# COAL CEO MEETING

National Mining Association | April 2023



# **AGENDA**

Welcome and Introductions	Paul Lang
Global Trends	Rich Nolan
Transportation - Rail	Ryan Jackson
WH/EPA/Regan Coal Plant Strategy	
- Regulations - Litigation - State Oversight - AGs - Congressional Oversight	Tawny Bridgeford
Communications	Ashley Burke/Conor Bernstein
Federal Coal Leasing	Katie Sweeney/Ryan Jackson
Discriminatory Lending/Insurance	Jerry Mullins
Black Lung Self-Insurance	Katie Sweeney
Adjournment	Paul Lang



# TRANSPORTATION | RAIL

- NMA Quarterly Rail Survey
- Surface Transportation Board Rail Energy Transportation Advisory Committee (RETAC)
  - Three coal producer seats recently appointed
- NMA Testimony to STB Dec. 2022 Union Pacific Excessive Use of Embargoes
- Congressional and State Oversight
- NMA Transportation Committee
- NMA Engages With:













29,499.00 170.00 -0.57%



03/09/2023 (Thursday) No. 22-04 www.stb.gov

FOR RELEASE

FedRelay 1-800-877-8339

STB APPOINTS NINE MEMBERS TO RAIL ENERGY TRANSPORTATION ADVISORY COMMITTEE

The Surface the Board's are Messrs Paul Lang. serve three-

Mr. Adam A Association lessors.

Mr. John Br electric utili

Mr. James C the committee

Mr. Christon is appointed

Mr. John Ha Energy. He

Mr. Paul La



& GRAVEL ASSOCIATION

March 23, 2023

Hon. Sam Graves House Committee on Transportation and Infrastructure 2165 Rayburn House Office Building Washington, DC 20515

Hon. Rick Larsen Ranking Member House Committee on Transportation and Infrastructure 2163 Rayburn House Office Building

