Message

From: Horne, Amanda [horne.amanda@epa.gov]
Sent: 7/12/2018 7:49:13 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips 7/12/18

Hi all, My name is Amanda I'm interning in the Office of Public Affairs until the end of summer. Please let me know if you have difficulty accessing the news articles, have any questions or have any advice for me, you can contact me at horne.amanda@epa.gov**.**

Acting Administrator Wheeler
E&E-Wheeler in break with Pruitt posts more detailed calendars
E&E-Wheeler Lobbied for coal and cheese, washers, cars
Reuters-EPAs acting head vows to carry out Trump's regulation cuts
Bloomberg environment-Successor to Scandal Plagued Pruitt woos EPA staff in address
Bloomberg Environment- Wheeler more aware of chemical issues than most EPA heads

Officials
Politico- EPA taps former dairy lobbyist for top water office post

PFAS
New Hampshire to set limits on Fluorochemicals in drinking water

Pollution
E&E- EPA rejects green petition on pulp mill standards

Renewable Fuel
Agrinews-EPA Proposes 2019 Renewable Fuel Plan
Bloomberg Environment- More refineries could get waivers from Biofuel blending mandate

Acting Administrator Wheeler
E&E ClimateWire
Wheeler lobbied for coal- and cheese, washers, cars
https://www.eenews.net/climatewire/stories/1060088871/search?keyword=EPA
Posted: July 12, 2018 by: Mike Soraghan and Corbin Hiar

Andrew Wheeler, EPA's acting administrator, might be best known as a former coal lobbyist. He was also a cheese lobbyist.

And a washing machine lobbyist.

And a used car lobbyist.

Wheeler emphasized some of these non-coal connections when he addressed agency employees yesterday (E&E News PM, July 11).

"I had a number of clients," Wheeler said. "If you read the press, I only had one, but I actually had over 20 clients."

The single company that Wheeler says reporters focus on is Murray Energy Corp., whose leader, Bob Murray, accused former President Obama of waging war on coal. More recently, Murray gave the Trump administration an "action plan" to strengthen the coal industry (Energywire, July 2).

Wheeler represented Murray for his entire time in the private sector, nine years. That's longer than any other client.

He also lobbied for Whirlpool Corp., the maker of dishwashers and other home appliances, with a focus on the Energy Star efficiency program. And he worked on trade issues for Insurance Auto Auctions Inc., which specializes in marketing salvage vehicles, and its parent company, KAR Auction Services.

Another client was Sargento Foods Inc., which describes itself as "the home of real cheese people." It's not clear what Wheeler and his colleagues at Faegre Baker Daniels LLP did for Sargento. The lobby disclosure forms filed by the firm say only that they worked on food and "agriculture-related" issues in 2016 and 2017.

A spokeswoman for Sargento, Portia Young, declined yesterday to explain why the company wanted a lobbying team, except to say the Wisconsin-based outfit has been "building out our government affairs competency since we hired a general counsel to strengthen our legal function in-house."

While running EPA, Wheeler will oversee the regulation and permitting of confined animal feeding operations, such as dairy farms.

Wheeler worked for years on Capitol Hill, mostly for Sen. Jim Inhofe (R-Okla.), the Senate's foremost climate skeptic and a former chairman of the Environment and Public Works Committee. He left nine years ago and joined Faegre Baker Daniels.

Wheeler told EPA employees yesterday that he worked with "different companies, trade associations, some public sector, some private-sector clients, some NGOs. I worked for an air quality management district in California. And I did work for a coal company, and I'm not at all ashamed of the work that I did for the coal company."

Many of his other clients were also from the energy world. He worked for the nuclear industry's trade group, a Colorado uranium mining company and Xcel Energy Inc., the Minneapolis-based utility.

Unlike his predecessor, Scott Pruitt, though, he has few apparent ties to oil and gas production (Energywire, July 9).

Myron Ebell of the Competitive Enterprise Institute said he knows Wheeler best from his work for Murray on coal issues. The positions Wheeler promoted as a lobbyist probably reflect his personal views, Ebell said.

"He's not going to take on clients that he doesn't have some fundamental agreement with," said Ebell, director of the institute's Center for Energy and Environment.

