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1 — Group sues Oklahoma attorney general, auditor over records in alleged unlawful Tar Creek contracting, Tulsa World, 11/28/17
http://www.tulsaworld.com/news/state/group-sues-oklahoma-attorney-general-auditor-over-records-in-alleged/article_1cd1a3f3-d7fc-5b71-89f3-186192e034f9.html
A watchdog group filed suit against Oklahoma Attorney General Mike Hunter and State Auditor Gary Jones on Monday seeking the release of an audit concerning alleged unlawful contracting in the EPA's Tar Creek Superfund site. The Washington, D.C.-based Campaign for Accountability filed suit in Oklahoma County District Court seeking the release of the investigatory audit done by Jones at the request of then-Attorney General Scott Pruitt. Pruitt left office to become administrator of the Environmental Protection Agency, and Gov. Mary Fallin appointed Hunter to fill the vacancy.

2 — Texas wind power capacity surpasses coal, MidWest Energy, 11/28/17
http://midwestenergynews.com/digests/texas-wind-power-capacity-surpasses-coal/
Texas wind power capacity has surpassed coal to become the second-largest electricity source in the state, with more than 20,000 megawatts installed.

3 — ARKEMA PLANT WAS NOT PREPARED FOR FLOODING, RECORDS SHOW, Texas Standard, 11/27/17
http://www.nola.com/environment/index.ssf/2017/11/coastal_restoration_project_re.html#incart_river_index n
The chemical plant in Crosby received seven feet of flooding, and was forced to burn chemicals to prevent a potentially catastrophic chain reaction. Records the company gave the EPA indicate the plant would not have withstood three feet of flood water.

4 — Reclaiming golf courses could help Houston fight the next Hurricane Harvey, Washington Post, 11/27/17
https://www.washingtonpost.com/news/wonk/wp/2017/11/27/reclaiming-golf-courses-could-help-houston-fight-the-next-hurricane-harvey/?utm_term=.c6c4945fbd92
Like many parts of Houston, Clear Lake City has a history of flooding. The area got an unexpected break when Hurricane Harvey dumped record rainfall, thanks to its decision years ago to sacrifice one of its golf courses to flood control. After 12 years of planning, crews in November completed the first of five construction phases of Exploration Green. Three months ago Harvey gave the budding project its first trial, and planners say it saved 150 homes from inundation.

5 — Miss. flood control plan stirs worry along lower Pearl River, Times Picayune, 11/27/17
http://www.nola.com/northshore/index.ssf/2017/11/miss_flood_control_plan_stirs.html
A proposed flood control project on the Pearl River near Jackson, Miss., is creating big ripples near the mouth of the river in southeastern Louisiana. Supporters of the flood control project, dubbed "One Lake,'' say it's vital to protecting homes and businesses in the Jackson area from further rounds of disastrous flooding. But detractors, including some in St. Tammany Parish, fear the project, essentially a damming of the river that would create an approximately-1,500-acre lake, could spell doom for the lower reaches of the river.

6 — Keystone XL approval could require upgrades to Cushing's storage, takeaway systems, Oklahoma, 11/26/17
http://newsok.com/breaking-the-bottleneck/article/5573323
The long-running debate on TransCanada's plan to build the Keystone XL pipeline is far from being settled. But if built, analysts believe the project would boost the flow of Canadian-produced oil to TransCanada's terminal at Cushing.

7 — EPA to Hold Its One Hearing on Climate Rollback—in Coal Country, Bloomberg, 11/28/17
https://www.bloomberg.com/news/articles/2017-11-28/epa-to-hold-its-one-hearing-on-climate-rollback-in-coal-country
The Trump administration is holding its one public hearing on rolling back President Barack Obama's regulations limiting carbon emissions from power plants -- and it will be in West Virginia. While the Environmental Protection Agency leadership under Obama steered clear of the coal-producing state, the agency will hold a public hearing on dismantling Obama's climate rule in Charleston, West Virginia on Tuesday and Wednesday.

8 — Keystone XL approval could require upgrades to Cushing's storage, takeaway systems, Tulsa World, 11/28/17
http://www.tulsaworld.com/business/keystone-xl-approval-could-require-upgrades-to-cushing-s-storage/article_f8157653-9c51-591b-9125-06623b37945a.html
The long-running debate on TransCanada's plan to build the Keystone XL pipeline is far from being settled. But if built, analysts believe the project would boost the flow of Canadian-produced oil to TransCanada's terminal at Cushing. Ryan Saxton, the North America oil transportation manager for Genscape Inc., said that means Cushing operators need to remain vigilant to avoid the bad old days, when oil stored there was discounted because there wasn't an expedient way to move it from there to end users.

