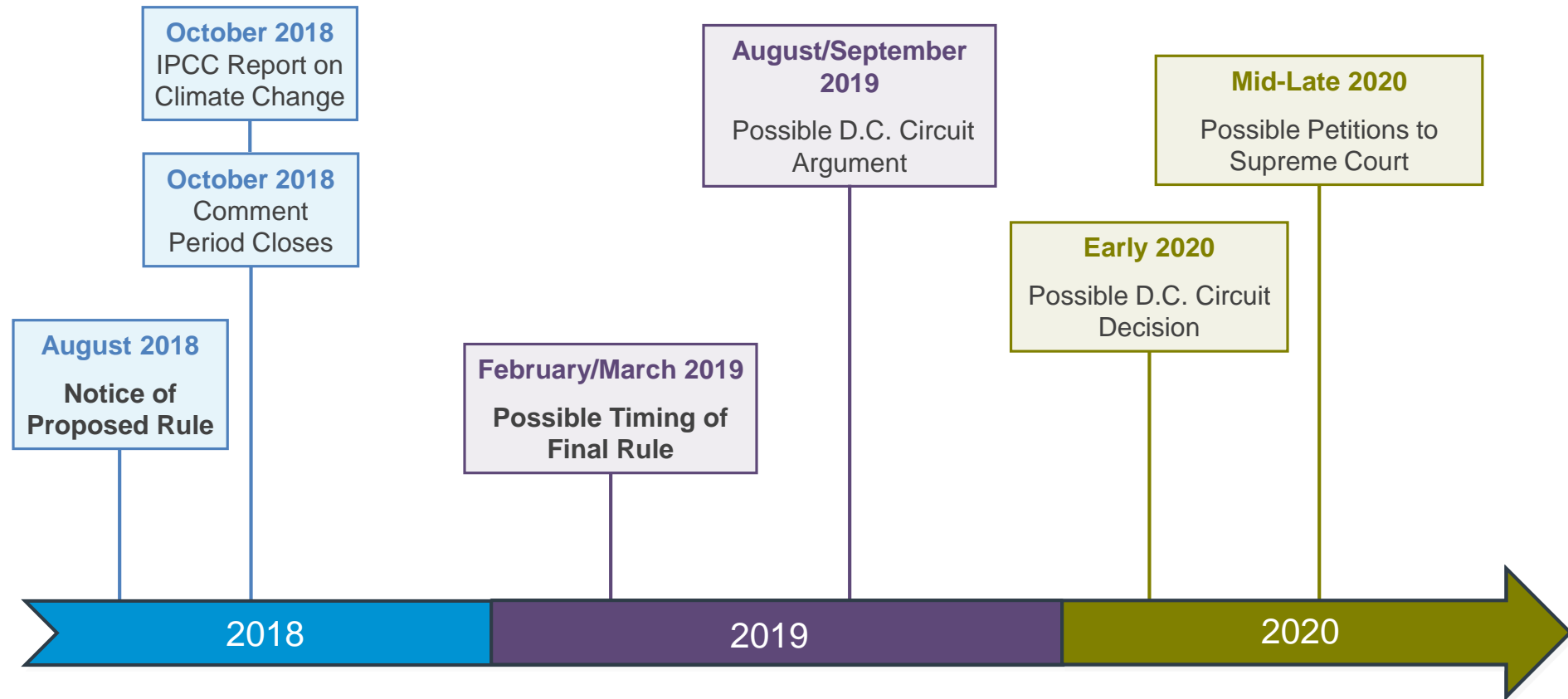


Clean Power Plan Timeline

(Proposal to Repeal)



