

## Request for Committee Action

**To:** Intergovernmental Relations  
**Date:** 10/15/2015  
**From:** City Coordinator's Office  
**Prepared by:** Gayle Prest, Sustainability Office  
**Presented by:** Gayle Prest, Sustainability Office, Corey Conover Attorney's Office  
**File type:** Action  
**Subcategory:** *City Policies*

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**Subject:**

Federal Clean Power Plan

**Description:**

- Adopt support for new federal Environmental Protection Agency's (EPA) Clean Power Plan rules as part of Minneapolis' 2016 Federal Legislative Agenda (see attached).
- Direct the City Attorney with assistance from the Sustainability Office to coordinate City's role in defending the Clean Power Plan including authorization to file or participate in the filing of an amicus brief supporting the Environmental Protection Agency's Clean Power Plan rules or take other legal action appropriate to participate in defending the legality of those rules.

**Previous Actions:**

- Minneapolis Climate Action Plan – Adopted June 2013
  - Minneapolis Carbon Reduction Goal of 80% by 2050 – Adopted April 2014
  - Energy and Climate Policy Positions – Adopted August 21, 2015
  - Comments re: Xcel's Integrated Resource Plan – Adopted September 25, 2015
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**Ward/Neighborhood/Address:**

All Wards

**Background/Analysis:**

Power plants are the largest stationary source of carbon pollution in the United States -- according to the EPA, about one third of all greenhouse gas pollution comes from the generation of electricity by power plants.

On August 3, 2015 the EPA set standards to limit carbon dioxide (CO<sub>2</sub>) emissions from new, modified, and reconstructed power plants under the authority of Section 111 of the Clean Air Act recognizing different approaches that are available at different stages of construction. This action was based on a 2007 landmark decision in *Massachusetts v. EPA*, whereby the Supreme Court determined that greenhouse gases, including carbon dioxide, are air pollutants under the Clean Air Act and EPA must determine if they threaten public health and welfare. As a consequence, in 2009, the EPA Administrator found that the current and projected concentrations of greenhouse gases endanger the public health and welfare of current and future generations.

EPA's 2030 goal for Minnesota is 1,213 pounds of CO2 per megawatt-hour. That's on the high end of this range, meaning Minnesota has one of the least stringent state goals, compared to other state goals in the final Clean Power Plan.

Xcel's planned carbon reductions would exceed its share of the state's Clean Power Plan target. In their filings with the Public Utilities Commission, the new Clean Power Plan rule was an important aspect.

Litigation has already started against the Clean Power Plan. The City of Minneapolis, along with other cities, has been asked to help defend it at the federal level through the federal court system, most likely the Washington DC circuit court. Options include filing either an amicus brief (perhaps with others) or moving to join the appeal as an Intervenor as part of a multi -state/city effort.

**Financial Review:**

**No financial impact.**

- Future budget impact anticipated.**
- Approved by the Permanent Review Committee.**
- Meets Small and Underutilized Business Program goals.**

**Attachments:**

Revised federal energy agenda