



CO₂ Power Plant Rule Discussion

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Background



EPA's final rule to regulate carbon dioxide (CO₂) emissions from new and existing fossil-fueled electric generating units (EGUs).



Finalized April 25; Published in FR May 9; Effective July 10, 2024. Multi-state litigation ongoing in DC Circuit Court.



The new limits will apply to existing coal and oil-fired electric EGUs, existing natural gas-fired steam generating units, and new natural gas-fired combustion turbines.



Most substantial impact to OPPD is at Neb. City Station, which could include the requirement for either: *40% natural gas co-firing by Jan. 1, 2030, and retirement by Jan. 1, 2039; or Carbon Capture and Sequestration (90% capture) by Jan. 1, 2032.*

OPPD's Response To-Date

- 1 SEA and Systems Transformation have been reviewing the rule since publication in May to understand changes from the proposed rulemaking.
- 2 Currently evaluating compliance strategies and options.
- 3 Evaluating Natural Gas Co-Firing and Carbon Capture and Sequestration Feasibility.
Reviewing past research and studies.
Budgeting for in-depth review and updates in 2025.
- 4 Developing possible input to state plan development.
- 5 Engaging with industry groups to stay informed of developments.

Estimated Multi-State Litigation Timeline

2024

May - July

Petitions for review and stay motions filed in DC Circuit

July 19

Stay motion denied by DC Circuit; expedited briefing schedule

July - Aug

Emergency stay motions filed in Supreme Court

Sept - Oct

Decision by Supreme Court on stay motion

Sept - Dec

Briefing and argument in DC Circuit

2025

Early 2025

Decision issued by the DC Circuit

Early 2025

Petitions for a Writ of Certiorari filed in Supreme Court

End of June

Decision by Supreme Court IF case is argued in Spring of 2026

Nebraska is included in the multi-state lawsuit filed against EPA by 25 states.