That's the problem, said Craig Holman, a lobbyist for the watchdog group Public Citizen. The companies that paid Wheeler to make their case now have someone on the inside, leaving the public on the outside, he said.

"He will be pursuing the companies' interest," Holman said. "The companies who are regulated by EPA have landed one of their own at the agency."

To Holman, it shows how President Trump's claims about reining in lobbyists ring hollow.

"It really is inflated campaign rhetoric," he said.

Wheeler has pledged to stay away from his former lobbying clients in a recusal statement he filed as deputy administrator. The statement, obtained by E&E News under the Freedom of Information Act, listed eight past clients that might have "environmental interests" that intersect with his duties at EPA.

They were Murray Energy, Energy Fuels Resources Corp., Growth Energy, Xcel Energy, International Paper Co., Martin Farms Inc., Sargento Foods and Underwriters Laboratories.

He lobbied for many more companies than that.

There were Bear Head LNG Corp., which wants to export liquefied natural gas to Canada; chemical maker Celanese Corp.; the Coalition for Domestic Medical Isotope Supply; Darling International Inc., a Texas agribusiness firm; a renewable fuels nonprofit called Domestic Fuel Solutions Group; and Chemours Co. subsidiary ICOR International.

E&E Greenwire
Wheeler, in break with Pruitt, posts more detailed calendars
https://www.eenews.net/greenwire/stories/1060088913/search?keyword=EPA
Posted: July 12, 2018 By: Maxine Joselow

EPA has released the previous day's calendar for newly minted acting Administrator Andrew Wheeler, in a move toward greater transparency.

That day's schedule and others show Wheeler has held several meet-and-greet sessions with career staffers since starting as deputy administrator in April. He has also met with all 10 regional administrators.

By comparison, former EPA boss Scott Pruitt only visited three regional offices over the course of his tenure, though he may have gathered with all 10 regional heads during a meeting in Dallas earlier this year.

The release of Wheeler's calendars strikes a marked contrast with the status quo under Pruitt, who resigned last week amid a cloud of ethics scandals.

EPA did disclose Pruitt's public schedule — along with those of other top EPA officials — online, but weeks later and with sparse detail (Greenwire, July 9).

The agency was also slow to share Pruitt's private calendar, turning it over only after losing Freedom of Information Act litigation. In addition, EPA is facing allegations that aides changed Pruitt's calendar to hide select meetings.

A federal judge Tuesday ruled EPA did not have to publish on a rolling basis the administrator's schedule, although he recommended voluntary action (Greenwire, July 11).

Since Monday, Wheeler has met staff, journalists, White House aides, lawmakers from both sides of the aisle and the Earth & Water Law Group.

Access to chemicals events

Separately, the door continues to creep open for reporters interested in covering EPA discussions related to a class of toxic nonstick chemicals.

The agency today released an early agenda for a community engagement event on per- and polyfluoroalkyl substances (PFAS) in Horsham, Pa.

The event at Hatboro-Horsham High School will be "open to the public and the press," according to an EPA news release.

The communication is a marked contrast from May, when EPA blocked several reporters from a PFAS summit at the agency's Washington headquarters (Greenwire, May 22).

Aides initially barred journalists from the Associated Press, CNN and E&E News from the National Leadership Summit on PFAS. The journalist from AP reported that guards removed her from the building after asking to speak with press officials.

EPA, after a row of negative coverage, has been moving toward greater transparency and access with respect to PFAS since early last month.

On June 11, EPA announced that it would hold a two-day public event on the potentially toxic chemicals in Exeter, N.H. The agency released an advanced agenda a week later.

The agency then announced on June 27 that it would hold three community engagement events on PFAS in Pennsylvania, Colorado and North Carolina.

Concern surfaced earlier this year that the Trump administration had delayed the release of a toxicology study of four PFAS chemicals. EPA had met with industry interests about the chemicals a day after the White House had warned that a health study of them could be a "public relations nightmare" (E&E News PM, May 21).

The draft report from the Department of Health and Human Services' Agency for Toxic Substances and Disease Registry came out late last month.

It showed, as expected, that the chemicals can endanger human health at significantly lower levels than EPA has previously called safe (Greenwire, June 20).

