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EPA to crack down on greenhouse gas emitters

Dina Cappiello, Associated Press
Thursday, October 1, 2009

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(10-01) 04:00 PST Washington - --

The Environmental Protection Agency moved for the first time Wednesday to control the emissions from the power plants, factories and refineries that are blamed for global warming.

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The announcement came hours after Senate Democrats, led by Sen. Barbara Boxer of California, unveiled legislation that would set mandatory, nationwide limits on the amount of greenhouse gases from large industrial sources.

Backed by President Obama, the EPA's proposal would require polluters to reduce six greenhouse gases by installing the best available technology and improving energy efficiency whenever a facility is significantly changed or built. The rule applies to any industrial plant that emits at least 25,000 tons of greenhouse gases a year.

These large sources are responsible for 70 percent of the greenhouse gas emissions - mainly carbon dioxide from burning fossil fuels - that are released in the United States, the EPA said.

"By using the power and authority of the Clean Air Act, we can begin reducing emissions from the nation's largest greenhouse gas emitting facilities without placing an undue burden on the businesses that make up the vast majority of our economy," EPA

Administrator Lisa Jackson said. "We know the corner coffee shop is no place to look for meaningful carbon reductions."

Earlier this year, the Obama administration announced that it would start developing the first-ever greenhouse gas emissions standards for cars and trucks. Those regulations, which would take effect in 2010, compel the EPA to control greenhouse gases from large smokestacks as well, the agency said.

Industry groups immediately questioned the agency's argument. They charged that the EPA was skirting the law because the Clean Air Act typically covers any facility releasing more than 250 tons a year of a recognized pollutant. That threshold would require more facilities to fall under the new regulations.

"This proposal incorrectly assumes that one industry's greenhouse gas emissions are worse than another's," said Charles T. Drevna, president of the National Petrochemical and Refiners Association.

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Jeff Holmstead, a former top EPA air pollution official who is now a lobbyist for the energy industry, said the agency was trying to "fit a square peg into a round hole."

"Normally, it takes an act of Congress to change the words of a statute enacted by Congress, and many of us are very curious to see EPA's legal justification for today's proposal," Holmstead said.

Jackson, speaking at a news conference in Los Angeles at a climate change summit hosted by California Gov. Arnold Schwarzenegger, said the rule was legally defensible.

"The EPA would not propose a rule that we didn't believe ... made good legal sense," she said.

The agency's move could push lawmakers in Congress to reach agreement and could show America's resolve to curb emissions in advance of U.N. talks in Copenhagen later this year that are aimed at producing an international agreement to combat global warming.

The Senate climate bill introduced Wednesday, unlike the House-passed version, preserves the EPA's authority to regulate under the Clean Air Act. Environmentalists said the two efforts go hand in hand.

"You can't have one without the other if we're going to be successful in moving America to clean energy," said Emily Figdor, director of the global warming program at Environment America, an advocacy group.

The bill would cut the nation's greenhouse gas emissions 20 percent compared with 2005 levels by 2020 and cover roughly 7,500 coal-fired plants, oil refineries and other facilities across the country.

The measure resembles the House-passed bill in many respects, though it is slightly more ambitious in terms of its environmental targets and it fleshes out aspects of the carbon-trading market that would be created under a system where carbon emitters will buy and sell pollution allowances.

It creates what Boxer described as "a soft collar" that aims to curb price volatility in the carbon allowance trading market.

Under the House bill, new coal plants would have to slash their emissions by 50 percent from now until 2020. Coal plants would not be able to comply with such limits without capturing emissions and storing them underground, experts say.

California, by comparison, forbids new coal plants unless they reduce their greenhouse gas emissions to the level of a power plant burning natural gas.

Chronicle staff writer David R. Baker and the Washington Post contributed to this report.

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