9 — EPA stays course on hot-button 'point of obligation', Greenwire, 11/27/17
https://www.eenews.net/greenwire/2017/11/27/stories/1060067329
U.S. EPA declined last week to change who's responsible to meet federal renewable fuel mandates, settling an industry dispute as broader questions about biofuel policies await resolution. Pro-ethanol groups cheered the agency's decision to keep the mandate's "point of obligation" on fuel refiners, rather than switching it to fuel blenders as some refiners had requested. Blenders are the more logical responsible party, refiners say, because they do the actual combining of fuel.

http://www.tulsaworld.com/news/state/group-sues-oklahoma-attorney-general-auditor-over-records-in-alleged/article_1cd1a3f3-d7fc-5b71-89f3-186192e034f9.html

Group sues Oklahoma attorney general, auditor over records in alleged unlawful Tar Creek contracting

The records are about alleged unlawful Tar Creek cleanup contracting

By Barbara Hoberock Tulsa World 9 hrs ago

Hunter

Jones

JAMES GIBBARD

The Ottawa County town of Picher sits at the base of huge lead-laced piles of mine tailings in this 2008 photo. CHARLIE RIEDEL/AP file

OKLAHOMA CITY — A watchdog group filed suit against Oklahoma Attorney General Mike Hunter and State Auditor Gary Jones on Monday seeking the release of an audit concerning alleged unlawful contracting in the EPA's Tar Creek Superfund site.

The Washington, D.C.-based Campaign for Accountability filed suit in Oklahoma County District Court seeking the release of the investigatory audit done by Jones at the request of then-Attorney General Scott Pruitt. Pruitt left office to become administrator of the Environmental Protection Agency, and Gov. Mary Fallin appointed Hunter to fill the vacancy.

The lawsuit also seeks related documents.

The nonprofit organization says it "uses research, litigation, and aggressive communications to expose misconduct and malfeasance in public life and hold those who act at the expense of the public good accountable for their actions."

"While serving as Attorney General of Oklahoma, EPA Administrator Scott Pruitt declined to bring criminal charges in response to an audit that found evidence of criminal wrongdoing at the Tar Creek Reclamation site," said Daniel E. Stevens, Campaign for Accountability executive director. "Why did he refuse to bring charges? We don't know because the Oklahoma Attorney General's Office has repeatedly refused to release documents related to this audit."

Pruitt asked Jones in 2011 for an investigative audit into suspected unlawful contracting practices of the Lead-Impacted Communities Relocation Trust.

The trust was formed to oversee the voluntary buyout of homes in the Tar Creek Superfund site in Pitcher and Cardin in northeastern Oklahoma. The towns were polluted during and following years of lead and zinc mining.

Jones completed the audit and sent it in 2014 to the attorney general, who declined to make it public, despite Jones' request that he do so.

In declining to make it public, Pruitt in 2015 said his office was concerned about "publication of unsubstantiated criminal allegations against private citizens."

"We are not aware of any unsubstantiated claims, and believe the audit report represents an accurate account of our findings resulting from a considerably extensive and thorough investigation of the matter," Jones said in a 2015 letter to Pruitt. "In addition, your use of the term private citizens is equally baffling. To our knowledge, the individuals named in the report are members of a public trust or a contractor whose services were retained as part of this substantive project."

The organization filed open records requests with Hunter and Jones. Both were declined.

Alex Gerszewski, a spokesman for Hunter's office, said the office had not been served with the lawsuit and should have a comment after it reviews it.

In a Nov. 15 letter to the organization, Hunter's office said the state Open Records Act exempts from disclosure the investigative and litigation files of the office.

Jones said his office would have liked to have had the audit released but followed the advice of the Attorney General's Office.

In an Aug. 3 letter to Jones, Tom Gruber, senior deputy attorney general, said the audit was ordered under the supervision of a multicounty grand jury, which reviewed its findings.

"The Attorney General, after being fully advised of the findings, declined to take any action, criminal or otherwise, as a result of the audit," Gruber wrote. "As with any criminal investigation by this office, the report and findings of this audit by the Auditor and Inspector acting as an agent in support of our law enforcement function will remain confidential," Gruber wrote.

The suit also seeks attorney fees and costs associated with the filing of the lawsuit.

Capitol Bureau Writer Barbara Hoberock

Barbara has covered the statehouse since 1994. She covers politics, appellate courts and state agencies. She has worked for the Tulsa World since 1990. Phone: 405-528-2465

U.S. ENERGY NEWS

Texas wind power capacity surpasses coal

Lacey Johnson | 15 mins ago

WIND: Texas wind power capacity has surpassed coal (http://www.chron.com/business/energy/article/Wind-power-blows-past-coat-in-Texas-12386751.php) to become the second-largest electricity source in the state, with more than 20,000 megawatts installed. *(Houston Chronicle)*

SOLAR:

• With abundant sunshine and cheap vacant land, rural Arizona has become a prime location (https://www.azcentral.com/story/money/business/energy/2017/11/27/arizonas-rural-electric-companies-turn-solar-energy/842137001/) for utility co-ops to invest in solar power. *(Arizona Republic)*

• Groups are ramping up efforts (http://www.wnyc.org/story/solar-power-stakes-high-puerto-rico-rebuild/) to bring solar power to Puerto Rico, but cost and logistical barriers remain. *(WNYC)*