'Cautiously optimistic'

Bobby Magill, president of the Society of Environmental Journalists, said he was "cautiously optimistic" about press access under Wheeler, although he noted that President Trump could decide to nominate someone else as Pruitt's permanent replacement.

"I think it's worth celebrating any positive steps they're taking to ensure that reporters gain access to otherwise public meetings," Magill said. "But it's far too early to declare victory."

He added, "We don't know if it's lip service at the moment or whether [Wheeler] actually is reversing some of the onerous — and frankly, abusive — treatment of reporters by EPA."

Reuters
EPA's Acting Head vows to carry out Trumps regulation cuts
https://www.nytimes.com/reuters/2018/07/11/us/politics/11reuters-usa-epa.html
Posted: July 11, 2018 by: Timothy Gardner

WASHINGTON — The U.S. Environmental Protection Agency's acting chief said on Wednesday he would push to cut regulations on industry and speed up decisions on permits, echoing the policies of former head Scott Pruitt who stepped down last week.

Andrew Wheeler, a longtime Washington insider, took the reins on Monday after Pruitt, a former attorney general from Oklahoma, resigned over more than a dozen ethics controversies.

Unlike Pruitt, Wheeler has been known to shun the spotlight. But some environmentalists say his experience means he can carry out Trump's policy of slashing regulations more effectively.

Wheeler said President Donald Trump talked to him last week and asked him to provide regulatory relief to industry while protecting air and water quality. "I think we can do all three of those things at the same time," Wheeler said in his first address to EPA staff.

Environmentalists have complained that the EPA under Trump has worked to reverse Obama era limits on pollution.

Wheeler worked at the EPA in the 1990s and later in the Senate under Senator Jim Inhofe, a skeptic of mainstream climate science, before moving to the private sector as a lobbyist and consultant. He said that he was "not at all ashamed" of more recent lobbying for the coal company Murray Energy Corp, the focus of criticism by environmentalists.

His top issue in work for Murray was the Miners Protection Act, shoring up pension and healthcare benefits for United Mine Worker retirees, said Wheeler, whose grandfather was a coal miner during the Great Depression.

Robert Murray, the company's chief executive, has pressured the Trump administration to ease regulations on mining.

Wheeler also lobbied for energy interests including utility Xcel Energy Inc, Bears Head LNG. He also consulted for biofuels industry group Growth Energy, agricultural merchant and biofuels producer Archer Daniels Midland, and International Paper, according to his public financial disclosures.
The EPA will prioritize cleaning up industrial Superfund sites and financing investments in water infrastructure, Wheeler said, continuing Pruitt's goal of bringing the agency "back to basics."

Wheeler also pledged to speed up permitting, setting a goal of issuing decisions on all permits before the agency in six months. He said this would ease uncertainty for small businesses.

NO WORD ON GLIDERS

Left unmentioned was Pruitt's final move at the agency to undo rules on refurbished trucks known as “gliders,” which environmentalists say generate as much as 40 times the pollution of modern engines.

Like Pruitt, Wheeler believes the EPA in the previous administration of Barack Obama overstepped federal clean air law by issuing rules to cut greenhouse gas emissions.

Wheeler, who had been confirmed by the Senate to serve as Pruitt's deputy, will deal with issues including replacing the Obama-era Clean Power Plan, requirements of biofuels mixed into gasoline and diesel, and whether the EPA chief has a role in promoting U.S. fossil-fuel exports.

On Monday, after pressure from industry for regulatory certainty, the EPA sent a rule to reduce greenhouse emissions from power plants to the White House's office of Management and Budget for review. It is expected to be more industry friendly than the Clean Power Plan. The EPA will open the rule to public comment after the OMB reviews it.

It is not yet known if Trump will nominate Wheeler to replace Pruitt permanently, if he does, the Senate would again have to confirm him.

Bloomberg Environment
Successor to scandal-plagued Pruitt woos EPA staff in address
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=137648456&item=408&prod=deln&cat=AGENCY
Posted July 12, 2018 by: Jennifer A Dlouhy

EPA Acting Administrator Andrew Wheeler promised to defend workers, heed their advice, and protect the environment in his first address to employees since taking the helm of the agency from embattled former chief Scott Pruitt.

