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Subject: DOE loses latest appeal over nuclear waste fees

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Energy and environment headlines for the afternoon of Tuesday, March 18, 2014

DOE loses latest appeal over nuclear waste fees

By Edward Felker

A federal court on Tuesday rejected an appeal by the Energy Department to reconsider its ruling that likely will stop collection of $750 million in annual fees from nuclear power ratepayers for the government's stalled spent fuel storage program.

The ruling by the U.S. Court of Appeals for the District of Columbia was the latest victory for utilities and state regulators. In the wake of President Barack Obama's 2010 cancellation of the Yucca Mountain repository, the groups have charged the government cannot legally collect fees for the collection of spent fuel that remains at nuclear plants nationwide.

A panel of three court judges in November first ruled for the Nuclear Energy Institute and the National Association of Regulatory Utility Commissioners in challenging the fee. The department sought to have the case heard again by the entire court.

That appeal was rejected in an order without comment. Department officials had no comment on the setback.

Energy Secretary Ernest Moniz has in the meantime complied with the November ruling by notifying Congress on Jan. 3 that the department next month would suspend the collections from utilities of a tenth of one cent per kilowatt hour.

By law Congress has 90 days to overrule any changes to the fee through passage of new legislation. Prospects for congressional action in time to reinstate the fee appear unlikely, however.

A bipartisan bill to codify a new interim and permanent spent fuel repository program, proposed by an expert commission created by Obama, has languished in the Senate.

Republicans in the House continue to push for the Yucca site to be opened, citing more than $15 billion spent to develop the project. That would have to happen over the objections of Nevada lawmakers, notably Senate Majority Leader Harry Reid, a Democrat, and Obama.

NARUC President Colette D. Honorable in a statement called the order on Tuesday a "big win" for consumers of nuclear power.

"Once again, the U.S. Court of Appeals for the District of Columbia Circuit has sent another strong signal to the federal government: Stop charging consumers of nuclear power for the stalled Yucca Mountain, Nev., nuclear-waste repository program," she said.

Ellen Ginsburg, NEI vice president and general counsel, said the order affirms its contention that the Yucca site was illegally cancelled. A separate court ruling has forced the Nuclear Regulatory Commission to re-start its review of a Yucca licensing application submitted in 2008 by the Bush administration.

Ginsberg called on the Obama administration to comply with the Nuclear Waste Policy Act to take possession of spent fuel stored in dry casks and cooling pools at reactors.

"Nuclear energy generators are very pleased that their consumers will not have to pay the fee while no program is under way. However, the industry is extremely eager for the government to meet its legal obligation to dispose of used nuclear fuel," she said.

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Upcoming Events

Oil gains most in 2 weeks on US factory data

By Pablo Gorondi, The Associated Press

The price of oil rose the most in two weeks Tuesday after strong U.S. factory data.

Benchmark U.S. crude for April delivery gained $1.62 to $99.70 on the New York Mercantile Exchange. It was oil's biggest gain since March 3.

Brent crude, used to set prices for international varieties of crude, gained 55 cents to $106.79 on the ICE Futures exchange in London.

Data from the Federal Reserve showed that U.S. factory output in February rose at its fastest clip in six months after disruptions from severe winter weather. That bodes well for demand for oil in the world's largest economy.

Oil prices were also underpinned by the narrow scope of U.S and European Union sanctions against Russia for its intervention in Crimea. On Tuesday, Russian President Vladimir Putin signed a treaty to annex Crimea but suggested his country was not seeking to take over other parts of Ukraine.

Investors are also awaiting fresh information on U.S. stockpiles of crude and refined products.

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US consumer prices tick up just 0.1 percent, lower energy offsets higher food

By Christopher S. Rugaber

WASHINGTON (AP) — Cheaper energy kept U.S. consumer prices in check last month, despite a big rise in the cost of food, the latest sign that inflation is tame.

The consumer price index rose 0.1 percent in February, matching January's increase, the Labor Department said Tuesday. In the past 12 months, prices have risen just 1.1 percent, down from 1.6 percent in January and the smallest yearly gain in five months.