ELECTRIC VEHICLES: Buying an electric car is unrealistic for most California residents without a garage, but a surge of new charging infrastructure could make an impact (http://www.sfchronicle.com/business/article/For-drivers-without-garages-charging-a-big-12382288.php) . *(San Francisco Chronicle)*

COAL ASH:

• The North Carolina Utilities Commission has started its hearings (http://bpr.org/post/duke-energy-rate-increase-focused-coal-ash-cleanup-cost) to decide whether Duke Energy will be allowed to charge consumers billions of dollars for the full cost of its coal ash cleanup. *(Associated Press)*

• Duke Energy says charging North Carolina consumers the full, multi-billion-dollar cost of cleaning up its coal ash is like tire stores (http://wncn.com/2017/11/27/duke-energy-rate-increase-focused-on-coal-ash-cleanup-cost/) charging customers an extra fee to dispose of tires. *(Associated Press)*

OIL & GAS: In an effort to boost profits, oil companies are looking at more efficient ways to drill shale wells (https://www.reuters.com/article/us-usa-oil-technology/pressured-for-profit-oil-majors-bet-big-on-shale-technology-idUSKBN1DS0FO) by adapting technologies typically used for highly automated offshore operations. *(Reuters)*

PIPELINES:

• TransCanada plans to restart the Keystone pipeline (https://www.reuters.com/article/us-transcanada-keystone/transcanada-to-restart-keystone-pipeline-on-tuesday-idUSKBN1DR2DW?feedType=RSS&feedName=domesticNews) today at reduced pressure, nearly two weeks after it leaked 5,000 barrels of oil in South Dakota. *(Reuters)*

• The Keystone pipeline has "leaked substantially more oil (https://www.csmonitor.com/Environment/2017/1127/Keystone-pipeline-leaks-more-than-predicted-in-risk-assessments) , and more often," than the developer initially claimed in risk assessments when it came online in 2010. *(Reuters)*

• The state of Michigan and Enbridge agree to develop a safety plan (http://www.chron.com/business/energy/article/Michigan-Enbridge-reach-deal-to-boost-safety-of-12387349.php) for twin pipelines beneath the channel where lakes Huron and Michigan converge, which includes possibly shutting down the lines or routing them through a tunnel. *(Associated Press)*

NUCLEAR:

• The U.S. Nuclear Regulatory Commission is preparing to issue new rules (https://www.utilitydive.com/news/nrc-preparing-new-rules-for-nuclear-decommissioning/511624/) for decommissioning nuclear power reactors, which would cover emergency preparedness, security, training requirements and more. *(Utility Dive)*

• Engineers at Purdue University in Indiana are developing a way to monitor cracks in nuclear reactors (https://futurism.com/researchers-training-ai-make-nuclear-reactors-safer/) using artificial intelligence. *(Futurism)*

REGULATION: Two new FERC regulators could be sworn in (https://www.utilitydive.com/news/mcintyre-glick-cleared-to-take-ferc-seats-with-white-house-signoff/511670/) as early as this week. *(Utility Dive)*

CLEAN POWER PLAN:

• The EPA holds its first of two hearings (https://www.reuters.com/article/us-usa-epa-carbon/epa-takes-repeal-of-clean-power-plan-to-coal-country-idUSKBN1DS1EW?feedType=RSS&feedName=environmentNews) today in West Virginia on the proposed repeal of the Clean Power Plan, with 220 speakers scheduled to speak. *(Reuters)*

• Experts say the EPA's proposed repeal of the Clean Power Plan is unlikely to fuel a major resurgence (https://www.wvgazettemail.com/news/politics/coal-s-future-troubled-despite-epa-rule-that-s-focus/article_f5b6cb1f-afa6-5860-a64f-6e9752f13965.html) in West Virginia's troubled coal industry. *(Charleston Gazette-Mail)*

EPA: How EPA Administrator Scott Pruitt is working to change the culture (https://www.usatoday.com/story/news/politics/2017/11/26/scott-pruitt-mission-change-culture-epa/889633001/) of the agency. *(USA Today)*

UTILITIES:

• A Colorado electric utility will return $8.4 million (http://www.denverpost.com/2017/11/27/intermountain-rural-electric-rebates/) to more than 150,000 customers after its wholesale power costs came in lower than projected. *(Denver Post)*

• An Israeli software developer that deploys analytics, smart grid management and distributed energy resource management systems says it's planning to announce two new U.S. utility contracts (https://www.greentechmedia.com/articles/read/israels-iron-dome-software-developer-targets-us-utility-clients#gs.ibQMOw0) in the coming weeks. *(Greentech Media)*

COMMENTARY:

• California's sweeping effort (https://www.bloomberg.com/view/articles/2017-11-27/california-s-electric-car-future) to promote electrical vehicle adoption is helping the rest of the U.S. figure out what works, says the editorial board at *Bloomberg*.