"You came to the EPA to help the environment. I know firsthand how passionate and dedicated you are and it is a privilege to work alongside you," Wheeler said to scores of staffers gathered inside an auditorium at the Environmental Protection Agency's Washington headquarters and to thousands more around the country watching a video feed. He told them he would work with them to fulfill the agency's mission of "protecting human health and the environment."

Wheeler's words seemed designed to soothe workers rattled by Pruitt's scandal-marred tenure. The former EPA administrator, who resigned under pressure July 5, moved to limit scientific studies used by the EPA, rescind Obama-era regulations governing pollution, and reduce the influence of academic scientists on the agency's advisory boards. He also presided over cuts in EPA staffing, urged on by conservatives eager to see the agency put on a short leash.

And for months, Pruitt was the subject of a deluge of allegations of ethical misconduct, questionable spending and abuses of power that drew more than a dozen federal investigations.

Wheeler had served as the EPA's No. 2 official since April, after years lobbying for coal producer Murray Energy Corp., the utility Xcel Energy Inc., uranium miner Energy Fuels Inc., and other clients. He also spent an extensive part of his career in government, serving as GOP chief counsel and staff director on the Senate Environment and Public Works Committee and working a few years at the agency he now leads. Wheeler has promised to stay away from decisions affecting former clients and told the Washington Post he didn't plan to seek any waivers from a broad recusal vow.

"I value your input and feedback, and you will find me and my team ready to listen," Wheeler promised. "My instinct will be to defend your work, and I will seek the facts from you before drawing conclusions."

Wheeler's speech recalled Pruitt's first address to EPA staff members, conducted more than a year ago from the very same spot: the Rachel Carson Green Room, named for a noted marine biologist whose work highlighting the dangers of pesticide use helped drive a global environmental movement.

Wheeler's remarks were streamed online and open to the press, a tangible demonstration of his vow to be more transparent.

"As with any change in leadership you can expect a change in approach, and in this case a change in tone as well," EPA spokesman John Konkus said in a statement. Wheeler "puts a premium on transparency" and that will be applied "across the board when it comes to how EPA will be communicating with the media and the public going forward."

Bloomberg Environment
Wheeler More Aware of Chemical Issues Than Most EPA Heads
https://news.bloombergenvironment.com/environment-and-energy/wheeler-more-aware-of-chemical-issues-than-most-epa-heads?context=landing-heroes
Posted: July 12, 2018 at 7:55am by Pat Rizzuto

The EPA's new acting administrator is more familiar than past agency heads were with the nation's primary chemicals statute, giving him insight into tensions arising in implementing it, attorneys said.

The attorneys also predicted that Andrew Wheeler—who worked in the Environmental Protection Agency's chemicals office from 1991 through 1994—won't depart from the policies of his predecessor Scott Pruitt.

"He will be more familiar than past administrators. He has at least some familiarity with TSCA and TRI," said Jim Aidala, senior government affairs consultant with Bergeson & Campbell, P.C. in Washington, referring to the Toxic Substances Control Act and Toxics Release Inventory.

That experience should help Wheeler appreciate the tension between companies' need to have proprietary information kept confidential and the public's right to know, said Aidala, a former assistant administrator for what's now the EPA's Office of Chemical Safety and Pollution Prevention.

After leaving the EPA, Wheeler worked on Capitol Hill for 14 years before joining Faegre Baker Daniels Consulting, where he lobbied for energy companies, as well as the Celanese Corp., a chemical manufacturer; and Underwriters Laboratory, or UL LLC, which works on chemical testing issues.

Agency Briefing

Wheeler described during a July 11 agency staff briefing how his experience at the EPA, on Capitol Hill, and as a consultant would affect his approach to leading the agency.

Clear communication about environmental and health risks of chemicals or situations in which pollutants have been released into the environment will be a top priority, he said.

"Flint, Michigan, is the poster child for our need to improve risk communication," Wheeler said, referring to the fears that city faced after lead leached into its drinking water.

"We need to speak with one voice and clearly explain to the American people the relevant environmental and health risks that they face, that their families face, and that their children face," Wheeler said.
Those risks must be explained "in very simple, easy to understand terms," he added.