Energy prices fell 0.5 percent because lower gasoline and electricity costs offset higher prices for natural gas and heating oil. Clothes and used cars were also cheaper last month.

Still, consumers took a hit at the grocery store as food costs rose 0.4 percent, the most in nearly 2 ½ years. Beef prices jumped 4 percent in February, the most in more than 10 years, as recent droughts have pushed up cattle feed prices. Milk, cheese and other dairy prices also rose.

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Va. gov expects Duke to pony up for coal ash spill

By Steve Szkotak

DANVILLE, Va. (AP) — Gov. Terry McAuliffe said Tuesday he expects Duke Energy to fully compensate Virginia for a massive coal ash spill into the Dan River that turned collection basins at Danville's water treatment plant gray.

McAuliffe spoke after he toured the city's treatment plant and was assured the drinking water for 18,000 customers were well within safe-drinking standards based on multiple municipal, federal and independent water testing.

"I'm going to have a little glass of water myself," McAuliffe said at the conclusion of the tour of the plant, which overlooks the Dan River.

Despite questions about Duke's handling of the Feb. 2 spill, McAuliffe said Duke executives had assured him they would make good on any costs associated with the spill in Virginia. The spill coated 70 miles of the Dan River, which crosses both states, with toxic sludge.

"I have assurances from Duke Energy that they're going to pay for everything," McAuliffe said. "I take them at their word. No reason not to."

In North Carolina, a federal grand jury was to convene Tuesday as part of a widening criminal investigation sparked by the spill, which coated 70 miles of the Dan River with the toxic sludge.

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SC sues US Energy Department over MOX plan

By Meg Kinnard

COLUMBIA, S.C. (AP) — South Carolina filed a lawsuit on Tuesday intended to keep the federal government from defunding a multi-billion dollar project to turn weapons-grade plutonium into commercial nuclear reactor fuel, saying its closure would hurt an international nonproliferation agreement and eliminate hundreds of jobs.

"They made a promise," Gov. Nikki Haley said at a news conference at the Statehouse, of President Barack Obama's administration. "They cannot, for whatever reason this is, decide that they are going to go on cold standby."

The lawsuit, filed Tuesday in federal court in South Carolina by state Attorney General Alan Wilson, accuses the federal government of using money that Congress set aside for building the mixed-oxide fuel project, known as MOX, to shut it down.

"The use of appropriated funds in this manner is unauthorized and violates the Constitutional and Federal law," the state said in the lawsuit, which names the Energy Department, Energy Secretary Ernest Moniz and the National Nuclear Security Administration as defendants. "Any actions of the Defendants to suspend construction of the MOX Facility in Fiscal Year 2014 should be declared unlawful."

An Energy Department spokesman did not immediately respond to telephone and email messages Tuesday afternoon.

Managed by federal government, the MOX project at the Savannah River Site is intended to help the United States fulfill an agreement with Russia to dispose of at least 34 metric tons apiece of weapons-grade plutonium — an amount officials say is enough material for about 17,000 nuclear warheads.

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W.Va. spill company could have $3M left by June

By Jonathan Mattise

CHARLESTON, W.Va. (AP) — The company that spilled chemicals into 300,000 West

Virginians' water supply could have about $8 million left this summer before paying hundreds of creditors.

Freedom Industries Chief Restructuring Officer Mark Welch estimated in bankruptcy court Tuesday that $2.5 million to $3 million would remain in mid-June. He said the 51-employee company will cease business operations by the week's end.

Judge Ronald Pearson approved Freedom's hire of Welch Tuesday, despite concerns about pay rates. Welch estimated he could net Freedom $1 million by collecting payments and finding savings during environmental cleanup.

Freedom's deadline was Saturday to start demolishing the Charleston facility responsible for the Jan. 9 spill, which contaminated water for days.

Dozens of creditors are businesses and residents who sued Freedom over lost wages and profits during a water-use ban.

A message from the American Petroleum Institute

America is now the world's #1 natural gas producer and is expected to become #1 in oil by 2015. Smart energy policies can create jobs, grow our economy and establish America as a global energy leader.