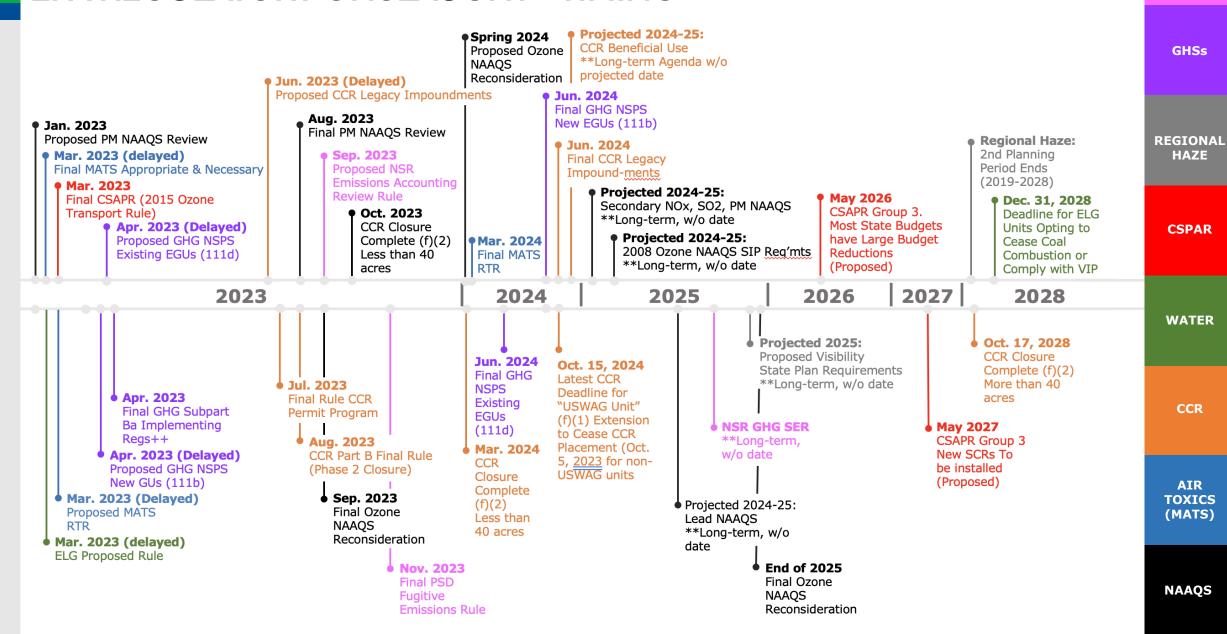
**GHSs** 

HAZE

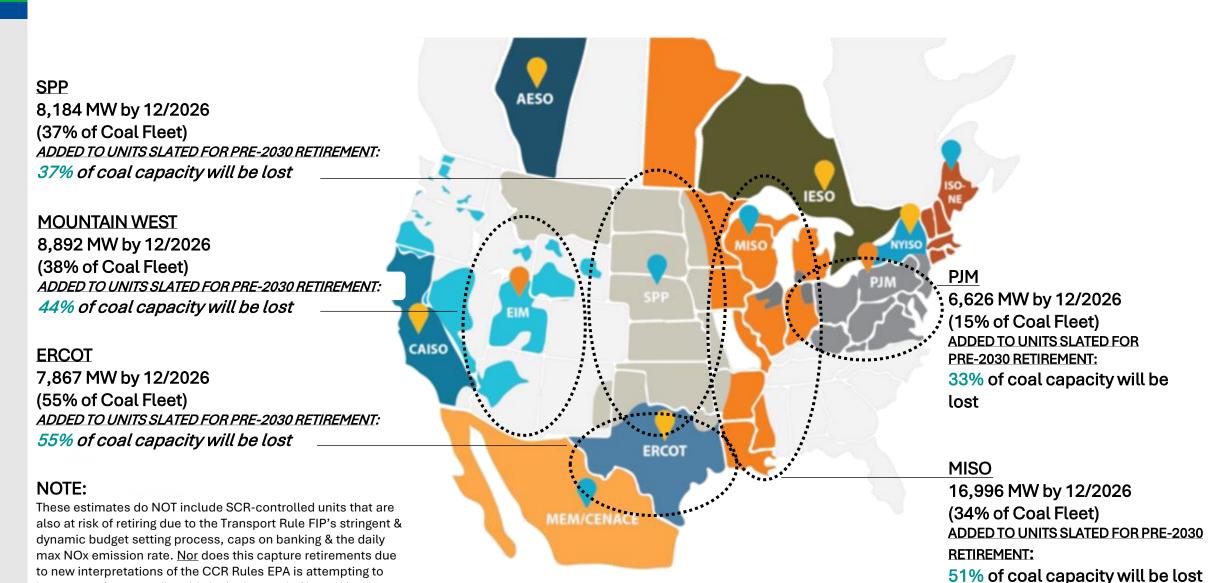
CCR

AIR

### **EPA REGULATORY ONSLAUGHT - TIMING**



## RELIABILITY IMPACTS OF PENDING EPA RULES: OZONE TRANSPORT



impose on the states (i.e. this is the low end of impact).

# STATE REACTION: OZONE TRANSPORT

### **State Oversight**

### Governors



Gov. Doug Burgum North Dakota



Gov. Mark Gordon Wyoming



Gov. Brad Little Idaho

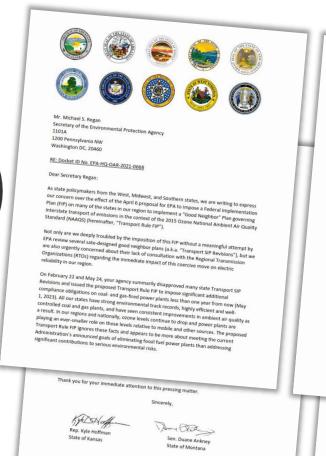
### **Attorneys General**



AG Patrick Morrisey West Virginia



AG Sean Reyes Utah



Jefferson City, MO 65101-680

Elections and Elected Officials

MISSOURI HOUSE OF REPRESENTATIVES Justin Sparks

The Honorable Andrew Bailey Missouri Attorney General's Office PO Box 899 Jefferson City, MO 65102 Dear Attorney General Bailey,

CAPITOL OFFICE

201 West Capitol Avenu

Tele: (573) 751-0562

Rep. Eddy Dempsey

State of North Dakot

Mr. John R. Bear Chief Executive Officer

Midcontinent Independe

720 City Center Drive

Carmel, IN 46032

Mr. Manu Asthana President and CFO

PJM Interconnection

PO Box 1525

I am very concerned about the EPA's proposed Federal Implementation Plan for their am very concerned about the EPA's proposed rederal implementation vian for their cos State Air Pollution ("Good Neighbor") rule, as it places a disproportionately heavy burden Cross state Air Ponucon ( Good Reignour ) rule, as it places a disproportionately really under on Missouri that is likely to result in a massive increase in energy prices for Missouri consumers.

Despite only contributing 1.3% to 2.4% of NOx emissions to monitored sites in neighboring states, Missouri is being asked to make a full 12% of the proposed national cut to retigration mig sustes), missions is dering easeed to make a run 14.70 of the proposed national cut to emissions. The EPA is giving our state very little time to make this massive adjustment, which will likely result in some power plants being prematurely retired, producing a significant strain

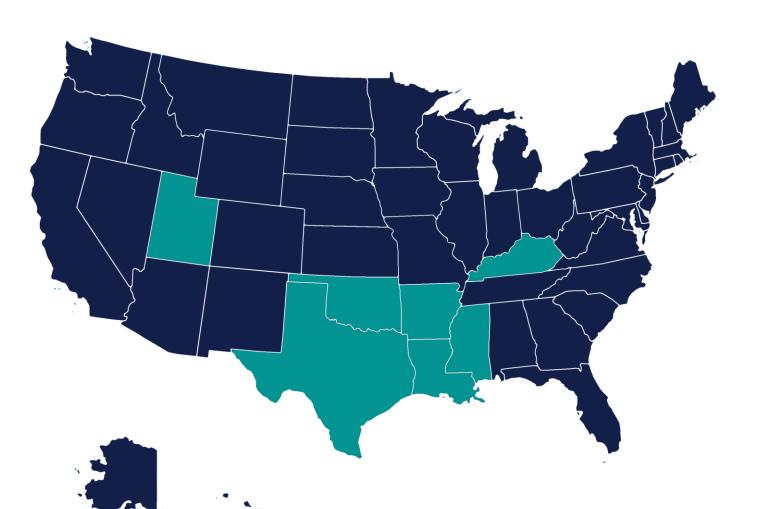
Energy policy like this has been historically reserved to the states, and this significantly usurps the Public Service Commission's power to regulate electricity production in Missouri.

I hope that you will stand against this unnecessary burden on Missourians and I nope out you will stand against this uninecessary burden on missioning and announce your intent to sue the EPA once this rule is finalized. As more conservatives voice amounce your intent to sue the EPA once who rule is inhenced. As more conservatives voice their intent to take this regulation to court, it will put more pressure on the EPA to back down.



