

§ (pg - pre-publication version)	pg - Federal Register version	Question/Area of Comment	Keyword/Theme
I.A. (18)	64969	EPA intends to finalize a single approach (rate- or mass-based) for every state in which it promulgates a federal plan, and invites comments on which approach should be selected in that case.	Rate vs. mass
I.A. (21)	64969	Does a reconstruction or modification that is subject to a CAA section 111b standard move an existing source out of a CAA section 111d program?	Source reclassification
I.B. (27)	64970	Which approach – mass-based or rate-based trading – is preferred for the federal plan?	Rate vs. mass
II.C. (47)	64974	"States may simply choose to accept a federal plan in lieu of undertaking to develop a state plan at all. While the statute uses the phrase 'fails to submit a satisfactory plan,' the EPA does not believe this should carry any pejorative connotation... To the extent states may be interested in accepting a federal plan, the EPA would be interested in hearing that through the comment process on this proposal."	Voluntary FIP-ing
II.D. (49)	64975	"The EPA will go through a public notice and comment process before disapproving a submitted and complete state plan, in whole or part. The EPA invites comments on this staged approach to finalizing one or more model trading rules on the one hand (which we currently intend to do in summer 2016), and finalizing federal plans on the other (which we currently intend to do state-by-state upon our taking predicate action on states' plans)."	Staged approach to finalization
II.D. (52)	64975	Because the proposed federal plan would apply emission standards to affected EGUs in all states without an approvable plan, EPA invites comment on the proposed FIP as it may apply in any state, regardless of whether that state has submitted or intends to submit its own plan.	Special state circumstances
II.E. (56)	64976	Although the procedural enhancements/ changes discussed in section VII of the preamble don't alter the deadlines or submission obligations provided in the emission guidelines, EPA encourages state officials to review/comment on them.	Procedural enhancements
III.A.1. (59)	64977	State plans must use an EPA-administered tracking system. EPA requests comment on expanding this to include a state plan that uses an EPA-designated tracking system that is interoperable with an EPA-administered system.	Tracking systems
III.A.1. (59)	64977	Expanding the scope of interstate trading to include linking states covered by the rate-based trading federal plan with any state that has an approved rate-based trading state plan meeting the proposed conditions for linkages and that uses an EPA-designated tracking system as described in the request above (row 9).	Tracking systems
III.A.1. (59–60)	64977	Allowing a state that has an approved rate-based trading state plan meeting the proposed conditions for linkages and that uses an EPA-designated ERC tracking system to register with the EPA, and after registration, to link with states covered by the rate-based trading federal plan.	Tracking systems
III.A.1. (60)	64977	Whether to extend linkage to state plans that issue allowances in metric tons, and what provisions would be necessary to implement such linkages.	Linking state and federal plans
III.A.1. (60–61)	64977	"The EPA believes that considerations for linkages to state plans that use metric tons may include tracking system design, and stipulation of which parties convert state plan allowances denominated in metric tons to allowances denominated in short tons and at what stage of compliance operations the conversion occurs. The agency requests comment on these and any other considerations for linkages between the federal plan and state plans that issue allowances in metric tons."	Linking state and federal plans
III.A.1. (61)	64977	Expanding the scope of interstate trading to include "linking states covered by the mass-based trading federal plan with any state that has an approved mass-based trading state plan meeting the proposed conditions for linkages and that uses an EPA-designated allowance tracking system that is interoperable with an EPA-administered allowance tracking system. The EPA also takes comment on allowing a state that has an approved mass-based trading state plan meeting the proposed conditions for linkages and that uses an EPA-designated allowance tracking system to register with the EPA, and after registration, to link with states covered by the mass-based trading federal plan."	Linking state and federal plans
III.A.1. (61–62)	64977	The proposed approach to link the mass-based trading federal plan to state plans could result in linking the federal plan to state plans that include nonaffected emission sources. The EPA requests comment on this proposed approach.	Linking state and federal plans

III.A.1. (62)	64977	EPA requests comment on the proposed approach to interstate trading linkages in the FIP.	Linking state and federal plans
III.A.1. (62)	64977	EPA expects competitive ERC and allowance markets, and requests comment on these expectations and on potential program design choices that could address any identified market power concern.	Competitive markets
III.A.1. (63)	64977	Appropriate market monitoring activities, which may include tracking ownership of allowances or ERCs, oversight of the creation and verification of credits, and tracking market activity (e.g., transaction volumes and prices).	Market monitoring
III.A.2. (65–66)	64978	"The proposed rate-based approach, in accordance with the final guidelines, restricts ERC issuance for any emission reduction measures located in a mass-based state, except for RE. RE measures located in a state with a mass-based state plan can only be approved for ERC issuance for use by a state under a rate-based federal plan if it can be demonstrated that that load-serving entities in the rate-based state have contracted for the delivery of the RE generation that occurs in a mass-based state to meet load in a rate-based state. ... This can be demonstrated through the provision of a power delivery contract or power purchase agreement in which an entity in the rate-based state contracts for the supply of the MWhs in question and providing documentation that the electricity was treated as comparable to a generation resource used to serve regional load that included the rate-based state. This demonstration must be included as part of the project application for ERC issuance to the EPA or its agent from the RE provider in the mass-based state. Once the project is approved, subsequent applications for issuance of credit to the EPA will need to reference that the MWh submitted are associated with that contractual arrangement with the mass-based RE provider. The EPA requests comment on this approach."	Interstate issues
III.A.2. (66)	64978	EPA requests comment on the proposed treatment of leakage and of interstate effects under both the proposed rate-based federal plan approach and the proposed mass-based federal plan approach, and as part of the corresponding proposed model rules.	Leakage
III.C. (74–75)	64980	An alternative compliance pathway that could be available to units under a mass-based approach (further outlined in the Alternative Compliance Pathway for Units that Agree to Retire Before a Certain Date TSD): "Under this approach, two basic requirements would need to be met. The first is that the unit would have to take a commitment that it would retire on a date on or before December 31, 2029. The second is that the unit would have to demonstrate that it will take an enforceable emission limitation that would assure that the overall state emission goal is met. ... EPA requests comment on whether this approach should be available for all units or limited to small units (e.g. < 100 MW nameplate capacity)." EPA also requests comment on whether and how such an approach could be included under a rate-based approach.	Alternative compliance pathway
III.C. (75)	64980	Comments on and updates to the list of affected units in the federal plan Affected EGU TSD.	Affected units
III.D. (77)	64981	Whether it would be possible to grant, on a case-by-case basis, certain affected EGUs (particularly small entities) additional time to come into compliance, and to request additional input from the public as to the design of such flexibility that would be compatible with the EGs and a federal plan that implements a trading system.	Additional time/flexibility for compliance
III.D. (78)	64981	Other approaches to ensure market liquidity while meeting the final goals' stringency.	Market liquidity
III.E. (82–83)	64982	Because the proposed federal plan supports reliability by providing flexibility for affected EGUs to obtain allowances or credits if needed, there is no need for a reliability safety valve. EPA invites comments on this aspect of the plan.	Reliability
III.E. (83)	64982	"EPA is not proposing to include an allowance set-aside, or similar mechanism in a rate-based approach, to address reliability issues in the federal plan; however, we request comment on including such a set-aside in the context of a mass-based approach... EPA requests comment specifically on creation of an allowance set-aside for the purpose of making allowances available in emergency circumstances in which an affected EGU was compelled to provide reliability critical generation and demonstrated that a supply of allowance needed to offset its emissions was not available."	Reliability