No Policy Shifts

Wheeler said he would continue to implement environmental priorities outlined by President Trump and former EPA Administrator Scott Pruitt. These included making sure chemicals are reviewed for safety, he said, referring to TSCA mandates.

"Andy is a by-the-book guy who will continue implementing the law, meeting those deadlines," Dimitrios Karakitsos, an attorney with Holland & Knight LLP in Washington, told Bloomberg Environment.

Wheeler's background having worked to both make law and implement it will serve him well, said Karakitsos, a primary Republican negotiator in the bipartisan discussions that led to passage of the 2016 TSCA amendments.

"He is an incredibly smart thoughtful person, who knows not only policy but politics," said Karakitsos, who joined the Senate Environment and Public Works Committee just after Wheeler stepped down as its chief counsel.

Ready to Recuse?

Wheeler's lobbying background means he will have to recuse himself from some agency decisions, according to Richard Denison, lead senior scientist for the Environmental Defense Fund. For example, Celanese makes formaldehyde along with many other chemicals.

Formaldehyde is under review by the EPA's Integrated Risk Information System, which examines chemical hazards and the doses at which those hazards could manifest. The agency uses that information to decide if cleanup, air pollution, or other regulations have to be issued or updated.

Wheeler should recuse himself from any involvement in the agency's review of formaldehyde, Denison told Bloomberg Environment. He also should recuse himself from any future analysis the agency's chemicals office may undertake of any chemical that Celanese makes, Denison said.

But the question isn't that black and white, Aidala said. Just because a former client makes a chemical doesn't mean that Wheeler will have to recuse himself from every decision involving that chemical, he said.

Wheeler has recused himself from issues the EPA could review that would have a direct financial impact on UL, because he had represented that company since May 2016, according to his recusal statement. Such statements cover the two-year period before someone joins the agency.

Wheeler's efforts on behalf of Celanese Corp. preceeded that cutoff, an EPA spokeswoman said. Wheeler also lobbied for that company regarding an energy, not a chemical regulatory, issue she said.

Chemicals Background

During his November 2017 Senate nomination hearing, Wheeler described lessons he learned while working with the Toxics Release Inventory, which requires companies to report their releases of designated hazardous chemicals into the air, water, and land.

"I understand the power of the data and information that the agency has and the importance of getting that out to the public for people to know about the chemicals released where they live and the impacts that could have on public health and the environment," he said.

The time that Wheeler spent in the agency's right-to-know program helping communities plan for chemical emergencies "was very formative in my development as an environmental attorney," Wh

Officials
Politico
EPA taps former dairy lobbyist for top water office post
https://subscriber.politicopro.com/energy
Posted: July 12, 2018 by: Annie Snider

MINNEAPOLIS — EPA has hired a former Wisconsin dairy industry lobbyist for a top spot in the agency's Office of Water, the office's chief said.

David Ross, assistant administrator for the water office, told the U.S. Water Alliance conference here today that he hired Anna Wildeman to manage his office's work on nutrients. According to Wildeman's LinkedIn profile, she has been serving as deputy assistant administrator since May. Wildeman worked for Ross in his previous post at Wisconsin's Environmental Protection Unit, an appointment that drew concerns at the time since she had lobbied for the Wisconsin Dairy Business Association from 2007 to 2015.

Ross described nutrient challenges, which stem in large part from unregulated agricultural fertilizer runoff, as one of his top priorities as water chief.

"We're taking a holistic look at what we can do to incentivize markets, whether it's mitigation banking or constructed wetlands or trading to get money where we have it to where we need it," he said.

Ross also said he is forming a "water subcabinet" with Bill Northey, the former Iowa agriculture secretary who now serves as the Agriculture Department's undersecretary for farm and foreign agricultural service. The Interior Department, Energy Department, Army Corps of Engineers and National Oceanic and Atmospheric Administration are also part of the group, he said.

"We met together earlier this week about how do we go after large ticket problems, and one of the things we're going to go after is nutrients," Ross said.

PFAS
Bloomberg Environment
New Hampshire to Set Limits on Fluorochemicals in Drinking Water

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=137648444&item=408&prod=deln&cat=AGENCY
Posted: July 12, 2018 By: Aaron Nicodemus

New Hampshire will join New Jersey, New York, and Vermont in re-evaluating what is considered a safe level of fluorochemicals in drinking water.

