

Applicable Environmental Laws and Regulations

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*Adapting Law for a
Changing World*



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Overview

- Energy Extraction Laws
- Fuel Transportation
- Refining and Electricity Production – Fossil Fuels
- Electricity Delivery
- Special Case of “Fracturing”
- Exports
- Federal Biofuels Mandate



Types of Regulations

- Human Health Based and Climate Change
 - ▣ Clean Air Act and Clean Water act
 - ▣ Renewable Energy Portfolios (state/ climate)
- Environmental Protection
 - ▣ Endangered Species Act, MMPA
 - ▣ Natural Resource Planning and Procedure + NEPA
- General Public (vs. worker safety)
- Immediate harm (accidents) vs. chronic impacts
- Federal v. State

Human Health and Climate

- Clean Air Act (conventional) – ozone
 - ▣ Will be lowered; legal challenges will fail
- Clean Air Act (NESHAP – toxics) – Mercury
 - ▣ Supreme Court accepted cert., but even if overturned will be back
- Clean Air Act – Greenhouse Gases (special section)
 - ▣ Clean Power Plan under authority of Section 111(d)
 - ▣ Creates targets for states in GHG emissions intensity – 2030
 - ▣ Legal Challenges – Serious, but survivable

Final Thoughts

- Climate regulation in one form or another
- International Movement continues towards Carbon Cap and Trade (China, etc...) – creates path dependency
- Drilling off Atlantic iffy; Alaska iffy
- Fossil Fuels – natural gas up (medium term) – oil down
- Changes in electricity business (DE, efficiency, smart metering) and economics moving towards gas and renewables even without Clean Power Plan
- Clean Power Plan may save nuclear, bigger market renewables