III.E. (83–84)	64982	"EPA would set aside allowances in each state under the mass-based federal plan, and if a reliability issue is perceived by the EPA, DOE and FERC coordinated monitoring process[...], the EPA would distribute allowances from the set-aside to support affected EGUs during or after an unforeseen, emergency reliability event. If there were unused allowances remaining in the set-aside, then the EPA would distribute them to affected EGUs pro rata based on the allocation approach that is detailed in section V.D of this preamble. The EPA requests comment on all elements of such an approach, including what events would trigger the need for allowances from the reliability set-aside; eligibility criteria to receive the set-aside allowances; the size of the set-aside; and the timing of distribution of allowances from the reliability set-aside. Additionally, the EPA requests comment on how a reliability "set-aside" approach could be implemented in the rate-based federal plan."	Reliability
III.E. (85)	64982	"Implementation of the Clean Energy Incentive Program in the federal plans would create ERCs and allowances before 2022, allowing for creation of banks that could be used in the event of an unforeseen, emergency reliability issue. The EPA requests comment on the potential for these banks of ERCs and allowances to support reliable electricity generation and transmission to be utilized in the event of this kind of reliability emergency."	Reliability
III.F. (85)	64982	Whether the federal plan should encourage EGUs to ask for a demonstration that the work undertaken under a federal plan is performed by a proficient workforce.	Worker certification
III.G. (93)	64984	EPA invites comment on its consideration of facilities' "remaining useful lives" in the federal plan.	Remaining useful lives
III.H.1. (100)	64985	"EPA invites comment on its proposed approach to permitting requirements for the federal plan, including whether it would be of use to develop guidance similar to the guidance developed for permitting under CSAPR. The EPA invites comment on its proposed approach to incorporating applicable requirements of the federal plan into title V permits and revising those requirements, including specifically seeking comment on whether all requirements should be eligible for incorporation into title V permits via minor modification procedures or if only a specified subset of such requirements should be eligible for such procedures."	Permitting requirements
III.H.2. (102–103)	64985	"EPA will invite comment on potential scenarios in which affected EGUs, particularly small entities, could be subject to the requirements of the NSR program as a result of taking compliance measures under the federal plan, and any ideas for harmonizing or streamlining the permitting process for such sources that are consistent with judicial precedent. However, the EPA is not proposing any changes to the NSR program in this action, and the agency is not reopening or reconsidering any prior actions or determinations related to NSR in this action. Any comments related solely to the NSR program will be considered outside the scope of this proposed rule."	Permitting requirements
III.H.3. (103–104)	64986	Are there specific things the EPA can do in the design and implementation of the federal plan that further the objective of enabling compliance with obligations under other power-sector rules as efficiently as possible?	Other-rule interactions
III.I. (104)	64986	EPA requests comment on the use of the regulations for appeals procedures set forth in 40 CFR part 78, to provide for the adjudication of certain disputes that may arise during the course of implementation of a federal plan under CAA section 111(d).	Administrative appeals process

III.I. (105–107) 64986	<p>"The actions we propose to list as appealable under the part 78 procedures are as follows. In the case of the rate-based federal plan: decisions on an eligibility application for ERCs; decisions regarding the number of ERCs generated; decisions on the transfer of ERCs; decisions on the disallowance of ERCs for compliance; decisions that there has been an excess of emissions requiring a 2-for-1 ERC administrative compliance penalty; decisions regarding deduction or surrender of ERCs for compliance from affected EGUs' compliance accounts; decisions on the accreditation of independent verifiers; the use of error corrections regarding information submitted by ERC providers, affected EGUs, or other ERC account holders; and the finalization of compliance period emissions data, including retroactive adjustment based on audit or other investigation. In the case of a mass-based federal plan: decisions on an eligibility application for set-aside allowances; decisions regarding the allocation of allowances to affected EGUs; decisions regarding the allocation of allowances from set-asides; decisions on the transfer of allowances; decisions regarding the finalization of emissions data by affected EGUs during compliance periods; decisions making error corrections to information submitted by affected EGUs and other account holders; decisions that there has been excess emissions requiring a 2-for-1 allowance administrative compliance penalty; and decisions regarding the deduction or surrender of allowances for compliance from affected EGUs' compliance accounts. We request comment on this list of actions for both types of approaches to the federal plan, and whether there are other decisions that may be made in the course of implementation of the federal plan that are party-specific that would be appropriate to list as appealable under part 78. We also take comment on whether it would be appropriate for the EPA to finalize an administrative appeals process that differs in any way from that offered under part 78, or in addition to that offered under part 78. If so, we request comment broadly on all aspects of the alternative or additional administrative appeals process, including with respect to any structural, procedural, substantive, and timing requirements it should include, who should have access to it and in what manner, and how it would differ from part 78. Finally, we request comment on whether, similar to other programs identified in 40 CFR 78.1(a)(1), the agency should make the procedures of part 78 available to any actions of the Administrator under the comparable state regulations approved as a part of a state plan under the EGs."</p>	Administrative appeals process
III.J. (107) 64986	EPA has legal authority to establish either of the proposed trading systems as a federal plan under CAA section 111(d)(2). EPA covers the topic briefly in this section and invites public comment.	Legal authority
III.J. (108) 64986	EPA discusses in this section why an emissions trading program is a lawful and appropriate form of federal implementation of a standard of performance under CAA section 111(d)(2). "We invite comment on this legal discussion and the agency's interpretation of its authority."	Legal authority
III.J.2. (123) 64989	"This proposal is guided by the relevant cases and the experiences of the agency in implementing the CAA trading programs discussed above. The EPA invites comment on this discussion and the agency's interpretation that CAA section 111(d)(2) authorizes the two approaches to a federal plan proposed here."	Legal authority
IV.A. (124–125) 64990	For the federal plan, the EPA is proposing to limit the issuance of ERCs to designated categories of affected EGUs and to RE resources and nuclear generation (from new capacity and incremental capacity uprates) that are measured by a revenue quality meter, rather than the full suite of options discussed in the EGs. The EPA requests comment on whether to limit the scope of the federal plan in this manner, and if not, what other sources of low- or zero-emitting electricity in federal plan states should also be eligible to generate ERCs for compliance purposes. For both the proposed federal plan and model rule, the EPA requests comment on which EM&V plan, measurement and verification (M&V) report, and verification report requirements should apply for each eligible resource."	EM&V
IV.B. (127–128) 64990	Is the subcategorized rate approach our preferred rate-based approach for the federal plan and model trading rule? ("Note that the values of limits and determinations made as the BSER are not open for comment.")	Rate goals
IV.B. (128) 64990	"If a subcategorized approach for a rate-based model rule and federal plan is not preferred by commenters, the EPA requests comment on the perceived benefits of an alternative rate or set of rates (e.g., applying a uniform rate, i.e., the state goal, to all affected units within the state as the EGUs' emission standard)."	Rate goals
IV.C. (129) 64991	Under the proposed FIP, ERCs will be issued by the EPA to 4 categories of entities (see discussion in section IV.C. of the preamble for details). EPA is also taking comment on for the federal plan—and proposing for the model trading rule—a potential fifth category: other low- and zero-emitting non-BSER measures that are described in section IV.C.3.	ERC eligibility
IV.C. (130) 64991	Ways to safeguard the validity of an ERC.	ERC eligibility

IV.C.1 (131–132)	64991	"The discussion in this subsection builds on and applies the definition, benefits, use, and determination of using ERCs from the final EGs (section VIII of the final EGs). We invite comment on use of the approach just described as a method of implementation of a federal plan and a model trading rule, and we take comment on any alternatives to this approach that still fall within the established criteria described in the CPP EGs. Comments that solely relate to determinations finalized in the EGs will be considered outside the scope of this proposed rule."	ERC eligibility
IV.C.2. (138)	64993	"The EPA solicits comment on applying the least stringent regional factor to calculate GS-ERCs for all affected NGCC units subject to the federal plan and model rule on a national level. Conversely, the EPA also requests comment on applying, for each region, its own regional GS-ERC generation rate. As proposed, the least stringent region could change from compliance period to compliance period. The EPA requests comment on whether a single 'least stringent' region should be chosen and used for calculations or whether being 'least stringent' should be evaluated on a compliance period by compliance-period basis. The EPA also requests comment on whether 'least stringent' should be evaluated on a year-to-year basis."	GSERC stringency/ calculation
IV.C.2. (138–139)	64993	Whether the GS-ERC Emission Factor should be calculated on a unit by unit basis (as currently proposed) or be calculated based on the least stringent region's baseline 2012 average emission rate, which would simplify the practice of calculating and distributing GS-ERC generation.	GSERC stringency/ calculation
IV.C.2 (141–142)	64993	EPA requests comment on the proposed approach and requests comment and suggestions on other approaches for existing NGCC units to generate GS-ERCs at all times. The EPA is considering this methodology that GS-ERCs are generated for all NGCC generation because it ensures that all existing NGCC units are encouraged to run at a greater capacity. The EPA is requesting comment on alternative methods to account for NGCC units generating GS-ERCs. Specifically, the EPA solicits comment on NGCC units generating GS-ERCs once a threshold of electric generation for the year is exceeded."	GSERC stringency/ calculation
IV.C.2. (143)	64994	Whether a distinct type of ERC that comes with the proposed restrictions (i.e., GS-ERCs) is necessary to maintain the integrity of the rate-based trading proposal. ("Comments regarding this section that solely relate to determinations finalized in the EGs will be considered outside the scope of this proposed rule.")	ERC eligibility
IV.C.3. (146)	64994	Inclusion of other emission reduction measures as eligible for ERC issuance under the rate-based federal plan (may include RE technologies such as distributed RE generation and various types of biomass). EPA also seeks comment on treatment options for biomass fuels, "if it is included as an eligible measure under the federal plan (see below)."	ERC eligibility
IV.C.3. (146)	64994	Inclusion of various demand-side EE types as eligible measures for ERC issuance under the federal plan—e.g., state and utility EE programs, project-based demand-side EE, state building codes, state appliance standards, and conservation voltage reduction. EPA also requests comment on (1) including CHP as an eligible measure under the federal plan, and (2) the requirements detailed in this section for the issuance of ERCs for CHP, for inclusion in the federal plan.	ERC eligibility
IV.C.3. (146–147)	64995	Inclusion of any other emission reduction measures (as long as they meet the eligibility requirements from the final EGs for rate-based crediting) as eligible for ERC issuance under the federal plan.	ERC eligibility
IV.C.3. (147)	64995	For all of the above measures on which the EPA requests comment, the agency is particularly interested in comments on how EM&V methods can be implemented for these measures across applicable jurisdictions in the timeframe provided by this proposal in a way that is rigorous, straightforward, widely demonstrated, and in accordance with the EM&V requirements in this proposal, outlined in section IV.D.8 of this preamble, and within the requirements outlined in the final guidelines (see section VIII.K.3 of the final EGs). It should also be noted that any eligible measure will be subject to the eligibility requirements outlined in this proposal and the final EGs, such as the requirement that the measure be incremental to 2012."	EM&V
IV.C.3. (147)	64995	Processes through which the EPA and/or stakeholders could demonstrate the appropriateness of new measure types and the EPA could evaluate and approve the demonstration so that a new measure type could be considered eligible for ERC issuance under the federal plan.	ERC eligibility
IV.C.3. (148)	64995	"In this section, the EPA is also providing detailed requirements for CHP and waste heat power (WHP), these requirements are proposed under the model rule, and we request comment on their inclusion in the federal plan. We are requesting comment on the inclusion of biomass and an option for the treatment of biomass in both the proposed rate-based federal plan and proposed rate-based model rule."	Biomass

