

Annotated Table of Contents for EPA's Clean Power Plan

I. General Information	8
A. Executive Summary.....	8
B. Organization and Approach for this Final Rule.....	99
II. Background	101
A. Climate Change Impacts from GHG Emissions.....	101
B. GHG Emissions from Fossil Fuel-Fired EGUs.....	131
C. Challenges in Controlling Carbon Dioxide Emissions.....	136
D. The Utility Power Sector.....	140
E. Clean Air Act Regulations for Power Plants.....	168
F. Congressional Awareness of Climate Change.....	180
G. International Agreements and Actions.....	185
H. Legislative and Regulatory Background for CAA Section 111....	189
I. Statutory and Regulatory Requirements.....	202
J. Clean Power Plan Proposal and Supplemental Proposal.....	210
K. Stakeholder Outreach and Consultations.....	211
L. Comments on the Proposal.....	228
III. Rule Requirements and Legal Basis	229
A. Summary of Rule Requirements.....	229
B. Summary of Legal Basis.....	237
IV. Authority for this Rulemaking, Definition of Affected Sources, and Treatment of Categories	243
A. EPA's Authority under CAA Section 111(d).....	243
B. CAA Section 112 Exclusion to CAA Section 111(d) Authority....	244
C. Authority to Regulate EGUs.....	270
D. Definition of Affected Sources.....	272
E. Combined Categories and Codification in the Code of Federal Regulations.....	279
V. The Best System of Emission Reduction and Associated Building Blocks	282
A. The Best System of Emission Reduction (BSEr).....	286
B. Legal Discussion of Certain Aspects of the BSEr.....	496
C. Building Block 1-Efficiency Improvements at Affected Coal-Fired Steam EGUs.....	647
D. Building Block 2-Generation Shifts Among Affected EGUs.....	688
E. Building Block 3-New Zero-emitting Renewable Generating Capacity.....	731
VI. Subcategory-Specific CO₂ Emission Performance Rates	771
A. Overview.....	771
B. Emission Performance Rate Requirements.....	774
C. Form of the Emission Performance Rates.....	777
D. Emission Performance Rate-Setting Equation and Computation Procedure.....	782
VII. State-Specific CO₂ Goals	819
A. Overview.....	819
B. Reconstituting Statewide Rate-based CO ₂ Emission Performance Goals from the Subcategory-specific Emission Performance Rates.....	826

C.	Quantifying Mass-based CO ₂ Emission Performance Goals from the Statewide Rate-based CO ₂ Emission Performance Goals	830
D.	Addressing Potential Leakage in Determining the Equivalence of Statewide CO ₂ Emission Performance Goals	833
E.	State Plan Adjustments of State Goals.....	839
F.	Geographically Isolated States and Territories with Affected EGUs.....	844
VIII.	State Plans.....	848
A.	Overview.....	848
B.	Timeline for State Plan Performance and Provisions to Encourage Early Action.....	858
C.	State Plan Approaches.....	879
D.	State Plan Components and Approvability Criteria.....	939
E.	State Plan Submittal and Approval Process and Timing.....	1001
F.	State Plan Performance Demonstrations.....	1051
G.	Additional Considerations for State Plans.....	1080
H.	Resources for States to Consider in Developing Plans.....	1147
I.	Considerations for CO ₂ Emission Reduction Measures that Occur at Affected EGUs.....	1149
J.	Additional Considerations and Requirements for Mass-Based State Plans.....	1170
K.	Additional Considerations and Requirements for Rate-Based State Plans.....	1207
L.	Treatment of Interstate Effects.....	1295
IX.	Community and Environmental Justice Considerations.....	1312
A.	Proximity Analysis.....	1318
B.	Community Engagement in State Plan Development.....	1323
C.	Providing Communities with Access to Additional Resources... ..	1325
D.	Federal Programs and Resources Available to Communities.....	1329
E.	Multi-pollutant Planning and Co-pollutants.....	1332
F.	Assessing Impacts of State Plan Implementation.....	1336
G.	EPA Continued Engagement.....	1338
X.	Interactions with Other EPA Programs and Rules.....	1341
A.	Implications for the New Source Review Program.....	1341
B.	Implications for the Title V Program.....	1344
C.	Interactions with Other EPA Rules.....	1348
XI.	Impacts of the Final Action.....	1363
A.	What are the air impacts?.....	1363
B.	Endangered Species Act.....	1366
C.	What are the energy impacts?.....	1378
D.	What are the compliance costs?.....	1380
E.	What are the economic and employment impacts?.....	1381
F.	What are the benefits of the proposed action?.....	1385
XII.	Statutory and Executive Order Reviews.....	1405
A.	Executive Order 12866, Regulatory Planning and Review, and Executive Order 13563, Improving Regulation and Regulatory Review.....	1405
B.	Paperwork Reduction Act (PRA).....	1416

C.	Regulatory Flexibility Act (RFA)	1418
D.	Unfunded Mandates Reform Act (UMRA)	1420
E.	Executive Order 13132, Federalism.....	1421
F.	Executive Order 13175, Consultation and Coordination with Indian Tribal Governments	1429
G.	Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks.....	1435
H.	Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use....	1436
I.	National Technology Transfer and Advancement Act (NTTAA)	1437
J.	Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	1437
K.	Congressional Review Act (CRA)	1443
XIII.	Statutory Authority.....	1443