



Unanimously Adopted on September 25, 2017

Resolution sponsored by: Senator Eddie Joe Williams, Arkansas*
Representative Randy Davis, Alabama

2.2017 | Reforming the New Source Review Modification Program

WHEREAS, the President is leading a renovation of the federal regulatory system and modernizing the federal permitting process to increase business investment, economic growth, jobs creation and environmental protection, including, but not limited to, his Executive Order 13771 - *Reducing Regulation and Controlling Regulatory Cost* issued on January 30, 2017, and Executive Order 13777 *Enforcing the Regulatory Reform Agenda* issued February 24, 2017, for federal agencies; and

WHEREAS, The United States Environmental Protection Agency now has a major responsibility to improve its policies and internal procedures resulting in permitting programs that are more predictable, more expeditious and no more complex than necessary to protect the environment and simultaneously accelerate investments and create jobs; and

WHEREAS, the EPA's New Source Review modification program is an example of a regulatory plan that can be reformed to help facilities with air emissions that want to modernize, upgrade and advance technologies resulting in lower emissions per unit of product or unit output; and

WHEREAS, EPA's New Source Review program for the power plant sector has caused decades of litigation and is an impediment to projects that improve the reliability, efficiency and safety of the plants; and

WHEREAS, there still is great uncertainty whether certain physical and operational changes at a power plant would be considered by EPA to be non-routine modifications requiring an air quality impact review and possible installation of costly additional emissions control equipment.

THEREFORE BE IT RESOLVED, that the Southern States Energy Board (SSEB) strongly recommends that EPA revise its New Source Review regulations in compliance with the President's Executive Orders and other directives by, for example:

- a) Eliminating uncertainties by defining that the regulations apply only to facilities that want to make reliability, efficiency, safety and other improvements that are not routinely performed within sectors, instead of at specific facilities for power, manufacturing or other emission sources;
- b) Making more realistic air quality impact assessments by changing the emission increase test that applies to non-routine projects so the test is the same as EPA uses in its New Source Performance Standards regulation;
- c) Eliminating unnecessary restrictions on non-emitting activities such as installing area lighting, electrical preparations and site drainage; and
- d) Eliminating delays and shortening timelines on decisions due to overlapping federal and state jurisdictions; and

BE IT FURTHER RESOLVED, that the Southern States Energy Board communicates this resolution to the President, the EPA Administrator, congressional delegations in the SSEB region and appropriate state and territory officials.