• The director of the Sierra Club's Beyond Coal campaign says there doesn't have to be a choice between healthy communities and good jobs because the Clean Power Plan creates a path for both (http://thehill.com/blogs/congress-blog/energy-environment/361911-we-will-fight-scott-pruitts-attempts-to-scrap-the) . *(The Hill)*

LEAD ON, ENVIRONMENTAL GUARDIANS. TCU

ARKEMA PLANT WAS NOT PREPARED FOR FLOODING, RECORDS SHOW

The chemical plant in Crosby received seven feet of flooding, and was forced to burn chemicals to prevent a potentially catastrophic chain reaction. Records the company gave the EPA indicate the plant would not have withstood three feet of flood water.

Texas Standard
Arkema Plant Was Not Prepared For Flooding, Records S...
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By Jill Ament & Rhonda Fanning | November 27, 2017 10:46 am

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Travis Bubenik/Houston Public Media

The Arkema, Inc. chemical plant east of Houston. Multiple fires ignited at the plant after Hurricane Harvey, when power supplies needed to keep chemicals refrigerated failed due to flooding.

As Harvey pummeled Houston in late August, an emergency developed just north and east of downtown that had thousands of residents worried about the threat of fire or asphyxiation, more than the flood waters. People living near the Arkema chemical plant in Crosby evacuated after flood waters choked off the refrigeration units essential for keeping highly-volatile compounds from exploding. Arkema had lost control. But in a place with a huge petrochemical infrastructure and a history of flooding – and presumably with plans to manage just such an emergency – how could this have happened?

Matt Dempsey and Jacob Carpenter reported on the Arkema plant for the Houston Chronicle. Dempsey, a data reporter for the Chronicle, says Arkema has argued that Harvey was a catastrophic event that they could have prepared for, but documents provided by the company to the EPA indicate the company would not have been ready for flood waters just half as deep as Harvey's.

containing sulfur dioxide to explode, he says.

"That's their worst-case scenario in the documents they filed with the EPA," Dempsey says. "If that goes, millions of people could be affected by that sulfur dioxide."

Written by Shelly Brisbin.

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The Washington Post

Wonkblog • Analysis

Reclaiming golf courses could help Houston fight the next Hurricane Harvey

By Dylan Baddour November 27 at 8:00 AM

Like many parts of Houston, Clear Lake City has a history of flooding. The area got an unexpected break when Hurricane Harvey dumped record rainfall, thanks to its decision years ago to sacrifice one of its golf courses to flood control.

After 12 years of planning, crews in November completed the first of five construction phases of Exploration Green. Three months ago Harvey gave the budding project its first trial, and planners say it saved 150 homes from inundation.

“It held the water like a champ,” said Doug Peterson, a retired NASA employee and 30-year Clear Lake City resident who helps lead the community effort to turn the 178-acre former golf course into a combination wetland park and floodwater reservoir. “This project is a model for other areas where we’ve had these massive rains.”

When Exploration Green is completed in 2021, it will drain up to half a billion gallons of storm water and protect up to 3,000 homes, officials say.

While Houston struggles to develop a more robust regional drainage system, Exploration Green shows how a local community can claim land for local flood control. Planners have turned from the concrete basins of the past and look instead to existing green space to drain floods.

“Its being a golf course made construction really easy,” said Kelly Shipley, project manager for Exploration Green and an engineer with LAN, Inc. “You can just dig a hole, essentially.”

A lack of available land limits Houston’s ability to build an infrastructure that could stand up to another storm like Harvey. The Harris County Flood Control District, which includes Houston, manages about 15,700 acres of storm water reservoirs across a 1.1 million-acre area.

A systemwide upgrade to protect the region fully from a 100-year storm would require an additional 52,000 acres, the district has said. But the cost of acquiring that land exceeds the district’s annual budget several times over.

In Clear Lake City, a middle class community in southeastern Houston sliced by muddy Horsepen Bayou and Cow Bayou, planning for Exploration Green began in 2005 following the closure of the Clear Lake Golf Club, a 173-acre, V-shaped tract of fairways and green embedded in the center of the master planned community.

The owner had initially sought to pave over the golf course for commercial development and apartment buildings — but local officials intervened, prompted by concerns the construction would worsen floods.

“We’d noticed increased flooding in the area as areas around us developed,” said John Branch, president of the board of directors of the Clear Lake City Water Authority.

CLCWA asked to buy the tract but the owner declined. It appealed for City of Houston funds to make a better offer, but again was turned down. So the community filed to condemn the property and fought a six-year battle to acquire the land for $6.2 million in 2011. Locals later opted to build a park with wetland preserves and miles of trails that would go underwater during heavy rains — so saving local homes. Construction began in 2015.

The morning after Harvey struck, Branch made his way as soon as he could to the site of Exploration Green and found it full of water.

“It works,” he remembered thinking. Millions of gallons of water that would have swamped streets or homes settled drama-free into the spot where crew had scooped out almost 34,000 cubic yard of dirt.

Clear Lake City suffered relatively little damage during the hurricane — only several dozen homes took on water — even while places a few miles away were submerged under several feet. That was thanks partly to luck, partly to the neighborhood’s initiative to develop its own drainage infrastructure.