IV.C.3. (148–149)	64995	"EPA is also requesting comment on the following treatment options for biomass if biomass is included as an eligible measure. In the final EGs, the EPA recognizes that the use of some biomass-derived fuels can play an important role in controlling increases of CO2 levels in the atmosphere (see section V.A.6 of the final EGs). The use of some kinds of biomass has the potential to offer a wide range of environmental benefits, including carbon benefits. However these benefits can typically be realized only if biomass feedstocks are sourced responsibly and attributes of the carbon cycle related to the biomass feedstock are taken into account. Many states have already recognized the importance of waste-derived feedstocks via mandatory and voluntary programs supporting such efforts. Some states have also acknowledged the potential role of certain forestry and agricultural industrial byproducts (such as black liquor) in energy production. Many states have also recognized the importance of forests and other lands for climate resilience and mitigation, and have developed a variety of sustainable forestry policies, biomass-related RE incentives and standards, and GHG accounting procedures."	Biomass
IV.C.3. (151)	64995	"If biomass is included as an eligible measure, we are taking comment on an option for biomass treatment under the rate-based federal plan, which would also apply to eligible generation under the mass-based plan allowance set-aside and to the calculation of covered emissions for affected EGUs that are co-firing biomass. This option offered for comment is to specify a list of pre-approved qualified biomass fuels."	Biomass
IV.C.3. (151–152)	64996	Whether to include a provision that allows sources to seek approval for other types of biomass to be added to the pre-approved qualified biomass feedstocks list, and what that process would entail.	Biomass
IV.C.3. (152)	64996	Options for how EGUs would demonstrate that feedstocks meet the requirements to be accepted as a pre-approved qualified biomass feedstocks.	Biomass
IV.C.3. (152–153)	64996	"EPA requests broad comment on the types of qualified biomass feedstocks that should be specified in the final model rule, if any. We request comment on the methods that we should specify in the final model rule for the measurement of the associated biogenic CO2 for such feedstocks, as well as what other requirements we should specify in the final model rule related to biomass. Specifically, we seek comment on the level of detail provided and whether more or less detail (and what detail) should be included in the final model rule. We request comment on any other requirements that should be included in the final model rule regarding EM&V for qualified biomass."	Biomass
IV.C.3. (153–154)	64996	EPA proposes in the rate-based model rule that CHP units be eligible to generate ERCs, and requests comment on incorporation of non-affected CHP units with respect to the federal plan.	ERC eligibility
IV.C.3. (156)	64996	EPA proposes with respect to the rate-based model rule that WHP units be eligible to generate ERCs. With respect to the federal plan, the EPA is requesting comment on the incorporation of non-affected WHP units.	ERC eligibility
IV.C.3. (157)	64997	Where fossil fuel is used to supplement waste heat in a WHP application, EPA requests comment on what provisions to include in the final model rule to prorate the proportion of fossil fuel heat input to total heat input that is used by the WHP unit to generate electricity. "The EPA also solicits comments on other potential accounting mechanisms for WHP. As noted above, the EPA requests comment incorporating WHP as an ERC generating resource for the federal plan."	Biomass
IV.D. (159)	64997	EPA requests comment on each component of the rate-based trading system that is proposed in this preamble and the associated model rule; on the trading program as a whole; and especially on means to expedite the process of issuing ERCs, any minimum and maximum periods for which ERCs should be issued (e.g., monthly, quarterly, annually), and any means to ensure that the ERCs issued meet the requirements of the EGs and these proposed rules. "The rate-based federal plan and model rule borrow many concepts from other successful trading programs, and the agency is interested in receiving additional information through comments on successful implementation of similar programs."	Rate-based trading model
IV.D.4. (164–166)	64998	EPA requests comment on the compliance mechanisms discussed in this section, including the two separate types of accounts (a compliance account, specifically used by affected units, and a general account that could be used by any eligible entity, but which could not be used for CPP compliance requirements)	Compliance mechanisms

IV.D.6. (167–168)	64999	Annual issuance of ERCs and whether issuance should occur at different intervals (e.g., quarterly, biannually, or other time frames). EPA requests comments (and justification!) regarding ERC-issuance intervals. "We request comment on how reporting and recordkeeping requirements could be minimized, particularly for small entities, to the extent possible under the statute and existing regulations."	Reporting and recordkeeping
IV.D.6. (169)	64999	All aspects of the proposed ERC issuance process, and how an ERC issuance process would apply to emission reduction measures for which EPA is taking comment on their eligibility for ERC issuance under the federal plan (including types of RE not covered by the FIP, demand-side EE, CHP, biomass, and any other measure that could be considered eligible under the final guidelines).	ERC issuance/ eligibility
IV.D.6. (170)	64999	"As specified in section IV.D.8 of this preamble, we request comment on whether nuclear energy resources should be subject to the same EM&V requirements as RE resources, and if not, we take comment on to which EM&V requirements nuclear energy resources should be subject."	EM&V
IV.D.6. (171)	64999	Each criterion of the eligibility application described in this section, and in the proposed model rule, for each eligible resource. "Specifically, we seek comment on the substantive content of the criteria, and we seek comment on the level of detail provided and whether more or less detail (and what detail) should be included in the final model rule."	Eligibility criteria
IV.D.6. (172)	64999	Whether a quarterly or biannual application process is more appropriate.	Application process
IV.D.6. (173)	65000	Extending the designated representative provisions in 40 CFR 62.16485 to eligible resources instead of the general account provisions.	ERC issuance/ eligibility
IV.D.6. (174–175)	65000	"For the federal plan, as discussed in section III.I of this preamble above, we propose to use the administrative appeals process set forth 40 CFR part 78 to address party-specific disputes concerning the issuance and/or validity of ERCs. States may adopt a similar procedural and substantive process at the state level to enable them to rescind or withhold approval of specific credits. We request comment on the content of each of these provisions in the model rule, and specifically seek comment on whether the model rule should include different or additional details related to either procedure or substance for error correction and the revocation of the qualification status of an eligible resource or independent verifier."	ERC issuance/ eligibility
IV.D.6. (177)	65000	EPA requests comment on the structure of the framework for CEIP implementation described in the paragraph beginning "The EPA proposes the following framework...", which could include adjusting the stringency of the emission standards during the compliance periods to account for the issuance of early action ERCs for MWh generated or avoided in 2020 and/or 2021.	CEIP implementation
IV.D.6. (177–178)	65001	"EPA, or a state under the model trading rule, could adjust their targets to achieve the same stringency, taking into account the additional borrowed ERCs. The EPA requests comments on all potential methods to adjust state targets, including modeling-based approaches, and on what information the state must present to demonstrate that the new targets preserve the needed stringency. More generally, the EPA requests comments on these ideas, as well as on alternatives for maintaining the stringency of a rate-based plan implementing the CEIP so as to have no impact on the aggregate emission performance of sources required to meet rate-based emission standards during the compliance periods."	CEIP implementation
IV.D.6. (179)	65001	"EPA is requesting comment on the size of reserve of matching ERCs for eligible low-income EE programs as well as for eligible wind and solar projects. The EPA is proposing that unused ERCs in either reserve would be redistributed among participating states. This redistribution could be executed according to the pro-rata method discussed above. Alternatively, unused matching EE or RE ERCs could be swept back into a federal pool and distributed to project providers on a first-come, first served basis. EPA requests comment on these ideas as well as alternative proposals regarding the method for redistributing matching ERCs, as well as the appropriate timing for such a redistribution."	ERC distribution
IV.D.7. (182)	65001	Potential for payments to be channeled through the EPA as fees.	Accreditation fees
IV.D.7. (183)	65002	EPA requests comment on the proposed necessary requirements for an independent verifier to perform verification services in connection with the federal plan, including those requirements specifically detailed in this section of the preamble and the related language in the proposed model rule, and including whether there are any requirements that are not included in this proposal that should be included in the final rule. We further request comment on the level of detail that we should include in the final model rule regarding all requirements for independent verifiers, and all aspects of verification."	Accreditation verification

