

## A Regulatory Antidote for CCS (Carbon Capture and Storage)

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WASHINGTON, May 22, 2015 /PRNewswire-USNewswire/ -- *Inside EPA* reports that it is likely that CCS is not in the New Source Performance Standard (NSPS) rule sent by EPA to OMB for interagency review. In response to this information some stakeholder groups are rallying their supporters to meet with OMB to reverse the decision.

It should be noted that all parties interested in a viable climate change program cannot afford to have EPA reversed in court on a rule which is predicate to the issuance of subsequent climate change rules. The elimination of CCS from the rule will make it virtually litigation proof; litigants will be mining for fools gold.

In response to questions raised by CRE EPA has stated repeatedly that it will comply with the Data Quality Act when it issues the aforementioned rule, see this letter of March 2014 (<http://www.thecre.com/forum10/?p=423>) and this letter of March 2015 (<http://thecre.com/pdf/Page-Tozzi.Letter.25March2015.pdf>). In our fifteen years of working with EPA as federal employees and thirty years of working with them in the capacity of a regulatory watchdog we always found them to be forthright in their responses.

The CRE option (<http://www.thecre.com/forum10/?p=517>) has been (1) to issue an interim rule without CCS (2) require the installation of the most advanced clean coal technologies exclusive of CCS and/or require that new coal fired plants be CCH ready and (3) conduct a peer review of the availability CCS pursuant to the requirements set forth in the Data Quality Act. Subsequent to the completion of the aforementioned DQA peer review the interim rule could be modified.

CRE's interest in this matter is to demonstrate the advantages of utilizing the Data Quality Act to address scientific disagreements in lieu of seeking a resolution through the judiciary.

We believe the CRE option will address the concerns of those who wish to have a CCS mandate included in the rule but at the same time not place the EPA Clean Power Plan in legal jeopardy.

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