

EPA's Proposed GHG Regulations Potential Legal Issues and Challenges

September 26, 2023
Brent A. Rosser

HUNTON
ANDREWS KURTH



Key Legal Issues—Section 111 of the CAA

- Adequately Demonstrated
 - Carbon capture and sequestration (CCS)
 - Co-firing with hydrogen
 - Co-firing with natural gas
- Achievable
- The “Best” System of Emission Reductions
- *West Virginia v. EPA*



Next Steps

- Comment period expired August 8, 2023 (over 1.2 million comments received)
- Final rule likely April 2024
- Final rule likely challenged in D.C. Circuit
- U.S. Supreme Court review?

QUESTIONS?