

Energy Bar Association “Energizer”

**The Clean Power Plan: What Lies Beyond – Draft Outline
of Panel Discussion**

Introduction (6:00 pm – 6:05 pm)

- Welcome the in-person and phone audience

- Lay out the ground rules of event
 - Panel discussion, followed by audience Q&A
 - For the press: Off-the-record for panel discussion, available afterwards to talk on background
 - Reception to follow

- Introduce the speakers
 - Couple sentences each – detailed biographies in written materials
 - Doniger, Dowd, Lorenzen, Schwab
 - Make sure and note that Schwab is speaking in his personal capacity and that his remarks don’t necessarily reflect the views or opinions of the agency [the standard disclaimer language for government speakers]

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Opening Remarks by the Panelists (6:05 – 6:20)

- We'll begin with a few minutes of opening remarks from each of the panelists (target 3 minutes each)
- Order of opening remarks by panelists [contrasting viewpoints between speakers]
 - Begin with Justin Schwab, then David Doniger, Tom Lorenzen, and Mike Dowd

Questions to the Panel (6:20 – 6:45)*

*Intended to elicit dialogue; we'll never cover all questions of these and some may overlap

1. Let's start with a question for David Doniger. Bill Wehrum has been quoted at a recent Clean Air Advisory Committee meeting as saying that the replacement for the Clean Power Plan would likely be an "inside-the-fenceline" 111(d) standard. From your perspective, does an acceptable replacement for the Clean Power Plan have to go "beyond the fenceline"?

→ After David concludes, elicit comment from other panelists

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2. The next few questions are for Justin Schwab.
Recognizing that you're in the middle of the deliberative process, what's personal insights, if any, can you share about the advanced notice of proposed rulemaking to replace the Clean Power Plan?

- a. How long does EPA anticipate will be needed to complete the rulemaking process?
- b. Will EPA take comment on repealing the endangerment finding?
- c. The Clean Power Plan contained an "inside-the-fenceline" requirement in the form of Building Block 1, which imposed emission rates on individual units. Why not maintain Building Block 1, instead of an ANPR?

→ After Justin concludes, elicit comment from other panelists

3. Now a question for Tom Lorenzen. Let's assume that the repeal and replacement of the Clean Power Plan happens in this Administration and survives judicial review. What, if anything, would prevent a new administration in 2020 from attempting to resurrect the Clean Power Plan?

→ After Tom concludes, elicit comment from other panelists

4. Mike Dowd, you've been at the forefront in Virginia and in state air control associations in working on greenhouse gas issues. What impact, if any, would the repeal of the Clean Power Plan have on state efforts to regulate greenhouse gases?

→ After Mike concludes, elicit comment from other panelists

5. David, the energy mix in our nation continues to shift away from coal-fired generation toward natural gas and renewables. How – if at all – does the repeal of the Clean Power Plan affect that shift?

→ After David concludes, elicit comment from other panelists

6. Justin, the proposal to repeal the Clean Power Plan contains several new approaches to accounting for costs and benefits in Regulatory Impact Analyses, including the social-cost of carbon, co-benefits and international benefits. Can you walk us through those changes at a high level and provide insight on whether the Agency intends to follow the same approach in future rulemakings?

→ After Justin concludes, elicit comment from other panelists

7. Mike, I know that Virginia has recently released draft carbon regulations. Can you give us a sense on where Virginia is headed on that issue?

→ After Mike concludes, elicit comment from other panelists

8. Lightning round. We'll throw out a few short phrases that have come up in the CPP debate and ask for our panelists reactions in a sentence or two (we'll cut off those with logorrhea).

- a. Federalism
- b. Federal carbon tax
- c. Supreme Court
- d. Climate change
- e. Renewables

Audience Q&A (6:45 – 7:00)

- Repeat the questions from the in-person audience for the benefit of those on the phone
- The audience can sometimes be “cold” and so a panelist might propose a question; however, let's give the audience a chance to participate before going that route.

Concluding remarks (7:00)

- Thank panelists and invite to the reception

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