## STATE LITIGATION ON STATE IMPLEMENTATION PLAN DENIALS

**State Challenges Filed** 



**5<sup>th</sup> Circuit:**Texas
Louisiana
Mississippi

**6<sup>th</sup> Circuit:** Kentucky

**8<sup>th</sup> Circuit:** Arkansas

10<sup>th</sup> Circuit: Utah Oklahoma



AG Landry | La.



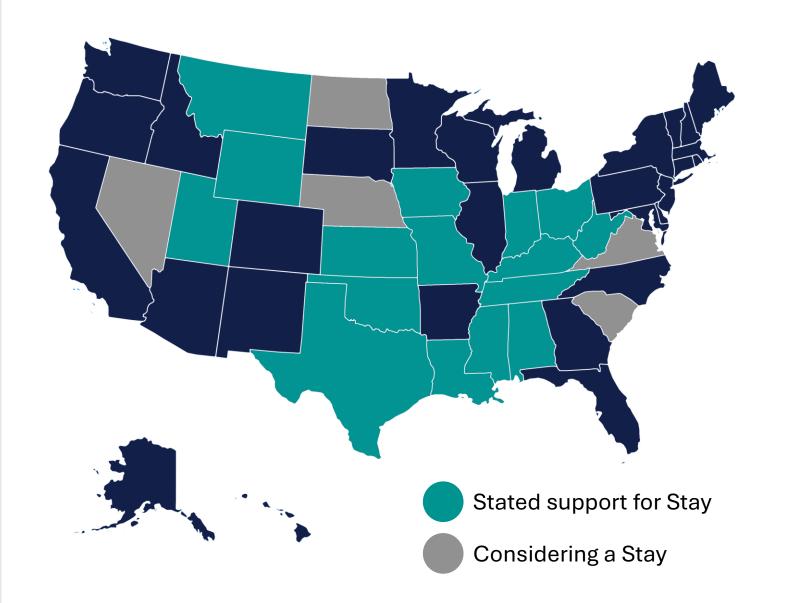
AG Griffin | Ark.



AG Paxton | Texas

# STATES WORKING TO FILE A STAY ON FEDERAL RULE











AG Rokita | Ind.







AG Marshall | Ala.





AG Bailey | Mo.

# **CONGRESSIONAL OVERSIGHT: OZONE TRANSPORT**



RANKING MEMBER CAPITO STATEMENT ON EPA'S FINAL 'GOOD NEIGHBOR PLAN' BURDENING STATES, TARGETING AMERICAN ENERGY, INFRASTRUCTURE

Capito says plan "has two things in common with the Inflation Reduction Act: a misleading name and disastrous impacts for American energy producers"

WASHINGTON, D.C. - Today, U.S. Senator Shelley Moore Capito (R-W.Va.), Ranking Member of the Senate Environment and Public Works (EPW) Committee, released the below statement on the Environmental Protection Agency (EPA) announcing its "Good Neighbor Plan" that targets American power production and burdens states "The EPA's 'Goo

the Inflation Rec energy produce 23 states with o also targets spec and pulp and pa another regulati and making Am BACKGROUND:

#### FOR IMMEDIATE RELEASE

In June 2022, Ra Regan outlining

Ranking Membe during EPW hea



March 15, 2023

CONTACT: Press Office

(202) 226-4972

## Chair Rodgers Demands EPA Reverse Its Effort to Shut Down American Power Plants

Washington, D.C. — House Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-WA) issued the following statement after the Environmental Protection Agency (EPA) announcing its "Good Neighbor" final rule, which compromises our grid

"The EPA's so called 'Good Neighbor' plan is nothing more than the next phase in its effort to force power plants to shutter, leaving Americans without a viable energy supply to replace it. People across the country are being forced to give up basic necessities, like food and medicine, in order to afford skyrocketing energy hills. The last thing a federal agency taking steps that drive reliable

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

The Honorable Michael S. Regan

U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20460

#### Dear Administrator Regan;

As members of the Texas Delegation, we are writing today regarding the Environmental Protection As memoras of the rexas defegation, we are writing today regarding the Environmental Protection Agency's (EPA) premature implementation of a Federal Implementation Plan (FIP) as part of its Agency's (127A) premature implementation of a rederal implementation rian (1117) as part of its of Good Neighbor. Plan for the 2015 National Ambient Air Quality Standards for ozone (Transport Goog reggnor: Plan for the 2013 reanoing Antonem Air Quanty Journal of the Texas revision to its Rule). More specifically, we are concerned 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

We have serious concerns that the dramatic emission reductions being imposed by EPA's Transport we have senses verseens may are manage emission reductions oring imposed by the S a transport Rule FIP are not warranted. Nationwide, dramatic reductions in emissions of nitrogen oxides (NOX) Rule FIF are not warrantee. Ivaluativase, utatinatus recursatoris in emissions of introgen orange (1998) from power plants have resulted in significant environmental improvements. This includes downwind from power plants mave resumed in signational environmental improvements. The interest states where the role of upwind transport of emissions from power plants has dropped significantly. This diminishing role of upwind power plant emissions is well-documented in Texas as fully demonstrated by the TX Transport SIP that was submitted on August 17, 2018.

