



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

# 2022 Joint Florida & Alabama 33<sup>rd</sup> Annual Technical Conference

Robert A. Manning

# GHG Update

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## Robert A. Manning

**A native Floridian, Robert Manning has been practicing environmental law for nearly three decades. He advises utilities and private businesses on issues involving air quality, including policy development, legislation, rulemaking, permitting and enforcement. Although his practice often focuses on issues affecting the electric utility industry, he also represents other industrial and municipal clients involved in phosphate, solid waste management, oil and gas, chemical, fuel distribution, and cement.**

**Robert is past Chair of the Florida Bar's Environmental and Land Use law Section and the Florida Section of the Air and Waste Management Association.**



# Agenda

- **ACE Decision**
- **Utility CO<sub>2</sub> Emissions**

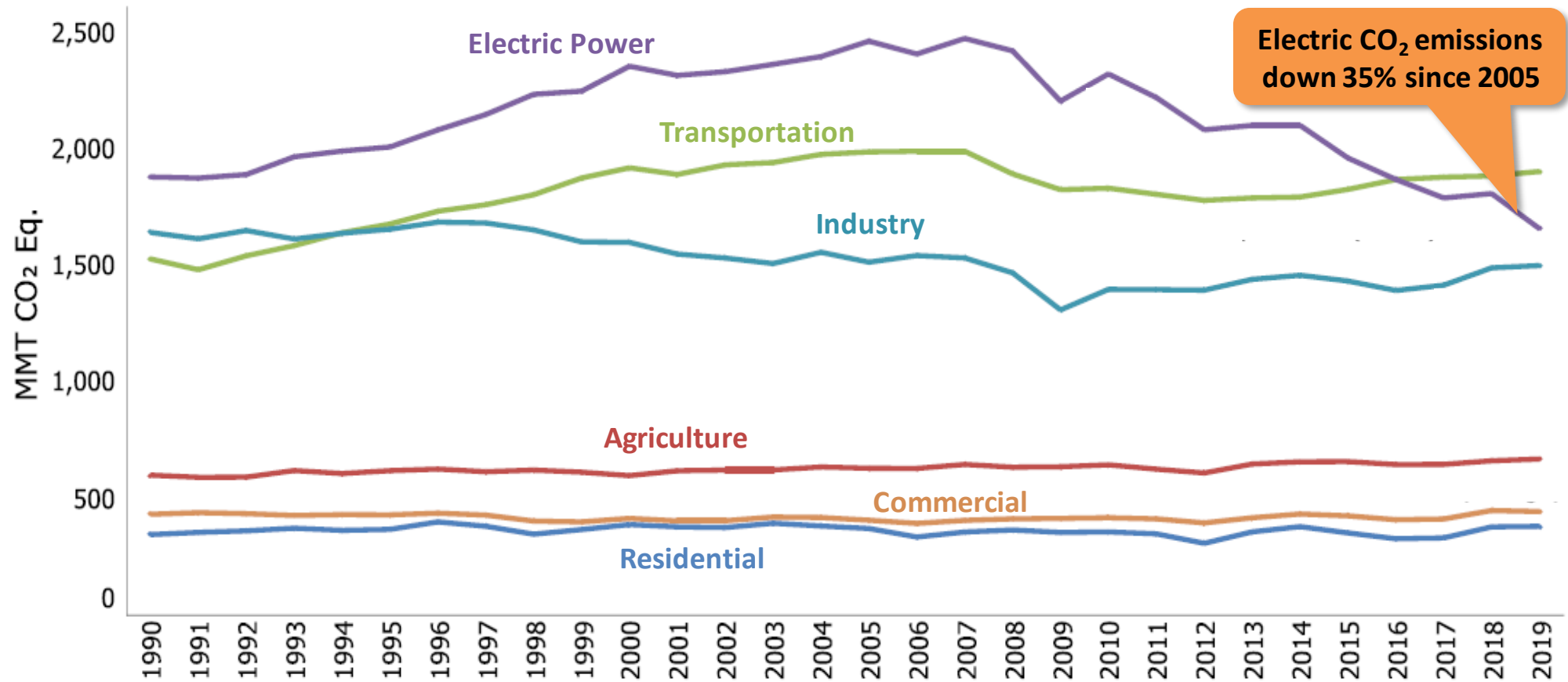
# GHGs

- **Affordable Clean Energy (ACE) Rule**
  - July 8, 2019, Finale Rule (84 FR 32520)
  - Jan 19, 2021, DC Circuit Decision
    - Vacatur and Remand
    - Partial Mandate Issued March 5, 2021
  - Supreme Court
    - Feb 28, 2022, Oral Argument
    - June 30, 2022, Decision

# GHGs -- ACE

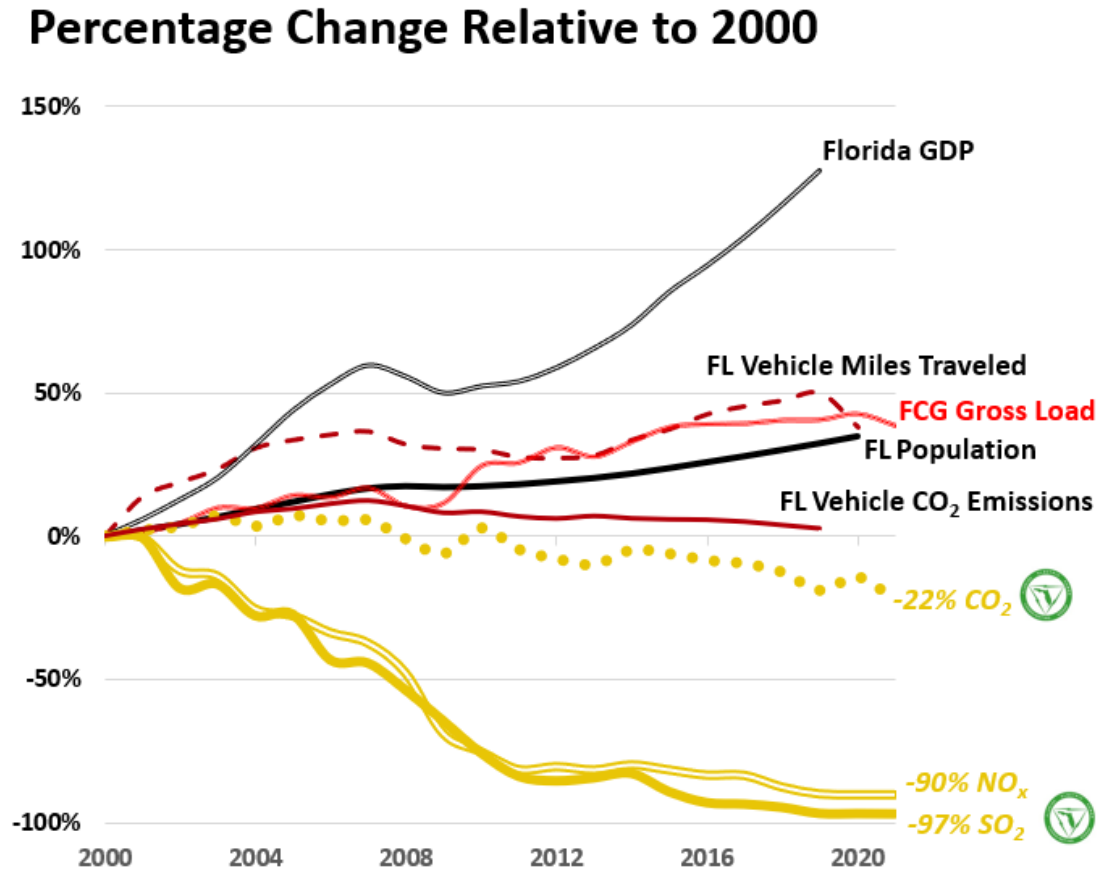
- **Supreme Court Decision**
  - Reversed and Remanded
    - 111(d) Does Not Allow Generation Shifting
    - Major Questions Doctrine
  - Concurrence and Dissent
- **EPA Proposal ~March 2023**

