



Technical Focus, Energy & Environmental Committee Meetings

June 2018
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MINUTES

TUES-WED, JUNE 5-6, 2018

TECHNICAL FOCUS GROUP SESSION

Mike Zebell, Environmental Resources Management, *Technical Committee Chairman*
Todd Young, HDR, *Technical Committee Co-Chairman*

EPA Injection Well Classifications, Associated Permitting and Requirements

Mike Zebell, Environmental Resources Management, discussed the EPA injection well classifications and associated permitting requirements. One of the issues for injection wells is the capture and sequestration of CO₂, which has a new class for CCS. There are 6 well classifications. These well standards are set to protect drinking water supply.

Class I wells are used to inject hazardous materials into deep underground formations. Class II wells are for oil and gas, including CO₂ EOR. Class III wells are used to inject fluids to dissolve or extract minerals. Class IV wells are shallow wells that are used to inject hazardous or radioactive wastes above a geologic formation that contains a USDW. Class V wells are used to inject non-hazardous fluids underground. The wells are regulated under the Clean Water Act. An aquifer that might impact drinking water falls under these regulations. An exempt aquifer is one that does not serve as a source of drinking water or will not serve as a source of drinking water in the future. The determination is done on a case by case basis. Class VI wells are for CCS. Extensive site characterization is required. Well materials must be compatible with CO₂ and withstand contact with CO₂ over the life of the project. Well operation is covered, including monitoring requirements. Financial responsibility must be assured for the life of the project. There are also reporting and record keeping requirements.

Scott McDonald, Archer Daniels Midland Company, reported on the ADM CCS project that takes CO₂ from fermentation and injects it for underground storage. This is part of the biofuels production process. The ADM facility produces 250 Mw for internal use as well as some steam. The plant also imports 200 Mw. The alcohol facility has the fermentation process for converting sugars from corn into alcohols. The fermentation process generates a concentrated stream of CO₂.

There is now a tax credit (Section 45Q of the tax law) for capturing and storing or using CO₂. ADM Decatur has 3 projects for CO₂ storage. The first was a demonstration over a 3 year period for 1 million tons of CO₂. The second is a 1 million ton/yr of CO₂ storage. The 3rd project is a special monitoring project. The first well is now a monitoring well. The "intelligent monitoring system" uses



fiber optic lines to generate a seismic signal that can give a 2D seismic image that can be combined with a reservoir model to give a picture of the stored CO₂.

There is also a feasibility study on creating a mid-west storage hub for the oil and gas industry. The CO₂ is collected from the fermenters with blowers that deliver the CO₂ to the compressors. The compressors bring the CO₂ to a supercritical state so that it can be moved as a fluid. The compressor is a 4 stage system. At the 3rd stage, the CO₂ is dehydrated with triethylene glycol. The 4th stage brings the pressure over the critical point (about 1400 psia). After that, the fluid can be pumped into the injection well. The storage depth is about 7000 ft. Interstage cooling is used to reduce compression work and knock out some of the water. The booster pump has 45 stages. The final pressure is 2500 psi.

The Illinois basin is quite big, covering a 60,000 square mile area. A 3D seismic survey was done to start the characterization. There is an injection well and a verification well, as well as a monitoring well. High chrome steel is used for these Class VI wells to resist corrosion from the CO₂. Drilling was held up until the permit was received. Core samples were taken to verify the layering of the sand and rock in the basin. Geophysical modeling was done to project the impact of 50 years of storage. This information is required to submit a permit request. It took 6 years to get the final permit from the first submission. There were 2 years worth of data that had been gathered prior to the permit submittal. This is consistent with the estimated 8 years for the characterization of a storage field.

The fluid from the well is sampled on a regular basis. Seismic monitoring is carried out with geophones. "Slim wave" retrievable geophones are used at the mid range depth. The sensitivity of these geophones is -2.5 on the Richter scale. Some minor seismic activity was noticed at the 7000 ft level which tailed off over time. For this reason, the storage depth was moved up to 6800 ft where the geology was more stable. A special sensor and cable was developed in cooperation with DOE for monitoring the well.

