

#### **AGENDA**

Welcome and Introductions Paul Lang

Global Market Trends Rich Nolan/Paul Lang

Rail Transportation Update Katie Mills

**Congressional Update** 

Reconciliation
 Rich Nolan/Ryan Jackson

Thermal Coal Incentives Legislation
 Ryan Jackson

Fleet Defense

Communications and Polling
 Ashley Burke

Regan Plan
 Tawny Bridgeford

Congressional Oversight
 Ryan Jackson

Regional and State Oversight

Jerry Mullins

Federal Coal Leasing Update Katie Sweeney

Discriminatory Lending Jerry Mullins

Department of Labor BL Self-Insurance Rulemaking Katie Sweeney/Ryan Jackson

Adjournment Paul Lang

### **GLOBAL MARKET TRENDS**



**Commodity Prices** 



Production Costs



**Inflation** 



Global Energy Crisis

### RAIL TRANSPORTATION UPDATE

#### POTENTIAL U.S. RAIL SHUTDOWN

- Ongoing negotiations since Jan. 2020
- Parties have until Friday to agree on deal for wages, benefits and work rules
- Class I carriers began enacting contingency plans this week
- Congress likely to step in
- Would cost the U.S. economy \$2 billion a day

#### SURFACE TRANSPORTATION BOARD LETTER

- NMA's anonymous survey on rail service highlights continued issues
- Will conduct survey every quarter to assess if service is improving





September 13, 2022

The Honorable Martin Oberman Chairman, Surface Transportation Board

The Honorable Michelle Schultz Vice Chairman, Surface Transportation Board

The Honorable Patrick Fuchs Member, Surface Transportation Board

The Honorable Robert Primus Member, Surface Transportation Board

The Honorable Karen Hedlund Member, Surface Transportation Board

### Re: Rail Service Issues Continue to Cripple U.S. Supply Chains

Dear Chairman Oberman, Vice Chairman Schultz, and Members Fuchs, Primus, and

The National Mining Association (NMA) writes to the Surface Transportation Board (Board) to urge immediate action on the ongoing unreliable and inconsistent freight rail service affecting our industry, and America's supply chains at large. The NMA appreciated the opportunity to provide testimony at the Board's hearing on April 26 and 27, 2022, regarding urgent issues in freight rail service, however these problems continue unabated. The breadth and severity of these problems are illustrated by the responses of NMA members to a recent survey that are summarized below.

The NMA is a national trade association that includes the producers of most of the nation's coal, metals, industrial, and agricultural minerals; the manufacturers of mining and mineral processing machinery, equipment, and supplies; and the engineering and consulting firms, financial institutions, and other firms serving the mining industry. The NMA's members conduct mining operations throughout the United States and rely on Class I rail carriers to transport mined products, including coal.



September 14, 2022

The Honorable Peter DeFazio Committee on Transportation & Infrastructure U.S. House of Representatives Washington, D.C. 20515

The Honorable Maria Cantwell Committee on Commerce, Science & Transportation U.S. Senate Washington, D.C. 20510

The Honorable Sam Graves Ranking Member Committee on Transportation Infrastructure U.S. House of Representatives Washington, D.C. 20515

The Honorable Roger Wicker Ranking Member Committee on Commerce, Science & Transportation U.S. Senate Washington, D.C. 20510

### Re: Continuing Rail Service Issues Cripple U.S. Supply Chains

Dear Chairman DeFazio, Ranking Member Graves, Chair Cantwell and Ranking

The National Mining Association (NMA) is urging immediate intervention by Congress should the largest Class I carriers and rail labor unions fail to reach an agreement to extend the negotiation period or enact legislation that would implement the recommendations of the Presidential Emergency Board (PEB) in order to prevent an

A rail strike would create a debilitating logistics chokepoint for the movement of energy and mined material resources that are essential to grid reliability, energy affordability and the energy security of our allies, as well as infrastructure projects and the manufacturing and advanced technology sectors. Rail is an essential mode of transportation to move mineral resources throughout the U.S., and rail continues to be the primary mode of transportation for coal across the U.S. These operations run 24 hours a day, seven days a week, and 365 days a year to meet the needs of consumers.

In fact, mining-related commodities and products represent just under 50% of total tons moved by rail. Last year, railroads moved over 645 million short tons of mining-related products. Mining-related commodities and products accounted for more than \$13 billion in revenue. Tons originated included 70.6 million tons of metallic ores, 390.8 million tons of coal, 138.9 million tons of non-metallic minerals, and 44 million tons of primary and fabricated metal products. Coal produced in the Powder River Basin can be transported over 1,000 miles, and as far away as Georgia, Oregon and Texas.



#### RECONCILIATION

After 18 long months...