# U.S. Transportation Sector Now Largest U.S. CO<sub>2</sub> Source



SOURCE: <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>

# Overall Emissions Down, While Energy Loads Up



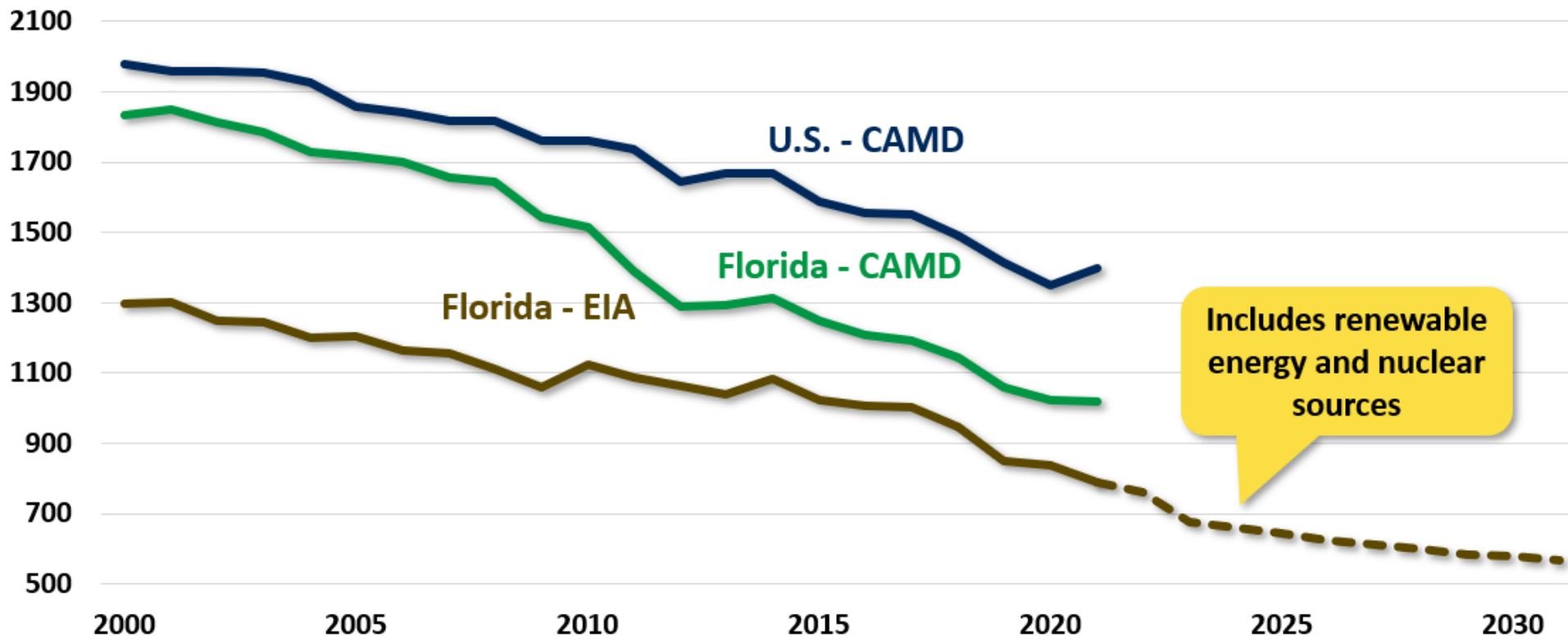
- Achieved all National Ambient Air Quality Standards with substantial increases in load demand and economic metrics
- FCG outpaced Florida average for emission reductions
- Between 2000 and 2021, Florida Electric Generating Unit emissions dropped dramatically
  - SO<sub>2</sub> 97% lower
  - NO<sub>x</sub> 90% lower
  - CO<sub>2</sub> 22% lower
    - 27% below peak 2005 levels

