Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 9/21/2018 7:34:22 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Daily Clips, 9/21/18

From: Lynn, Tricia
Sent: Friday, September 21, 2018 1:34:18 PM (UTC-07:00) Mountain Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: Daily Clips, 9/21/18

Air & Emissions

Petroleum News: EPA proposes change--Requirements for monitoring methane emissions, remediation, would be softened

Washington Post (The Energy 202): Trump's EPA is targeting rules for yet another greenhouse gas

Delaware State News: EPA rejects Delaware petitions

Fuel

Sacramento Business Journal: Pacific Ethanol shares rise after EPA moves to disclose renewable fuel waivers

Hurricane Florence

ABC 11 Eyewitness News: Operation Airdrop is helping to send a portable water filter to Cape Fear after issues with the water supply

POLITICO (Morning Energy): After Florence, coal ash worries linger

Pesticides

Associated Press via Chicago Tribune: Suburban Chicago company hit with nearly $5M EPA penalty

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Washington Post (The Energy 202)
Trump's EPA is targeting rules for yet another greenhouse gas
https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2018/09/21/the-energy-202-trump-s-epa-is-targeting-rules-for-yet-another-greenhouse-gas/5ba3eda31b326b7c8a8d158e/?utm_term=.49ba39831c32
By Dino Grandoni, September 21 at 8:45 AM

Environmental Protection Agency acting administrator Andrew Wheeler speaks to headquarters staff in July, shortly after taking over the agency. (AP Photo/Jacquelyn Martin)

First it was carbon dioxide, when the Environmental Protection Agency proposed in August relaxing pollution standards for coal-fired power plants meant to curb emissions of that most common greenhouse gas.

Then it was methane, when both the EPA and Interior Department each took steps in recent weeks toward replacing Obama-era rules regulating the leaking of that climate-warming gas from oil and natural gas infrastructure.

Now, the Trump administration is trying to replace regulations for an even more obscure set of greenhouse gases in an effort apparently aimed at slowing down the Obama administration's efforts to deter global warming.

On Wednesday, the EPA announced it wanted to get rid of rules meant to prevent the leaking and venting of a set of organic compounds called hydrofluorocarbons, or HFCs, from large refrigerating and air-conditioning units.

The new rule, which has yet to be finalized, is the latest in a flurry of EPA proposals over the past month or so further attempting to unwind Obama's climate legacy. The actions — on CO2, on methane and now on HFCs — demonstrate the agency still has much of the same attitude toward climate regulations under acting administrator Andrew Wheeler, who took over the agency in July, as it did under former EPA chief Scott Pruitt.

In the case of HFCs, even tiny amounts leached into the atmosphere pack a wallop of a punch to the climate. On a pound-for-pound basis, those compounds have a warming potential thousands of times greater than that of carbon dioxide.

“This is climate vandalism,” contended David Doniger, director of the climate and clean air program at the Natural Resources Defense Council. “They're just going through all these things that Obama did and trying to destroy them all.”

Some Democrats held up the proposal as yet more evidence the Trump administration is unwilling to do even the bare minimum to address climate change.

“Unfortunately, this action is yet another reminder the Trump Administration isn’t willing to take even the smallest step to address climate change or protect Americans from the threats of extreme weather,” Sen. Thomas R. Carper (Del.), the ranking Democrat on the Environmental and Public Works Committee, said in a statement.

If the new rule goes through, large commercial and industrial appliances using HFCs will no longer need to conduct certain leak rate calculations and make repairs when the machines are letting off too much of the gas. Facilities such as supermarkets, ice rinks and factories, which use such units, will also no longer need to report to the EPA on chronic leaking problems or retire units that are not fixed.

Like with most of Trump-era decisions, the EPA justified the new rule by pointing out the benefit to businesses if it is finalized. The agency said its new rule would save companies $39 million annually in regulatory costs.

But the cost of the rule could be borne by the rest of society in the form of higher temperatures later on. If enacted, the estimated annual leakage would have an effect on the climate equal to that of an additional 642,000 passenger cars on the road per year.

Not all companies are on board with Obama-era efforts regulating the chemicals. In particular, makers of chemical alternatives to HFCs, Honeywell and Chemours, have petitioned the Supreme Court to reverse a ruling on another set of HFC regulations on manufacturers of air conditioners, refrigerators and other appliances.

