

EPA's Proposed Rule Regarding CCS Technologies Removes Hurdle

AUGUST 4, 2011

EPA's Proposed Rule Regarding Carbon Capture Sequestration (CCS) Technologies Removes Another Hurdle to EPA's Potential Assessment of CCS as Best Available Control Technology (BACT) for Greenhouse Gases.

On August 4, 2011, EPA proposed a rule that could serve to facilitate the use of carbon capture and sequestration technologies (CCS) as a method of best available control technology (BACT) for the management of greenhouse gas emissions under the new source review program (NSR).

EPA proposes to revise the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to conditionally exclude carbon dioxide (CO₂) streams from the definition of hazardous waste, provided that the CO₂ streams captured from emission sources are injected into Class VI Underground Injection Control (UIC) wells for the purpose of geologic sequestration (GS) and meet certain other conditions. In the proposed rulemaking, EPA takes the position that the management of CO₂ streams under these proposed conditions does not present a substantial risk to human health or the environment.

EPA's recognition of CCS as an appropriate method of controlling CO₂, paired with EPA's conclusion that CCS is not a threat to human health or the environment removes another hurdle to the application of this technology for the future control of greenhouse gases under the NSR program. The proposed rule specifically notes that "CCS could enable the continued use of coal in a manner that greatly reduces the associated CO₂ emissions, while other alternative energy sources are developed in the coming decades. CCS has the potential to be key to achieving domestic GHG emissions reductions . . ."

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