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Affordable Clean Energy Rule Stakeholder Group: Arkansas Department of Energy and Environment Schedules October 24th Meeting

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The Arkansas Department of Energy and Environment, Division of Environmental Quality (“DEQ”), has scheduled an Affordable Clean Energy (“ACE”) Rule stakeholder meeting.

The meeting will be held on October 24th at DEQ headquarters in North Little Rock, Arkansas.

The Clean Air Act ACE Rule replaced the 2015 United States Environmental Protection Agency (“EPA”) Clean Power Plan.

EPA has described the ACE Rule as having several components, which include:

- Determination of the best system of emission reduction for greenhouse gas emissions from coal-fired power plants
- A list of candidate technology states can use when developing their plans
- A new preliminary applicability test for determining whether a physical or operational change made to a power plant may be a major modification triggering New Source Review
- New implementing regulations for emission guidelines under Section 111(d) of the Clean Air Act

The opponents of the Clean Power Plan argue that the rule exceeds EPA’s legal authority. Likewise, opponents of the proposed ACE Rule have made the same argument.

Arguments in favor of the ACE Rule have included:

- States retain authority to make key decisions
- Flexibility
- Needed revisions to Clean Air Act New Source Review
- Remaining useful life considerations are permitted
- Improved regulatory processes

Opponents’ arguments have included:

- A low bar is set for emission reductions
- No numerical standards or targets for greenhouse gas reductions
- States have wide latitude to establish their own performance targets
- United States citizens will incur a net cost

- Major changes to permitting rules could lead to additional increase in emissions

Agenda items at the DEQ meeting include:

- Introduction – Mitch Rouse, Associate Director, Office of Air Quality
- Overview of the Affordable Clean Energy Rule and Next Steps in Rule Development – Tricia Treece, SIP/Planning Section, Policy and Planning Branch, Office of Air Quality
- Questions and Feedback
- Next Steps and Closing Remarks – William Montgomery, Policy and Planning Branch Manager, Office of Air Quality

Options for calling in to the meeting are provided.

A copy of the agenda can be downloaded [here](#).