

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT  
MEMORANDUM  
06/6/2016

TO: FRAQMD BOARD OF DIRECTORS  
FROM: Christopher D. Brown AICP, APCO  
SUBJECT: Provide Direction to APCO on EPA Clean Power Plan

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RECOMMENDATION:

Direct the APCO to cease work on all Clean Power Plan related activities due to a stay issued by the U.S. Supreme Court on 2/9/2016.

ALTERNATIVE:

Do not direct the APCO to cease work on all Clean Power Plan related activities.

BACKGROUND:

On August 3, 2015 the EPA finalized the Clean Power Plan Rule to cut carbon pollution from existing power plants. Under the Federal Clean Air Act the FRAQMD is delegated by US EPA to carry out numerous activities related to regulation of stationary sources of air pollution for power plants.

On February 9, 2016, the U.S. Supreme Court stayed implementation of the Clean Power Plan pending judicial review.

Prior to the issuance of the Stay the Air Resources Board requested the District provide staff to work on a committee to develop the Clean Power Plan for California.

After the stay was issued the Air Resources Board decided to continue to work on the Clean Power Plan without the involvement of FRAQMD staff.

FISCAL IMPACT:

Until the issuance of the stay the FRAQMD could bill the sources subject to the Clean Power Plan for the costs associated with the development of the Plan.

After the stay was issued the District could no longer bill sources the cost of developing the Clean Power Plan.

FRAQMD staff is proposing to discontinue to work on the Clean Power Plan until such time as the stay of February 9<sup>th</sup>, 2016 is lifted or US EPA and/or the Air Resources Board provide some mechanism for the FRAQMD to recover the costs incurred by developing the plan.