A substantial amount of data is taken every day (1.5 terabytes). The USGS is evaluating the data to try to establish predictive capability for well operation and seismic activity. Baseline data was taken to establish the initial conditions. As CO₂ is injected, the signal response is retarded. This measurement can then be used to establish the extent of CO₂ saturation in the field. The DOE has issued an opportunity notice for CO₂ utilization. ADM is interested in making carbonates such as glycerol carbonate, propylene carbonate, and dimethyl carbonate. Other potential products include fertilizers, alcohols, fuels, acids, polymers, and cement. Enhanced oil recovery is the traditional use of CO₂. The Illinois basin has an estimated 700 million barrels of oil production. This could utilize an estimated 150 million tons of CO₂.

GOVERNMENT AFFAIRS SESSION

Anthony Reed, Archer Daniels Midland Company, *Government Affairs Committee Chairman*

Anthony Reed, Archer Daniels Midland Company, noted that trade impacts anyone that builds, imports, or exports anything. Canada and Mexico have responded with counter tariffs. The administration has indicated that it will help agriculture, but there have been no details. The situation seems to change every day. In the meantime, EPA now has a deputy administrator. The situation with Scott Pruitt is still simmering. Issues include RFS, CAFÉ, cost/benefit ANPR, and oversight. EPA still has the most rule makings in the OMB queue.



With the mid term elections coming up, Congress is even less productive than usual. There are still appropriations, FAA reauthorization, farm bill, and national flood insurance to get done by Sept, 30th. Additional items include immigration, NSR reform, CCS, budget rescissions, and another tax bill. There is also a need to pass a budget for next fiscal year, with the usual government shut down threats that entails.

Something will probably happen in the House on immigration. NSR reform will not likely get to the floor. There could be something on CCS. Budget rescissions and tax reform are not likely to go forward. However, if the Republicans lose control of the House and/or Senate, there will be a rush to do some things at the end of the year before the new Congress comes in. The Democrats need 23 seats in the House. There are 6 Republican seats that are likely to lean Democrat. However, there are 50 seats that are toss up or lean Republican. There is a big primary in California today. Overall, the House could remain Republican. The Senate is a different story. The Democrats only need 2 seats. However, more Democrat seats are up. There are 10 Trump state Democrats up for election and only 1 Clinton state Republican.

The Democrats would have to hold all 10 of the contenders in the Trump states, plus the 1 Clinton state, plus another seat. That being said, things are kind of “topsy/turvy” and anything can happen.

Elizabeth Horner of the Senate Environment and Public Works Committee was the guest speaker for lunch. She pointed out that for most of the first year, the committee has been involved with confirmation hearings in order to fill the major positions in the EPA and other agencies. At this point, only 2 lesser positions remain to be filled. A major activity has been to provide support for administration positions. In particular, it is important to develop a record of support for a given position.

The recall of the WOTUS rule, the CPP plan, and the once in/always in interpretation were significant activities. Their position has been that technical advances developed by industry have contributed greatly to reduced emissions of both conventional and GHG compounds (including CO₂) and that allowing industry to continue their efforts is the better way to approach these issues. They are promoting efficiency, CCS, and carbon utilization. Water issues are coming up. In particular, the groundwater issues such as hydrological connection are important to avoid a “backdoor” approach to WOTUS. Again, it is important to get positive examples to the committee.

ENERGY SESSION

Frederick (Fred) P. Fendt, The Dow Chemical Company, Energy Committee Chairman
Robin Mills Ridgway, Purdue University, Energy Committee Vice-Chairman

The minutes from the March meeting were approved.