With Texas' recent Winter Storm Uri in February of 2021, the potential grid impacts of the Transport with 1 case recent wither ownin cut in retriany of 2021, the partition give impacts of the 1 mapped Rule FIP are not hypothetical. Texas knows in vivid detail what happens when it does not have sufficient dispatchable capacity to protect its citizens, clean and distribute its water, and fuel the conomic engines of the state. This Transport Rule FIP is almost certain to result in reliability risks

odeling and analysis, by the year 2026, no coal-fired generator with over 100 pacity is allowed to operate in the "Group 3" upwind states without installing eduction NOx control system. This is despite a significant number of the including Texas, having already installed advanced, highly effective NOx sural networks, combustion controls and Selective Non-Catalytic Reduction

4. pages 2-1 through 2-10, including Figures 2-2, 2-3, 2-4, 2-5, 2-6, 2-7, and 2-8. Federal 66, Pages 2-1 strough 2-10, including rigures 2-2, 2-3, 2-3, 2-3, 2-3, 2-3, and 2-8, Feder (M/I) and (J) Transport State Implementation Plan (SUP) Revision for the 2015 Ozone of Standards (Project No. 2017-039-SIP-NR)(Adopted August 8, 2018 and submitted to

Register 20121-20130 discussion of proposed state budgets, including key restrictive & Levels (5), Annual Recalibration of Allowance Bank (6), Unit-Specific Backstop Duily seific Emission Limitations Contingent on Assurance Level Exceedences (8), and Unit-

Randy Weber Member of Congress

United States Senate

COMMITTEES ARMED SERVICES ENERGY AND NATURAL RESOURCES VETERANS' AFFAIRS

March 8, 2023

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

RE: Docket No. EPA-HQ-OAR-2021-0668

Dear Administrator Regan:

I am writing to express my strong concerns regarding the upcoming final regulation for the rain writing to express my suring sometime regarding the appearing that regulation to the second of the 2015 Ozone Transport for the 2015 Ozone National Ambient Air Quality Standard." I urge EPA to postpone finalizing this rule until the agency has addressed the warnings from our nation's electric reliability experts and the significant concerns expressed by state environmental agencies.

This rule, also known as the "Interstate Transport Rule" or "Good Neighbor Rule," applies primarily to power plants and certain other industrial facilities to reduce nitrogen oxides (NOx) primarity to power prains and certain other industrial admittes to reduce introgen oxides (1904) that may contribute to ozone in other states. Regional electricity grid operators have warned that the proposed rule threatens electricity affordability and reliability. By EPA's own analysis, this me proposed rute uncatens electricity and пенариту. ду дед в оwn analysis proposal will drive up West Virginians' electricity prices. Of even greater concern, PIM Interconnection (PJM), the grid operator serving 64 million customers in West Virginia and 13 other states, commented last summer that the Good Neighbor Rule has the potential to cause "distinct reliability challenges that must be addressed," including challenges related to insufficient power generation and loss of essential grid attributes and services. PJM offered a asserting power generation and toos of coordinate grad authorized and services, 13th officer a series of changes to the rule including adjustments to allow the "emissions allowance bank" to series of changes to the fine measuring adjustments of arrow the chinosome unformative outs of function on a regional basis, creation of a "reliability safety valve," and more predictable ozone budgeting that the electricity sector can rely on for long-term planning.

Similarly, in a joint public comment, PJM along with three of the largest grid operators responsible for ensuring bulk power system reliability for more than 150 million customers, responsion for ensuring outs power system renatify for more than 120 million customers, argued that the proposed rule threatens grid reliability because it lacks a reliability safety valve and raised concerns that the high costs of installing Selective Catalytic Reduction necessary to comply with the rule could lead to premature power plant retirements or reduced plant runtimes. compay with the count near to premature power plant remembers or reduced plant dumines. EPA should seize the opportunity to mitigate these reliability concerns, especially since EPA has previously adopted similar suggestions in previous Clean Air Act rules. These recommendations proposed by grid operators are a perfect example of commonsense implementation flexibility

that, in EPA's own words, "reflect the paramount importance of ensuring electric system

The threat is not limited to electricity utilities. Other industrial sources targeted in the rule The threat is not milited to electricity unitaries. Outer intuibilities sources targeted in the ture include iron, steel, cement and concrete manufacturers—all critical to infrastructure creation and likely to face technical challenges and costs that will be passed along to consumers to implement the requirements EPA has proposed. Over 20 states have weighed in raising serious concerns about this rulemaking. However, EPA has not indicated whether it plans to address these

EPA must not rush into such a substantial new regulation. The rule is already procedurally troubling as it appears to supersede the state ozone pollution implementation plans developed by 26 state environmental agencies from around the country. Instead of ignoring the state plans, the warnings from our nation's electricity reliability experts, and the impacts to the industries behind warmings from our mation is electricity remaining experts, and the impacts to the maustries ocining. America's critical infrastructure, I urge EPA to postpone promulgation of a final rule until these concerns can be addressed. EPA must clearly demonstrate how it is working with states, grid concerns can be morrossed. Erra must clearly demonstrate now it is working with states, gith operators, and utilities to ensure electricity reliability and address the dire warnings from elected officials, our nation's electricity experts, and key manufacturing industries.