Source: FDEP (economic data); EPA Air Markets Program Data (emissions & gross load data); EPA's Motor Vehicle Emission Simulator (MOVES)



# Florida EGU CO<sub>2</sub> Declined 26% Over Last Decade

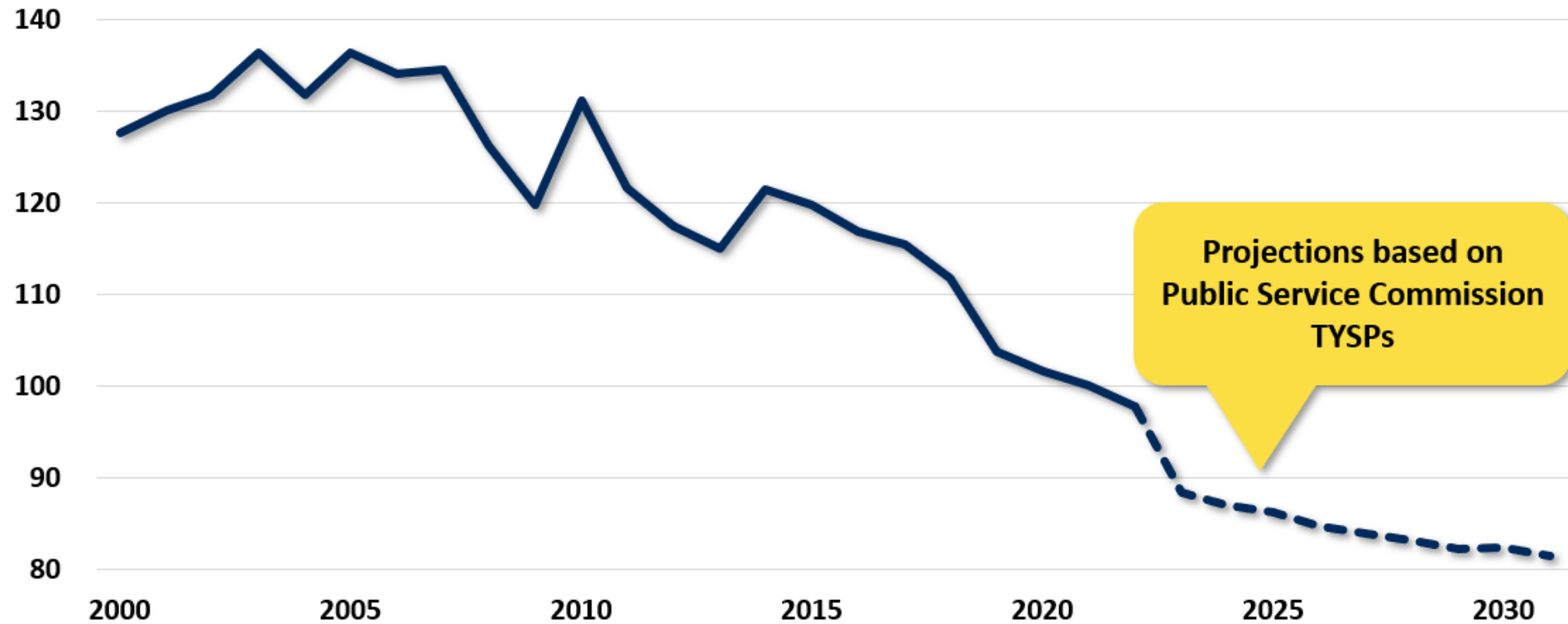
CO<sub>2</sub> Emissions (lbs./MWh) for Electric Generating Units (EGU's)



Source: EPA Clean Air Marketing Division for Emissions and Fossil Fuel MWh; Energy Information Administration (EIA) for Total Generation MWh