- Build Back Manchin total \$740 billion, down from \$3.5 trillion
- No new coal royalties or repeal of royalty relief
- No new rental fees or severance tax
- No changes to leases or deferred payment timing
- \$250 billion loan guarantees for coal retrofits / emission reductions
- Funding for standardization, transparency, and enforcement of corporate climate action commitments
- \$27 billion for EPA Greenhouse Gas Reduction Fund
- Long-term extension of 45Q and energy production tax credits
- Permanent extension of Black Lung Excise Tax prospectively

#### RECONCILIATION



RICH NOLAN

July 29, 2022

The Honorable Joe Manchin U.S. Senator 306 Hart Senate Office Building Washington, D.C. 20510

Dear Senator Manchin,

On behalf of the coal producing members of the National Mining Association (NMA), I am writing with strong concern about the coal related provisions that are contained within the Inflation Reduction Act. As work on the legislation continues, we hope that the following views can best help inform new revisions and modifications to the announced legislation.



After a shocking about face from Senator Joe Manchin (D-W.Va.), the slim majority in the Dear American Coal Supporter, Senate have passed a deeply partisan reconciliation bill that will raise taxes on households across the nation and devastate American coal mining!

The bill was passed by a partisan, party-line vote with the Vice President stepping in as the

It's clear that many in Washington, D.C. do not understand the pressures facing the nation tie-breaker to push the vote over the line. skyrocketing energy costs and ever-rising inflation are hitting Americans hard, but they call legislation full of tax increases and millions for the IRS the "Inflation Reduction Act of 2022."

That's why we need you to TAKE ACTION! The House of Representatives is set to vote on the

TAKE ACTION now to tell your Representatives that the anti-coal provisions in H.R.5376 bill on Friday, so there's little time to act.



### The Inflation **Reduction Act Could Push Power Grid** Reliability Into a **Tailspin**

The Intelligencer.
Wheeling News-Register

**Europe's Energy Crisis Offers Bleak Warning** for U.S.

### STOP Anti-Coal Provisions in the Bill that Will Devas **American Coal Mining!**

I urge you to oppose the anti-coal provisions in the Inflation Reduction

This bill is a missed opportunity for the coal industry.

At a time when nation's electricity reliability experts are alarmingly outspoken about the threat to electric grid reliability, this bill continues to miss the opportunity to provide much needed regulatory relief for the coal industry. The U.S. Environmental Protection Agency (EPA) Administrator has repeatedly stated he plans to use a suite of regulations and authorities against the coalbased generation. These new regulations target thousands of megawatts of coal generated electricity affecting the homes of millions of Americans. In one regulation alone, the EPA is proposing a new 26 state plan to close over 60,000 megawatts of coal generated reliable and affordable electricity serving 30 million Americans. Instead of regulatory relief, this bill awards the EPA with millions of dollars in additional resources to promulgate even more regulations to impact the coal sector.

The bill provides \$250 billion in new financing which will not be used to support the ongoing use of coal-based electricity. The provision simply allows the U.S. Department of Energy to offer financing for all electricity generation while it imposes additional hurdles for coal and fossil fuel projects.

The tax increases in this bill such as a new corporate alternative minimum tax (AMT) provision as well as other taxes that will impact coal companies and negate the historic mining specific deduction for profitable mining companies, a provision of the tax code on which the mining sector has relied for over 100

The bill not only extends taxpayer funded tax credits that have created market distorting advantages for intermittent electricity generation, but the new credits in the bill also extend subsidies for more than another decade, further disadvantaging all fossil fuel generated electricity effectively countering any needed investment in dispatchable, reliable baseload electricity generation in

This bill is a missed opportunity for regulatory relief, contains new authority for

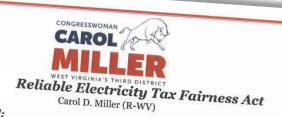
I urge you to vote no on these destructive and

### THERMAL COAL INCENTIVES LEGISLATION

RELIABLE ELECTRICITY TAX FAIRNESS ACT

#### REPRESENTATIVE CAROL MILLER'S (R-W. VA.) **RELIABLE ELECTRICITY TAX FAIRNESS ACT INCLUDES:**

- New Production Tax Credit / Investment Tax Credit
- Utilities with 20 MW
- Annually meet performance thresholds of:
  - 60 percent deliverability
  - 80 percent carbon neutrality



#### Background:

Over the last three decades, renewable electricity tax credits have successfully reduced the cost of wind and solar power generation by stimulating investment and market deployment. With that original policy

\*DRAFT\* Reliable Electricity Tax Fairness Act \*DRAFT\* Section by Section Summary

#### Section 1. Findings

Section 1 delivers findings on the importance of a reliable and affordable electrical grid for American economic growth, national defense, and other purposes. It underscores the challenges of reducing the carbon output of the United States, and the importance of not compromising electricity reliability with the reduction of carbon intensity. The findings further show that historic Investment Tax Credits (ITC) and Production Tax Credits (PTC) have completed their original purpose of incentivizing the renewable energy technologies in use today. Future ITCs and PTCs should be fuel-neutral and take into consideration the ability of the producer to consistently deliver electricity to the grid to help assure grid reliability, as well as considering the degree of carbon neutrality of the electricity.

