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The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RE: Docket ID: EPA-HQ-OAR-2013-0495

Dear Administrator McCarthy,

I write to you today to express my opposition to EPA's proposed "Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units." The proposed regulations overstep the authority granted to EPA by the Clean Air Act, as they are neither achievable nor adequately demonstrated. Worse, their implementation would result in a de-facto ban on new coal-fired power plants, raising the cost of electricity on all of my constituents, even those who are already struggling to make ends meet.

In the Clean Air Act, Congress specifically required that "standards of performance" issued under the act be both "achievable" and "adequately demonstrated." A "standard of performance" is defined in the Clean Air Act as:

*A standard for the emissions of air pollution which reflects the degree of emission limitation **achievable** . . . which . . . the Administrator determines has been **adequately demonstrated**.*¹

The proposed emission limit for this rulemaking for coal-fired power plants is 1,100 lb. CO₂/MWh. The rulemaking itself states that achievement of this standard is based on "partial implementation of carbon capture and storage (CCS)" technology. Unfortunately, CCS technology is not currently achievable, or commercially viable, for deployment on a wide scale. Even individuals working on the promotion of CCS technology have stated, "As an industry, we're not ready to go with CCS on a bunch of plants."²

¹ 42 U.S.C. § 7411(b) emphasis added

² Manuel Quiñones, *COAL: Is EPA rulemaking hurting technology innovation?* E&E Publishing Greenwire, accessed online at: <http://www.eenews.net/stories/1059998115> on 5/9/2014

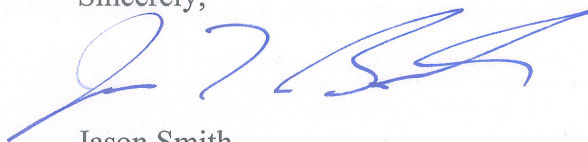
Furthermore, the Obama Administration recently released its "National Climate Assessment." On page 271 of the report it states³:

'CCS facilities for electric power plants are currently operating at pilot scale, and a commercial scale demonstration project is under construction. Although the potential opportunities are large, many uncertainties remain, including cost, demonstration at scale, environmental impacts, and what constitutes a safe, long-term geologic repository for sequestering carbon dioxide.'

This statement, taken into account with another on page 280, paints a picture of CCS technology as anything but "achievable." The report continues, "It is difficult to forecast success in this regard for technologies such as CCS that are still in early phases of development."

With industry insiders involved in the development of CCS technology openly declaring that it is not ready to be commercially deployed, and the Third National Climate Assessment declaring that it is "difficult to forecast success" for the technology, it strains the limits of reason for you to determine that carbon capture and sequestration technology has been "adequately demonstrated." Before you finalize rules that would impose a regressive energy tax through regulations that amount to a de-facto ban on coal power plants, I would urge you to note that carbon capture and sequestration technology is neither "achievable" nor "adequately demonstrated" as required by Congress in the Clean Air Act.

Sincerely,



Jason Smith
MEMBER OF CONGRESS

³ Third National Climate Assessment Report, accessed online at http://nca2014.globalchange.gov/system/files_force/downloads/low/NCA3_Climate_Change_Impacts_in_the_United%20States_LowRes.pdf?download=1 on 5/9/2014.