IV.D.8. (184)	65002	EPA is proposing EM&V for the eligible RE and taking comment on EM&V for demand-side EE and any other measures that could be eligible.	EM&V
IV.D.8. (184–185)	65002	Inclusion of other RE measures, demand-side EE measures, and any other measures that may be eligible under the final guidelines as eligible measures under the FIP (though EPA notes that they are currently being proposed as part of the model rule and not the federal plan). For stakeholders submitting comments on the inclusion of such additional measures, EPA seeks comment on how to establish a rigorous, straightforward, widely demonstrated set of EM&V methods/procedures/approaches that could be implemented across applicable jurisdictions in the timeframe allowed by the FIP and also meets the final guidelines' requirements. "To the extent proposed for inclusion in the model trading rule, we also invite comment on these requirements in the context of state implementation as part of a state plan. Thus, commenters on this aspect of the proposal should consider whether and how these provisions could be implemented at the state level."	EM&V
IV.D.8. (189)	65003	EPA seeks comment on the substantive content of each of the EM&V criteria, on the level of detail provided and whether more or less detail (and what kind) should be included in the final model rule, and on whether the criteria should differ for each eligible resource.	EM&V
IV.D.8. (194)	65004	The proposed requirement for quantifying RE generation for the purpose of ERC issuance.	ERC issuance/ eligibility
IV.D.8. (194)	65004	How can existing reporting systems play a role in meeting EM&V requirements under the federal plan, particularly in assuring that each MWh of RE generation is uniquely identified and recorded to avoid double counting?	EM&V
IV.D.8. (195)	65004	"EPA requests comment on all metering, measurement, verification, and other requirements included in this subsection, including the appropriateness of their use for each type of RE resource (including the relevant size and distribution of such resource) that qualifies for issuance of ERCs for use in Clean Power Plan compliance."	ERC issuance/ eligibility
IV.D.8. (195–196)	65004	"For RE resources with a nameplate capacity of 10 KW or more and for RE resources with a nameplate capacity of < 10 KW for which metered data are available, we take comment on the appropriateness of the requirement to use a revenue quality meter for monitoring generation, and we take comment on the definition of revenue quality meter. We take comment on the appropriateness of other types of meters for monitoring generation. We take comment on whether 10 KW is the appropriate threshold, under which an eligible resource can be issued ERCs for generation based on data other than metered generation, and if not, what would be the appropriate threshold."	ERC issuance/ eligibility
IV.D.8. (196)	65004	"For RE resources of all sizes and means of monitoring, we take comment on the appropriate requirements for allowing generation data to be aggregated, including on the provisions in the proposed model rule and any alternatives to them. We take comment on whether all of the generating units have the same essential generation characteristics in order for their data to be aggregated, and if so, what the appropriate content of the definition of 'essential generation characteristics' (e.g., are essential generation characteristics determined on a resource by resource basis, or can generation from a group of wind turbines be aggregated with generation from a group of solar panels?) We seek comment on the appropriate thresholds for the aggregated of individual units (e.g., nameplate capacity of < 150 KW per unit and the units collectively do not exceed a total nameplate capacity of 1 MW when aggregated, as in the proposed model rule)."	Aggregation
IV.D.8. (196–197)	65004	For non-metered units of < 10 KW, EPA seeks comment on whether the final model rule should specify the estimating software or algorithms by which generation data should be measured; "if so, we take broad comment on the appropriate estimating software or algorithms and/or the appropriate characteristics for such estimating software or algorithms."	Estimating software/ algorithms
IV.D.8. (197)	65004	Any other requirements that should be included in the final model rule regarding EM&V of RE resources.	EM&V

IV.D.8. (197)	65004	"For all energy generating resources (such as RE, but also including applicable resources requiring EM&V described below), we take comment on the appropriate place of measurement of the generation, including comment on whether measurement should be at the bus bar or at a different location (or in the case of meter on units of less than 10 Kilowatt, at the AC output of the inverter or elsewhere), whether measurement should be before or after parasitic load (and how to separate out parasitic load). In addition, for all energy generating resources, we take comment on whether generation data should go through a control area settlement process prior to issuance of ERCs, and if so, what level of specificity with respect to that process we should include in the final model rule. If not, or if the unit does not go through a control areas settlement process, we take comment on how the data collection should be specified in the final model rule. Finally, we take comment on the frequency with which data should be collected, for all energy generating resources, of all sizes."	EM&V
IV.D.8. (198)	65004	"EPA requests comment on all metering, measurement, verification, and other requirements included in this subsection, including the appropriateness of their use for each type of nuclear energy resource (including the relevant size and distribution of such resource) that qualifies for issuance of ERCs for use in Clean Power Plan compliance. We take comment on whether nuclear energy resources should be subject to the same EM&V requirements as RE resources, and if not, we take comment on to which EM&V requirements nuclear energy resources should be subject."	Appropriateness of requirements
IV.D.8. (199–200)	65005	"EPA requests comment on all metering, measurement, verification, and other requirements included in this subsection with respect to CHP, including the appropriateness of their use for CHP (including with respect to the size of the CHP resource). We take comment on whether a CHP unit should be subject to the same EM&V requirements as RE resources, and we take comment on any additional EM&V requirements to which CHP units should be subject. Specifically, we take comment on specifying in the final model rule that if a CHP unit has an electric generating capacity greater than 25 MW, its EM&V plan must specify that it will meet the requirements that apply to an affected EGU under 40 CFR 62.16540. We also take comment on specifying in the final model rule that if a CHP unit has an electric generating capacity less than or equal to 25 MW, the EM&V plan must specify that it will meet the low mass emission unit CO2 emission monitoring and reporting methodology in 40 CFR part 75. We take comment on any alternatives to these measurement methodologies that should be specified in the final model rule. We take comment on any other requirements that should be included in the final model rule regarding EM&V of CHP."	CHP
IV.D.8. (201)	65005	All metering, measurement, verification, and other requirements included in this subsection with respect to biomass, including the appropriateness of their use for qualified biomass. EPA also wants "broad comment on the types of qualifying biomass feedstocks that should be specified in the final model rule, if any. We take comment on the methods that we should specify in the final model rule for the measurement of the associated biogenic CO2 for such feedstocks, as well as what other requirements we should specify in the final model rule related to qualified biomass. We take comment on any other requirements that should be included in the final model rule regarding EM&V for qualified biomass."	Biomass
IV.D.8. (202)	65005	All metering, measurement, verification, and other requirements included in this subsection with respect to waste-to-energy (WTE), including the appropriateness of their use for WTE. EPA seeks comment on whether a WTE resource should be subject to the same EM&V as RE resources, and on any additional EM&V requirements to which WTE resources should be subject, "including comment on any specific methods for determining the specific portion of the total net energy output from the resource that is related to the biogenic portion of the waste that the EPA should include in the final model rule."	Waste to energy
IV.D.8. (203)	65005	Incorporation of EE for the federal plan and by extension the EM&V associated with it.	EE-EM&V
IV.D.8. (211)	65007	EPA requests broad comment on each EE-EM&V criterion described in the proposed rule text for each type of EE activity, project, program or measure—specifically, on the substantive content of the criteria, on the level of detail provided about them, and on whether more or less detail (and what specifics) should be included in the final model rule.	EE-EM&V
IV.D.8. (211–212)	65007	Whether some of the EE-EM&V criteria (and if so, which) included in the draft guidance doc should be included in the final model rule instead of in guidance. AND VICE VERSA: should some of the EM&V criteria included in the proposed model rule be addressed in the final EM&V guidance instead?	EE-EM&V
IV.D.8. (212)	65007	What EE criteria should the EPA describe in guidance vs. in the final model (regardless of whether those criteria are already included in the draft guidance or draft model rule)?	EE-EM&V