Pasha Majdi of ACEEE gave an update on the Energy Bills and Energy Efficiency. Pasha previously worked on the Senate Energy Committee, just down the hall from Senate EPW. The ACEEE works on policies for energy at the federal level as well as state and local levels. Right now, the fight is for funding, especially for energy efficiency. The Advanced Manufacturing Office helps small businesses deploy energy efficiency programs to save money as well as energy. Congress has supported energy efficiency programs and pushed for additional funding.



EPA has announced that biomass produced from managed forests will be considered to be carbon neutral. DOE has stated that rapid closure of coal and nuclear plants is a threat to national security.

The president has directed the agency to come up with an approach. The laws that were cited were wartime laws over 60 years old. The application of these laws will be challenged in court. The president has asked DOE to determine what supply chains could be vulnerable during a wartime situation. As an example, rare earth elements are mostly mined outside of the US, but are used in many electronic devices. Streamlining the permit process and supporting such mining operations in the US is one potential approach.

Electrification is another trend that will impact industry. The tax credit for electric cars survived the tax bill. This is an election year for Congress. Senator McConnell has suspended the August break in order to get business done before the campaign activities begin in earnest. The “must pass” bills will be a target for “add ons” in order to get some things passed. The FAA reauthorization bill is one that is considered to be a “must pass” bill. It is already attracting “add ons” in the House. The Senate has asked for a clean bill. September is fast approaching.

There is a movement towards infrastructure and resilience of infrastructure. There is a docket at the FERC that is looking to quantify what is resilience and what it is worth. In particular, for weather events, rebuilding with better, more resilient technology should be the standard. One of the technologies that is getting considerable support within the administration is combined heat and power (CHP).

Dale Louda of the CHP Association provided an update on the CHP situation. The power grid in the US is antiquated. One of the things that DOE could easily work on is the reliability of the US grid. CHP is one of the technologies that can help with the reliability and resiliency of the grid. One of the problems is that the CHP industry has been mostly talking to ourselves. There are also exaggerated claims on both sides.

Combined heat and power is complicated and good in certain circumstances. It can be a very good part of microgrids. It is good for reliability and efficiency, but does tend to be expensive and more complex. CHP suppliers do not know what DOE is doing and vice versa. The CHP Association has started to work with the Edison Electric Institute. Certain states and regions are more amenable to the application of CHP.

John Hughes of ELCON reported on activity at the FERC. In September 2017, the DOE released a report that concluded that coal fired and nuclear plants needed support for reliability reasons and that the ISOs should purchase power from these plants at a premium to keep them running. The cost estimates for this approach was estimated to be on the order of \$3 – 11 billion/yr. Plants that had 90 days of fuel on site would qualify. FERC did not accept the report. Reliability is being touted for this support. The RTOs and ISOs have also rejected the concept. Part of the consideration has been the problem in New England of building new gas pipelines to bring gas into New England during the winter time. First Energy Solutions (the independent power arm of First Energy) has requested DOE to declare a “grid emergency” for about 80 plants. The ISOs objected immediately.

The Defense Production Act of 1950 gave the president the authority to control certain critical industries during war time. There is also a provision in the Federal Power Act. It has been suggested that these two laws might be cited as authority for a directive from DOE to purchase electric energy



from such facilities. The order would be in effect for 2 years. DOE would take this time to study the problem. The financial compensation issue is a major one and will likely require FERC to get involved.

The FERC wanted to require all generators to be able to provide frequency control. However, CHP units are typically sized to internal requirements. If there is a grid problem with frequency, the CHP unit needs to protect its own equipment. The FERC agreed and gave CHP units an exemption. Electricity storage can be a means to even out the production issues associated with renewable generation. FERC also directed the ISOs to reduce barriers to the adoption of storage on the grid. FERC has been trying to get distributed resources into the grid system. They are looking at how they might aggregate distributed resources.