#### Section 2. Establishment of Qualified Energy Facility Production Credit

Section 2 amends Section 45 of the Internal Revenue Code of 1986 to allow electricity producers to take a production tax credit equal to:

for electricity generated that is at least 80% carbon-neutral and can be delivered, including allowance of storage, at least 60% of the time. The base credit is 1 cent per kWh. An additional 0.05 cents per kWh is earned for each percentage point of performance above the 80% and 60%

Section 2 goes on to defines what energy facilities qualify, how electricity deliverability is measured (i.e., deliverability score), how the electricity's carbon footprint is measured (i.e., carbon score), net maximum capacity, fuel supply chain, other special rules, and specifies that the credit only applies to energy produced in the United States of America.

- Definition: "Qualified Energy Facility"
  - Meet a net maximum capacity of 20 megawatts or greater; Have standard registration with the North American Electricity Reliability Corporation (NERC). which requires maintaining compliance with reliability standards; Participate in NERC's Generation Activity Data System (GADS), which supports standardized reporting of electricity generator performance; Enter into service after December 31, 2021, reenter service after a major retrofit (e.g., the addition of CCUS or substantial energy storage) or re-enter service after a life-extension project; and: Meet minis

reliable grid. enerating capacity to nercial, residential and

ill require:

nstead of retiring it.

duction Tax Credits electricity generation carbon footprint. (2) and potential fuel-

ed utilities, independent power generators will

nel types, including: back-up power.

orage (CCUS).

Corporation (NERC).

pports standardized

rofit (e.g., the addition extension project.

# THERMAL COAL INCENTIVES LEGISLATION BIPARTISAN INFRASTRUCTURE BILL

- Carbon Capture Demonstration Project Program
  - Estimated application opening date in 4th quarter 2022
  - Two of six projects earmarked for coal plants
- Carbon Utilization Program
  - Estimated application opening date in 4th quarter 2022
- Carbon Capture Large-Scale Pilot Projects
- Carbon Capture Demonstration Projects Program
- Direct Air Capture Programs
- Carbon Capture Technology Program
- Front-End Engineering and Design



A GUIDEBOOK TO THE
BIPARTISAN INFRASTRUCTURE LAW
FOR STATE, LOCAL, TRIBAL, AND
TERRITORIAL GOVERNMENTS, AND
OTHER PARTNERS

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	S.L.C.
AMENDA	
AMENDMENT NO.	0.1
Purposo, I., 41	Calendar No
Purpose: In the nature of a substitute	
IN THE SENATE OF THE UNITED STAT	FC 117.1
	ES—117th Cong., 1st Sess.
H. R. 3684	
To authorize &	
To authorize funds for Federal-aid hig programs, and transit programs, and	rhwaye high
programs, and transit programs, and	for other
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THE NEW TOTAL AT	
to be proposed by Ms. SINEM. PORTMAN, Mr. MANCHIN, Mr. CASS	SUBSTITUTE intended
PORTMAN Mr. MANAGEME	A (for herself M <sub>n</sub>
Ms. Collins, Mr. Tester M.	SIDY, Mrs. Shaheen
Ms. Collins, Mr. Tester, Ms. Muner, and Mr. Romney)	JRKOWSKI, Mr. WAR-
Tr:	***************************************

Strike all after the enacting clause and insert the fol-

### **COMMUNICATIONS** – BUILDING A STRONG MESSAGE

Context adds 10 percentage points of support

#### No context

Do you support the EPA rolling out regulations designed to close coal plants?

#### Build context

In the context of the global energy crisis, are you concerned about the closure of coal plants deepening the energy crisis?

Given high natural gas prices, are you concerned about regulations that could close more coal plants making consumers more reliant on natural gas?

Are you concerned about regulations that could close more coal plants potentially raising the cost of electricity?

## **78% YES**

48% YES

32% NO

80% YES

83% YES

#### With context

In the context of higher electricity rates, high natural gas prices and the global energy crisis, do you support EPA regulations designed to close coal plants?