Last year, the U.S. Court of Appeals for the District of Columbia, a court one step below the Supreme Court, struck down those rules. The opinion was written by Judge Brett Kavanaugh, who is now President Trump's nominee for the high court.

The decision was classic Kavanaugh. Throughout his time on what many call the second-most important court in the country, the judge consistently gave more regulatory power to federal bureaucrats only when Congress clearly spelled out in the law that that is what it wanted.

"EPA's well-intentioned policy objectives with respect to climate change do not on their own authorize the agency to regulate," Kavanaugh wrote. "The agency must have statutory authority for the regulations it wants to issue."

Petroleum News
EPA proposes change--Requirements for monitoring methane emissions, remediation, would be softened
http://www.petroleumnews.com/pntruncate/152807433.shtml
By Alan Bailey, 9/21/18

On Sept. 11 the Environmental Protection Agency announced a proposed new rule that would loosen the provisions in a rule implemented by the Obama administration in 2016, designed to reduce methane emissions from certain oil and gas operations. The 2016 rule came as one of a series of regulatory moves designed to reduce U.S. greenhouse gas emissions - methane is generally recognized as a particularly potent greenhouse gas.

The regulations under the rule require regular inspection of certain equipment to locate methane leaks and remedial action to deal with any leaks that are detected.

The EPA says that its proposed new rule would "significantly reduce regulatory burdens, saving the industry tens of millions in compliance each year. The changes also would streamline requirements and improve alignment between EPA's rule and existing state programs."

Frequency of monitoring

Under the 2016 rule, the operator of a well site had to survey the site twice per year, to monitor for methane emissions. The proposed new rule would relax this requirement to annual monitoring, except for low production wells, which would only have to be surveyed every two years. A low-production well is defined as having production of less than 15 barrels of oil equivalent per day. And the proposed new regulations would allow all monitoring to be stopped for a well where all production and processing equipment has been removed.
While the 2016 rule required methane monitoring at compressor stations to be conducted every quarter, the new rule proposes reducing that monitoring frequency to be every six months, or annually.

The new rule also sets specific regulations for the methane emissions monitoring of compressor stations on Alaska's North Slope: The timing requirements for the start of emissions monitoring would recognize the limitations of starting the monitoring in the winter in that region.

Repair requirements

In terms of conducting necessary repairs after a methane leak has been detected, the EPA is proposing extending the time within which a repair must be executed. Currently a repair must be carried out within 30 days. Under the proposed change, recognizing that attempted repairs are not always successful, a first attempt at a repair must be conducted within 30 days, but an operator would have up to 60 days to complete the repair.
And the new rule attempts improved alignment with state programs by allowing operators to meet certain requirements of some states as an alternative to meeting specific aspects of EPA's rule.

EPA is also proposing some changes to methane emission regulations that apply to the use of pneumatic pumps.

In addition, the new rule proposes improvements to the procedure for the approval of some other forms of methane emissions limitation, as an alternative to meeting the EPA's specified monitoring and repair requirements.

Impact of the changes

The EPA says that the proposed changes to the regulations will save the oil and gas industry between $66 million and $75 million per year, depending on the discount rate used and the frequency of monitoring required at compressor stations. However, the changes would also increase methane emissions, potentially by 380,000 to 480,000 short tons between 2019 and 2025: That is equivalent in terms of greenhouse gas potency to 8.5 million to 11.0 million metric tons of carbon dioxide.
The EPA is accepting comments on it proposals for up to 60 days from the publication of the new rule in the Federal Register. The agency says that it is continuing to consider "broader policy issues in the 2016 rule," and that these issues will be addressed in a separate proposal at a later date.

Mixed reactions

"We welcome EPA's efforts to get this right and the proposed changes could ensure that the rule is based on best engineering practices and cost-effective," said Howard Feldman, senior director of regulatory and scientific affairs for the American Petroleum Institute. "Significantly, methane emissions from the oil and natural gas industry are already down 14 percent since 1990 while production has increased by 50 percent. Clean natural gas produced through advanced technologies like hydraulic fracturing has helped reduce carbon emissions to 25-year lows. U.S. air quality continues to improve as the natural gas and oil industry remains committed to reaching our shared goals of protecting public health and the environment while meeting the nation's energy needs."
"It's unfortunate that the Trump administration is once again ignoring facts and common sense only to put the interests of the nation's worst-run oil and gas companies ahead of the health and welfare of all Americans," said Matt Watson, associate vice president for energy for the Environmental Defense Fund. "The proposal would severely weaken protections that have been in effect for a year, diminishing vital safeguards that would otherwise prevent 300,000 short tons of methane pollution, 150,000 short tons of smog-forming pollutants, and 1,900 short tons of toxic pollutants per year by 2020, with further reductions by 2025."