# Florida EGU CO<sub>2</sub> Declined 26% Over Last Decade

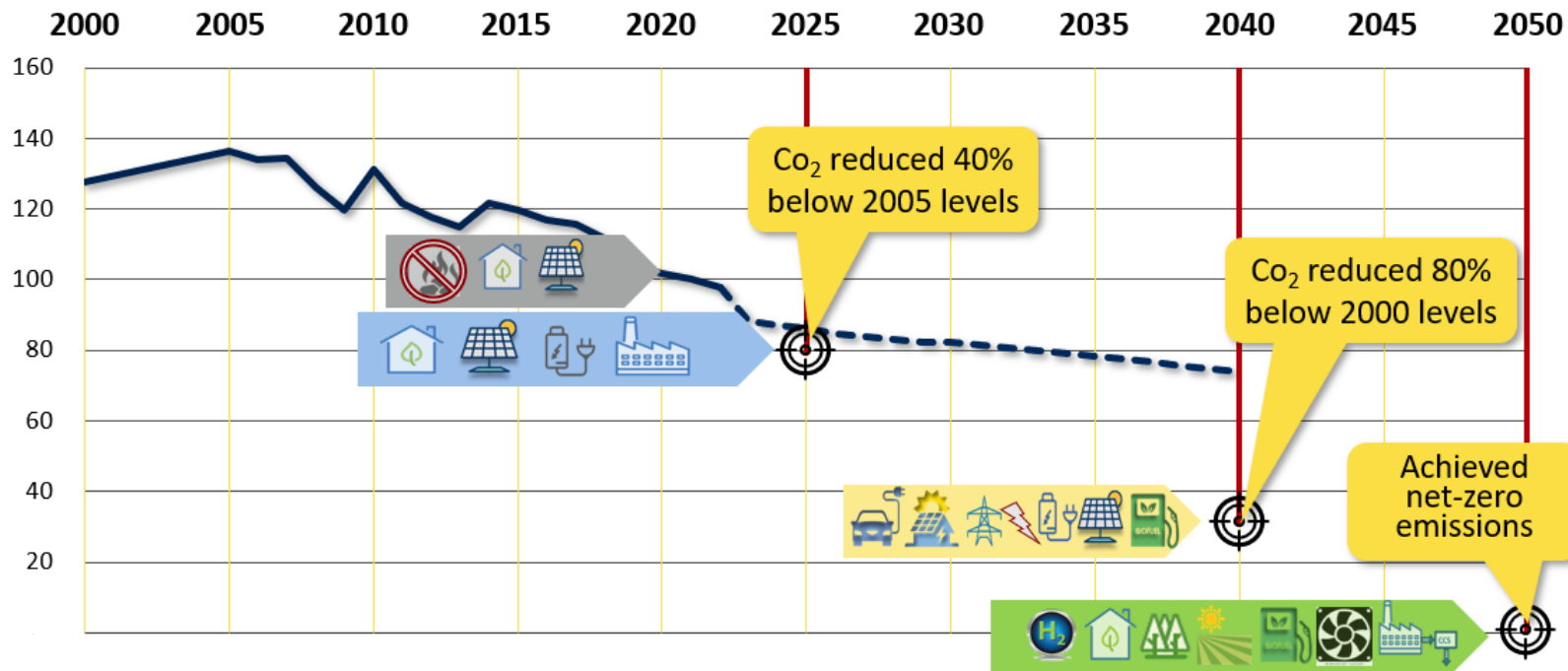
CO<sub>2</sub> Emissions (Short Tons, Millions) for Electric Generating Units (EGU's)



Source: EPA Clean Air Marketing Division; Florida Public Service Commission

# Florida Technology Challenges to Achieve Net-Zero Emissions

CO<sub>2</sub> Emissions (Short Tons, Millions)



- Utility Solar, Battery Storage, Rooftop Solar
- Carbon Capture, Utilization & Sequestration
- Biofuel
- Hydrogen Production
- Demand Side Management Enhancements
- Reforestation & Avoided Deforestation
- Direct Air Capture
- Agriculture Offsets
- Solar/Storage Microgrid
- Commercial & Industrial Electrification
- Electric Vehicles
- Grid Efficiency Improvements
- Power Plant Efficiency Improvements

# Enhanced Land Sinks