44% **YES** 

#### **COMMUNICATIONS** – DELIVERING A STRONG MESSAGE

### The Washington Times

Inflation Reduction Act could threaten U.S. power systems

America's baseload power plants are being pushed off the grid

The Intelligencer.
Wheeling News-Register

**Europe's Energy Crisis Offers Bleak Warning for U.S.** 





### The Inflation **Reduction Act Could Push Power Grid Reliability** Into a Tailspin

By Rich Nolan





The coal capacity that once provided competition and balance to the nation's electricity mix is no longer available in many

**KEY PERFORMANCE INDICATORS** 

134 **OPEDS YTD** 

PRESIDENT OPEDS

3.64M READERS REACHED

38 **BLOGS** 

**VIDEOS** 

306,000+ VIDEO VIEWS

#### **REGAN PLAN**



#### **HAPPENING NOW**

- Coal ash closure decisions
- Effluent Limitation Guidelines proposed rule
- Particulate Matter National Ambient Air Quality Standards reconsideration



#### **IMMINENT THREAT**

Interstate Transport Rule on ozone



#### **FUTURE THREATS**

- Clean Power Plan replacement rule
- Regional Haze
- Mercury Air Toxics Standards



## CONGRESSIONAL OVERSIGHT

#### Congress of the United States Mashington, DC 20515 The Honorable Michael S. Regar U.S. Environmental Protection Agency 1200 Pennsylvania Ave, NW Washington, DC 20460 Dear Administrator Regan, We write in regard to the November 25, 2020, application submitted by the Sebree-Green Power Station, in our state, to the U.S. Environmental Protection Agency (IPA) for an extension allowed under the coal combustion and residual rule (CCR Rule) for surface impoundment compliance. The Sebree-Green Power Station anticipates an upcoming retirement dute for the plant and has requested as two-year extension under the role. Although FPA has not yet opened a formal public comment docket we believe it is important to predict the cCCR Rule. The EPA has a frendly off accounting and provised of extending classification and the important for the cCCR Rule. The EPA has a frendly off accounting the provised of extending classification and the state of the comment of the waste in surface impoundments, meaning they spend plant operations unless the utility is able h a reliability assessment that is yet to be Republican Leader United States Senate James Comer In addition to supporting PJM, which serves part of Ker James Comer wire a 135-day compliance per-summer peak months on the PJ Member of Congress On June 2, the North American On June 2, the North American E. We also seems settlements (from coal plants) occur at a faster pace than expected." MISO either executive John Bear also commented for the story, "We are moving in that G:\M\17\MCKINL\MCKINL\_173.XML

#### Congress of the United States Mashington, DC 20515

January 21, 2022

The Honorable Michael Regan Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue N.W. Washington, D.C. 20004

Dear Administrator Regan:

Last week, the U.S. Environmental Protection Agency (EPA) announced that it will take a number of steps to address the disposal of coal combustion residuals (CCRs), including making determinations on requests for extensions to EPA's CCR surface impoundment closure

EPA received 52 completed applications for an extension, which included three requests from EPA received 52 completed applications for an extension, which included inrec requests from American Electric Power (AEP) for the Mitchell, Amos, and Mountaineer power plants in West American Electric Fower (AEF) for the Mitchell, Amos, and Mountaineer power plants in West Virginia. We respectfully request that you approve these three requests so that the citizens of West Virginia, their communities, and families can avoid the devastating economic impacts of taking those plants offline or having them close prematurely.

The Mitchell, Amos, and Mountaineer power plants are significant economic drivers in the strength of the stren ripple effects throughout the almost all of the coal used

Shelly More Capito

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Shelley Moore Capito

United States Senator

evenues needed to fund impact businesses in the directly or indirectly rely supply the coal for it.

provide the fuel diversity the region with reliable, a seven-year high and inflat cannot afford to take three Virginia coal and the electricity

generates is critical to our state's economy.

Last Fall, the West Virginia Public Service Commission (WVPSC) took action to preserve these Last Fail, the West Virginia Public Service Commission (wvF3C) floor action to present three power plants and allow AEP to take the necessary steps to comply with EPA's regi

#### United States Senate

July 28, 2022

The Honorable Michael S. Regan Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Ave., NW Washington, DC 20460

Dear Administrator Regan:

We write to express our concerns regarding the Environmental Protection Agency's (EPA) propose We write to express our concerns regarding the Environmental Protection Agency's (EPA) proposed Federal implementation Plan (FIP) to implement a "Good Neighbor" plan for transport of come in compliance with the 2015 zone. An Arbiert Air Quality Standards (NAAQS). The proposed compliance with the 2015 zone within the Cross State Air Pollution Rule ("transport rule"), claiming the National Complex of the Cross State Air Pollution Rule ("transport rule"), claiming the National Rule of Plank contribute to the formation of resumal-feed corone, and Fig. Seas to include that sharts within the Cross State Air Pollution Rule ("Transport rule"), claiming that NOx emissions from Wyoming and Utal contribute to the formation of ground-level ozone, and resulting nonattainment, in the State of Colorado.