Learn more at ChooseEnergy.org

Pipeline leaks thousands of gallons of oil in Ohio

By Dan Sewell

CINCINNATI (AP) — A cleanup effort is underway in a southwest Ohio nature preserve where thousands of gallons of crude oil leaked from an interstate pipeline.

Federal and state environmental officials and local authorities and an environmental cleanup contractor were on the scene Tuesday after the leak in the Oak Glen Nature Preserve. Workers are vacuuming oil from a wetlands area. Authorities say the oil pipeline was shut off and the spill has been contained.

The leak occurred near the Great Miami River, but Cincinnati water officials say it won't affect the public water supply.

Officials estimate that 240 barrels leaked, the equivalent of about 10,000 gallons. There were no immediate reports of injured animals.

The 20-inch diameter pipeline is part of the Mid-Valley Pipeline Co. pipeline running nearly 1,000 miles from Texas to Michigan. It is primarily owned by Sunoco Logistics Partners.

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Lawsuit claims coal pollutes Mississippi River

By Janet McConnaughey

NEW ORLEANS (AP) — Three environmental groups claim in a federal lawsuit that a coal terminal south of New Orleans is polluting the Mississippi River.

The lawsuit against United Bulk Terminals alleges coal and petroleum coke fall daily from its conveyor belts at Davant and onto the river bank or into the Mississippi.

The company did not immediately respond to a request for comment Tuesday.

The groups charge the company is ignoring state law, which requires immediate cleanup of spilled materials.

The groups seek fines against United Bulk under the federal Clean Water Act and want the company to be ordered to clean the river and its bank.

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There may be opposition, but many Nebraska landowners await Keystone pipeline

By Grant Schulte

LINCOLN, Neb. (AP) — If the proposed Keystone XL oil pipeline ever gains approval, Ronald Weber will watch from his farmhouse as workers lay the line beneath a half-mile of his cropland in northeast Nebraska.

The 69-year-old retired farmer wishes the pipeline had missed his property, simply to avoid the difficulty of growing corn and soybeans around the construction work. But what leaves Weber exasperated are the repeated project delays.

"It's ridiculous that we haven't yet built this thing," he said. "It would have been nice if they had gone a mile over and missed me, but these kinds of things happen. It has to go through somewhere."

Weber has plenty of company in Nebraska, a state that has been an impediment to the 1,100-mile-long line almost since it was proposed 10 years ago, but where patience with the struggle seems to be running thin now that the pipeline company has reached financial settlements with three-quarters of the landowners on the route. Secretary of State John Kerry

is expected to decide in the coming months whether to recommend White House approval of the project.

A group of environmental activists and farmers has cast the $5.4 billion pipeline as a threat to the nation's efforts to curtail global warming, to the state's groundwater and to residents' property rights. The line's path through Nebraska also remains in legal limbo because of an ongoing court challenge.

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Putin signs treaty to add Crimea to map of Russia

By Vladimir Isachenkov

MOSCOW (AP) — With a sweep of his pen, President Vladimir Putin added Crimea to the map of Russia on Tuesday, describing the move as correcting a past injustice and responding to what he called Western encroachment upon Russia's vital interests.

While his actions were met with cheers in Crimea and Russia, Ukraine's new government called Putin a threat to the whole world and U.S. Vice President Joe Biden warned that the U.S. and Europe will impose further sanctions against Moscow.

"The world has seen through Russia's actions and has rejected the flawed logic," Biden said as he met with anxious European leaders in Poland.

In an emotional 40-minute speech televised live from the Kremlin's white-and-gold St. George hall, the Russian leader said he was merely restoring order to history by incorporating Crimea.

"In people's hearts and minds, Crimea has always been an integral part of Russia," he declared.

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Pushing back on Russia, Biden vows more sanctions

By Josh Lederman

WARSAW, Poland (AP) — Denouncing Russia's actions in Crimea as "nothing more than a land grab," Vice President Joe Biden warned Russia on Tuesday that the U.S. and Europe will impose further sanctions as Moscow moved to annex part of Ukraine.

With limited options, the United States was seeking ways to show it won't stand idly by as

Russian President Vladimir Putin signed a treaty for the Ukrainian peninsula of Crimea to join Russia. So far, Putin has been undeterred by sanctions and visa bans levied by the U.S. and the European Union, and there's no U.S. appetite for military intervention.