Flood control experts say the project sets an example for Houston as it grapples with improving its flood control and drainage systems after Harvey. Space for needed projects may come from scooped-out city parks or bought-out neighborhoods. Golf courses would be a natural place to start — easier and cheaper to convert to flood control than areas with construction.

Greater Houston has nearly 200 golf courses. It’s not enough land to protect all of Houston in the event of another huge rainstorm, but they would be a good place to start.

“I think you’re probably going to start seeing more projects like it,” Shipley said.

17 Comments

ONE TAMMANY: NORTH SHORE NEWS

Miss. flood control plan stirs worry along lower Pearl River

Updated Nov 27, 11:12 AM;
Posted Nov 27, 11:12 AM

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By Bob Warren, bwarren@nola.com,
NOLA.com | The Times-Picayune

A proposed flood control project on the Pearl River near Jackson, Miss., is creating big ripples near the mouth of the river in southeastern Louisiana.

Supporters of the flood control project, dubbed "One Lake,'' say it's vital to protecting homes and businesses in the Jackson area from further rounds of disastrous flooding. But detractors, including some in St. Tammany Parish, fear the project, essentially a damming of the river that would create an approximately-1,500-acre lake, could spell doom for the lower reaches of the river.

"There's so many questions,'' said Andrew Whitehurst, who directs the water program for the Gulf Restoration Network. "And once this is done, it's done. There's no getting it back.''

An environmental study on the proposed project is due out soon, and One Lake supporters think it will show that the project won't harm the lower reaches of the Pearl.

"They're trying to scare people,'' said Keith Turner, an attorney representing the Rankin-Hinds Pearl River Flood and Drainage Control District, which is spearheading the project estimated to cost some $300 million. "We've listened closely to their concerns. We have answers for them.''

Turner said the Corps of Engineers is currently reviewing the environmental impact study the district commissioned. He said he expects the study to be publicly released soon. From there it must undergo more review and public comment before the corps ultimately renders a decision.

****

Swamp tour operator Paul Trahan slowed the motor to just near an idle and let his boat gently float into a nook off Gun Bayou in southeast St. Tammany Parish. The target lay ahead, but it wasn't an alligator or some other critter he might be trying to show to a boat packed with tourists.

Trahan pointed to a stand of trees, cypress and Tupelo gums, their trunks bearing dark brown marks some two to three feet above the brown water.

"That water mark sums up everything we're talking about," he said. "That's what I wanted y'all to see."

That high-water mark, Trahan said, "means life or death to these wetlands."

Trahan, whose family has run Dr. Wagner's Honey Island Swamp Tours for the last three decades, led a group into the swamp one recent afternoon to illustrate what he and some others say are the potential dangers of the One Lake proposal.

To Trahan and others in his boat that afternoon - including members of the Gulf Restoration Network and a few elected officials from Louisiana and Mississippi - the project could devastate the lower Pearl by choking its supply of water.

The flow already slows during the fall, part of a cycle determined by nature and the existing human-made stresses on the river. But the spring brings a greater flow,

Trahan and others explained, and the higher water replenishes the swamps in the Pearl River basin.

"High in the spring, low in the fall,'' Trahan said, repeating it again and again. "Without that water coming in, this place won't survive.''

The Pearl's flow - it has the fourth-largest discharge of freshwater into the Gulf of Mexico east of the Mississippi River - helps balance salinity levels vital to the Honey Island swamp, the surrounding marshes and oyster reefs from the Mississippi Sound through Lake Borgne, Whitehurst said.

"The oysters are really one of the things I worry about,'' said Greg Shaw, a county supervisor in nearby Hancock County, Miss. "We've spent a lot of money on the oysters. I'd hate to see that get messed up.''

****

The proposed project, which has been authorized - but not funded - in the federal Water Resources Development Act, would use a weir or low-head dam below Interstate 20 to create the lake, or as Turner calls it, "really just a wide river.'' The proposal stems from efforts to reduce the chances of another flood like the one in 1979 that swamped Jackson and surrounding counties and caused hundreds of millions in losses.

The lake would be required to maintain the same minimum flow requirements of the Pearl River as the 33,000-acre Ross Barnett Reservoir, which is north of Jackson.

Over the years the Rankin Hinds Pearl River Flood Control and Drainage District, headquartered in Jackson, has looked at several alternatives aimed at reducing flooding. Together with the Pearl River Vision Foundation, it has chosen the One Lake plan as the preferred option.

While supporters tout One Lake as a flood control measure, some opponents have noted that it would also create miles of shoreline - and valuable shoreline development

opportunities.

"The lake is what Jackson apparently wants because of development,'' Whitehurst said.

Turner doesn't dispute the economic development component of the project, noting that it will also open up several new areas for public recreation. But he says that is secondary.

"The primary purpose is flood control,'' he said. "That's always been the focus.''

This isn't the first time the proposal has garnered opposition downriver.

In a November 2013 letter to the district, St. Tammany Parish government said it had concerns about the "consequences from loss of volume and velocity associated with the additional proposed impoundment in the Pearl River headwaters."

