



Status of Key Air Regulatory Updates

Recent Final Actions & Emerging Proposals

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Agenda

PM2.5 NAAQS Update

Standards of Performance for Stationary
Combustion Turbines (NSPS KKKK/KKKKa)

Greenhouse Gas Regulations

Standards of Performance for Greenhouse
Gas Emissions Looking Ahead

Final Thoughts



Particulate Matter (PM_{2.5}) NAAQS



PM_{2.5} NAAQS

Year	Averaging Period	Level	Form
1997	24-hour	65 µg/m ³	98 th percentile, averaged over 3 years
1997	Annual	15 µg/m ³	Mean, averaged over 3 years
2006	24-hour	35 µg/m ³	98 th percentile, averaged over 3 years
2006	Annual	15 µg/m ³	Mean, averaged over 3 years
2012	24-hour	35 µg/m ³	98 th percentile, averaged over 3 years
2012	Annual	12 µg/m ³	Mean, averaged over 3 years
2020	No change		
2024	Annual	9 µg/m ³	Mean, averaged over 3 years
2025	EPA initiated reconsideration/review of the 2024 PM _{2.5} NAAQS; no change finalized to date		



Re-evaluation of PM_{2.5}

- EPA announced a reconsideration of the PM_{2.5} NAAQS in March 2025 as part of a broader regulatory review agenda
- EPA has not proposed a revised PM_{2.5} standard, and the 2024 standard remains in effect
- Any attempt to revise the standard would be subject to the formal rulemaking process, including notice and comment periods
- EPA March 12, 2025 News Release

“EPA is also announcing that it will soon release guidance to increase flexibility on NAAQS implementation, reforms to New Source Review, and direction on permitting obligations. This suite of actions advances cooperative federalism and begins to undo red tape holding back American exceptionalism. The U.S. has some of the lowest fine particulate matter levels in the world. Between 2000 and 2023, average PM_{2.5} concentrations in the U.S. fell by 37 percent and average PM₁₀ concentrations similarly fell by 36 percent.”



PM_{2.5} in 2026: Key Developments to Watch

- EPA did not meet the statutory February 7, 2026 deadline for final PM_{2.5} area designations
 - Environmental groups have filed suit over the delay
- Potential EPA proposal to revise or reconsider the annual PM_{2.5} standard (no proposed change as of early 2026)
- Implementation guidance addressing:
 - NAAQS flexibilities
 - New Source Review and permitting
 - Cooperative federalism considerations
- Litigation risk and judicial review related to the 2024 PM_{2.5} standard
- Implications for permitting and project planning in areas trending toward nonattainment

Typically Takes Years For Implementation



Stationary Gas and Combustion Turbine New Source Performance Standards



Why NSPS Subpart KKKKa Matters Now

- Stationary Combustion Turbine New Source Performance Standards (NSPS) Subpart KKKKa
 - Published in the Federal Register January 15, 2026
 - Applicability is tied to units that commenced construction, modification, or reconstruction after December 13, 2024, as defined in the rule
- EPA completed a required NSPS review for stationary combustion turbines
- Updates restructured how turbines are regulated, not just emission limits
- Impacts are felt earlier in project planning, permitting, and design decisions
- **Subpart KKKKa changes how projects are evaluated from the start, not just how units comply after startup**



NSPS KKKKa Overview

- Subpart KKKKa establishes new turbine subcategories, distinguishing units based on:
 - Utilization rate (how often the turbine operates)
 - Manufacturer's design efficiency (HHV)
 - Fuel type
 - New vs. modified vs. reconstructed status
- Designed to better align standards with real-world turbine operation, moving away from a one-size-fits-all approach



NSPS KKKKa Overview

- NO_x limits vary by:
 - Utilization category
 - Design efficiency
 - Fuel type
 - New vs. modified/reconstructed units
- More stringent limits apply to:
 - Baseload and high-utilization units
- EPA built flexibility into the rule – but operating assumptions matter
 - SCR is not automatically required for all turbines
 - Many simple-cycle units can operate at lower utilization rates without SCR
- Compliance is more continuous and data-driven



Applicability: Planning for the Future

- Applicability decisions now happen early – misclassification can create significant downstream risk
- Who is Subject to Subpart KKKKa
 - New
 - Modified
 - Reconstructed
- Applicability depends on operating profile, not just turbine size
- Key factors include:
 - Utilization rate (annual capacity factor)
 - Design efficiency (manufacturer-specified, HHV)
 - Fuel type
- Applicability determinations often occur before permitting and procurement