Associated Press via Chicago Tribune
Suburban Chicago company hit with nearly $5M EPA penalty
http://www.chicagotribune.com/news/sns-bc-il--pesticide-violation-20180921-story.html
9/21/18

The U.S. Environmental Protection Agency says a suburban Chicago company will pay a nearly $5 million administrative penalty for selling and distributing an unregistered pesticide.

The EPA said Thursday its agreement with Medline Industries resolves allegations the company violated federal law on nearly 1,300 occasions.

The EPA says it conducted an inspection at Medline's Northfield headquarters and documented the distribution or sale of Micro-Kill 70 Isopropyl Wipes to hospitals, clinics, hospice centers, and other health care facilities nationwide. In February, it issued a "stop sale, use, or removal order" to Medline.

Since then, Medline has changed the product's name to Touch Screen Cleaning Wipes and the label clearly states that it should only be used to clean dirt, grime and smudges from touch screens and energized equipment.

A spokeswoman for Medline, Stacy Rubenstein, said in a statement Thursday that there have been no reported instances of spread of disease and the company is in the process of registering the alcohol wipes with the EPA "for certain pesticidal uses."

Delaware State News
EPA rejects Delaware petitions
https://delawarestatenews.net/news/epa-rejects-delaware-petitions/
By Matt Bittle, Sep 21st, 2018

DOVER — A federal agency recently denied petitions from Delaware asking for a reduction in emissions by four power plants in nearby states.

The Environmental Protection Agency over the weekend notified state officials it had rejected Delaware's appeal to place stricter limits on three coal-fired power stations in Pennsylvania and one in West Virginia.

According to the agency, the plants are not preventing Delaware from meeting the national ambient air quality standards.

"EPA found that there are no additional cost-effective measures available at any of the sources," states a fact sheet posted to its website. "Existing programs that require cost effective emissions reductions from all of the named sources … are in place and will address the concerns of the petitioning states."

Delaware submitted four petitions in 2016 identifying four plants as hindering its goal of meeting federal ozone standards established in 2008 and 2015. The EPA announced in June it planned to deny the petitions pending a public hearing.

The four sites are the Brunner Island Steam Electric Station in York Haven, Pa.; the Homer City Power Station in Homer City, Pa.; the Conemaugh Generating Station in New Florence, Pa.; and the Harrison Power Station in Haywood, W.V. They produce ground-level ozone, a secondary air pollutant created by a reaction between nitrogen oxides and volatile organic compounds exposed to sunlight that can carry downwind for hundreds of miles.

At about 55 miles away as the crow flies, the Brunner Island Steam Electric Station is by far the closest of the four to Delaware.

Delaware Natural Resources and Environmental Control Secretary Shawn Garvin in a statement lamented the decision.

"We received the decision by EPA over the weekend and are still reviewing it," he said. "Delaware is very disappointed that EPA has denied our petitions to address upwind source emissions, with over 90 percent of emissions impacting Delaware's air quality coming from out of state.

"Based on a quick read, it appears that the EPA is not interpreting the available data properly, nor are they implementing the Clean Air Act's Good Neighbor provisions as they were intended to be used. We will be looking at all of our legal options, but if transport from upwind states is not adequately addressed, Delawareans will continue to suffer from unhealthy air.

"We have pursued – and will continue to pursue – voluntary and collaborative efforts with our fellow states to ensure upwind power plants meet the same stringent standards for controlling air pollution that Delaware is required to meet."

A DNREC spokeswoman did not respond to an email asking if Delaware was seeking to restrict pollution to a specific level.

Under the Clean Air Act, the EPA can place restrictions on a source that "emits or would emit any air pollutant at amounts that violate the good neighbor provisions" and can shut the site down if it does not comply.