The St. Tammany Parish Council adopted resolutions in 2008 and 2013 objecting to the One Lake proposal and an earlier version, called Two Lakes. Among other things, the 2013 resolution questions the impact on three threatened wildlife species - the ringed sawback turtle, the Gulf sturgeon and the inflated heel splitter mussel.

The Mississippi Commission on Marine Resources and the Louisiana Oyster Force have also voiced concerns.

The Louisiana Legislature last spring approved a resolution by Slidell Sen. Sharon Hewitt to create the Lower Pearl River Basin task force to study the health of the basin in light of the One Lake proposal.

Whitehurst worries the environmental study will give short shrift to potential downstream problems and concentrate instead on the Jackson area. Turner said the district had a meeting in St. Tammany in 2013 and learned that there more problems on the lower Pearl "than our project.''

"We listened closely to what their concerns are,'' he said.

Turner said evaporation and downstream flow issues were part of the environmental study, and said the report will show One Lake won't have any adverse impact to water quality.

"There's a lot of misunderstanding,'' he said, adding that the district has pushed the corps to publicly release the study. "Let's have a discussion. That's what we look forward to.''

But on the lower end of the Pearl, opponents remain skeptical.

State Rep. Malinda White, whose district covers portions of Washington and St. Tammany parishes, said the lower Pearl already has enough problems without the potential of even more due to the One Lake proposal.

"There are just too many problems already,'' White said, referring to the current low-water cycles and a huge logjam on the river in Washington Parish. "We need to be opposed to this.''

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Ad Choices

Keystone XL approval could require upgrades to Cushing's storage, takeaway systems

by Jack Money • Published: November 26, 2017 5:00 AM CDT • Updated: November 26, 2017 5:00 AM CDT

These lines are part of TransCanada's system at Cushing. The company is considering whether to build its Keystone XL pipeline, which likely would boost the amount of oil it ships to its facilities in Oklahoma. [The Oklahoman Archives]

The long-running debate on TransCanada's plan to build the Keystone XL pipeline is far from being settled.

But if built, analysts believe the project would boost the flow of Canadian-produced oil to TransCanada's terminal at Cushing.

Ryan Saxton, the North America oil transportation manager for Genscape Inc., said that means Cushing operators need to remain vigilant to avoid the bad old days, when oil stored there was discounted because there wasn't an expedient way to move it from there to end users.

"We used to see that imbalance before," Saxton said, "and we are starting to have it again," where incoming volumes are starting to overtake outgoing volumes by a hefty amount.

Still, the nation's midstream industry has worked hard the past decade to correct that issue, in part by nearly doubling Cushing's storage capacity from 49 million barrels in 2008 to about 90 million barrels now.

It also has made significant strides to boost its ability to ship oil from Cushing downstream to the Gulf Coast and other places where end-users operate refineries or store the oil for overseas trades.

Cushing also serves as a pipeline hub, allowing operators to mix and blend crude varieties before sending the product downstream.

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The Canadian oil the Keystone XL would carry is a dense, high-sulfur oil known as heavy sour crude. Most of the oil produced in Oklahoma and the central United States region is a less dense, lower-sulfur oil known as light, sweet crude. Refiners use a blend of oils, but the large,

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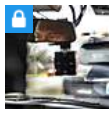

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Incoming oil

Numerous pipelines carry domestically produced oil to various terminal operators in Cushing. More recent projects include:

• Plains All American Pipeline LP is expanding its gathering and transport system it uses to carry oil from the Delaware Basin in west Texas to Cushing to about 200,000 barrels per day. It expects to bring the upgrade online in early 2019, company officials announced earlier this year.

• SemGroup's Glass Mountain Pipeline delivers crude oil from the Mississippi Lime and Granite Wash Plays to Cushing. A 44-mile extension, expected to be operational early next year, will add in crude produced from Oklahoma's STACK and Merge Plays. The line went operational in 2014. Officials announced the line would have a daily capacity of about 210,000 when the extension is complete.

• NGL Energy Partners LP's Grand Mesa Pipeline delivers up to 150,000 barrels of oil per day from Lucerne, Colorado, to Cushing. It was completed about a year ago.

• Enbridge Inc. brought its Flanagan South pipeline online in 2014. The line, which carries oil from Chicago to Cushing, has a capacity of about 600,000 barrels per day.

• The 760-mile-long Pony Express Pipeline, operated by Tallgrass Energy Partners, flows from fields around Guernsey, Wyoming, to Cushing and has a capacity of about 230,000 barrels per day. It was placed into service in 2013.

• The White Cliffs Pipeline, operated by Rose Rock Midstream, flows oil produced from fields around Platteville, Colorado, to Cushing and has a capacity of about 215,000 barrels per day. It was brought online in 2009.

• The Centurion Pipeline, (a subsidiary of Occidental Petroleum) flows from Permian Basin fields in west Texas and southeast New Mexico to Cushing. It has a throughput capacity of about 720,000 barrels per day.