"Russia has offered a variety of arguments to justify what is nothing more than a land grab, including what he said today," Biden said in Poland, which shares a border with both Russia and Ukraine. "But the world has seen through Russia's actions and has rejected the flawed logic behind those actions."

Biden arrived early Tuesday in a region on edge over Russia's nascent aggression in Crimea. Amid eerie echoes of the Cold War, U.S. allies including Poland have raised concerns that they could be next should the global community be unable to persuade Putin to back down.

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Insufficient pipelines boosting natural gas price in New England

By Stephen Singer

HARTFORD, Conn. (AP) — A lack of pipelines into New England is making natural gas costlier, pushing up wholesale electricity prices in the region by 55 percent last year, the region's electric grid operator said Tuesday.

The average price of wholesale electric energy rose to $56.06 per megawatt hour, up from a historic low of $36.09 in 2012, ISO-New England said.

Natural gas is the predominant fuel used to generate the region's electricity, amounting to about 46 percent of generation in 2013. Wholesale power prices tend to track the price of natural gas.

The rising price undermines the attractiveness of natural gas, which is in high demand as an alternative to costlier heating oil. The price of natural gas has declined as production increases in the Marcellus shale field in New York and Pennsylvania.

But limited pipeline capacity into New England has made it difficult for some natural-gas-fired generators to get fuel, pushing up prices and risking reliable operation of the power system, ISO said.

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Oil seeps into LA neighborhood near Wilmington Oil Field

By The Associated Press

LOS ANGELES (AP) — Oil is seeping into a residential Los Angeles neighborhood and authorities are trying to figure out where it's coming from.

City News Service says the oil began pooling on North Neptune Avenue in the Wilmington area at about 1 a.m. Tuesday.

Workers from the City of Los Angeles hazardous materials team along with a private company are tracking the source of the oil.

The street is closed but residents are being allowed access to and from their homes.

Police Lt. B. Roberts says the seeping oil does not pose a threat to the public.

The neighborhood is adjacent to the Wilmington Oil Field, one of the largest oil fields in the continental United States. There are several refineries in the area.

Nebraska nuke plant generator goes offline

By The Associated Press

OMAHA, Neb. (AP) — Utility officials say a problem on the non-nuclear side of the Fort Calhoun nuclear power plant caused the plant turbine to go offline.

Omaha Public Power District said the turbine took itself offline during routine maintenance just after noon on Monday. Spokesman Jeff Hanson said Tuesday that when the generator went offline, the reactor went offline, recognizing there was no need for the steam it was creating.

Hanson says the generator remained offline Tuesday.

Fort Calhoun, which sits about 20 miles north of Omaha, had been off line from April 2011 until December. It initially shut down for routine maintenance, but significant flooding in 2011, a small fire and a series of safety violations forced it to remain closed for more than two years.

Libyan militia commander accuses US of piracy

TRIPOLI, Libya (AP) — A militia commander controlling Libya's oil terminals denounced the United States for seizing a tanker that his militia was using to try to export oil in defiance of the country's central government, saying Tuesday that Washington was siding with Tripoli against the aspirations in the eastern half of the country for greater autonomy.

Ibrahim Jedran is part of a movement demanding autonomy for eastern Libya, and last

summer his militia took over Libya's oil facilities in the east. As a result, the country's exports of its biggest revenue earner have slowed to a trickle. This month, Jedran's militia loaded a tanker full of more than $30 million-worth of oil at a Mediterranean port it controls and tried to export the oil for sale for the east's coffers.

Speaking in a televised statement aired on his private TV network, the militia commander Jedran said Washington was aligning with the wrong side in the dispute of Libya's regions. He said the central authorities in Tripoli are dominated by Islamists, who hold sway in parliament, and ignore the aspirations of the east.

"The free world should stand next to the side of truth," Jedran said. "But today we find a super power declaring piracy."

Jedran warned the U.S. against handing the tanker and three eastern Libyans on board over to "the criminal militia that rules Tripoli," adding that "such a dangerous measure would lead to a civil war."