IV.D.8. (212)	65007	Appropriate EE-EM&V criteria for quantifying the electricity savings from every type of EE program, project, or measure; what constitutes best-practice protocols and procedures for every type of EE program, project, or measure?	EE-EM&V
IV.D.8. (212)	65007	Whether, when, and how commonly practice baselines should and should not be used in calculating electricity savings from EE activities, projects, programs, and measures, including which common practice baselines should be used in which circumstances; should some alternative metric be used in lieu of the common practice baseline? If so, what?	EE-EM&V
IV.D.8. (212–213)	65007	The appropriateness of quantifying electricity savings by applying one or more of the following methods, and all aspects of each method: project-based measurement and verification (PB-MV), comparison group approaches, or deemed savings. EPA also seeks comment on circumstances in which it is appropriate (or not) to use each of these methods, including when to use random control trials (RCT) and quasi-experimental methods, and the circumstances in which they can be encouraged and applied in practice; and on the general suitability and application of quantification methods, such as RCT, quasi-experimental techniques or other comparison group approaches when they are available at reasonable cost for purposes of quantifying MWh savings for particular EE programs, projects, or measures.	EE-EM&V
IV.D.8. (213)	65008	If deemed savings are to be used in quantifying electricity savings from an EE program, project, or measure, we take comment on the appropriate characteristics and presumptively approvable provisions for their use in generating qualifying ERCs, including the basis and frequency for their determination, and the appropriateness of their application to particular EE programs, projects or measures in particular states or regions. We further take comment on the presumptively approvable provision for public access and input to the development of the TRMs used to house the applicable deemed savings values."	EE-EM&V
IV.D.8. (213–214)	65008	Minimum and maximum intervals (in years) over which electricity savings must be quantified, including the intervals specified in the proposed model rule, and any factors that must be taken into consideration when determining the appropriate intervals for specific EE programs, projects, or measures.	EE-EM&V
IV.D.8. (214)	65008	What criteria should EPA include in the final model rule (and what level of details with respect to those criteria should they include) in order to ensure that an ERC issued for an EE program, project, or measure in one state reflects the same MWh of energy/electricity saved in another state? Are there provisions that EPA should include in the final model rule to prevent an entity seeking to be issued an ERC (whether from EE or energy generation) from "forum shopping" in an effort to find a state with more lenient or less burdensome standards for ERC issuance?	EE-EM&V
IV.D.8. (214–215)	65008	How should EPA appropriately consider factors that affect energy savings in the quantification and verification process, including those identified in the proposed model rule, and should these factors be addressed in every plan or just certain types of plans?	EE-EM&V
IV.D.8. (215)	65008	The circumstances/frequency in which savings verification must occur to ensure that EE measures have been installed, are functioning, and have the potential to save energy.	EE-EM&V
IV.D.8. (215)	65008	Appropriate steps for avoiding double counting, and how such steps should be documented in an EM&V plan; in particular, the circumstances and conditions in which double counting is most likely to occur, and the presumptively approvable provisions that must be adopted in state plans for avoiding and mitigating double counting.	EE-EM&V
IV.D.8. (215–216)	65008	Appropriate means by which an EM&V plan can ensure the accuracy and reliability of electricity savings estimates, including the rigor of the methods selected to evaluate the electricity savings, the methods used to control all relevant types of bias and to minimize the potential for systematic and random error, and the potential effects of such bias and error. EPA also seeks comment on the presumptively approvable provision that samples taken to quantify EE program savings must achieve 90/10 confidence and precision.	EE-EM&V
IV.D.8. (216)	65008	The presumptively approvable approach to quantifying the electricity savings that result from avoiding a transmission and distribution system loss, including the provisions in the proposed model rule, which specify that each EM&V plan must quantify the transmission and distribution loss based on the lesser of 6% of the site-level electricity consumption measured at the end use meter or the statewide annual average transmission and distribution loss rate (expressed as a percentage) from the most recent year that is published in the U.S. EIA State Electricity Profile. EPA seeks comment on the appropriateness of including a restriction in the final model rule that no other transmission and distribution loss factors may be used in calculating the electricity savings.	EE-EM&V
IV.D.8. (216)	65008	Any additional criteria that EPA should include in the final model rule regarding EE-EM&V.	EE-EM&V

IV.D.10. (221)	65009	EPA requests comment on an earlier ERC transfer deadline, such as June 1 or March 1, of the year after the last year in the compliance period.	ERC transfer
IV.D.10. (223)	65010	Sources owing two ERCs to make up for each insufficient ERC in previous compliance periods and whether two for one is the proper make-up rate or whether there should be a stricter or a more lenient ratio.	ERC eligibility
IV.D.11. (224)	65010	These sections also would provide that the Administrator could... correct any type of error that he or she finds in an account in the ATCS. In addition, the Administrator could review any submission under the rate-based trading program, make adjustments to the information in the submission, and deduct or transfer ERCs based on such adjusted information. These provisions are a standard part of other trading programs administered by the EPA including the ARP and Cross State Air Pollution Rule... The EPA solicits comment on potential alternatives for error correction that [are] simpler or more efficient."	Procedural enhancements
IV.D.12. (224–225)	65010	Should there be a quantitative limit or cap on the number of ERCs that can be banked? Should an ERC be eligible to be banked between the interim and final compliance periods? EPA also requests comment on the shelf-life of an ERC.	ERC banking
IV.D.12. (225)	65010	EPA is NOT currently proposing, but does seek comment on, the flexibility of "borrowing" ERCs—"EPA requests comment on a methodology that would allow ERC borrowing while maintaining the integrity of the compliance obligations."	ERC banking
IV.D.13. (227)	65010	Requiring monitoring and reporting of CO2 mass and net generation for the year before the initial compliance period begins, i.e., to commence January 1, 2021.	Emissions monitoring/reporting
IV.E.2. (230)	65011	Are there reasons a state should be allowed to transition from a federal plan to a state plan in the middle of a compliance period? If so, what requirements should be put in place to do so while ensuring the integrity of both the federal and the state plan and enabling the affected EGUs to meet their compliance requirements?	Federal and state plan interactions
V.A. (235–236)	65012	Section IV.E.3 of this preamble discusses an approach on which the EPA requests comment on the inclusion of biomass as an eligible measure and on a proposed option where the agency would identify qualified biomass feedstocks (i.e., biomass feedstocks that are demonstrated to be a method to control increases of CO2 levels in the atmosphere) and potential methods for demonstrating compliance, and thus reduce the mass emissions attributed to a biomass co-fired affected EGU. If the EPA took such an approach, then for purposes of compliance with the proposed mass-based federal plan trading program, the affected EGU would need to hold allowances equal to its emissions less the emissions attributed to the co-fired qualified biomass; such an approach would reduce the number of allowances the affected EGU would need to hold to demonstrate compliance. The EPA requests comment on this approach."	Biomass
V.C. (240)	65014	The California Air Resources Board (CARB) intervening compliance requirement is to evaluate compliance every year on 30% of each source's previous year's emissions, and evaluate compliance for the remainder of emissions every 3 years. EPA proposes to evaluate compliance after each multiyear compliance period and is NOT proposing to implement intervening compliance requirements such as those in the CARB program; however, EPA requests comment on the inclusion of such requirements.	Compliance mechanisms
V.C. (241)	65014	The proposal to provide for unlimited allowance banking, including the banking of interim-period allowances for use during the final period.	Allowance banking
V.C. (242)	65014	"EPA is not proposing to allow allowance borrowing across compliance periods in the mass-based trading federal plans; however the agency is requesting comment on the use of borrowing across compliance periods."	Allowance banking
V.C. (243)	65014	Potential inclusion of allowance borrowing in the proposed mass-based trading federal plans, including from how far into the future to allow allowances to be borrowed, how inclusion of borrowing would affect opportunities for states to take over implementation of the EGs (or implementation of the allowance-distribution provisions in the mass-based trading federal plan), how to address removing the extra allowances from circulation that would result if borrowed allowances originate in a state that subsequently withdraws from the mass-based trading program, and other complexities that borrowing across compliance periods would introduce.	Allowance banking
V.C. (244)	65014	EPA proposes to require sources to demonstrate compliance (i.e., allowance true-up) on May 1 of the year after the last year in the compliance period; EPA also requests comment on an earlier or later allowance transfer deadline.	Compliance timing