Under the proposed FIP, EPA seeks to require the installation of selective catalytic reduction (SCR) Under the proposed FIF, LFA seeks to require the installation of selective catalytic reduction (SCR) or coal-fired elegentarily units in Wyoming and Utah by 2026, while ignoring the NOx reductions already achieved through compliance with the LFA's Regional Haze program. Due to the reuseruns arreasy acmeves tarough compinance with the rip's 8 Regional riaze program. Due to in high cost of retrofitting an SCR onto an existing unit (potentially exceeding \$300,000,000 per unit), high cost of retrouting an SLR onto an existing unit (potentially exceeding \$200,000,000 per similar cost on ratepayers. Not to mention, compliance with the proposed FIP would impose significant cost on ratepayers. Not to mention, and the proposed FIP would impose significant cost on ratepayers. companies. Must use proposed Fir wound impose significant cost on natepayers. Not to mention, utilities in our states have already invested hundreds of millions of dollars to install controls for NOx unifies in our states have already investee nundreds of millions of dollars to install controls for NU.

and other criteria pollutants. To require the installation of an SCR on those same units would result stranded investment of those controls already installed.

In the event utilities are unable to bear the significant cost of an SCR, the proposed FIP would alm in the event unities are unable to near the significant cost of an Sew. the proposed certainly force premature retirement or reduction in coal-fired generation and three grid already facing perilous shortages. In fact, the summer - and th

ur states and n John Barrasso, M.D. NERC and region The EPA has fail

impact on regions period, states and United States Senator (R-WY) used by EPA to p indicates that EP

and Utah contribprovided by EPA i novaced by EFA transfer and means are a gaps and inconsistencies in the units conjection and means used by the EPA to justify any contribution to nonattainment in Colorado. Monitoring and other actions of the property of t nconsistencies in the data collection and methodology used by the EFA to Justify any contribution to nonatuamment in Colorado. Sometimening and other datasets indicate contributions to Colorado ozone are below the screening threshold for FFA, and that transfers trained continuous to continuo tector are veron the secretaing integrated for exer-other emissions from mobile and natural sources (i.e., wildfires), as well as variable meleon ent levels, and clearly beyond the coCongress of the United States Mashington, DC 20515

July 8, 2022

The Honorable Michael S. Regan Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20460

Dear Administrator Regan:

Vicente Gonzalez

Member of Congress

As members of the Texas Delegation, we are writing today regarding the Environmental Protect As incurrent or the 1 case Deregation, we are writing loday regarding the Environmental Protection Agency's (EPA) permature implementation of a Federal Implementation Plan (FIP) as part of its "Good Neighbor" Plan for the 2015 National Ambient Air Quality Standards for ozone (Transpor Soot reignor. Fini for the 4013 relational Ambient Air Quality Standards for ozone (Transport Rule). More specifically, we are consecled with the EPA's disapproval of the Texas revision to its Clean Air Act State Implementation Plan (TX Transport SIP) without any comments from the EPA during the over three-and-a-half-year review before the agency.

We have serious concerns that the dramatic emission reductions being imposed by EPA's Transport we have serious concerns that me dramatic emission reductions being imposed by Er A s Transport Rule FIP are not warranted. Nationwide, dramatic reductions in emissions of nitrogen oxides (NOs) Kuns F1F are not warranned, wantonwine, orannatic reductions in emissions of nurogen oxides (woxing power plants have resulted in significant environmental improvements. This includes downwing the provided of the provided provided in significant environmental improvements. ion power plants new resumen in against an environmental improvements. Into includes downwing states, where the ole of upwind framport of emissions from power plants has dropped significantly. This diminishing role of upwind more plant entities ons is well-documented in Texas as fully demonstrated by the TX Transport SP that was submitted on August 17, 2018.

f 2021, the potential grid impacts of the Transpor yid detail what happens when it does not have ens, clean and distribute its water, and fuel the FIP is almost certain to result in reliability ris

Henry Lillar

See Sections 2.1-2.4, pages Clean Air Act, Sections 110(A)(1) and National Ambient Air Quality Standard EPA on August 17, 2018) Henry Cuellar Member of Congress

2See, e.g., 87 Federal Reg

elements including Assurance (evels (5), Annual Resident of Theorem of Allowance Bank (6), Unit-Specific Banksion Rates (7), Unit-Specific Banksion Limited International Configurations (6), Unit-Specific Banksion Limited

FRANK PALLONE, JR., NEW JERSEY

CATHY McMORRIS RODGERS, WASHINGTON

ONE HUNDRED SEVENTEENTH CONGRESS Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE 2125 RAYBURN HOUSE OFFICE BUILDING WASHINGTON, DC 20515-6115

June 6, 2022

The Honorable Richard Glick Chairman
Federal Energy Regulatory Commission Washington, DC 20426

Dear Chairman Glick and Commissioners:

Last week, the North American Electric Reliability Corporation (NERC) issued an alarming assessment, raising concerns about the reliability of the bulk power system for the upcoming summer months.