I look forward to you

Member of Congress

Member of Congress

Louie Gohmert

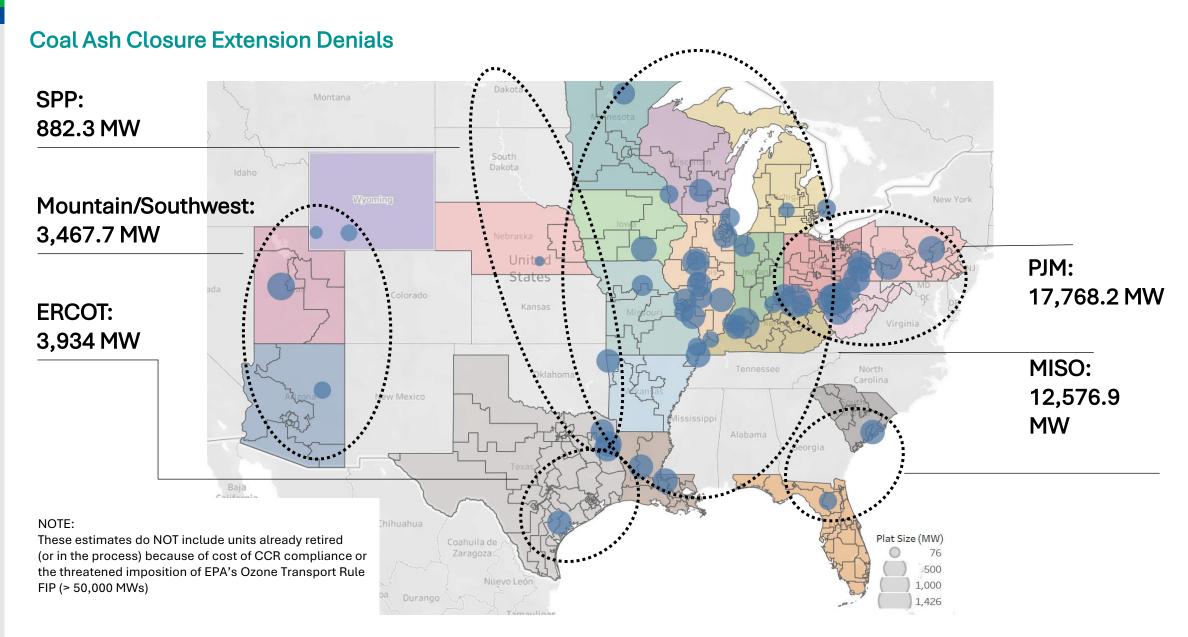
Member of Congress

Michael Cloud Member of Congress

Brian Babin, D.D.S. Member of Congress

Ronny L. Jackson

### RELIABILITY IMPACTS OF PENDING EPA RULES: COAL ASH



## **CONGRESSIONAL OVERSIGHT: COAL ASH**

Republican Leader United States Senate

### **State Delegation Oversight**



Unfortunately, we are moving in that direction

onal experts from RTOs, NERC, and rongly voicing their concerns, we request that er Station your full and fair consideration. We and industry experts on the timing of the CCR serating capacity is not unnecessarily threatened.

# AMENDMENT TO DIVISION E OF RULES

## COMMITTEE PRINT 117-55

### (INTERIOR & ENVIRONMENT APPROPRIATIONS DIVISION)

# OFFERED BY MRS. HINSON OF IOWA

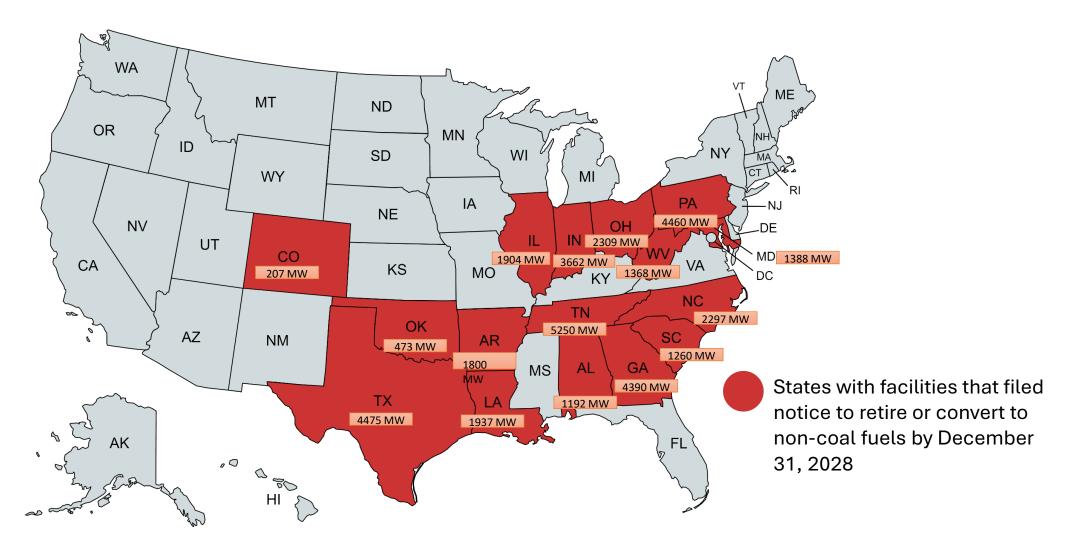
At the end of division E (before the short title), insert the following:

- 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;  $\Lambda$  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.





### RELIABILITY IMPACTS OF PENDING EPA RULES: EFFLUENT LIMITATIONS GUIDELINES





### **COAL PLANTS AND ELECTRIC GRID RELIABILITY**

EPA's Regulatory Agenda Includes Many Rules Affecting the U.S. Power Sector Driving Additional Coal Retirements

### MATS Update

- Appropriate & necessary finding (proposed: Feb. 2022/final: March 2023)
- Residual risk & tech. review: OMB review began; proposal in April/May 2023/final: March 2024