V.D. (245–246)	65015	"EPA proposes that states have the flexibility to determine their own approach for distributing allowances in the federal plan, through a process that is detailed in section V.E of this preamble. The EPA believes that states should have the opportunity to make decisions about allowance distribution and that they may have additional flexibility on approaches, including allowance auctions. The EPA is also proposing an allocation approach that we intend to use in the event we implement the federal plan in a state that does not choose to determine its own allowance-distribution approach. The EPA is requesting comment on all of these, and any other, approaches to distribute allowances."	Allowance distribution
V.D. (246–247)	65015	"The agency recognizes that its choice of allocation methodology is important from the perspective of distributional effects, and the importance of selecting an approach that is fair and reasonable in light of this consideration and the overall purpose of CAA section 111 informs the agency's thinking in this proposal. We also invite comment on these considerations, and on any other factors or considerations which commenters believe should inform the allocation method."	Allocation methodology
V.D. (248)	65015	"In developing the Clean Power Plan EGs, the agency conducted analysis of emission reduction potential in the two affected EGU source subcategories, i.e., electric utility steam generating units (steam generating units) and NGCC units. With that analysis as a basis, the EPA is requesting comment on an alternative allocation approach that would first divide the total number of allowances from each state's mass goal into source subcategories based on analysis done in developing the source category-specific CO2 emissions performance rates promulgated in the EGs and then allocate to affected EGUs within each category based on shares of historic generation."	Allocation methodology
V.D. (250)	65016	"The following sections discuss and request comment on the EPA's proposed approach to allocate CO2 allowances to affected EGUs based on shares of historic generation, the proposed timing of allowance recordation, three proposed allowance set-asides, allocations to units that change status, and the proposed approach for states to replace federal-plan allocation provisions with their own allowance-distribution approaches. In addition, we request comment on alternative allowance distribution approaches – such as auctioning or allocations to load-serving entities – that the EPA or states might adopt. The EPA requests comment on all of these aspects of allowance distribution."	Allowance distribution
V.D.1. (251)	65016	"EPA is proposing affected-EGU-level allocations (based on available data) in every state. Further detail on this proposed allocation approach is provided in the Allowance Allocation Proposed Rule TSD in the docket. The affected-EGU-level allocations resulting from this proposed historic-generation-based approach are provided in the docket in an appendix to the TSD. The agency requests comment on the proposed historic-generation-based allocation approach and on other allocation approaches."	Allocation methodology
V.D.1. (253)	65016	"EPA included generation from all units in the historic data set in the proposed allowance calculations and calculated allowances for all such units; the agency requests comment on the treatment of generation from and allocations to units that operated in the historic data set but retire before the start of the program."	Allocation methodology
V.D.1. (254)	65017	EPA believes a historic generation-based allocation methodology is appropriate in this proposed rule, and requests comment on a historic-data approach based on historic emissions.	Allocation methodology
V.D.1. (257)	65017	Other allocation approaches, including an alternative approach that would divide the total number of allowances from a state's mass goal (minus set-asides) into affected EGU source categories—based on analysis done in developing the source category-specific CO2 emissions performance rates promulgated in the CPP EGs—before determining unit-level allocations: "EPA requests comment on this alternative approach because dividing the allowances in a state by source category in this manner may result in an initial distribution of allowances that would be closer at the source-category level to the future category-level pattern of emissions, and thus to allowances ultimately used, than the proposed approach."	Allocation methodology
V.D.1. (260)	65018	The proposed and alternative allocation approaches would determine most of the allocations before the start of the program. Other potential allocation approaches would change allocations for future compliance periods based on future activity—referred to as 'updating' allocations. This proposed rule includes an updating-allocation component, as we are proposing to set aside a portion of the allowances in each state for distribution using an updating output-based approach as detailed in section V.D.3 of this preamble. The EPA requests comment on the use of other updating allocation approaches."	Allocation methodology

V.D.1. (261)	65018	EPA seeks comment on the idea of auctioning all or a portion of each state's allowances in the proposed FIP; on how much of each state's allowances to auction if not the full amount; on the frequency and design of auctions; and on who can participate in the auction. EPA also requests comment on an alternative approach: allocating a portion of the allowances to load-serving entities (LSEs), the entities responsible for delivering power to retail consumers, rather than to affected EGUs.	Allowance auctioning
V.D.1. (262)	65018	The design and utility of allocating allowances to LSEs to help mitigate electricity price impacts: "In particular, the EPA requests comment on options to establish conditions requiring pass-through of allowance value and verification of such pass-through, whether it would be appropriate to identify any conditions related to equitable distribution of allowance value among ratepayer categories, as well as the EPA's legal authority to apply any such conditions."	Allowance allocation
V.D.1. (262–263)	65018	Additional design aspects of any potential allocation to LSEs, including but not limited to: what metric should provide the basis for LSE allocation (e.g., electricity demand served by the LSE, population served by the LSE, emissions associated with generation serving the LSE, or some other metric)? If emissions are used as the basis for such allocation, what approach should be taken (e.g., on a historic, continually updated, or some other basis, such as one of estimated emissions for the relevant region), and using what data to calculate such emissions? EPA also seeks comment on the form by which LSEs may distribute the allowance value to rate-payers. Finally, EPA requests comment on what share of the total number of allowances should be distributed to LSEs and what monitoring and reporting requirements may be necessary to support an effective program.	Allowance distribution
V.D.1. (263–264)	65018	"The EPA requests comment on the proposed historic generation based allocation approach, the alternative approach that divides total allowances from a mass goal into source subcategories before allocating to individual affected EGUs within each source category based on historic generation, and on the other alternative approaches described in this section. The EPA also requests comment on allocating allowances to all generation in a state (including non-emitting generation) using a historic-generation based approach. The agency also requests comment on the proposed allowance set-asides, which are detailed below. The agency requests comment on allocation approaches that may minimize the impact of this proposed rule on small entities. The EPA also requests comment on any other approaches to distribute allowances. The agency notes that we propose to provide that any state may choose to replace the federal-plan allocation provisions with an allocation approach of its choosing as discussed below. Finally, with regard to alternative allocation methodologies (either those specifically mentioned in this proposal or other allocation methodologies), the EPA requests comment on how those alternatives would satisfy the requirement that in a mass-based program where new sources are not included as part of the program, the allocation methodology must address leakage to new fossil fuel-fired sources."	Allocation methodology
V.D.2. (265)	65019	The proposed approach of recording allowances 7 mos. before the start of each compliance period, and an alternative of recording allowances 13 mos. before the start of each compliance period.	Timing of recording allowances
V.D.3. (272)	65020	Other set-aside options that could address leakage, including one that provides an incentive for demand-side EE; EPA seeks comment on all aspects of the set-aside options specified in this section.	Set-asides to address leakage
V.D.3. (272)	65020	EPA seeks comment on all aspects of the set-aside options specified in this section, including the inclusion of a set-aside, the method for allocation of allowances to set-asides, the size of the set-asides, the requirements for the process of distribution, eligibility requirements for receiving set-aside allowances, the proposed process for redistribution of undistributed allowances from each set-aside, and any other appropriate set-asides.	Set-asides to address leakage
V.D.3. (273)	65020	EPA is proposing an output-based allocation approach to set-asides, which provides targeted allocations of a limited portion of allowances to existing NGCC units as a means of mitigating leakage, and seeks comment on all aspects of this proposal and its underlying rationale.	Set-asides to address leakage
V.D.3. (274)	65020	Key parameters for the appropriate design of the output-based allocation approach used for this proposed set-aside. EPA also invites comment on what other parameters may be relevant for design of an appropriate output-based set-aside.	Set-asides to address leakage
V.D.3. (274)	65020	Which EGUs should be eligible to receive output-based allocation from the set-aside?	Set-asides to address leakage
V.D.3. (275)	65020	Extending output-based allocation from this set-aside to affected SGUs, as well as to zero-emitting generators (including both renewable and nuclear generation); how would the design of the OBA set-aside for such generators differ relative to the NGCC approach (e.g., the amount of allowances earned per MWh, the capacity-factor threshold, the size of the total set-aside)?	Set-asides to address leakage