Gov. Chris Sununu (R), a former environmental engineer, signed a New Hampshire groundwater protection bill (SB 309) into law July 10.

The new law calls for the state's Department of Environmental Services to "set maximum contaminant limits for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexane sulfonic acid (PFHxS)" by Jan. 1, 2019.

Once widely used in making nonstick cookware, fire-retardant upholstery coatings, and other consumer products, the chemical compounds—known as per- and polyfluoroalkyl substances (PFAS)—don't break down easily in the environment and can remain in the body for extended periods. Studies show long-term exposure may affect liver and immune system function, increase cholesterol levels, cause developmental delays, and increase cancer risk.

State Burdens

The law comes on the heels of widespread contamination in Southern New Hampshire with PFOA, PFOS, and related compounds, which were linked to past releases by a plant now owned by Saint-Gobain Performance Plastics.

The private drinking water wells of more than 500 families in New Hampshire and 200 wells in nearby Vermont are contaminated with PFOA. The states traced the contamination to a former ChemFab Corp. plant in Bennington, Vt., now owned by Saint-Gobain.

"We continue to advocate for legislation based on sound science so that any municipality in this country working to solve water issues has access to replicable solutions that provide potable water to its residents," said Dina Pokedoff, spokeswoman for Saint-Gobain. "Since learning about the presence of PFOA in Merrimack, Saint-Gobain made it a priority to take a leadership position and be a positive partner in the community."

The goals of the new law are "well-founded," David Miller, deputy director of water supply for Manchester (N.H.) Water Works, said. While the city supports establishing a maximum contaminant level (MCL), it must be based on sound science and take technical and cost implications into account, he added.

"Not knowing what the MCL will be at this point makes it impossible to determine the additional costs for routine sampling and other subsequent actions that may be required to meet a new MCL," he said in a statement to Bloomberg Environment. "What we do know is such costs have a real potential to be significant which in turn could have an impact on rate payers."

The new law also allows the Department of Environmental Services to make rules regarding the chemicals polluting the air and being deposited on soils and water; to regulate devices that are emitting or may potentially emit air pollutants; to periodically review ambient groundwater quality; and to establish water quality standards for PFOS, PFOA, PFNA, and PFHxS.

The air pollution provisions will go into effect in 60 days.

The new law also establishes and funds two new state positions for a toxicologist and a human health risk assessor in the Department of Environmental Services.

Maximum Contaminant Levels

In 2016, the EPA set a non-enforceable health advisory for PFOA and PFOS levels in drinking water at a combined 70 parts per trillion.

Vermont relied on the same research but used different assumptions to set the level at 20 parts per trillion. Peter Walke, deputy secretary of the Vermont Agency of Natural Resources, said at a June 26 EPA-hosted PFAS panel that the state set the limit based on what is safe for a nursing mother and baby to consume.

Peter Grevatt, director of the EPA's Office of Ground Water and Drinking Water, later told Bloomberg Environment that the federal agency set the advisory at what is considered safe for an adult woman. The EPA announced in May that it will set a drinking water maximum contaminant level for PFOA and PFOS in collaboration with states.

New Jersey officials recently announced they are seeking to set the maximum contaminant level for PFOS, PFOA and PFNA by the end of the year.

New Jersey's Drinking Water Quality Institute—an advisory panel comprised of academics, community representatives, water companies, and government agencies—proposed 13 parts per trillion as a safe level for PFOS in drinking water on June 8.

Pollution

E&E Greenwire
EPArejects green petition on pulp mill standards
https://www.eenews.net/greenwire/stories/1060088915/search?keyword=EPA
Posted: July 12, 2018 by: Sean Reilly

EPA has denied a petition by environmental groups asking the agency to reconsider parts of a hazardous pollutant rule for pulp mills issued last October, likely clearing the way for a related lawsuit to proceed.

In the December petition, the Sierra Club, the Louisiana Environmental Action Network and two other organizations argued that the new rule failed to set emissions standards for pollutants like dioxin and hydrogen chloride, "although it is undisputed that pulp mills emit these hazardous air pollutants."

The groups also contended that EPA had refused to assess chronic health risks for people living near pulp mills who are typically the most exposed to harmful pollution.