# Particulate Matter NAAQS

- Proposed rule: January 2023
- Final rule: August 2023

# Clean Power Plan Reconsideration

- Proposed rule: April 2023 (delayed); OMB review began
- Final rule: June 2024

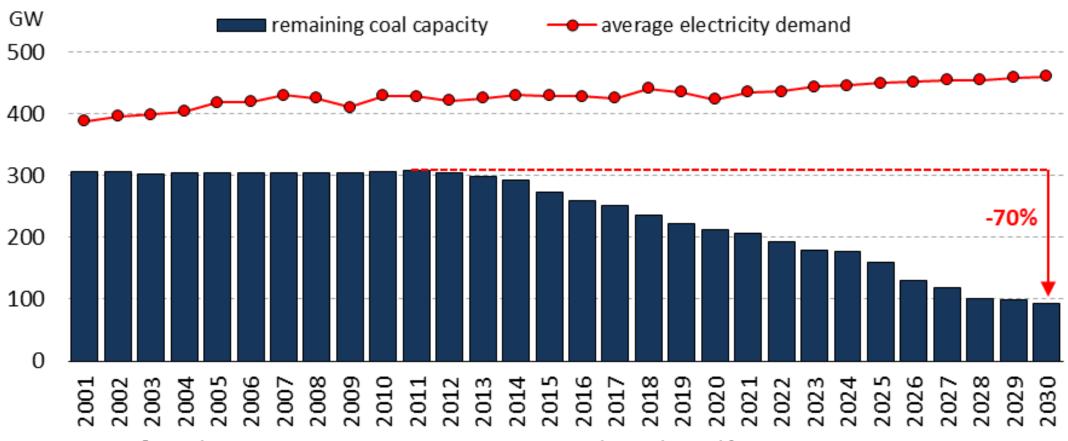
### Regional Haze

- State Implementation Plans Submitted in 2022; EPA disapprovals possible this year
- Findings of failure to submit on 19 states; Federal Implementation Plan threat EPA disapprovals possible this year

- Four additional EPA regulatory matters that can have considerable impact on the U.S. coal fleet over the next decade
- EPA's Mercury Air Toxics residual risk and technology review is likely to result in lower standards for particulate matter, mercury, and acid gases requiring additional controls
- EPA's recently proposed update to the PM<sub>2.5</sub> NAAQS (fine particulates) could require coal plant upgrades
- The upcoming Clean Power Plan Reconsideration could force coal plants to invest in additional controls to reduce greenhouse gas emissions
- EPA is likely to disapprove any Regional Haze plans that did not impose controls on power plants and will implement a federal plan that does

### **CUMULATIVE IMPACT ESTIMATES OF EPA RULES**

Historical & Future Operating Coal Capacity in the U.S. Electric Power Sector *vs.* Average U.S. Electricity Demand



Source: U.S. EIA & EPA data + company announcements; EIA AEO 2022 electric demand forecast

## **GRID OPERATORS FORECAST RELIABILTY RISKS**



**ENERGY** 

Blackout risk: Nation's largest grid operator warns of capacity shortfalls

### **POLITICO PRO**

PJM's expected fossil fuel losses could threaten reliability, report says

# **Energy Transition in PJM:**

Resource Retirements, Replacements & Risks

# EPA DOWNPLAYS RELIABILTY RISK



# U.S. Department of Energy and Environmental Protection Agency Partner to Support Reliable

**WASHINGTON** — The U.S. Department of Energy (DOE) and U.S. Environmental Protection Agency (EPA) today signed a <u>Joint</u> Memorandum of Understanding (MOU) to guide new clean energy opportunities that will support access to reliable, affordable electricity and advance the United States toward the Biden-Harris Administration's goal of a net-zero economy by 2050. With the power sector facing rising challenges to reliability—from the increasing frequency of extreme weather events to higher energy demand—this agreement provides a framework for both agencies to unlock the reliability advantages of the growing clean energy economy.

"The clean energy transition is an amazing opportunity to add a diverse range of energy sources to our power systems, making them more resilient and reliable," said U.S. Secretary of Energy Jennifer M. Granholm. "I am proud that DOE and EPA are partnering together with industry and communities to help equip the grid to deliver affordable, clean electricity to all Americans."

"A reliable electric power system is essential to our national security, continued economic growth and the protection of public health. That's why DOE and EPA are uniting our long-standing efforts to ensure a robust and resilient system, especially as the power sector accelerates the transition to low- and zero-carbon energy sources," said EPA Administrator Michael S. Regan. "Under this partnership with DOE, we will provide needed regulatory certainty and support grid reliability and resiliency at every stage as the agency advances efforts to reduce pollution, protect public health, and deliver environmental and economic benefits for all."

"EEI and our member electric companies are focused on affordability and reliability as we work to get the energy we provide to customers as clean as we can as fast as we can," said Edison Electric Institute President Tom Kuhn. "Both the Department of Energy and the Environmental Protection Agency are critical partners in these efforts, and we applaud increased coordination to support the

"As we have seen in recent years, the reliability of the electric grid is tied directly to the safety and well-being of our communities," said National Association of Regulatory Utility Commissioners Executive Director Greg R. White. "Maintaining electricity system reliability during the transition to cleaner energy is critical to NARUC's members and is in everyone's best interest. As such, we applaud

"PJM supports the Memorandum of Understanding between EPA and DOE, as well as the close involvement of FERC, in addressing electric sector reliability during the energy transition," said PJM Interconnection LLC. "PJM is grateful for the support for reliability that the DOE and EPA have shown in our ongoing collaboration efforts surrounding the development and implementation of federal policy

"The complex transitions underway in the nation's electric system can only occur on a foundation of superb reliability," said Analysis Group Senior Advisor Dr. Susan Tierney. "Secretary Granholm and Administrator Regan underscore the importance of this fact in committing DOE and EPA staff to work together as they carry out their old and new authorities to help ready the U.S. power sector.