NERC reported that more than half the nation will be at elevated risk of power outages this NERG. reported that more until man are inflored with or at crevated that of power outages this summer. This is because of insufficient resources to provide power to peoples' homes when their

The electricity resource shortfall is estimated to be even worse for customers living in a large ding from Wisconsin to Louisiana, where the

H. Morgan Griffith Member of Congress

Cathy McMorris Rodgers

Republican Leader House Energy and Commerce

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ctive NO

#### AMENDMENT TO DIVISION E OF RULES COMMITTEE PRINT 117-55 OFFERED BY MR. McKinley of West Virginia

At the end of division E (before the short title), insert the following:

- Sec. \_\_\_\_. None of the funds made available by this
- 2 Act may be used to finalize, implement, or enforce the pro-
- $3\,$  posed rule titled "Federal Implementation Plan Address-
- 4 ing Regional Ozone Transport for the 2015 Ozone Na-
- 5 tional Ambient Air Quality Standard" published by the 6 Environmental Protection Agency in the Federal Register
- 7 on April 6, 2022 (87 Fed. Reg. 20036 et seq.).

X

#### AMENDMENT TO DIVISION E OF RULES COMMITTEE PRINT 117-55

(INTERIOR & ENVIRONMENT APPROPRIATIONS DIVISION)

OFFERED BY MRS. HINSON OF IOWA

At the end of division E (before the short title), insert the following

- Sec. \_\_\_\_. None of the funds made available by this
- 2 Act may be used for implementation or administration of
- 3 the rule entitled "Hazardous and Solid Waste Manage-4 ment System: Disposal of Coal Combustion Residuals
- 5 From Electric Utilities; A Holistic Approach to Closure
- 6 Part A: Deadline To Initiate Closure" published by the 7 Environmental Protection Agency in the Federal Register
- 8 on August 28, 2020 (85 Fed. Reg. 53516) that results
- 9 in the closure of a coal-fired power plant.

Rep. Chris Stewart FY23 - Interior Amendment #3 AMENDMENT TO INTERIOR AND ENVIRONMENT APPROPRIATIONS BILL OFFERED BY MR. STEWART OF UTAH

At the end of the bill (before the short title), insert the following:

Sec.\_\_\_\_. None of the funds made available by this or any other Act may be used by the Administrator of the Environmental Protection Agency to write or issue pursuant to section 110(a)(2)(D)(i)(I) of the Clean Air Act (42 U.S.C. § 7410(a)(2)(D)(i)(I)) referred to as the "good neighbor provision" or the "interstate transport provision" of the Act."

AMENDMENT TO DIVISION E OF RULES COMMITTEE PRINT 117-55

(INTERIOR AND ENVIRONMENT APPROPRIATIONS DIVISION)

OFFERED BY MR. McKinley of West Virginia

At the end of division E (before the short title), insert the following:

- Sec. \_\_\_\_. None of the funds made available by this
- 2 Act may be used by the Environmental Protection Agency
- 3 to deny requests from utilities for extensions of time to
- 4 comply with the requirements of paragraphs (1) and (2) 5 of section 257.103(f) of title 40, Code of Federal Regula-
- 6 tions, concerning coal combustion residuals.

#### REGIONAL AND STATE OVERSIGHT

#### **GOVERNORS**









Gov. Gordon | Wyo.

Gov. Stitt | Okla.

Gov. Younkin | Va. Gov. Gianforte | Mont.

#### **ATTORNEYS GENERAL**









AG Landry | La. AG Morrisey | WVa.

AG Marshall | Ala.

AG Rokita| Ind.











Ms. Barbara Sugg President and CEO Southwestern Power Pool, Inc. 201 Worthen Dr. Little Rock, AR 72223

As governors of Southwest Power Pool (SPP) states, we are writing to express our concern over the effect As governors of Southwest Power Pool (SPP) states, we are writing to express our concern over me errect of the Federal Implementation Plan (FIP) being imposed on many of the SPP states by the U.S. EPA as it of the research importantiation Fail (i.e.) occupy imposes the many or the one; below my the Colo below the seeks to implement a "Gued Neighbor" Plan governing internate transport of emissions in the context of the 2015 Ozone National Ambient (i.e. Quality Standard (NAAQS)) (beverable, "Transport Rule FIP"). Not the 2015 Ozone National Ambient Air Quality Standard (NAAQS) (Bereinafter, "Transport Rule FB"). Not only are we deeply troubled by the imposition of this FIP without a meaningful attempt by EPA to review only use we usepy summer up are suposition or into the wintout a meaningful animpt by EPA to review several state-designed good neighbor plans (a.k.a. "Transport SIP Revisions"), we are also urgorily concerned about their lock of consultation with SIP and other Regional Transmission Organizations concerned about their lack of consultation with SHY and other Regional Transmission Organics (RTOs) regarding the immediate impact of this coercive move on electric reliability in our region.