But in a response released today, acting EPA Administrator Andrew Wheeler wrote that the petition fell short on procedural grounds.

The Sierra Club and other groups had the opportunity to raise their concerns about the emission standards in the proposed rule released in 2016 and thus had not shown that it was "impracticable" for them to weigh in during the public comment period, Wheeler wrote.

"The reconsideration process is not meant to create an endless loop of comments and responses," he added.

Wheeler cited a similar rationale in rejecting the groups' claim about health risk assessment, adding that they also didn't show that their objections are "of central relevance to the outcome of the rule."

The rule, which covers 107 pulp mills that use a process known as chemical recovery combustion, resulted from a legally required review of the original hazardous air pollutant standards for the industry issued in 2001. The revised regulations published in October left those standards unchanged, although EPA dropped an exemption for potential violations that occur during plant startups, shutdowns and malfunctions, and added testing and operating provisions (E&E News PM, Oct. 10, 2017).

While agency officials also considered requiring new controls to further reduce releases of gaseous organic pollutants, they ultimately concluded that the low level of risk didn't justify the expected price tag. The existing standards "provide an ample margin of safety," they wrote in the final rule.

The same four environmental groups, represented by Earthjustice, also challenged the rule in a lawsuit concurrently filed last December with the U.S. Court of Appeals for the District of Columbia Circuit (E&E News PM, Dec. 15, 2017). Proceedings in the litigation have largely been on hold while EPA focused on addressing the reconsideration petition, court records indicate.

Renewable Fuel

Agrinews
EPA Proposes 2019 renewable Fuel volumes
http://www.agrinews-pubs.com/news/epa-proposes-renewable-fuel-volumes/article_a5f0e5df-2739-5f23-bd15-ef2ef487cc96.html
Posted: July 12, 2018 at 10:30am by Tom Doran

WASHINGTON — The U.S. Environmental Protection Agency's proposed 2019 Renewable Volume Obligation for the Renewable Fuel Standard maintained the ethanol-based fuel mandate and increased biodiesel levels, but won't address the small refinery exemptions issue.

The EPA proposed the conventional biofuel amount of 15 billion gallons, the same level as in the final RVOs for 2018. The proposal also calls for 4.88 billion gallons of advanced biofuel, including 2.43 billion gallons of biodiesel and 381 million gallons of cellulosic biofuel for 2020. The biodiesel proposal is a 300 million gallon increase from the previous year.

The concern from renewable energy proponents is if EPA will reallocate volumes waived under the small refinery hardship exemption to ensure the RFS levels established by the law are met.

Under EPA's RFS program, a small refinery may be granted a temporary exemption from its annual RVO if it can demonstrate that compliance would cause the refinery to suffer disproportionate economic hardship. "Small" refineries are defined as those producing less than 75,000 barrel per day.

The EPA has approved 25 small oil refineries hardship waivers thus far for 2017 after granting 14 for the previous year. The ethanol waivers have reached 1.5 billion gallons.

Exempt refineries no longer have to blend biofuels or buy credits to comply with the law, and they can sell any credits they previously had purchased to use for compliance.

"EPA has granted exemptions pursuant to this process in the past. However, at this time, no exemptions have been approved for 2019, and therefore, we have calculated the percentage standards for 2019 without any adjustment for exempted volumes," stated the EPA in its ruling.

"EPA is maintaining its approach that any exemptions for 2019 that are granted after the final rule is released will not be reflected in the percentage standards that apply to all gasoline and diesel produced or imported in 2019.

"EPA is not soliciting comments on how small refinery exemptions are accounted for in the percentage standards formulas and any such comments will be deemed beyond the scope of this rulemaking."

The American Petroleum Institute commended the EPA "for fair and equitable treatment of the reallocation questions on small refinery waivers in the proposed 2018 biofuel obligation under the RFS," but said the RFS remains flawed and needs to be reformed.

"EPA made the right call in not reallocating the waived small refiner exemption volumes; however, the agency's latest proposal for 2019 is yet another example — in fact, it's an annual example of a broken government program that needs a comprehensive legislative solution that includes the sunset of the program," said Frank Macchiarola, API Downstream Group director.