On Sunday night, U.S. Navy SEAL commandos captured the tanker, Morning Glory, as it was anchored off the Mediterranean island of Cyprus. The U.S. Navy is now escorting the vessel back to Libya to hand over to the central government.

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Iran talks get down to 'nitty gritty' on sanctions, nuclear cuts

By George Jahn

VIENNA (AP) — Iran and six world powers focused Tuesday on what an EU official called the "nitty-gritty" of a deal meant to curb Tehran's nuclear program and end sanctions on the Islamic Republic. Iran's foreign minister was more cautious as the talks opened, saying they were meant merely to exchange ideas.

A tiff between Iranian Foreign Minister Mohammad Javad Zarif and EU foreign policy chief Catherine Ashton over Ashton's recent meeting with Iranian opposition women activists had overshadowed Tuesday's resumption of the monthly talks. But Ashton's spokesman, Michael Mann, described the dispute as a possible "misunderstanding" that would not affect the meeting.

The two sides hope to reach an agreement by July that eases international concerns about Iran's nuclear-weapons making capacity by trimming and strictly monitoring its atomic programs. Tehran denies any interest in nuclear weapons but is looking for a deal that will give it full relief from sanctions imposed progressively as it expanded its nuclear activities over the past decade.

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Palestinians seek to drill for oil in West Bank

By Josef Federman

JERUSALEM (AP) — The Palestinian Authority on Tuesday announced plans to explore for oil in the West Bank, throwing a new element of uncertainty and confusion into troubled U.S.-backed peace efforts.

The Palestinians proclaimed the project, close to a small oil field in Israel in which an Israel firm is drilling, a key step toward their dream of developing the local economy and gaining independence in the West Bank. But Israel, which wields overall control of the area, gave no indication it has agreed to the plan.

Mohammed Mustafa, the Palestinians' deputy prime minister for economic affairs, said the Palestinians were seeking proposals from international firms to explore and develop oil in the northern West Bank.

He said the project was among a series of initiatives drawn up by Mideast envoy Tony Blair to help develop the Palestinian economy. "The Palestinian people have the right to use their resources," he told The Associated Press.

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Power board approves western Ohio wind farm

By The Associated Press

COLUMBUS, Ohio (AP) — The state has approved a wind farm with 176 turbines and associated electric transmission facilities to be located in western Ohio.

The Scioto Ridge Wind Farm in Hardin and Logan counties will be capable of generating 300 megawatts of electricity and will include up to 60 miles of access roads, 83 miles of underground electric collection lines and four meteorological towers.

The farm could power up to 83,000 homes.

The Ohio Power Siting Board on Monday authorized Hardin Wind, LLC, a subsidiary of EverPower Wind Holdings, Inc., to construct the project on 17,000 acres of private land.

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Head battles heart in Scottish independence debate,

Senators send letter urging Obama to be tough with Iran

North Sea oil a factor

By Jill Lawless

EDINBURGH, Scotland (AP) — Scotland's swithering "middle million" has Britain's future in its hands.

"Swithering" means wavering, and it's a word you hear a lot in Scotland right now. Six months from Tuesday, Scottish voters must decide whether their country should become independent, breaking up Great Britain as it has existed for 300 years.

Overcoming doubts is the challenge faced by Scottish First Minister Alex Salmond and the "Yes Scotland" independence campaign backed by his Scottish National Party. Salmond has appealed to Scots' patriotic hearts, painting the referendum as a choice between starkly different economic and social models: English austerity and Scottish social democracy.

Salmond is critical of Britain's budget-cutting, Conservative-led government, and says an independent Scotland will follow a different path, using its resourcefulness and North Sea oil revenues to create a dynamic economy and a strong social safety net.

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Senators send letter urging Obama to be tough with Iran

A group of 83 senators led by Foreign Relations Committee Chairman Robert Menendez, D-N.J. and Sen. Lindsey Graham, R-S.C., warned in a letter to President Obama that they want any collapse in negotiations with Iran to bring resumption of tough sanctions on its oil exports, Roll Call reports.