V.D.3. (276)	65021	The timing of the OBA set-aside's allocation procedure, which involves the relationship between the time at which eligible generation occurs and the vintage year(s) of the allowances allocated from this set-aside to recognize that generation.	Set-asides to address leakage
V.D.3. (277)	65021	Given the size of the proposed OBA set-aside in certain states, EPA believes it would be more advantageous for affected EGUs to know in advance how many allowances they will be allocated in a period, inclusive of allowances allocated through this OBA set-aside. EPA seeks comment on options for the allocation rate under this approach.	Set-asides to address leakage
V.D.3. (278)	65021	Other values for the allocation rate: "For example, the allocation rate may be the expected net emissions rate of newly constructed NGCC units, the historic average emissions rate from NGCC units, or the NGCC or fossil steam source category-specific emissions performance rates promulgated in the CPP EGs (see section VI of the final EGs)."	Allocation methodology
V.D.3. (279)	65021	Is the "maximum load value" (a parameter that EGUs report to the EPA in their monitoring plans) a reasonable proxy for EGU-level net summer capacity for these calculations? EPA also requests comment on basing the capacity-factor calculation on nameplate capacity instead of net summer capacity, or other approaches to the calculation.	Capacity calculations
V.D.3. (280)	65021	Alternative approach of basing the capacity-factor calculation on nameplate capacity instead of net summer capacity, or other approaches to the calculation	Capacity calculations
V.D.3. (281)	65021	The proposed capacity data (using 2012 baseline data, EPA calculates the size of the set-aside as 10 percent of the NGCC capacity in the state multiplied by the hours in a year multiplied by the allocation rate for the set-aside) used as the basis for determining the size of the output-based set aside and alternative sources of capacity data that may be used for determining its size	Capacity calculations
V.D.3. (281)	65022	A potential limit for the size of the set-aside in a compliance period based on a percentage of the state's total allowances for the compliance period.	Limits to set-asides
V.D.3. (283)	65022	"EPA proposes to provide notice of the capacity and generation data used to calculate allocations from the set-aside, and the resulting allocations, by August 1 of the first year in each compliance period, e.g., by August 1, 2025 for the compliance period that commences in 2025 (and based on the data from the prior compliance period). The agency proposes to provide 30 days for comment on the data and allocations, until August 31, and to provide notice of the final set-aside allocations by November 1 of the same year and record the allocations in the source accounts at that time. The EPA requests comment on other approaches to providing notice of the data and allocations."	Allocation methodology
V.D.3. (283)	65022	All aspects of the proposed approach to calculate output-based set-aside allocations.	Set-aside calculations
V.D.3. (283–284)	65022	EPA proposes to provide a set-aside of allowances for distribution to RE in each state covered by the proposed mass-based federal plan (also proposed for the mass-based model rule); should distribution extend to demand-side energy efficiency (DS-EE) and CHP projects?	Renewable set-asides
V.D.3. (285)	65022	Options for a percentage of allowances to be reserved ranging from 1–10% of total allowances in each state.	Reserving allowances
V.D.3. (286)	65023	Potential addition of a condition that would limit eligibility for receiving set-aside allowances to project providers who are also the owners/operators of affected EGUs.	Eligibility criteria
V.D.3. (286)	65023	Should RE capacity <b>outside</b> the mass-based state for which the set-aside has been designated be recognized? If so, how could that be implemented?	Eligibility criteria

V.D.3. (287–288)	65023	New nuclear units and capacity uprates at existing nuclear units are not proposed to be eligible for set-aside allowances; all other requests for comment on RE-eligible measure types in section IV.C of this preamble also apply in the mass-based set-aside context for the proposed mass-based FIP and the proposed mass-based model rule. E.g., EPA seeks comment on inclusion of other RE measures, incremental nuclear, demand-side EE, CHP and any other emission reduction measures, as long as they meet the eligibility requirements outlined in the final EGs for rate-based crediting, as eligible measures to receive set-aside allowances. EPA especially wants comment on how a set-aside to incentivize these measures will address leakage to new sources, and on the implications of including such technologies for the streamlined implementation of projection-based EM&V set-aside requirements in a FIP context across applicable jurisdictions, while maintaining rigor. "We request comment on the appropriateness of the biomass treatment requirements offered for comment in section IV.C.3 of this preamble in the context of a mass-based set-aside. We request comment on requirements for the treatment of CHP and WHP, in the context of the mass-based set-aside. We also request comment on appropriate processes through which... the EPA and/or stakeholders could [demonstrate] the appropriateness of new measure types and the EPA could evaluate and approve the demonstration so that a new measure type can be considered eligible for the set-aside."	Eligibility criteria
V.D.3. (289)	65023	EPA proposes to allow eligible resources to use a general account to receive allowances allocated under this section but requests comment on extending the designated representative provisions in 40 CFR 62.16290 to eligible resources instead of the general account provisions: "Requiring eligible resources to submit information similar to that collected in the certificate of representation in 40 CFR 62.16305 and to appoint a designated representative to act on behalf of all owners/operators for all projects requesting allowances may improve the EM & V process by making the eligible resources more accountable. The EPA requests comment on what documentation would be required if other measure types were considered eligible to receive set-aside allowances."	Eligibility criteria
V.D.3. (291–292)	65024	EPA proposes that projections of MWh provided be the basis of distribution of set-aside allowances. "A satisfactory demonstration of the future RE generation from an eligible project must use technically sound quantification methods that are reliable, replicable, and accompanied by underlying analytical assumptions and verifiable data sources used to demonstrate future performance. These methods, assumptions and data sources must be specified in documentation accompanying the projections. These projections and supporting documentation should all be provided in the set-aside project application, and that application must be approved by a third-party verifier. The EPA invites comment on these proposed requirements for projections. We also take comment on whether set-asides should be distributed [in proportion] to actual MWh provided by the installation in a prior year or compliance period, or another form of historical generation data."	Allowance set-asides
V.D.3. (293)	65024	Should EPA restrict projects to a maximum number of allowances they can receive per MWh of generation (such as 1 allowance per MWh)?	Limits to set-asides
V.D.3. (294)	65024	The process for submitting M&V reports with actual generation.	Reporting and recordkeeping
V.D.3. (294)	65024	Should a provider with continuing deficits also be disqualified from receiving ERCs for some or all of the remaining performance periods? EPA requests comment on all of the specified aspects of its distribution process.	ERC distribution
V.D.3. (294–295)	65024	EPA proposes and requests comment on the approach that, once allowances have been distributed to all approved providers, any remaining allowances in the set-aside be redistributed to affected EGUs in the state in a pro-rata fashion on the same distribution basis as their initial allocations were made; this would occur immediately after distribution of set-aside allowances to eligible RE providers on Dec. 1 of the year before the generation year in question.	Allowance distribution
V.D.3. (295)	65024	In the context of the proposed rate-based FIP/model rule, should a portion of this set-aside should be targeted to RE projects that benefit low-income communities? EPA also seeks comment on how a low-income community should be defined as eligible under this set-aside, how much of the set-aside should be designated as targeted at low-income communities, and on whether the methods of approval and distribution of allowances to projects that benefit low-income communities should differ from the methods are proposed to apply to other RE projects.	Allowance distribution
V.D.3. (296)	65024	All aspects of this proposed RE allowance set-aside program (in the context of the proposed rate-based FIP/model rule), including whether it should be included as part of a mass-based FIP, the structure of the set-aside reserve, eligibility requirements for receiving set-aside allowances, demonstration of eligibility, and the process for distribution of allowances.	Allowance set-asides

V.D.4. (297–298)	65025	See Table 10 of the preamble for the proposed set-asides for each state under the mass-based federal plan: while the table shows set-asides for every state, EPA proposes to implement it only for those states for which EPA is implementing the mass-based FIP. EPA also requests comment on other approaches for determining the size of this set-aside in the mass-based FIP.	Set-aside calculations
V.D.4. (299–300)	65025	The size of reserve of matching allowances for eligible low-income EE programs as well as for eligible wind and solar projects. EPA proposes that unused allowances in either reserve would be redistributed among participating states, according to the pro-rata method discussed earlier in this section of the preamble; "Alternatively, unused matching EE or RE allowances could be swept back into a federal pool and distributed to project providers on a first-come, first-served basis. EPA requests comment on these ideas as well as alternative proposals regarding the method for redistributing matching ERCs, as well as the appropriate timing for such a redistribution."	Allowance distribution
V.D.4. (300–301)	65025	Should the number of matching allowances available to a state under the mass-based federal plan be limited to a number equal to the number of early action allowances included in each federal plan state's early action set-aside?	Early action
V.D.4. (302–303)	65026	"EPA requests comment on all aspects of implementing the CEIP under a mass-based federal plan approach, including (1) The size of the early action allowance set-aside; (2) the approach for distributing the early action allowance set-aside among states; (3) the timing of distribution of set-aside and matching allowances; (4) the amount of allowances awarded per eligible MWh generated or avoided; (5) the criteria for eligible projects, including criteria for awards to EE projects implemented in low-income communities; (6) the mechanism for reviewing project submittals and issuing early action allowances; (7) EM&V requirements for eligible projects; and, (8) the number of early action and matching allowances that should be awarded for each ton of emissions reduced from eligible generation or low-income efficiency projects to ensure a robust response to the program. The EPA also seeks comment on how states, tribes and territories for whom goals have not yet been established in the final EGs may be able to participate in the CEIP in the future."	Early action
V.D.4. (303)	65026	The proposed approach of requiring states to implement this program as a condition of a state choosing to determine its own allocation approach via a partial state plan or a delegation of the federal plan.	Early action
V.D.5. (306–307)	65027	EPA requests comment on its approach for treatment of allocations to affected EGUs that retire, including the number of years of non-operation for which a unit would continue to receive allocations; and on an alternative of distributing such allowances to the set-aside for output-based allocations, or to the remaining affected EGUs in the state in a pro-rata fashion (on the same distribution basis as the initial allocations were made), instead of allocating such allowances to the state's RE set-aside. EPA also seeks comment on a further alternative approach, which would be to continue allocations to the retired units, and on treatment of allocations to units that are in long-term cold storage.	Changes in EGU status
V.D.5. (307)	65027	"EPA proposes that, if a unit is modified or reconstructed such that it is no longer an affected EGU, then starting with the next compliance period for which allowances have not yet been recorded, the allowances that would otherwise have been allocated to the unit would be allocated to the RE set-aside. The EPA requests comment on this proposed approach, including on the number of years for which a unit would continue to receive allocations. The agency also requests comment on an alternative of distributing such allowances to the set-aside for output-based allocations, or to the remaining affected EGUs in the state in a pro-rata fashion (on the same distribution basis as the initial allocations were made), instead of allocating such allowances to the state's RE set-aside. The agency requests comment on a further alternative approach, which would be to continue allocations to the modified or reconstructed units."	Changes in EGU status
V.E. (308)	65027	How can EPA facilitate states' application of the state-determined allocation approach?	State-determined allowance distribution
V.E. (309)	65027	Advantages and disadvantages of allowing a state to handle allocations via delegation of federal plan authority.	State-determined allowance distribution

