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From: BNA Highlights
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Latest Developments

Group Plans to File Lawsuit Over Emissions Fom Pennsylvania Coke Works Facility

Posted February 13, 2014, 4:03 P.M. ET

A Pennsylvania advocacy organization announced Feb. 12 that it intends to sue a local coke works facility over alleged violations of air pollution emissions limits.

The organization, called Group Against Smog and Pollution, collected emissions data from compliance reports from the Allegheny County Health Department and said it found 330 days with violations over 432 days at Shenango Inc.'s coke manufacturing plant on Neville Island near Pittsburgh, which DTE Energy Services has owned since 2008.

The environmental group sent the company a notice of intent to sue on Feb. 6 under the Clean Air Act. If the company does not address the concerns within 60 days, the group said it would file its lawsuit.

From July 26, 2012, to Sept. 30, 2013, the group said it found violations of combustion stack opacity standards, pushing operations opacity standards, coke oven battery doors visible emissions standards, charging operations visible emissions standards and hydrogen sulfide limits for combusted coke oven gas.

Canada Proposes to Continue Tax Credits for Mineral Exploration, Budget Reveals

Posted February 13, 2014, 4:03 P.M. ET

The 2014 federal budget plan for Canada proposes to extend a 15 percent mineral exploration tax credit for flow-through share investors for an additional year.

In 2012, more than 350 companies issued flow-through shares with the benefit of the credit to more than 30,000 individual investors, said the budget issued Feb. 11. The credit is scheduled to expire March 31.

Finance Minister Jim Flaherty's budget said promoting the exploration of Canada's mineral resources by junior exploration companies helps create jobs and economic development across the country.

"The 15 percent Mineral Exploration Tax Credit helps these companies raise capital by providing an incentive to investors in flow-through shares issued to finance mineral exploration," the budget document said. "This credit is in addition to the deduction provided to the investor for the exploration expenses 'flowed through' by the company that

issues the shares."

The budget said that since 2006, the credit has helped junior mining companies raise more than C$5 billion ($4.5 billion) for exploration.

Senators Undecided on How Two Additional Coal Product Spills May Influence Legislation

Posted February 13, 2014, 4:03 P.M. ET

It remains unclear how two recent coal product spills in North Carolina and West Virginia will influence legislation from three Senate Democrats designed to boost chemical storage safety in light of a previous chemical spill that left 300,000 without access to drinking water, senators told Bloomberg BNA.

"If there's something else that we missed that needs to be put in there, we'll do it," Sen. Joe Manchin (D-W.Va.), a sponsor of the Chemical Safety and Drinking Water Protection Act (S. 1961), told Bloomberg BNA.

Sen. Barbara Boxer (D-Calif.) expressed serious concerns about the Feb. 2 spill of 50,000 tons to 82,000 tons of coal ash from a storage lagoon at Duke Energy's Dan River Steam Station near Eden, N.C., into the Dan River, but did not say whether the spill might affect the Senate bill.

A senior Environmental and Public Works Committee aide told Bloomberg BNA the committee hoped to quickly advance S. 1961, introduced by Boxer, Manchin and Sen. Jay Rockefeller (D-W.Va.) on Jan. 28, and were currently soliciting comments on its contents.

Farmers Who Till Wetlands Remain Eligible for Subsidies if They Mitigate Losses

Posted February 13, 2014, 4:03 P.M. ET

The recently enacted farm bill will allow farmers who cultivate sensitive wetlands to receive crop insurance subsidies as long as they mitigate and compensate for the loss of the wetlands.

A provision in the Agricultural Act of 2014 (H.R. 2642, Pub. L. 133-79) allows farmers to retain their eligibility to receive crop insurance subsidies by paying an amount equal to 150 percent of the cost of mitigating the loss of wetlands.

This provision is offered to farmers and ranchers in lieu of losing crop insurance premiums for not protecting highly erodible soil and sensitive wetlands on their farms in H.R. 2642, which President Barack Obama signed into law on Feb. 7.

According to the conference report for the bill, the USDA is directed to ensure that the mitigation occurs on a 1:1 ratio, meaning one acre of wetlands should be mitigated for each acre that is lost.

The National Sustainable Agriculture Coalition called this provision "problematic."

In a Feb. 10 analysis of the crop insurance-conservation compliance provisions in the farm bill, the coalition states: "This is problematic because the environmental benefits of natural wetlands often exceed those of constructed wetlands. Thus, one acre of natural wetlands does not have the same value as one acre of mitigated wetlands. Moreover, wetland mitigation efforts, especially wetland creation, often simply do not work."

'Unclear' Whether Flood Insurance Reforms Will Reduce Fiscal Risks, GAO Says

Posted February 13, 2014, 4:03 P.M. ET

Steps have been taken to reform a federally run flood insurance program, but it is still "unclear" whether the changes will reduce the program's fiscal risks, a Government Accountability Office official said Feb. 12.

The National Flood Insurance Program (NFIP) is one of the federal government's biggest fiscal risks related to climate change, Mark Gaffigan, GAO's managing director of natural resources and environment issues, said.