As you are probably aware by now, in a series of announcements starting February  $22^{nd}$  and culminating As you are processly aware by now, in a series of autoenformment stating rearrange  $\frac{1}{2}$  and voluments on April 6 and May  $\frac{1}{2}$  4. EPA summarily disapproved several SFP state Transport SIP Revisions and issued the proposed IPP to impose against and additional compliance obligations on coal- and gas-free forms of the proposed IPP to impose against an additional compliance obligations on coal- and gas-free forms. issued the proposed FIP to impose agarificant additional compliance obligations on coal- and gas-tiree, power plants less than one year from now (May 1, 2023). All our states have strong environmental track power plants icus man one year nom now (oney 1, 2023). Alt our since have strong cirritorinations when records, highly efficient and well-controlled coal and gas plants, and consistent improvements in ambient receests, tughny effectent and well-controlled coal and gas peants, and computent improvements an american air quality as a result. In our regions and nationally, ozone levels continue to drop and power plants are air quanty as a resuit. In our regions and nanonaity, ozone seveis commuse to drop and power piants are playing an ever-smaller role on those levels relative to mobile and other sources. This rule ignores these paying an ever-insuler rote on more sevets remove to mouse and other sources. Into the ignores these facts and appears to be more about meeting the current Administration's amounced goals of climinating races and appears to be more aroun meeting sue-exercise commissionals is minimized fossil fuel power plants than addressing significant contributions to serious environs.

Put simply, the Transport Rule does too much, too soon, for too little. Aside from the coercive approach Fig. strippy, the a ramport Rule flow meet, for soon, for too since. Assist from the coercive approached by the Transport Rule FIP, the FIP would render most the hundreds of millions of dollars.

entocauce by the transport rate far, the far would return most the man ratepayers have invested in enhanced NOx controls, including Selective N ratepayees have arvessed in communed (very controller, meaning assessment, systems, and imposes a draconian edict that all plants install replac 3-ysterms, anna imprises a uracontain edict triat air piants instalt replace Selective Catalytic Reduction (SCR) controls – in just three years from if it were appropriate to waste the money already spent by our ratep It is were appropriate to water one money arrently spent by our ratepay millions of new costs, it is simply not possible to accomplish the r installation by 2026. Considering state and federal permitting require and supply-chain issues, electric utilities will not have time or funds to it as you know as a grid operator, there will not be sufficient time to stage necessary for such a massive construction project across the fleet. As a renecessary for such a massive commutation project across me spect, was a re EPA's action will be the mass premature retirement of coal and gas units i

What this means for the SPP region is that, due to the SCR retrofit requ was numbered for the services of the state of gas-fired generation and premature retirement of 1,500 Megawatts of gas-fired generation and premature retirement of 1,500 Megawatts of gas-fired generation and premature retirement of 1,500 Megawatts of gas-fired generation and premature retirement of 1,500 Megawatts of gas-fired generation and premature retirement of 1,500 Megawatts of gas-fired generation and premature retirement of 1,500 Megawatts of gas-fired generation and gas-fired generation gas-fired generation and gas-fired generation gas-fired ge promature retirement of 1,500 originating or gas-tires generation and generation (37 percent of the SPP coal fleet) in the next four years. An generation (5) percent of the Ser coat neet) in the next four years. An projected impact given that SCR-controlled units are also at risk of retiri personnel of the state of the s stringent to dynamic uneges senting process, caps on manking or the daily it this capture the forced idling of plants during the summer months that co due to the scarcity and price escalation of emission allowances caused by

Given the fact that SPP experienced regionwide outages for the first-time and the follow-up study by SPP found that there is a concern with the being replaced with intermittent power, this additional threat to grid ref being reptaced with intermittent power, this admitted to the two gives ea-"all hands-on dock" effort to amplify the reliability risks at hand. Resp on full evaluation of the FIP's potential impacts and the developm John tout evanuation of the EEF P potential impacts and the developme continued operation of dispatchable power plants so the uncertainty of in the heat of the summer and cold of the winter.