• The Hawthorn Pipeline, operated by Hawthorn Oil Transportation, is a 17-mile pipeline that carries North Dakota-produced oil from a rail yard in Stroud to Cushing and has a capacity of 90,000 barrels per day.

Takeaway boosts

Projects built to increase the ability to move oil to end users from Cushing include:

• TransCanada's Keystone Pipeline built from Cushing to the Gulf Coast in 2014. It can carry about 700,000 barrels per day, though Saxton said its rate could be boosted by another 130,000 barrels if additional pump stations were added.

• Enbridge and Enterprise Products' Seaway Pipeline. The companies reversed the pipeline's flow in 2012, making it possible to move oil from Cushing to various refineries near Houston. Pump station additions and modifications completed in early 2013 increased its capacity to 400,000 barrels per day.

• Diamond Pipeline LLC's Diamond Pipeline. This $900 million project, expected to be completed this year, will transport up to 200,000 barrels per day of sweet crude from Cushing to a refinery in Memphis, Tennessee.

Saxton said these projects have helped shatter the dreaded Cushing bottleneck.

The amount of oil stored at the terminal dropped from about 50 million barrels in May 2013 to about 31 million barrels at the end of 2014, for example.

Since then, however, the amount of oil stored at Cushing has climbed to more than 60 million barrels at the end of each of the past two years. Earlier this month, it was holding about 63 million barrels of oil, according to the U.S. Energy Information Administration.

Saxton said that puts the terminal at about 70 percent of its capacity.

Recent developments

The Keystone XL proposal has faced intense opposition in Nebraska from a coalition of environmental groups, American Indian tribes and some landowners who don't want the pipeline running through their properties.

Nebraska lawmakers gave its five-member public service commission the power to regulate major oil pipelines in 2011 in response to a public outcry over the pipeline and its potential impact on the Sandhills, an ecologically fragile region of grass-covered sand dunes.

In March, President Donald Trump issued a federal permit giving the expansion project a green light, even though it had been rejected by the Obama administration.

And last week, the Nebraska commission narrowly authorized the pipeline's construction through its state, which certainly will draw additional court challenges.

Meanwhile, TransCanada shelved plans it had to build its Energy East Pipeline, which would have carried Canadian crude from one side of that nation to the other.

"The shuttering of that project made Keystone XL make more economic sense for TransCanada, given what Canadian production is doing," Saxton said.

But Saxton cautioned against making a snap judgment about Cushing's future based upon the prediction the line will be built any time soon. A variety of factors could impact the ongoing role Cushing will play in helping to set market price for domestic crude.

He observed, for example, that the recent Contango market prompting oil storage plays made with expectations its price would go higher is moderating.

"That forward curve has sort of flattened out, so I think within the next six months, that incentive kind of goes away," he said.

"Over the past year, traders and analysts have given Cushing less importance" when marketing the product, Saxton said. "But that's only true until Cushing becomes interesting again."

Jack Money

Before leaving The Oklahoman in 2009, Jack Money worked on the paper's city, state and metro

news desks for nearly two decades, including a stint... read more ›

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EPA to Hold Its One Hearing on Climate Rollback—in Coal Country

By **Christopher Flavelle**
November 28, 2017, 3:00 AM CST
From

The smoke stacks in West Virginia. *Photographer: Saul Loeb/AFP via Getty Images*

The Trump administration is holding its one public hearing on rolling back President Barack Obama's regulations limiting carbon emissions from power plants -- and it will be in West Virginia.

While the Environmental Protection Agency leadership under Obama steered clear of the coal-producing state, the agency will hold a public hearing on dismantling Obama's climate rule in Charleston, West Virginia on Tuesday and Wednesday. That will give coal miners and executives easy access to weigh in on the plan to repeal the Clean Power Plan, which would have forced utilities to burn less coal. The plan aroused particular resistance in coal-producing states such as West Virginia.

Under President Donald Trump, the EPA has made clear that it wants to help coal miners. On Oct. 10, EPA Administrator Scott Pruitt traveled to another coal bastion -- Hazard, Kentucky -- to announce the regulation would be repealed.

"The war on coal is over," Pruitt said then.

Opponents of the plan loudly faulted Pruitt's predecessor, Gina McCarthy, for not holding a hearing in West Virginia while she was developing the Clean Power Plan. In 2015, West Virginia Republican Senator Shelley Moore Capito said she was "appalled" by McCarthy's skipping her state. This week's hearings mark a sort of rebuke to that decision.

Among the issues the agency must decide is whether and how it will replace the Obama-era rule. One industry group, Electric Reliability Coordinating Council, is set to argue Tuesday that the benefits of the rule didn't justify the costs. But the group also will ask for a milder replacement plan.

"Federal guidance of sufficient flexibility, and limited to actions within the fence line, can provide regulatory certainty, diminish frivolous litigation, and can aide in planning," Scott Segal, the group's director, will say, according to a written copy of his remarks.