"The federal government has a great deal at stake" as an insurer of property through NFIP and as an insurer of crops through a similar program, he told the Senate Homeland Security and Governmental Affairs Committee.

The NFIP, administered by the Federal Emergency Management Agency, has been criticized for subsidizing insurance rates in a way that masks the true economic cost of floods in high-risk areas.

FEMA intended to finance the program with premiums collected from policyholders, not taxpayers. But as of December 2013, FEMA's debt from flood insurance payments totaled about $24 billion—up from $17.8 billion before Superstorm Sandy, according to a GAO report prepared for Gaffigan's testimony.

N.C. Agency Regulating Duke Energy Subject of Criminal Probe After Ash Spill

Posted February 13, 2014, 4:03 P.M. ET

Federal prosecutors have launched a criminal investigation into the state's oversight of Duke Energy and response to the recent coal ash spill in North Carolina.

According to Drew Elliot, a spokesman for the North Carolina Department of Environment and Natural Resources (DENR), a subpoena has been issued to his agency seeking documents, records, and communication related to the Feb. 2 coal ash spill near Eden, N.C. The agency has been criticized by environmental groups for not adequately addressing coal ash storage in the state, its relationship with Duke Energy and information it has provided about the spill and its impacts.

Tens of thousands of tons of ash were released into the Dan River in the Feb. 2 ash spill. The release has been stopped, and a long-term cleanup plan will be developed.

DOE Proposes Revisions to Rules for Certifying HVAC, Water Heating, Refrigeration Efficiency

Posted February 13, 2014, 3:38 P.M. ET

The Energy Department is proposing to revise its regulations for certifying that certain commercial and industrial equipment complies with energy efficiency requirements, according to a notice set to be published in the Federal Register Feb. 14.

The proposal is the latest in a series of rulemakings based on the recommendations of an industry working group focused on certification procedures for commercial heating, ventilation and air conditioning (HVAC) equipment, water heating equipment and refrigeration equipment.

DOE sets federal energy conservation standards for industrial equipment under the Energy Policy and Conservation Act of 1975, as amended. Manufacturers are required to submit annual reports to the department certifying that their equipment models meet the energy conservation standards.

DOE issued a final rule in December adopting recommendations from the working group related to model grouping, certification requirements and deadlines and features that could be excluded from certification, verification and enforcement testing.

In addition to its current reporting requirements for certification, the department is now asking equipment makers to provide customer-specified model numbers, in lieu of manufacturer model numbers, and asking for the name of any alternative methods used to test equipment.

House Natural Resources Committee Chairman Hastings to Retire

Posted February 13, 2014, 1:38 P.M. ET

Rep. Doc Hastings (R-Wash.), the chairman of the House Natural Resources Committee, announced Feb. 13 he will retire from Congress at the end of his current term.

Hastings said his family was a primary factor in his decision to retire and that he is looking forward to spending more time with his wife, children and grandchildren. He will retire at the end of January, according to a news release.

Hastings was first elected to Congress in 1994. He served as ranking member of the natural resources committee from 2009 to 2011 and has served as chairman of the natural resources committee since 2011. Hastings also is currently on the Republican Steering Committee, serves as the assistant whip and is the founder and chairman of the

House Nuclear Cleanup Caucus.

Interior Plans Two Lease Auctions in March for Oil, Gas Exploration in Gulf of Mexico

Posted February 13, 2014, 1:14 P.M. ET

The Interior Department announced Feb. 13 it will offer more than 40 million acres in March for oil and gas exploration leases in the Gulf of Mexico.

Lease Sale 231 in the Central Planning Area and Lease Sale 225 in the Eastern Planning Area will be held consecutively March 19 in New Orleans by Interior's Bureau of Ocean Energy Management.

The decision to hold the auctions followed extensive environmental analysis, according to Interior. The terms of the sales include stipulations to protect biologically sensitive resources and mitigate potential adverse effects on protected species, the department said.

Sale 231 includes 7,507 blocks located from three to 230 miles offshore Louisiana, Mississippi and Alabama in depths ranging from nine to more than 11,115 feet. The blocks cover 39.6 million acres.

Sale 225 includes 134 blocks covering about 465,200 acres in water depths ranging from 2,657 to 10,213 feet, more than 125 miles south of eastern Alabama and western Florida.

Wyden, Landrieu Officially Assume New Chairmanships

Posted February 13, 2014, 11:29 A.M. ET

It's official: Sen. Ron Wyden (D-Ore.) is chairman of the Senate Finance Committee, and Sen. Mary Landrieu (D-La.) is chairman of the Senate Energy and Natural Resources Committee.

They formally received the posts late Feb. 12. Just before adjourning, Senate Majority Leader Harry Reid (D-Nev.) called up a resolution on committee memberships (S. Res. 359) that included the changes, and it passed the Senate by unanimous consent.

Wyden, who succeeds former Sen. Max Baucus (D-Mont.) as Finance Committee chairman, has said the committee's top tax policy priority is to address the nearly 60 lapsed deductions, credits and other tax provisions that expired after Dec. 31.

Landrieu, who succeeds Wyden, has received praise from the energy industry for her pro-energy development stance, while environmental groups have expressed concerns about her policies.

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