#### Joint Memorandum on

# Interagency Communication and Consultation on Electric Reliability

U.S. Department of Energy

U.S. Environmental Protection Agency

#### Purpose

This memorandum by and between the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE) provides a framework for interagency cooperation and consultation on electric sector resource adequacy and operational reliability (together, reliability) at a time of significant dynamism in the electric power sector. The memorandum describes the respective roles and responsibilities of both agencies with regard to electric system reliability. It also outlines activities that our agencies will undertake individually and collectively to monitor, share information and consult to support the continued reliability of the

The EPA and DOE both play major roles in the creation of policy and the provision of funding that relates to the electric power sector. Although the EPA and DOE have distinct institutional mandates and legal authorities, the agencies each have considerable expertise in various aspects of electric system reliability and share the objective of supporting the ability of federal and state governments, grid operators, regional reliability entities and power companies to continue to deliver a high standard of reliable electric service. As the electric power sector continues to change and as the agencies carry out their respective authorities, the agencies intend to revisit this framework and revise it as necessary.

The EPA and DOE also anticipate that they will engage in regular outreach and consultation with the Federal Energy Regulatory Commission (FERC) when carrying out activities under this memorandum. FERC is an independent agency charged with assisting consumers in obtaining reliable, safe, secure, and economically efficient energy services to Americans at a reasonable cost through appropriate regulatory and market means. In particular, pursuant to section 215 of the Federal Power Act, FERC oversees the implementation of mandatory reliability standards for the bulk power system. The EPA and DOE intend to engage FERC regularly to benefit from its expertise when undertaking activities pursuant to this memorandum.

For the purposes of this memorandum, electric system refers to the bulk nower system as defined in section 215 of generation, but not facilities used for the local die

# **CONGRESSIONAL OVERSIGHT**



"The Biden Administration has continuously used the EPA as the tip of the spear to orchestrate their failed rush to green agenda. I look forward to holding the administration accountable for regulations that curtail energy production and threaten our electric grid."

- New Environment Subcommittee Chair Bill Johnson



"The Biden Administration has prioritized – wrongly so – greening of the grid over the reliability of energy production and delivery. This is a dangerous mistake."

- Energy Ranking Member John Barrasso







FOR IMMEDIATE RELEASE February 22, 2023

CONTACT: Press Office (202) 226-4972

Chair Rodgers Calls on the EPA to Abandon its Campaign to Jeopardize Grid Reliability and Shut Down American Energy

Washington, D.C. — House Energy and Commerce Committee Chair Cathy Rodgers (R-WA) issued the following statement regarding the Environmental Protection Age



FEBRUARY 17, 2023

RANKING MEMBER CAPITO STATEMENT ON EPA REVIVING ITS COAL-KILLING MATS RULE

WASHINGTON, D.C. - Today, U.S. Senator Shelley Moore Capito (R-W.Va.), Ranking Member of the Senate Environment and Public Works (EPW) Committee, released the below statement on the Environmental Protection Agency (EPA) announcing the reinstatement of the "appropriate and necessary" finding for the Mercury and Air Toxics Standards (MATS) regulation that covers generation from coal- and oil-fired

"With today's announcement, we are once again reminded that the Biden administration's end goal is to shut down American coal plants, fire American coal

### **COMMUNICATIONS**

### Polling

#### What Raises Voter Concerns?

EPA regs will dismantle the grid

EPA regs will impact reliability

EPA regs will cause blackouts

Speed of the transition

EPA regulations will increase bills

58% concerned

**62**%

concerned

64%

concerned

66% concerned

71% concerned

Europe transitioned to renewables early and aggressively, only to have to turn coal plants back on this past year to keep the lights on and prices reasonable during periods of peak demand when natural gas was unavailable, unaffordable or diverted for heating needs. Should the U.S. learn from Europe's missteps and adjust its own planning?

### **Proven Example**



Yes - 74% { 87% of Republicans 68% of Democrats

No - 9% Unsure - 17%

### **COMMUNICATIONS**

## We are creating our own electricity crisis

# yahoo! The start of a U.S. power grid crisis?

# **AP** EPA proposes stricter limits on coal plant water pollution

The National Mining Association criticized the plan, saying it would force utilities to make decisions "solely based on EPA's environmental agenda," and called the approach "plainly irresponsible."

# U.S. coal power refuses to die. What that means for climate.

Nolan said the "regulatory wave that's coming" could wipe out "well-functioning coal plants" and hurt grid resilience in certain parts of the country. He rejected the argument that more renewable power from a diverse set of sources could shore up the grid. "Certainly in an ideal world if everything was wired up, and we had engineers and a permitting process that wasn't broken and electricity transmission lines were strung up all over the world, yeah, they may be correct," he said. "However, that's not reality. And that's not where we are today."

# washington Power plants must cut pollution crossing state lines, new EPA rule says

"Americans and American businesses will continue to pay increasingly more for electricity that is less and less reliable" as a result of the new rule, Conor Bernstein, a spokesman for the National Mining Association, wrote in an email. "Even worse, the EPA is unilaterally making these decisions for the states — more than 18 of which use coal as their most common source of electricity generation."

# Washington More coal plants could shut down under EPA's new water pollution rule

Coal industry advocates warned the new regulation would compromise the nation's grid reliability by pushing electric utilities to fill the gulf left by coal plant retirements with renewable energy. "EPA is acting on its longstanding threat to make it impossible for utilities to make decisions based on the merits of what keeps the lights on, forcing those utilities to make decisions solely based on the EPA's environmental agenda," said Ashley Burke, a spokeswoman for the National Mining Association.





