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**Statement of Environment Subcommittee Chairman Chris Stewart (R-Utah)
Hearing on EPA Power Plant Regulations: Is the Technology Ready?**

Chairman Stewart: I would like to thank the witnesses for being here today. While we have an excellent panel before us, I am disappointed EPA didn't accept our invitation. Perhaps Ms. McCabe will be able to join us for a future hearing on this topic.

The significance of EPA's proposed New Source Performance Standards (NSPS) for new power plants cannot be understated. As the first GHG standards for stationary sources under the Clean Air Act, the rule does more than affect power plants. It sets the benchmark for standards affecting all industries - standards that will touch every aspect of our economy.

Most troubling, however, is the proposal appears to be based on a hypothetical plant. This is a dangerous precedent.

Under the Clean Air Act, setting the standards is basically a three step process: First, establish the universe of "adequately demonstrated" technology. Second, determine an achievable level based on that technology. Third, consider the costs. In its proposal, EPA conveniently skips over step 1. It then heavily focuses its analysis on modeling scenarios that project the answers to the steps 2 and 3.

These model-only based arguments are outlandish to the experts, engineers and the public. We don't need to look further than the botched roll-out of healthcare.gov to appreciate the consequences of disregarding testing of a full scale product. But EPA thinks it can get away with it due to the court's deference.

But the focus of this hearing – the first question that EPA must answer - is not "what standards do we set?" or even "is this cost prohibitive?" Instead, our hearing today focuses on step 1: "is the technology ready?"

This question exposes the soft under-belly of the rule. When the facts and experts make clear the technology is not ready, there is no need to model emissions levels or ask economists to make projections.

To be clear, EPA relies on DOE *modeling* to conduct their analysis – that is how they circumvent the Step 1 "is it ready" question. They simply assume that it is and plow ahead. A model is only as good as the assumptions that go into it. Even a critical design review cannot account for anomalous behavior in a full scale product. Take for example the first Tacoma Narrows Bridge. Everything appeared operational until a 40 mile-an-hour wind toppled what was the third longest suspension bridge in the world.

Here, because the technology isn't ready, all of EPA's subsequent claims—are *hypothetical*. Its claims

are mere conjecture that ignores the fact that, in DOE's words, the technology is "unproven."

After the Agency is done looking into its crystal ball, analyzing an imaginary world, it tries to justify its claim of "adequate demonstration" with *post hoc* citations to cherry-picked literature, experience with vastly scaled down technology "components," and power plants "under construction."

In order to comply with EPA's rule, carbon capture and sequestration (CCS) is required. CCS, as it is commonly known, is not one piece of equipment; rather, is it a complicated system of many separate technologies. Each piece of this chain, which includes capture, compression, transportation and sequestration, must work in a seamlessly integrated fashion on a full scale power plant. No CCS project in the world meets these criteria.

In its proposed rule, EPA points to several examples of fledgling CCS projects as proof that the technology is adequately demonstrated. Let's take a look at one of those examples.

Here are a few pictures of the Texas Summit Clean Energy project, which in EPA's words is "under construction."



My favorite picture is at the bottom of the Project's web page – "Small common grave by train tracks in Penwell."



Actually, that is the only CCS currently occurring at the site.

Emissions modeling and economic projections based on a hypothetical plant are irrelevant. EPA's rule won't be implemented in a fairy tale world. This rule will affect real power plants and real people. This hearing is about what Unicorns, Bigfoot, and "adequately demonstrated" CCS for power plants all have in common – they are figments of the imagination.

Talk of emissions levels and cost based on a hypothetical modeling scenario is just a bunch of noise - a distraction from the fact that the technology isn't ready.

EPA attempts to "lawyer" its way around the facts. But ultimately, EPA cannot paper over the truth. To quote John Adams: "Facts are stubborn things; and whatever may be our wishes..., our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence."

I look forward to our expert panel's discussion of this Step 1 question: Is the technology ready?

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