Practical Implications for Permitting and Projects

- Turbine selection, utilization assumptions, and efficiency now drive regulatory outcomes
- Early project decisions determine:
 - Control technology requirements
 - Permitting complexity
 - Cost and schedule risk
- NSPS compliance assumptions may intersect with:
 - PM_{2.5} nonattainment
 - New Source Review
- Early permit strategy and regulator engagement are critical
- Subpart KKKKa shifts regulatory risk upstream – into planning and design, not just compliance



Greenhouse Gas Regulations



History of U.S. Greenhouse Gas Regulations



2007

U.S. Supreme Court ruled 5-4 in Massachusetts v. EPA that GHGs are air pollutants covered by the Clean Air Act

2009

EPA issued its “Endangerment Finding”
Mandatory GHG Reporting Rule (40 CFR 98) is finalized

2010

EPA issued its “Tailoring Rule” which focuses on largest emitters (75,000 – 100,000 tpy) for PSD & Title V permitting

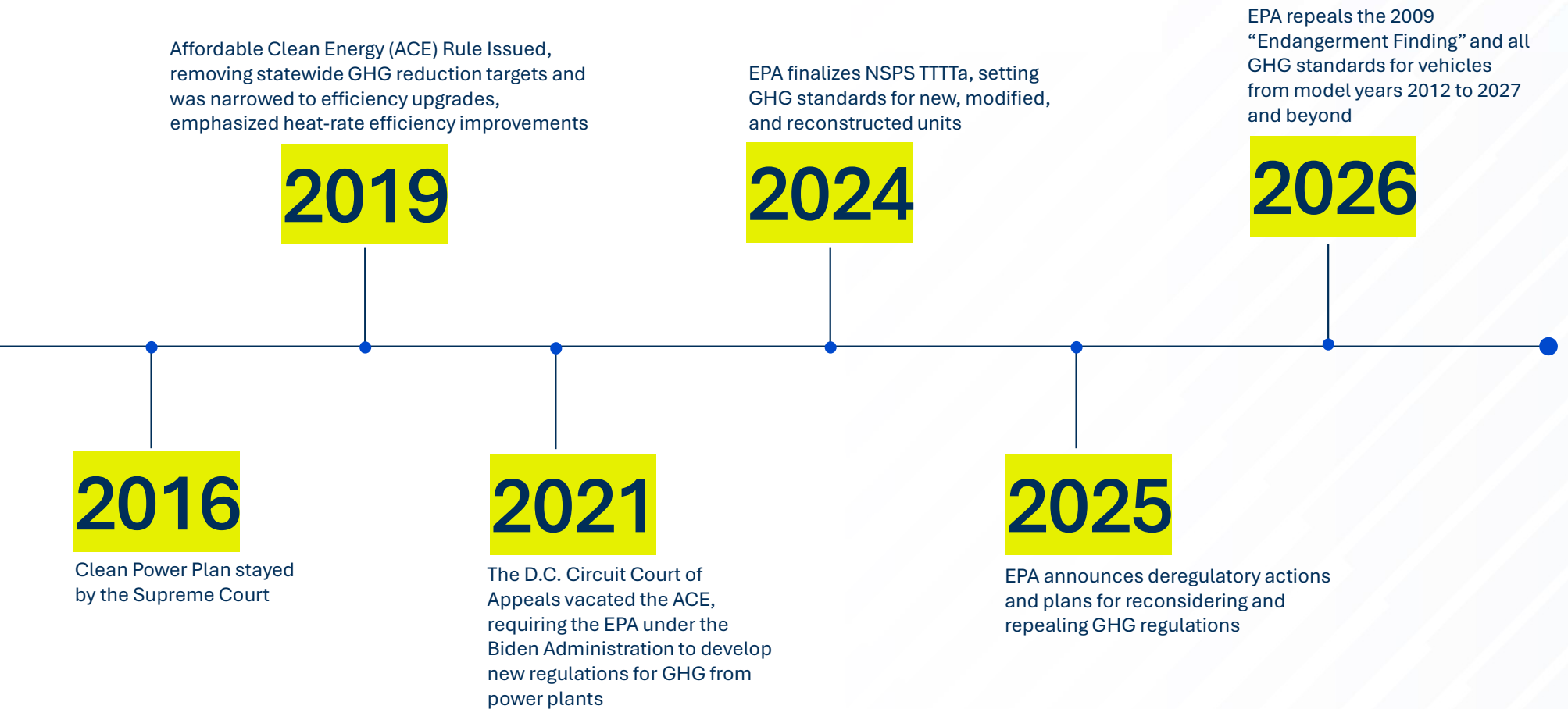
2012

EPA finalizes methane and VOC standards for the oil and gas industry (NSPS OOOO)
Will go on to issue NSPS OOOOa & OOOOb for newer sources

2015

EPA finalizes GHG standards for new, modified and reconstructed EGUs (NSPS TTTT)
EPA issues the Clean Power Plan

History of U.S. Greenhouse Gas Regulations, ctd.