V.E. (310)	65027	Appropriate constraints to impose on state allowance-distribution methodologies.	State-determined allowance distribution
V.E. (311)	65027	EPA seeks comment on its proposed approach for addressing leakage in a state allowance-distribution methodology, and any other approaches for doing so. EPA also requests comment on an alternative option where a state that chooses to submit a state allowance-distribution methodology could provide a demonstration that leakage will not occur (without implementing the allocation strategies specified here) due to specific characteristics of the state.	State-determined allowance distribution
V.E. (317)	65029	EPA seeks comment on the proposed approach to allow states to determine allocations via state allowance-distribution methodologies and replace the federal-plan allowance-distribution provisions; on the proposed schedule for submitting state allowance-distribution methodologies to EPA, for submitting the resulting unit-level allowance tables to EPA, and for EPA to record the allowances; and on its proposed approach of not replacing EPA-determined allocations for a compliance period for which allowances have already been recorded. "The agency also requests comment on an alternative approach where a state could notify the EPA of its intent to submit a state allowance-distribution methodology in advance, in which case the agency would hold off on recording EPA-determined allocations to allow more time for state-determined allowances to be recorded, similar to the alternative timing approach discussed in section V.F of this preamble."	State-determined allowance distribution
V.E. (317–318)	65029	EPA is also requesting comment on an alternative approach to provide the opportunity for a state to determine its allowance-distribution provisions in the federal plan mass-based trading program. The alternative approach on which the agency requests comment is to provide for a partial delegation of the federal plan – limited to the allowance-distribution provisions – to a state that wishes to determine its allowance-distribution provisions. The EPA requests comment on the relative efficiency and ease of implementation of the two approaches (the state allowance-distribution methodology described above, or the partial delegation). The agency requests comment on whether the partial delegation approach would provide sufficient flexibility for a state to choose any method to distribute its allowances including approaches that the EPA is not proposing here."	State-determined allowance distribution
V.F. (319)	65029	Approaches to provide a smooth transition from federal-plan implementation to implementation by state plans, and EPA's proposed approach of not replacing a federal plan for any compliance period for which allowances were already recorded.	Federal and state plan interactions
V.F. (320)	65029	An alternative of providing for a state to give notice to the EPA of its intent to submit a state plan to replace the federal plan (or a state allowance-distribution methodology to replace federal-plan allocations), and for the agency to delay recording federal-plan allocations for sources in that state until a later date than proposed—would this alternative help smooth the transition from federal-plan implementation to state-plan implementation? EPA also seeks comment on the trade-off between recording allowances in a timely way and providing this increased timing flexibility.	Federal and state plan interactions
V.G.5. (328)	65031	Once the compliance period has ended, facilities with affected EGUs would have a window of opportunity after the compliance period to evaluate their reported emissions and obtain any allowances needed to cover their emissions during the compliance period—for example, the allowance transfer deadline for the first compliance period would be midnight on May 1, 2025. EPA requests comment on earlier or later allowance transfer deadlines.	Emissions monitoring/reporting
V.H. (332)	65032	EPA seeks comment on requiring monitoring and reporting of CO2 mass and net generation for the year before the initial compliance period begins (to commence January 1, 2021).	Emissions monitoring/reporting
VI.D. (341)	65033	EPA invites tribes with EGUs in their area to comment on their level of interest in developing their own plans.	Affected EGUs in Indian Country
VII.F. (366)	65038	EPA invites comment on all proposed changes to the framework regulations. EPA notes that the addition of these mechanisms to the framework regulations will make them available for all CAA section 111(d) regulations, not just those under the Clean Power Plan at 40 CFR part 60, subpart UUUU.	Framework regulations

VII.G. (366–367)	65038	"In the proposed rulemaking for the CPP, the EPA proposed the interpretation that if an existing source is subject to a CAA section 111(d) state plan, and then undertakes a modification or reconstruction, the source remains subject to the state plan, while also becoming subject to the modification or reconstruction requirements. 79 FR 34830, 34903–4. The EPA did not finalize a position on this issue in the final EGs rule, but indicated that it would re-propose and take comment on this issue through this federal plan rulemaking."	New or modified sources
VII.G. (367–368)	65039	"In the proposal for the CPP, we proposed to disallow existing sources to leave the CAA section 111(d) program through modification or reconstruction. We did this for two reasons. First, if a source did so, that could prove disruptive to the state plan. Second, allowing sources to do so could provide them an incentive to do so that would be contrary to the purposes of CAA section 111(d). We then asked for comment on whether this interpretation is supported by the statutory text and whether this interpretation is sensible policy and will further the goals of the statute. We received many comments disagreeing with this approach. After reviewing these comments, the agency believes an alternative interpretation is more appropriate in the particular context here. In order to give the public an opportunity to comment on this, we are proposing this interpretation here. That is, when CAA section 111(d) EGs are initially promulgated for existing stationary sources in response to corresponding CAA section 111(b) standards of performance for the same pollutant, the statute prevents new, modified or reconstructed sources (including under those particular CAA section 111(b) standards of performance and as those terms are applied in the relevant new source performance standards (NSPS)) from simultaneously being subject to state plans under those particular CAA section 111(d) EGs. This interpretation gives meaning to the definition of 'existing source' in CAA section 111(a)(6) and is consistent with the definition of 'new source' in section 111(a)(2). Further, it is consistent with the historical treatment of modified and reconstructed sources in the CAA section 111 program."	New or modified sources
VII.G. (369)	65039	"We invite comment on the agency's proposed interpretation that when an existing source modifies or reconstructs in such a way that it meets the definition of a new source, for purposes of a particular NSPS and emission guideline, it becomes a new source under the statute and is no longer subject to the CAA section 111(d) program."	Source reclassification
VIII.A. (377–378)	65041	"At this point, the EPA has no meaningful information to express in any more than the broadest terms how any particular affected EGU may choose to comply with the federal plan, should it be promulgated for them based on their location in an area not covered by an approved state plan. The Services have explained that [Endangered Species Act (ESA)] section 7(a)(2) was not intended to preclude federal actions based on potential future speculative effects. These are precisely the types of speculative future activities and effects currently at issue here. The EPA requests comment on its proposed conclusion that ESA section 7 consultation is not required for this action."	Endangered Species Act
X.B. (435)	65055	"An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. Submit your comments on the agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule."	Statutory and Exec. Order reviews
X.D. (442–443)	65056	EPA is aware of the substantial interest in this rule among small entities (e.g., municipal and rural electric cooperatives). As a result, EPA sought early input from representatives of small entities while formulating the provisions of the proposed regulation. EPA invites comment on all aspects of this proposal and its effects, including potential adverse impacts, on small entities.	Statutory and Exec. Order reviews
X.E. (444)	65056	"A detailed Federalism Summary Impact Statement (FSIS) describing the most pressing issues raised in pre-proposal and post-proposal comments will be forthcoming with the final Clean Power Plan EGs, as required by section 6(b) of Executive Order 13132. In the spirit of Executive Order 13132, and consistent with the EPA's policy to promote communications between the EPA and state and local governments, the EPA specifically solicits comment on this proposed action from state and local officials."	Statutory and Exec. Order reviews