

News Releases from Headquarters

EPA exercises enforcement discretion for electric generating units in Monroe County, Florida

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WASHINGTON (September 9, 2017) – EPA announced on September 8 that it would exercise its enforcement discretion to allow emergency and backup electric generating units in Monroe County, Florida, to operate without meeting all pollution controls in order to facilitate the supply of needed electricity during and after Hurricane Irma. This “no action assurance” letter was issued at the request of the Florida Department of Environmental Protection in response to the extreme risk posed by Hurricane Irma to the primary backup source of electricity for the Keys. EPA policy allows the agency to issue no action assurances in cases where it is necessary to avoid extreme risks to public health and safety and where no other mechanism can adequately address the matter.

The two utility-scale units in Monroe County are likely to be called upon to operate for periods in excess of their typical operational periods during Hurricane Irma, and the facilities’ controls on nitrogen oxide pollution may be impacted by the longer operational periods or the hurricane. EPA believes that the exercise of enforcement discretion not to enforce nitrogen oxide pollution controls in these circumstances is in the public interest and will help address the emergency circumstances in Florida.

Under EPA’s [no action assurance letter](#), the facility must continue to exercise good air pollution control practices and comply with all other federal and state environmental laws. The no action assurance is temporary, and will terminate on September 21, 2017.