"The RFS is a backward-looking policy that doesn't reflect today's energy market realities of strong domestic energy production. Furthermore, by increasing biomass-diesel and the overall biofuels volumes the government is putting its thumb on the scale, picking winners and losers.

"The biggest losers from this biomass-diesel proposal could be consumers as once again this proposal threatens to breach the blend-wall.

"The American consumer is demanding real legislative reform of the program, and this annual process only strengthens the case for such reform."

Agriculture groups and the renewable fuel industries had a much different take on the RFS and the waivers.

"The EPA proposed 15 billion gallons for conventional biofuels, but that still isn't a real number we can count on. This plan fails to ensure those gallons will, in fact, be blended. By neglecting to reallocate gallons lost to waivers, the EPA is doubling down on another year of an estimated 1.5 billion gallons in demand destruction," said Emily Skor, Growth Energy CEO.

"The same holds true for advanced and cellulosic biofuels, which are rapidly delivering new economic opportunities for rural communities and driving America's leadership in clean energy. The targets proposed today promise growth, but those investments can't move ahead unless the EPA makes it clear that goals set by Congress will be enforced."

North Dakota farmer Kevin Skunes, president of the National Corn Growers Association, is encouraged that EPA is following congressional intent and proposing some growth in the RFS volumes and continuing to propose an implied 15-billion-gallon volume for conventional ethanol.

"However, by continuing to allow retroactive exemptions to refineries, EPA will undercut the volumes in this rule, rendering the proposed blending levels meaningless. Furthermore, the proposed rule states that EPA will not consider comments on how small refinery exemptions are accounted for," Skunes said.

"America's farmers are experiencing their lowest net farm incomes since 2006, along with the increasing threat of a trade war. The EPA can provide more certainty to farmers by addressing the gallons already exempted, spelling out how future exemptions will be handled to ensure waived gallons are reallocated and moving forward with a stronger RFS that supports America's farmers and their rural communities."

American Soybean Association President John Heisdorffer, Keota, Iowa, said the increase in biodiesel volumes supports a valuable, growing market for soybean oil.

"We have an increased capacity on the domestic market to meet the demand for renewable fuels blended into the nation's fuel supply," he said.

Yet, Heisdorffer pointed out that proposed future increases in BBD volumes could be negated by the unwarranted waivers of RFS volumes that EPA recently has granted some oil refiners.

Seeking Transparency

Democratic members of the House Energy and Commerce Committee and the House Committee on Agriculture called on the EPA to provide additional information regarding their failed implementation of the RFS.

In a letter to the EPA administrator, lawmakers laid out a series of questions seeking information about the mismanagement of a program that provided waivers to some of our nation's largest, most profitable refiners, but were intended to help support small refiners with demonstrated economic hardship and were in danger of going bankrupt.

The group of 12 lawmakers also is seeking information about the EPA's retroactive awarding of Renewable Identification Numbers, which undermine the biofuels market. The lawmakers have made repeated requests for this information, which the EPA has refused to answer.

Bloomberg Environment
More Refineries Could Get Waivers From Biofuel Blending Mandate
https://bnanews.bna.com/environment-and-energy/more-refineries-could-get-waivers-from-biofuel-blending-mandate
Posted: July 12, 2018 at 2:15pm by Jennifer A. Dlouhy

Thirty-three small refineries asked the EPA to exempt them from the 2017 biofuel blending requirements, and 29 of those requests were granted, Assistant Administrator Bill Wehrum says in letter to Sen. Charles Grassley (R-Iowa).

Waivers currently cover 1.46 billion Renewable Identification Numbers, the compliance credits refiners use to prove they have satisfied annual quotas, but they could grow. Wehrum says the EPA is still processing the remaining four petitions.

"For the 2016 compliance year, EPA granted exemptions for 19 refineries covering 790 million RINs, and rejected one request," Wehrum said. EPA hasn't yet received waiver applications for 2018 compliance year.

Wehrum's letter responds to queries lodged by a dozen farm-state senators in April.

Under federal law, the Environmental Protection Agency can exempt small refineries (those that use no more than 75,000 barrels of crude per day) from quotas compelling them to use corn-based ethanol and other mandates if they face "disproportionate economic hardship."

The EPA backed off a plan to force large refineries to blend more biofuel to make up for waivers last month.