

Energy and Environmental Regulations

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Plan of Talk

1. Status of U.S. climate regulation pertinent to electric power industry
2. New and emerging U.S. environmental regulation pertinent to electric power industry
3. Effect of upcoming elections
4. Federal Energy Regulatory Commission activities
5. Legal issues regarding hydraulic fracturing and other energy sources

U.S. climate regulation

1. Congressional activity
2. Clean Air Act programs
3. Other federal programs
4. State and regional programs

Other environmental regulations: Obama may finalize

1. New Source Performance Standard for new coal plants
2. National Ambient Air Quality Standard for PM 2.5
3. Cooling water
4. Coal ash

New environmental standards: Not before 2013

1. New Source Performance Standards for existing coal-fired power plants
2. National Ambient Air Quality Standard for ozone
3. Revised Cross-State Air Pollution Rule

Recent FERC initiatives

1. Transmission planning and cost allocation
2. Integration of renewables
3. Demand response
4. Smart grid

Federal Statutes Exempting Hydrofracking

Comprehensive Environmental Response, Compensation
and Liability Act:

Petroleum exclusion

Resource Conservation and Recovery Act

Oilfield waste exclusion

Safe Drinking Water Act

Exemption of hydrofracking (except diesel)

Federal Statutes Regulating

Hydrofracking

- Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011
 - DOT Pipeline and Hazardous Materials Safety Administration to administer
- Clean Air Act
 - New regulations
- Clean Water Act
 - Stormwater
- Emergency Planning & Community Right-to-Know Act
 - Oil and gas industry not covered by regulations
 - Hydrofracking chemicals disclosures
- Occupational Safety and Health Act
 - Material Safety Data Sheets
- Hazardous Materials Transportation Act
 - Hauling chemicals
- National Environmental Policy Act
 - But rebuttable presumption

Legal issues regarding related energy sources

- Nuclear
 - Relicensing
 - New facilities
 - Spent fuel