



Carbon Capture and Storage (CCS):

Legal and Regulatory Issues and Developments in the West

A meeting of the Big Sky Energy Future Coalition

Hosted by Holland & Hart, LLP

September 1, 2009

Holland & Hart, LLP

555 17th Street, Suite 3200

Denver, CO 80202

Background:

Clear and well-defined legal and regulatory frameworks are essential to support large-scale commercial CCS deployment. While comprehensive frameworks do not currently exist, there are a number of issues and developments at the state, regional and national levels that will contribute to an enabling environment for CCS deployment. The Big Sky Carbon Sequestration Partnership and Holland & Hart, LLP will host discussions among 30 regional leaders including representatives from law firms and the private sector/business communities, government officials, financial institutions, academia, NGOs and other organizations as part of the Partnership's Energy Future Coalition. The meeting will provide updates on CCS legal and regulatory issues and developments and promote discussion on possible solutions to regional CCS deployment challenges, including development of adequate CCS legal and regulatory frameworks.

Anticipated Outcomes:

- Exchange information on the latest in CCS legal and regulatory framework developments with an emphasis on the Big Sky Partnership region
- Contribute to possible solutions to regional CCS deployment and development of adequate legal and regulatory frameworks
- Foster partnerships between policymakers, experts, practitioners, financing entities and other stakeholders
- Summary meeting report with all materials presented and discussed as well as a list of attendees
- Contribute to the Partnership's Biennial Energy Report and Large-Scale CCS Deployment Report and national CCS policy developments

Tuesday, September 1

Welcome, Participant Introductions and Updates

9:00 a.m.

Welcome

- Larry Volmert, Holland & Hart, LLP
- Pamela Tomski, Director, Education, Outreach & Regulatory Compliance, Big Sky Carbon Sequestration Partnership and Managing Partner, EnTech Strategies, LLC

9:10 a.m.

EPA Action on Climate Change

- James Holtkamp, Holland & Hart

9:20 a.m.

Federal CCS Legislation

- Pamela Tomski, Director, Education, Outreach & Regulatory Compliance, Big Sky Carbon Sequestration Partnership and Managing Partner, EnTech Strategies, LLC

Session I:

CCS in the West and Regulatory Framework Considerations

9:30 a.m.

Big Sky Partnership Overview and Regional CCS Opportunities

- Lee Spangler, Director, Big Sky Carbon Sequestration Partnership

10:00 a.m.

Geologic Sequestration Legal and Regulatory Issues and Developments

- Wendy Cheung, Region 8 Carbon Sequestration Workgroup Lead, U.S. Environmental Protection Agency

10:30 a.m.

Q&A and Discussion

10:45 a.m.

Break

Session II: CCS Liability and Risk

11:00 a.m. Liability and Risk: Understanding Insurance Liability and Potential CCS Hazards

- Robert Sansone, President, The Power Gen and Construction Practice, LLC

11:30 a.m. Financing Commercial Projects with CCS: Critical Risks and Regulatory Issues

- Scott Stone, CCS Alliance; Hunton & Williams

12:00 p.m. Q&A and Discussion

12:30 p.m. Lunch

Session III: CCS Jurisdiction Issues and Key Considerations for the West

1:15 p.m. Property Rights Issues for Geologic Carbon Storage Projects

- Delissa Minnick, Holland & Hart, LLP

1:45 p.m. CO2 Pipeline Development in the West and Jurisdictional Issues for CCS Pipeline Networks

- Larry Wolfe, Holland & Hart, LLP

2:15 p.m. Q&A and Discussion

2:30 p.m. Break

Session IV: CCS Deployment in the West

2:45 p.m. CCS Legal and Regulatory Developments and Perspectives in the Big Sky States

- Rep. Mary Throne, House District 11, Wyoming
- Rep. Randy Fischer, House District 53, Colorado
- Eric Stern, Senior Counsel to the Governor of Montana
- Sen. Keith Bales, Senate District 20, Montana
- Jim Jensen, Executive Director, Montana Environmental Information Center
- Elizabeth Lokey, Senior Consultant, Camco

4:00 p.m. Discussion

4:30 p.m. Closing Remarks & Adjourn

Workshop Participants:

- Glen Andersen, Policy Principal, National Conference of State Legislatures
- Keith Bales, State Senator, Montana
- Veronica Brieno Rankin, LL.M., President, GeoSeq International, LLC
- Jim Bryant, Partner, Energy Futures Network, Ltd.
- Wendy Cheung, Lead, Region 8 Carbon Sequestration Workgroup Lead, U.S. EPA
- John Corra, Director, Wyoming Department of Environment Quality
- Jason Deardorff, Region 8 Carbon Sequestration Workgroup, U.S. EPA
- Karen Deike, Director of Communications, Western Governors' Association
- Thomas Doll, State Oil & Gas Supervisor, Wyoming Oil and Gas Conservation Commission
- Kevin L. Doran, Fellow, Center for Energy & Environmental Security, University of Colorado Law School
- Chris Eisinger, Research Associate, Energy & Environmental Systems Group, University of Calgary
- Randy Fischer, State Representative, Colorado
- Jim Holtkamp, Holland & Hart, LLP
- Jim Jensen, Executive Director, Montana Environmental Information Center
- Elizabeth Lokey, Senior Consultant, Camco International Group, Inc.
- Delissa Minnick, Holland & Hart, LLP
- Trish Pfeiffer, Region 8 Carbon Sequestration Workgroup, U.S. EPA
- Robert Sansone, President, The Power Gen and Construction Practice, LLC
- Lee Spangler, Director, Big Sky Carbon Sequestration Partnership
- Eric Stern, Senior Counsel to the Governor of Montana
- Scott Stone, CCS Alliance, Hunton & Williams
- Joel Swisher, Camco International Group, Inc.
- John Talbot, Deputy Director and Project Manager, Big Sky Carbon Sequestration Partnership
- Mary Throne, State Representative, Wyoming
- Lindsey Tollefson, Outreach Coordinator, Big Sky Carbon Sequestration Partnership
- Pamela Tomski, Managing Partner, EnTech Strategies, LLC
- Larry Volmert, Holland & Hart, LLP
- Nate Whitehouse, Attorney, Casablanca Partners
- Larry Wolfe, Holland & Hart, LLP

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