Thank you for your immediate attention to this pressing matter.



iovernor Kristi Noem



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Resolution Opposites Tax 1	The state of the s
Resolution Opposing EPA's 'Good Neighbor Rule' posed Policy Resolution 2,2022	
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resolution in Support of Gulf of Mexico Oil and Gas Los	3
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- Proposed Policy Resolution 5.2022 Continuing Resolution on Energy Costs...
- oposed Policy Resolution 6.2022

#### FEDERAL COAL LEASING



# Judge reinstates Obama-era coal-leasing ban

### RECENT COURT DECISION REINSTATES JEWELL MORATORIUM

2016

JANUARY

Jewell order imposes moratorium

MARCH

2017

Zinke rescinds Jewell order

**MARCH** 

NGOs file challenge to Zinke order 2019

**APRIL** 

Montana District Court finds Zinke order was subject to NEPA, requiring an analysis before lifting the Jewell order

MAY

BLM issued a draft environmental assessment (EA) in response to the Montana District Court order 2020

**FEBRUARY** 

BLM issued its final EA and finding of no significant impact for the resuming the federal coal leasing program pursuant to the March 2017 Zinke order

**JULY** 

NGOs challenge EA as insufficient

2021

**JANUARY** 

Climate E.O. imposes oil & gas moratorium but not coal

**APRIL** 

DOI Secretary Haaland rescinded the Zinke order that reversed the Jewell order but similarly did not reinitiate a coal moratorium, called for a new review

**AUGUST** 

Interior released a notice of intent to conduct a review of the federal coal leasing program – challenge to EA is paused

**DECEMBER** 

DOI releases summary of comments

2022

**JANUARY** 

NMA, DOJ and states argue litigation is mute because Zinke order has been rescinded

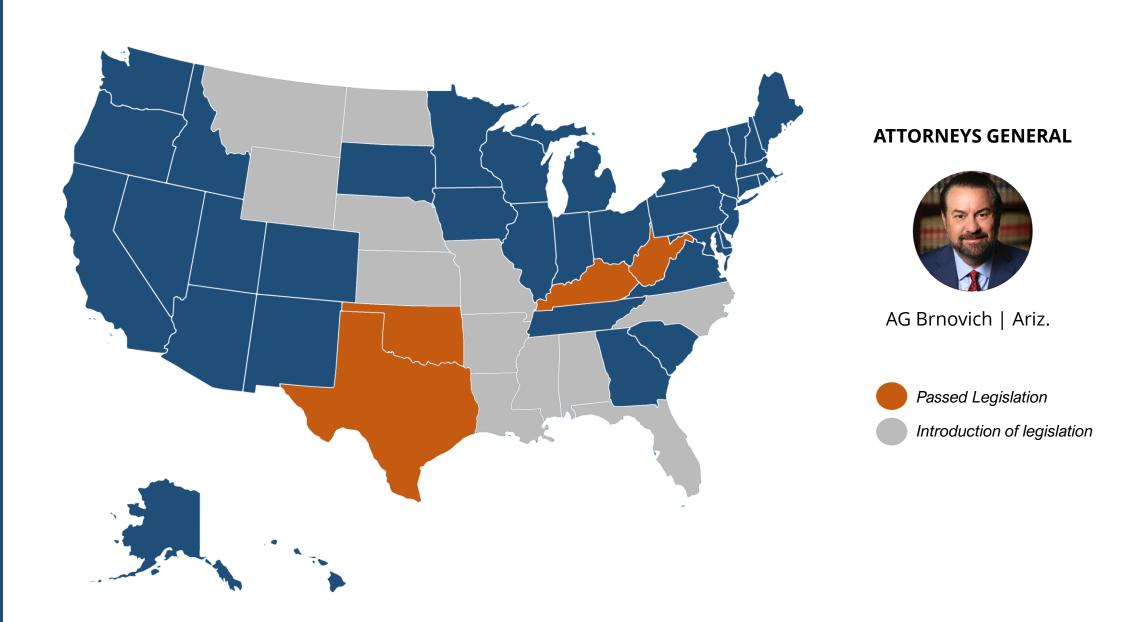
**AUGUST** 

Judge reinstates Jewell Moratorium

**OCTOBER** 

NMA to appeal

### **DISCRIMINATORY LENDING**



## DEPARTMENT OF LABOR BLACK LUNG SELF INSURANCE RULEMAKING

- December 2021 House hearing spurred new Office of Workers' Compensation Programs letters on increases in collateral to be able to self-insure under the Black Lung Benefits Act
- Office of Workers' Compensation Programs announces anticipated rulemaking on authorizing operators to self-insure and for determining appropriate security amounts
- Proposed rule anticipated in October 2022
- Proposal sent to Office of Management and Budget for interagency review on Aug. 30
- NMA scheduling meeting with Office of Management and Budget to express industry's concerns
- Congressional oversight