Jeremy Firestone, a professor of marine policy at the University of Delaware, said the pollutants have a big impact on Delaware residents and can even lead to increased mortality rates.

To Sen. Tom Carper, a Delaware Democrat who serves as the ranking member of the Senate Environment and Public Works Committee, the rejection represents "an abject failure by the Trump Administration to do its job."

"Delaware is working hard to reduce harmful emissions that contribute to its ozone problem, but more than 90 percent of our air pollution comes from upwind states' power plants. In other words, we can't do it alone," he said in a statement.

"In order for our constituents to be able to breathe the healthy air they deserve, EPA must enforce the 'good neighbor' rule and hold upwind states emitting these harmful emissions accountable for their actions. Delaware is not asking much of its neighbors.

"Upwind power plants simply need to run already-installed pollution control technology in order for Delawareans to breath cleaner air. But rather than asking these facilities to just turn on the technology they have already installed, EPA has decided to side with polluters over people."

Sacramento Business Journal
Pacific Ethanol shares rise after EPA moves to disclose renewable fuel waivers
https://www.bizjournals.com/sacramento/news/2018/09/21/pacific-ethanol-shares-rise-after-epa-moves-to.html
By Mark Anderson, 9/21/18, 10 AM

Shares of Pacific Ethanol Inc. jumped 18.2 percent on Thursday after the U.S. Environmental Protection Agency introduced new transparency into a program that the Sacramento-based renewable fuel company relies on.

Pacific Ethanol (Nasdaq: PEIX) rose 30 cents to $1.95 after the EPA created a website related to its Renewable Fuel Standard program, which requires that renewable fuels such as ethanol are blended into transportation fuels sold in the U.S. Pacific Ethanol operates nine ethanol plants in California, Oregon, Idaho, Illinois and Nebraska.

For the past two years, the ethanol industry has been critical of the ease with which oil refineries have been granted exemptions from Renewable Fuel Standard mandates to blend at least 10 percent ethanol into gasoline. The exemptions have contributed to a slowdown in Pacific Ethanol's growth, and the company's stock has fallen 72 percent over the past two years.

With its new website, the EPA began disclosing exemptions from the mandate publicly. The step was lauded by corn growers. Most ethanol for transportation fuel is made from corn.

However, the EPA still isn't disclosing its standards for granting waivers, the head of the National Corn Growers Association said.

"We appreciate the step EPA Acting Administer Andrew Wheeler has taken to update the RFS data website to bring some initial transparency to refinery exemptions. This information is a good place to start," said Kevin Skunes, president of the National Corn Growers Association, in a news release. "However, there are a lot of questions left unanswered. We will still not know EPA's justification for granting a refinery waiver and, without a change in how EPA accounts for those exempted gallons, those waived gallons will still be lost from RFS obligations."

The National Corn Growers Association, based in Chesterfield, Missouri, said it is helpful to know when the harm is being done, "but EPA needs to go a step further and take steps to mitigate the damage."

Waivers over the past year cost corn growers and ethanol producers the opportunity sell 2.25 billion gallons of fuel, Skunes said. And 11 new petitions for waivers are pending for 2018. The "economic hardship waivers" that the EPA has granted to small refineries over the past two years are essentially exempting them from the standard.

During this time, Pacific Ethanol's revenue growth has slowed from 36 percent in 2017 to 2.4 percent in the first half of this year. Through June of 2018, the company generated $810.5 million in revenue and a loss of $24.1 million. As of March, Pacific Ethanol had about 560 full-time employees.

"For the first time, EPA is providing new information to the public on small refinery exemptions and RIN (biofuel) trading," said Wheeler, on the agency's website. "Increasing transparency will improve implementation of the Renewable Fuel Standard and provide stakeholders and the regulated community the certainty and clarity they need to make important business and compliance decisions."

Wheeler took over as acting administrator of the EPA in July, replacing administrator Scott Pruitt, who resigned after numerous ethics and management scandals.

ABC 11 Eyewitness News
Operation Airdrop is helping to send a portable water filter to Cape Fear after issues with the water supply.
https://abc11.com/operation-airdrop-sending-portable-water-filter-to-cape-fear/4301468/
Friday, September 21, 2018 07:59AM

CAPE FEAR, N.C. (WTVD) -- Operation Airdrop is helping to send a portable water filter to Cape Fear after issues with the water supply after Hurricane Florence hit the Carolinas.