The variability of solar PV is causing some stability issues on the grid. If they could be aggregated, some of the variability can be averaged out. This is a work in progress. FERC initiated a study on the impact of the tax reform bill, looking to reduce tariffs. FERC has directed the ISOs to show more transparency in their pricing, particularly for "uplifting" (emergency generation that is needed immediately).

ENVIRONMENTAL GROUP SESSION

Chuck Hallier, Cargill Incorporated, *Environmental Committee Chairman*

Amy Marshall, AECOM, *Environmental Committee Vice-Chairman*

Steve Norfleet of RMB Consulting reported on the future of electronic reporting. The electronic reporting data is not only shared with the EPA, but also with the general public.

The drivers include the MACT rules and the MATS rules, along with CEMS requirements. Compliance reporting via CEDRI is required for major sources. Company, facility, and process information are reported along with emissions and fuel usage. Process control and equipment malfunction is also reported. The responsible individual(s) and certification must be identified. All CEMS data must be reported. Where stack testing demonstrates compliance, the test data and the RATA that verifies the reliability and accuracy of the test data must be submitted. The NSPS electronic reporting rule imposed CEDRI/ERT reporting for all sources under NSPS subparts at the end of 2016.

The Trump Administration withdrew the rule. New test report requirements were issued in August of 2016. Additional information is required, including QA/QC procedures, record keeping, and sampling procedures. In January 2018, there was a proposed revision to test methods, including performance tests and RATAs.

EPA has CEDRI and CDX as a conduit or platform for reporting emissions and compliance data. EPA has developed web forms and templates for file submission options. EPA is developing XML options for more direct submissions. However, the reporting instructions are rather limited. The Electric Reporting Tool is generally the wrong tool for the job. Data entry is cumbersome and awkward. It also includes data not required by the rules and much more than is needed to establish compliance. In many cases, states have not adopted this tool. Further the calculations within the ERT can't really be verified. Testers already have tools that have been developed and verified over time. What is really needed is a common format.



The MATS reporting revisions originally had a very complicated reporting system. A work group focused on developing an XML system as an alternative. An interim rule was published in 2015. The Part 75 rules use ECMPS, which is essentially an XML system. A PDF format could be used in the interim. A new rule is supposed to come out in June. Quarterly requirement reports are now due in the XML format. Compliance averages and performance test reports are included. Additional test data was requested for dust loading calculations. Point by point data is not really needed for every test.

The work group recommended a more balanced approach. A unified reporting project is underway (Combined Air Emissions Reporting). This project aims to improve the way data is submitted to both the EPA and the state and local agencies. Also each agency was supposed to reduce "regulatory burdens". Comments were requested. Over 460,000 comments were received. A final report was issued last October. The reporting issues were essentially ignored in the report.

While the regulatory process may have slowed somewhat, there is still a push to get at the actual data. Streamlining is possible, but not an agency focus. Clear reporting instructions and an actual format is needed to replace the ERT. The proposed MATS reporting requirements could be used as a template.

Sandra Snyder of the Interstate Natural Gas Association of America reported on the Combustion Turbine MACT. She has been working with Leslie Witherspoon of Solar Turbine on the update of the rule. The Turbine NESHAP rule, part YYYY applies to new gas turbines after 2003. The final rule has a formaldehyde emissions standard of 91 ppbvd @ 15% O₂ for new or reconstructed turbines for a major source greater than 1 Mw at ISO conditions. The rule was stayed in 2004 for gas fired gas turbines. However, the DC Circuit ruled in 2007 that a source category can be delisted, but subcategories cannot be delisted. The risk level is at 1 per million. EPA has to make a residual risk and technology review every 8 years. EPA was sued and the court issued a schedule for EPA to carry out the review. Comments have been submitted. EPA is reviewing permits in order to identify turbines that were at major sources. EPA is trying to understand if there have been changes to the designs, the operations, or the formaldehyde measurement capability.