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US gas export approvals would have little impact on Ukraine crisis, executive says

The U.S. is at least two years away from sending meaningful exports of natural gas to Europe even if decisions were taken now to do so, a senior executive from BG Group told the Wall Street Journal, making any change in Washington policy unlikely to have much of an impact on the Ukraine crisis.

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$641 billion in infrastructure needed to keep up with US energy boom

Between now and 2035 spending on energy transmission infrastructure will have to accelerate, with $641 billion needed for at least 35,000 miles of pipelines, according to a study by ICF International for natural gas groups, FuelFix reports.

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Louisiana's gas demand could soar on power generation, export prospects

Demand for natural gas in Louisiana from the Haynesville and Marcellus shale plays could soar on a petrochemical revival and increased use of gas in power plants, as well as the prospect of LNG exports, FuelFix reports.

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SolarCity stops installation on systems with batteries

SolarCity has stopped installing rooftop solar systems that have batteries, because in California utilities don't want to connect them to the electric grid, Bloomberg reports.

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Keystone opponents fighting Maryland natural gas export terminal

Environmental groups charged that greenhouse gas emissions stemming from Dominion Energy's proposed Cove Point natural gas export terminal on the Chesapeake Bay, including liquefying and shipping, makes it an unacceptable facility given the fight against climate change, according to Bloomberg.

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Colorado officials agree to add a twin to existing oil pipeline

Adams County Commissioners have approved a new pipeline that will carry crude from Colorado to Oklahoma, running alongside an existing one that has hit capacity, The Denver Post reports.

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Cellulosic biofuels company Kior slides toward bankruptcy

Kior Inc., which runs the first commercial-scale cellulosic biofuels plant in the U.S., has told the Securities and Exchange Commission that it faces default or bankruptcy unless billionaire investor Vinod Khosla provides new capital needed by the end of March, Bloomberg reports.

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Mixed feelings in Alaska over McCarthy remarks

The Alaskan tribal chief who gave EPA Administrator Gina McCarthy a jar of moosemeat she said in an interview could "gag a maggot," told E&E he had no hard feelings about it

despite growing controversy, but the Alaska House has passed a resolution condemning remarks she made about that and a gift pin from the mayor of North Pole.

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Prominent scientists weigh in on climate change

Linking climate change to human activity is the environmental equivalent of saying smoking causes cancer, according to a new report by the American Association for the Advancement of Science entitled "What We Know," E&E reports.

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Cut in energy subsidies putting Spain's pig farmers in a bind

Spain's cut in energy subsidies has resulted in the closure of power plants that used to turn pig waste into fertilizer, leaving farmers angry and staging protests that literally stink, The Wall Street Journal reports.

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Upcoming Events

- Mar. 18, Washington: Sierra Club, 350.org founder Bill McKibben hold press teleconference to discuss concerns about LNG exports and cliamte change. 1:00 pm , by teleconference.
- Mar. 18, Washington: Interstate Natural Gas Association of America briefs reporters on new report outlining midstream energy infrastructure investments needed by 2035. Rescheduled from Monday. 9:15 am , National Press Club.
- Mar. 18, Washington: Methanol Policy Forum held by Methanol Institute, the Institute for the Analysis of Global Security and the U.S. Energy Security Council. Luncheon speakers include former National Security Adviser Robert C. McFarlane, former Shell North America CEO John Hofmeister; Energy Department Vehicles Technologies Office Director Patrick Davis appears on afternoon panel. 9:00 am , Hyatt Regency Washington.
- Mar. 19, Washington: White House holds forum on climate change and local preparedness. Obama adviser John Podesta, Office of Science and Technology Policy Director John P. Holdren, Acting CEQ Chair Mike Boots, NOAA Administrator Kathryn D. Sullivan among speakers. 5:00 pm , White House.
- Mar. 19, Washington: Interior Secretary Sally Jewell holds news teleconference to announce results of Gulf of Mexico offshore drilling lease sale. 12:00 pm , by teleconference.
- Mar. 19, Fresno, Calif.: House Natural Resources Committee field hearing, "California Water Crisis and Its Impacts: The Need for Immediate and Long-Term Solutions." Witnesses to be announced. 10:00 am , Fresno City Council.

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