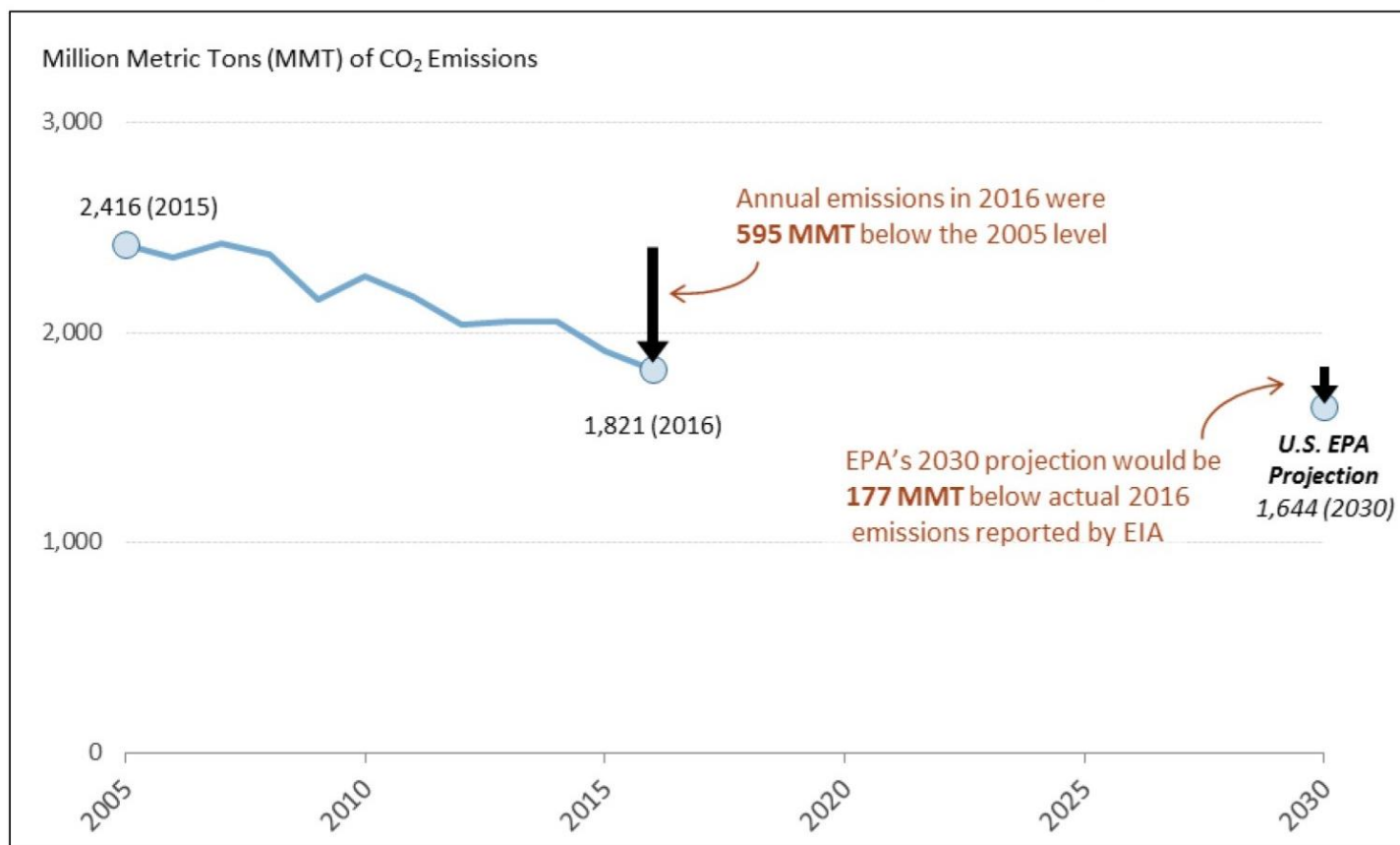
Proposed Affordable Clean Energy Rule: The Look Ahead



Questions Moving Forward

- Importance of Comments for the Record
- D.C. Circuit abeyance / Supreme Court stay
- Scope of EPA's authority under §111(d)
- “Beyond the Fenceline” Argument
- Standard of review/Chevron deference
- Change in Agency Legal Positions
- NSR Proposal: annual vs. hourly test
- What happens with NSPS / § 111(b)?
- Cost-benefit analysis
 - Social cost of carbon; measuring co-benefits

GHG Emissions from Electric Power Generation 2005-2016



Source: Prepared by CRS; 2005-2016 data: U.S. Energy Information Administration, *Monthly Energy Review*, September 2017; 2030 projection: EPA, "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," Final Rule, 80 *Federal Register* 64661, October 23, 2015, EPA data converted to metric tons by CRS.

* Source: (October 25, 2017) Reconsidering the Clean Power Plan, *Congressional Research Service*

Questions?

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