Comments were submitted on these topics. Additional comments will be submitted in June. Some of EPA's data had errors. At one station, the emission rate, stack velocity, and exhaust temperature all looked wrong. There were also some problems with data from liquid fired units. Additional concerns include standards for existing units, smaller units, start up requirements, and compliance time frame.

Philip Crawford of AECOM reported on the Boiler MACT update. In 1995, the EPA OAQPS director issued the "once in/always in" policy to the regional directors. The goal was to avoid "backsliding" on the part of existing plants. This January, EPA pulled the policy. It was stated that Congress set no time limit on calculating the potential to emit (PTE). A group of Democratic senators requested EPA to reinstate the policy. In late March several eNGO groups filed for review. Going forward, facilities that wished to take advantage of this new policy would have to get a permit modification, which will take some time.

The CO surrogacy issue came up under 3 different rules. EPA based the use of CO in that HAP is invariably present, controls for surrogate is the same for controls for HAP, and control of surrogate is the means for facilities to control. EPA set a minimum MACT floor of 130 ppm CO for the MACT rule. Below 130 ppm the relationship between CO and formaldehyde falls away. The court allowed EPA to



use surrogates, but required EPA to explain the selection of the limit. Several groups filed for review and EPA has to do more work to explain the 130 ppm CO limit.

For NHSM, a final rule was issued in February that added 3 additional materials to the approved fuel list. Creosote-borate treated railroad ties must be burned in units designed to burn biomass. Other treated railroad ties can be burned in solid fuel fired units.

On the CISWI rule there have been some proposed updates on certain emission limits. The mercury emissions limits are being changed to agree with the Portland Cement MACT. Performance evaluation of CEMS is being changed from 60 days to 180 days. The report is due in CEDRI in 90 calendar days and this would be extended to 2 years. CO can be done by an annual test. CEMS could be used but is not required. The requirements for skipping a performance test are being clarified. Language is to be added to include 30 day averages for energy recovery units.

Ann McIver of Citizens Thermal and Chair of CIBO, provided an update from the CIBO Board of Directors. Ann introduced the Board Members. The Board has been holding strategic planning meetings. The membership will be getting an email request input for our SWOT analysis. The next conference will be the **Industrial Emissions Control Technology XVI Conference**, which will be held in Durham, North Carolina where EPA is located. This will give us the opportunity to directly talk to EPA staff. The September Conference will be an **Energy Conference, Implementing Sustainability, Energy & Environmental, Management & Best Practices** in Crystal City, Virginia. The **Annual Meeting** will be held in Tucson, Arizona. The next **Technical Focus Group, Energy and Environmental Committee Meeting** will be in December. Next year, there will be no Technical Focus Group, Energy and Environmental Committee Meeting in June. **The Boiler Operations, Maintenance, and Performance Conference** will be held at the Hershey Hotel in Hershey, Pennsylvania in May. **The Industrial Emissions Control Technology Conference** will be back in Portland, Maine next year. The 2019 **Annual Meeting** will be in Stowe, Vermont.

Ted Steichen of API gave an update on NSR activity. With the new administration, it was thought that this might be a good time to take a new look at NSR reform. Recent activities include several EPA memos including guidance on SILs, emissions accounting, use of actual-to-projected-actual test for determining major modification applicability. There were also some changes regarding source aggregation.

An industry coalition of over 20 trade associations has been formed. Over 60 ideas were developed for NSR reform. The issues were prioritized. Position papers were developed on a number of issues. With the appointment of the Assistant Administrator, there was someone in place in EPA that was familiar with the issues. Some 16 position papers were prepared. Some of the issues include proper accounting of project emissions, project aggregation, pre permit activities, use of actual emissions, actual-to-projected-actual guidance, synthetic minor limits, routine maintenance/repair (RMRR), ambient air, GHG significant emission rates, modeling reform, PALs, debottlenecking, fugitive emissions, nonattainment offset issues, and BACT/LAER.

