

EXHIBIT SC-5 (JIF-5)

EPA Regulatory Timeline for Air Pollutant Classes

Color Codes	Initial indication of likely regulation	First regulatory step- laying groundwork	Proposed regulation or regulatory action	Final regulatory action		
	Regional Haze	Mercury and Hazardous Air Pollutants	Ozone National Ambient Air Quality Standards	PM2.5 National Ambient Air Quality Standards	SO2 National Ambient Air Quality Standards	NO2 National Ambient Air Quality Standards
<= 1995	1990 CAAA emphasis on visibility and haze 1991 EPA establishes Grand Canyon Visibility Transport Commission	1990 CAAA EPA given authority to control Hg and HAPS 1995 Settlement: Utility Air Toxics Study	EPA forms subcommittee on revised ozone and PM NAAQS, and regional haze	EPA forms subcommittee on revised ozone and PM NAAQS, and regional haze		
1996						
1997	Regional Haze proposed regulations [62 FR 41138]	EPA delivers Mercury Study Report to Congress	0.080 ppm Ozone NAAQS Promulgated			
1998		EPA "Utility Air Toxics Study" to Congress				
1999	Regional Haze Regulations; Final Rule [64 FR 35714]			PM2.5 Air quality criteria assessment [EPA/600/P-95/001aF-cF-3v]		
2000		"Appropriate and necessary" finding for utility Hg [65 FR 79825]				
2001				PM2.5 NAAQS Risk Analysis Scoping Plan		
2002						
2003						
2004	EPA proposes BART guidelines	EPA proposes Utility Steam HAPs and Hg rule [69 FR 4652]		PM2.5 Air quality criteria assessment [EPA/600/p-99/002aD]		
2005	EPA issues BART guidelines [70 FR 39104]	Clean Air Mercury Rule (CAMR) issued; proposed revision of "appropriate and necessary" finding [70 FR 62200]	EPA issues CAIR under "good neighbor provisions" of CAA [70 FR 25162]	EPA issues CAIR under "good neighbor provisions" of CAA [70 FR 25162]		Integrated science assessment for NO2 [70 FR 73236]
2006		EPA reverses utility "appropriate and necessary" finding; issues C&T rule for mercury [71 FR 33388]		35 µg/m3 PM2.5 NAAQS Promulgated [71 FR 61144]	Integrated science assessment for SO2 [71 FR 28023]	
2007			0.075 ppm Ozone NAAQS Proposed [72 FR 37818]	Integrated science assessment for PM2.5 [72 FR 35462]		
2008		Court of Appeals vacates EPA removal of power plants from CAA list of HAP sources.	0.075 ppm Ozone NAAQS Promulgated [73 FR 16436]		Risk and Exposure Assessment for SO2 [73 FR 42341]	Risk and Exposure Assessment for NO2 [73 FR 20045]
2009			EPA announces strengthening [EPA Fact Sheet] / Clean Air Transport Rule Proposed		50-100 ppb SO2 NAAQS Proposed [74 FR 64810]	80-100 ppb NO2 NAAQS Proposed [74 FR 34404]
2010			0.060 ppm Ozone NAAQS Proposed [77 FR 2940]	Risk Assessment for PM2.5 [75 FR 4067]	75 ppb SO2 NAAQS Promulgated [75 FR 35520]	100 ppb NO2 NAAQS Promulgated [75 FR 6474]
2011		EPA issues proposed rule on power plant mercury and air toxics standards [75 FR 24976]	0.060 Ozone NAAQS Expected [DC Circuit No. 08-1200]	PM2.5 NAAQS Expected [EPA, Oct 5, 2010]		

EPA Regulatory Timeline for Non-Air Pollutants

Initial indication of likely regulation	First regulatory step- laying groundwork	Proposed regulation or regulatory action	Final regulatory action
	Coal Combustion Residuals	Cooling Water Use 316(b)	Effluent Limitation Guidelines
<= 1995		1995 Consent decree - EPA agrees to issue rules to implement Sec 316(b) of CWA	1982 Effluent guidelines for Steam EGUs
1996			
1997			
1998			
1999			
2000			
2001		EPA issues final rules for new facilities - Phase I	
2002		Consent decree establishing schedule for Phase II and Phase III	
2003			
2004		Phase II rules - existing generating units. [69 FR 41575] <i>Appealed</i>	
2005	Steam Generating Point Source study identifies CCR as effluent source		EPA Steam Electric Power Generating Point Source study identifies steam electric generating industry for study and review of Effluent Guidelines Program Plan provides update on study
2006		EPA issues final Phase III rules - existing small generating units and manufacturing plants on case-by-case. <i>Appealed</i>	
2007		Phase II rules suspended [72 FR 37107]	
2008	Kingston TVA spill		Effluent Guidelines Program Plan provides update on study
2009	EPA announces New Action to Prevent Coal Ash Releases; requests impoundment data from utilities	Phase II remanded to EPA by US Supreme Court	EPA announces decision to proceed with rulemaking revising effluent guidelines
2010	EPA proposes CCR rule [75 FR 35127]	Phase III remanded to EPA. New settlement agreement on existing facilities	
2011		Cooling water intake proposed rule [76 FR 22174]	