On Monday, the Environmental Protection Agency (EPA) said 16 community water treatment facilities in North Carolina are unable to supply drinking water.

Reggie Cheatham, director of the EPA's Office of Emergency Management, told ABC News that some sewage has been released into the floodwaters through sewer system manholes and a power failure at a water treatment plant in one case.

He said the spilled affected the Neuse and Cape Fear rivers

An unidentified person contacted Operation Airdrop to help send the filter to Cape Fear to help bring clean drinking water to Florence victims.

The machine is estimated to filter thousands of gallons of water.

POLITICO (Morning Energy)
After Florence, coal ash worries linger
https://www.politico.com/newsletters/morning-energy/2018/09/21/after-florence-coal-ash-worries-linger-346764
By KELSEY TAMBORRINO 09/21/2018 10:00 AM EDT
With help from Annie Snider and Eric Wolff

AFTER FLORENCE, COAL ASH WORRIES LINGER: Flood waters across North and South Carolina continue to threaten coal ash sites, days after Florence departed. Early Thursday, flood waters from the Cape Fear River overtopped an earthen

dike at Duke Energy's L.V. Sutton plant near Wilmington, inundating a large lake the company uses as a cooling pond, and prompting the company to activate the highest-level of its emergency plan. That level is still active, and Duke expects it to be "for a period of time," spokeswoman Paige Sheehan told ME. The incident raises the prospect that the dike could breach, and also that the waters could reach an unlined coal ash pit just on the other side of the lake.

Sheehan said that "because the Cape Fear River is so very, very flooded, there should be no impact" if for example there was a break in the cooling pond. "This is something we're managing, we're telling people about, but it's nothing that people should be concerned about for environmental or public health concern right now," Sheehan told ME. She acknowledged that some water from the cooling pond had gotten into one of the coal ash ponds adjacent to it. "But based on the design, we expect that water will simply go right out of that pond," she said.

The Sutton plant has already had major problems from Florence, with flood waters prompting a breach at a coal ash landfill over the weekend that displaced roughly 150 dump trucks' worth of toxic ash. That landfill was supposed to be the safer storage spot, where ash from the unlined pits is being moved. Duke said in a statement Wednesday that coal ash contaminants had reached the lake, but that "water quality remains well within state permit standards." State regulators, however, have yet to get results from their own testing and environmental groups remain concerned.

Meanwhile, another Duke site has been inundated along the Neuse River, with floodwaters swamping old coal ash pits at the H.F. Lee Plant in Goldsboro. But photographs from environmental activists appear to show ash coating nearby trees along with other evidence of spills. The same site was also hobbled by Hurricane Matthew two years ago, when flood waters caused a dam at a cooling pond to break. Duke responded to the photos in an earlier statement, clarifying that visual inspections showed the release of some cenospheres, or "lightweight, hollow beads comprised primarily of alumina and silica that are a byproduct of coal combustion." The situation at the Lee plant, Sheehan said, was "stable."

And in Conway, S.C., where Trump traveled Wednesday, workers at Santee Cooper's Grainger plant have been scrambling to protect pits holding coal ash there. Fearing exactly such a disaster, the company has agreed to excavate the pits, but has not yet completed the removal.

Case in point: Environmental groups argue that current situation perfectly illustrates the reason old, unlined coal ash ponds need to be closed and ash moved to safer storage sites. A 2015 regulation required that coal ash ponds in or near water be closed by April 2019, but the Trump administration in July extended that deadline by a year and a half. "Storing coal ash in unlined pits next to rivers and lakes is a prescription for disaster and catastrophe," argued Frank Holleman with the Southern Environmental Law Center. "It's only by good luck that every time there's a hurricane or a flood in one of these coastal regions or inland we don't have some disaster happen."

SOUTH CAROLINA COSTS COULD TOTAL $1.2B: South Carolina Gov. Henry McMaster estimated this week that his state would need $1.2 billion in federal assistance to recover from Hurricane Florence, Pro's Sarah Ferris reports. "The damage in the northeastern part of our state will be catastrophic, surpassing anything recorded in modern history," McMaster wrote Thursday in a letter to lawmakers from South Carolina.

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