We're disassembling the grid we have far faster than we're building a reliable, affordable alternative, while supercharging renewable energy policies without ensuring we have the fuel security and reserve margins to backstop our energy supply

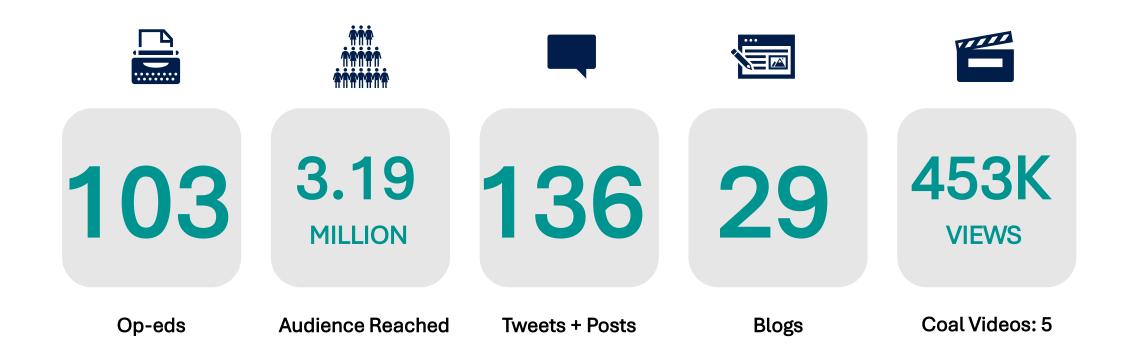
### The priorities are upside down.





The reliability crisis warnings and concerns expressed by the power sector are treated as simply inconsequential – or inconvenient – to its agenda.

## **KEY PERFORMANCE INDICATORS: KPIs**





### FEDERAL COAL LEASING

### **Court Imposed Moratorium Creates Uncertainty**

#### **Leasing Moratorium**

- Aug. 2022: District Court imposes unprecedented nationwide injunction until Bureau of Land Management completes "sufficient" National Environmental Policy Act analysis
- Oct. 2022: NMA and states appeal to Ninth Circuit
- Feb. 2023: NGOs derail briefing schedule

#### **DOI** Response

- March 2023: Public statements from DOI at NEPA Conference that unsure how to respond to court mandate
- March 2023: Nonpublic second-guessing of the applicability of the Jewell moratorium exceptions, including for metallurgical coal

#### **Program Review**

 Unclear how the court decision impacts the scope or timing of BLM's review of the Federal Program begun in Aug. 2021



# FEDERAL COAL LEASING: H.R. 1





Rep. Pete Stauber R-Minn.

Rep. Bruce Westerman R-Ark.

- Reversing Interior Department thermal leasing moratorium
- Grant all pending lease by application

G:\P\18\HR1\INTRO.XMI

118TH CONGRESS 1st Session

# (Original Signature of Member)

To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by improving water quality certification and energy projects,

# IN THE HOUSE OF REPRESENTATIVES

Mr. Scalise introduced the following bill; which was referred to the

### A BILL

- To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by improving water quality certification and energy projects, and for other purposes.
- Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

g:\V\F\031323\F031323.042.xml March 13, 2023 (6:53 p.m.)



### DEPARTMENT OF LABOR BLACK LUNG SELF-INSURANCE

### A Proposal Built on a House of Cards

#### Flawed Assumptions Pervade Proposal

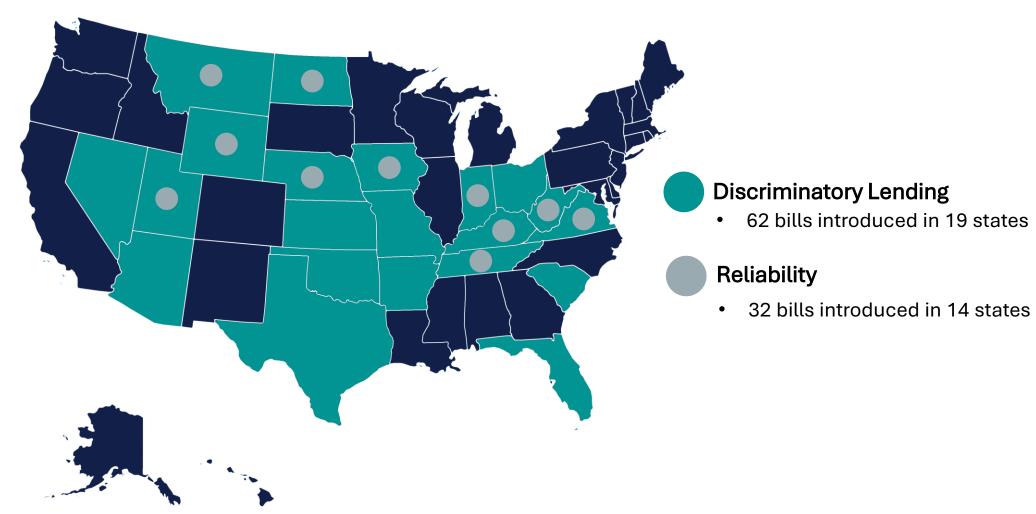
- False Assumption: 120 percent collateralization is needed to protect fund
- False Assumption: Affordable surety is readily available
- False Assumption: Collateralization requirement won't impair liquidity
- False Assumption: Rule doesn't qualify as economically significant
- False Assumption: Company actuarial information is unreliable

#### **Reasonable Alternatives to Proposal Needed**

- State workman compensation programs as analogue
  - Must do apples to apples comparison
  - Should be based on claims accepted and percentage of incurred by not reported (INBR) (estimated 10-15%)
  - Evaluation of other federal agency self-insurance regimes
  - Reserve right to litigate final rule



# DISCRIMINATORY LENDING LEGISLATION | INSURANCE





# COAL CEO MEETING

National Mining Association | April 2023