EPA guidance on these issues is expected on a monthly basis. There are two House bills (HR 3127 and 3128) that are being combined. Energy efficiency projects, pollution control projects, and reliability projects would be exempt. An hourly maximum achievable emissions rate test would be added to the definition of modification. Two Senate committees held meetings on NSR permitting reform.



Rob Kaufmann of Koch Companies Public Sector provided a NAAQS/_CPP update. The President issued a memorandum that was focused on the NAAQS, as well as some permitting and haze issues. The memo pushed EPA to take action on all preconstruction permits within one year, evaluate all existing rules for streamlining, resolve all SIL issues within 18 months, take into consideration of all international emissions and high background levels, rely on monitoring (not modeling) when making designations, and to make sure models used for permitting and related decisions are sufficiently accurate for their intended application.

Administrator Pruitt set out 5 principles for EPA to observe. These include meeting statutory deadlines, address all CAA provisions for NAAQS reviews, streamlining and standardizing the process for development and review of policy relevant information, differentiating science and policy considerations, and issuing timely implementation regulations and guidance. The current NO_x standard of 100 ppb has been maintained. There is a proposal to keep the 75 ppb SO₂ standard. There are no non attainment areas for NO_x. There are only 42 non attainment areas for SO₂. The ozone standard is at 70 ppb.

There was some consideration for moving the standard back to 75 ppb. EPA plans to review the standard by 2020. California and the NY metropolitan area were designated moderate. The other non attainment areas are marginal. EPA will be disinclined to issue FIPS. A number of states in the northeast have filed Section 126 petitions claiming upwind contributions to their non attainment. EPA has already denied most of these petitions. There will be law suits on this issue.

Several states have asked the DC Circuit to review the 2015 designation for ozone. A recent major study using Medicare data claimed that there are health effects at PM_{2.5} levels down to 6 micrograms/normal cubic meter. The regional haze rule is being reviewed.

Ann McIver, Citizens Thermal, reported on Executive Office Guidance. The Midwest Ozone Group (MOG) has been doing modeling work to show that the mid-West doesn't need additional controls. One of the issues is source apportionment. There are different potential models. MOG has provided input to EPA on the use of more appropriate models. The Kentucky "Good Neighbor SIP (GNS)" was litigated by California. MOG did a lot of work for Kentucky. That work will be used for other GNS work.

The New York 126 petition is still under consideration. MOG filed comments and CIBO signed on. There were 21 deficiencies reported in the NY petition. NY did not consider exceptional events (wild fires). New York failed to provide its modeling data or any data addressing cost effectiveness. Mobil sources have the largest impact on NY monitors.

Aklima Hossain, Barr Engineering Company, reported on Emerging Contaminants. PFAs (polyfluoroalkyl substances) is a class of synthetic compounds that is currently an emerging contaminant, notably PFOA (perfluorooctanoic acid) and PFOS (perfluorocotane sulfonate). GenX are replacement products for PFOA/PFOS. PFAS compounds are used in a variety of products: cookware, electronics, food packaging, clothing, paints/coating, fire-fighting foams and many more. Worldwide, there are over three thousand PFAS compounds. PFOA/PFOS are somewhat regulated in the USA, however, imported goods could contribute to the accumulation of PFAS compounds. PFAS compounds do not degrade. PFAS from various sources (industrial facilities, landfills, and others) may subsequently can leach into ground water.



Agencies that hold jurisdiction for the control of PFAS compounds include the US EPA, individual states, and perhaps some control on a local level. EPA has established drinking water standards at 70 ppt (parts per trillion). This level is difficult to measure. EPA has developed a laboratory method for measuring PFOS, PFOA, and 12 other PFAS in drinking water (EPA Method 537). This method has been known to be modified by laboratories to test up to 39 PFAS compounds. Modifications may lead to bad data. Measurements in ppt (very low level) may lead to cross contamination and again, bad data.

