

EEI is compelled to seek judicial review of the agency's determination that carbon capture and storage (CCS) should be the basis for compliance with portions of EPA's final rule. EPA's record and the docket do not support the agency's finding that CCS is adequately demonstrated for broad deployment across our industry at this time, or that 90% CO₂ capture through CCS is currently achievable. EEI's members are actively working to demonstrate CCS so that it can be deployed when it meets industry cost and performance requirements. But EPA's determination that CCS is the best system of emission reduction for both existing coal-fired and new combustion turbine units is premature.

Respectfully submitted,

/s/ Amanda Shafer Berman

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Counsel for Petitioner EEI

Dated: May 22, 2024

CERTIFICATE OF SERVICE

Pursuant to Fed. R. App. P. 15(c), Circuit Rule 15(a), Fed. R. App. P. 25, and 40 C.F.R. § 23.12(a), on this date, I hereby certify that I will cause to be delivered, via certified U.S. mail, return-receipt requested, a copy of the foregoing Petition for Review to the following:

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

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/s/ Amanda Shafer Berman
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