Endangerment Finding: Why it Matters

- In 2009, EPA found that six greenhouse gases endanger public health and welfare under the Clean Air Act.
- That finding became the legal basis for federal greenhouse gas rules for vehicles, and it helped support broader climate regulation across EPA programs.
- The key idea is simple: without the finding, EPA's authority to regulate greenhouse gases is much weaker.



Endangerment Finding Repeal: What it Means

- On February 12, 2026, EPA finalized rescission of the 2009 Endangerment Finding.
 - EPA said that, absent the finding, it lacks statutory authority under Clean Air Act Section 202(a) to set greenhouse gas standards.

- The repeal does not create an immediate “off switch” for compliance obligations because existing rules remain in place unless they are also lawfully repealed or blocked.
 - Lawsuits have been filed; courts may stay or review before it takes effect. Rulemaking would have to take place to repeal individual rules



GHG Rule Weakening Actions: So far

→ GHG Reporting Rule Delayed

- EPA announced that 40 CFR 98 remains in effect, but reporting extended from March 31, 2026, to October 30, 2026
- EPA may pursue elimination of the reporting program but this is unknown at this time

→ NSPS Changes

- On June 11, 2025, EPA proposed to repeal NSPS TTTT, TTTTa, and UUUUb. EPA also proposed an alternative, narrower repeal that would repeal UUUUb and only selections of TTTTa, while leaving TTTT in place
- On November 26, 2025, EPA published an interim final rule for NSPS Subparts OOOOb and OOOOc



GHG Rule Weakening Actions: What to Expect

- EPA will announce the final rules on the proposed NSPS TTTT/TTTTa and UUUUb repeals
 - Expect this some time later in 2026
- EPA may try to eliminate the 40 CFR 98 Mandatory GHG Reporting Rule
- The administration may go after the GHG reduction efforts of individual states (think California vehicle standards)
- Court challenges to all these proposals have already been made and expect more legal action to come
- GHG regulations for PSD and Title V remain (for now)



Proposed Changes to GHG Standards of Performance



What is NSPS Subpart TTTT/TTTTa?

- These rules set federal CO₂ performance standards for new or reconstructed fossil fuel-fired EGUs (steam generating, integrated gasification [IGCC], stationary combustion turbines)
 - NSPS TTTT sets emission standards for GHG from EGUs commencing construction, reconstruction or modification between 2014 and 2023 (see rule for exact dates)
 - NSPS TTTTa sets emission standards for GHG from EGUs commencing modification, construction or reconstruction after May 23, 2023
- Best System of Emissions Reductions (BSER) required under these rules
 - Dependent on unit type and operating capacity. Can range from “efficient design” and lower carbon fuels to carbon capture and storage



Proposed Changes to NSPS TTTT/TTTTa

- EPA has proposed repealing the GHG emissions standards for fossil-fueled power plants under Clean Air Act Section 111
 - This would repeal all of NSPS TTTT/TTTTa
- There is a narrower fallback repeal included in the proposed 2025 repeal rule in case the EPA decides it does not want to repeal all of the power plant GHG standards outright
 - Specifically removes the CO2 requirements that rely on carbon capture and sequestration, and 40 % natural gas co-firing for certain coal-fired subcategories



Changes to other GHG NSPS

- EPA has also proposed repealing NSPS UUUUb under the same GHG emissions standards for fossil-fueled power plants under Clean Air Act Section 111
 - This would repeal all requirements of NSPS UUUUb, which set emissions standards for existing fossil-fueled steam units
- EPA published an interim final rule for NSPS Subparts OOOOb and OOOOc to extend deadlines and modify emissions guidelines for existing oil and gas sources



Wrap-up



Final Thoughts



Constant change is the name of the game



Develop a permit strategy for any new or potential projects



Understand your facility's risk and regulatory exposure



Watch for EPA regulatory updates



Engage early and often with regulators and stakeholders



Questions?

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