Treatment technologies are still in the early stages of development and need to be customized for specific PFAS compound for which the wastewater needs to be treated. Treatment technologies include: ion exchange, reverse osmosis, adsorption/absorption by granulated activated carbon, and advanced oxidation. More R&D is needed. Pilot tests are recommended.

In Michigan, municipalities are actively sampling for PFAs. Communities are starting to get involved in voicing their concerns.

EPA hosted a National Leadership Summit on May 22-23 to take action on PFAs in the environment. A PFAs management plan is targeted for release in the fall of 2018.

Another emerging contaminant that is currently being tracked by Barr is 1,4 Dioxane.

Lisa Jaeger, Bracewell LLP, provided a status report on the various litigation and reconsideration issues. The Trump Administration has issued a number of memos and executive orders on infrastructure and regulatory reform. For major projects there will be one Federal Decision for major infrastructure projects. The CEQ created an initial list of actions. All federal departments have signed an MOU to that effect. EPA and 11 agencies have also signed an MOU to implement revisions.

The "2 for 1" EO aimed to reduce regulations and control costs. The President got sued on this issue, which was dismissed. A second complaint has been filed. EPA and DOJ have moved to dismiss. A number of individual examples are being cited in lawsuits to attempt to show "standing". The President has issued memos to agencies to improve performance. These memos have been substantive and directs the agencies to take certain actions. There have also been memos on enforcement directed to the DOJ and the EPA. The EPA has required early notification of any potential civil action that would have to go to DOJ. HQ will now take responsibility for any decisions to send an action for civil penalties. The DOJ has indicated that the enforcement priorities will be organized crime and terrorist activities. Other issues should be handled by the agencies (like EPA).

The Administration has also taken on the regulatory science aspects including the EPA Science Advisory Board, the Clean Air Scientific Advisory Committee, and the Board of Scientific Counselors. The EPA Administrator has stated that no scientists that received grants or funds from the agency could serve on any of these boards. This conflict of interest issue is standard for any other government position or agency. Again, this will likely be challenged.

EPA also proposed a rule for strengthening transparency in regulatory science. The comment period was extended. EPA stated that the data it will rely on must be publicly available and able to be replicated. This issue will likely end up in court as well.



On the BMACT cases, Judge Tatel wrote a dissent. The eNGOs requested a rehearing petition. They have argued that the Court erred in evaluating EPA's infeasibility determination and that the Sierra Club's arguments on clean fuel during SU and SD. These issues were all addressed in prior Court decisions. Comments were filed with the Court to that effect. They requested that the petitions be dismissed. The other cases are all still pending.

On the MATS cases, they are also still in abeyance. The Brick MACT went to oral argument in November. No decision has been issued. Congress has been petitioned to change the compliance dates in these cases. There are a number of RTR cases. In the Pulp Mill RTR the eNGOs are petitioning that EPA should set emission standards for each emitted HAP. Also EPA should evaluate health risks for the most vulnerable individuals. In the Ferroalloys Production MACT, EPA required a digital camera for opacity monitoring. This is under reconsideration.

The CAA Risk Management Plan added duplicative disclosure and other requirements to the plans. The rule was challenged. The new administration pulled the rule and imposed a 90 day stay. A new rule has been proposed for February 2019. Comments on the new rule are due by June 2018. The rule required root cause analysis during incident investigation, compliance audits, and accident prevention. The new rule has rescinded these requirements. Further, emergency response preparedness there were requirements for notification, field drills, and tabletop. The notification to local responders is still required. The public availability of information requirements have been scaled back.

The Regional Consistency Rule requires consistent application of the rules. EPA wanted more flexibility. Oral argument was held recently. For "once in/always in" memo of 1995 was withdrawn. Since the memo was issued without notice and comment, the withdrawal was done in the same way. The eNGOs and California have objected. All of the water cases are still pending. The RCRA coal ash cases are pending.

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