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Keystone XL approval could require upgrades to Cushing's storage, takeaway systems

Glut of oil at Cushing could be problem

By Jack Money The Oklahoman Nov 28, 2017 Updated 7 hrs ago

Older tanks sit next to newly constructed oil storage tanks at the Cushing Interchange, one of the largest crude-oil marketing hubs in the U.S. If the Keystone XL pipeline is built, it could bring more Canadian-produced oil to TransCanada's terminal at Cushing. Tulsa World file

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OKLAHOMA CITY — The long-running debate on TransCanada's plan to build the Keystone XL pipeline is far from being settled.

But if built, analysts believe the project would boost the flow of Canadian-produced oil to TransCanada's terminal at Cushing.

Ryan Saxton, the North America oil transportation manager for Genscape Inc., said that means Cushing operators need to remain vigilant to avoid the bad old days, when oil stored there was discounted because there wasn't an expedient way to move it from there to end users.

"We used to see that imbalance before," Saxton said, "and we are starting to have it again," where incoming volumes are starting to overtake outgoing volumes by a hefty amount.

Read the rest of the story at The Oklahoman. (Some stories require a subscription.)

THE LEADER IN ENERGY AND ENVIRONMENT NEWS

BIOFUELS

EPA stays course on hot-button 'point of obligation'

Marc Heller, E&E News reporter

Published: Monday, November 27, 2017

U.S. EPA has decided to leave the point of obligation in place for the renewable fuel standard. Spencer Thomas/Flickr

U.S. EPA declined last week to change who's responsible to meet federal renewable fuel mandates, settling an industry dispute as broader questions about biofuel policies await resolution.

Pro-ethanol groups cheered the agency's decision to keep the mandate's "point of obligation" on fuel refiners, rather than switching it to fuel blenders as some refiners had requested. Blenders are the more logical responsible party, refiners say, because they do the actual combining of fuel.

One the biggest refiners, Valero Energy Corp., in turn said EPA's decision merely sets the stage for legal challenges from companies that consider the renewable fuel standard — and EPA's rationale for maintaining its structure — flawed.

In casting aside refiners' request, EPA sided with industry groups that said that changing the system would be disruptive and that the RFS as structured is meeting Congress' goal of boosting alternatives to gas and oil.

EPA also rejected refiners' complaints that the fuels standard unfairly forces them to pay for high-priced renewable fuel credits, called renewable identification numbers, or RINs.

"We believe that the current structure of the RFS program is working to incentivize the production, distribution, and use of renewable transportation fuels in the United States, while providing obligated parties a number of options for acquiring the RINs they need to comply with the RFS standards," EPA said in its final **decision** released Nov. 22.

"We do not believe that petitioners have demonstrated that changing the point of obligation would likely result in increased use of renewable fuels," EPA said.

Refiners have complained that renewable fuel credits have grown so expensive that companies are in danger of laying off workers or closing plants if the policy isn't changed. That's an argument that Carl Icahn, the mega-investor and former Trump administration adviser who's majority owner of CVR Energy Inc., unsuccessfully made to the administration earlier this year (***E&E News PM***, Nov. 8).

Valero said EPA's decision made "numerous misstatements" about implementation of the fuel standard and the dynamics of the fuel market.

"At least EPA acknowledges its ability to address the issue if it so chooses," Valero said in a statement. "By finalizing its decision, EPA has now opened more opportunities for judicial review."

Backers of the fuel standard applauded EPA.

"This one-sided handout would have added regulatory red tape, created havoc in the marketplace, and denied consumers access to more affordable fuels with higher blends of biofuels like E15," Emily Skor, CEO of Growth Energy, said in a statement, referring to fuel that's 15 percent ethanol, up from the 10 percent ethanol gasoline widely sold now.

While the debate over obligated parties has generated plenty of attention in the industry, it overshadows more important questions such as how EPA and Congress will tweak the RFS over the next few years and whether the agency will encourage renewables by increasing minimum volumes of advanced biofuels, said Paul Winters, spokesman for the Biotechnology Innovation Organization. An announcement on annual renewable fuel volumes is due by the end of this month.

"It's always been a bit of a distraction, this issue," Winters said.

The issue has also divided oil industry players. The American Petroleum Institute, which opposes the RFS, had urged EPA nonetheless to leave the point of obligation as is.

Winters said advocates for advanced biofuel and cellulosic ethanol, for instance, are waiting to see whether EPA will back away from recent moves to ratchet back some of the volumes in that part of the business.

Those moves at EPA have been "very concerning," Winters said. "We still think growth is possible," he said.

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ENERGY NOV 17

Here's where Keystone XL's giant oil spill ranks among the 20 biggest leaks this decade

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The spill of an estimated 210,000 gallons of crude oil in South Dakota on Thursday from TransCanada's Keystone Pipeline is one of the 20 largest onshore oil or petroleum product spills since 2010.

Here are the top 20 spills during that period as reported to the U.S. Department of Transportation. The list ranks them by size and includes the date, gallons spilled, commodity, company name, city or county and state of spill and estimated costs including property and environmental damages. Texas spills are in bold.

July 29, 2013: 865,200 gallons, crude oil, Tesoro High Plains Pipeline Co., MountRail County, North Dakota, $17,755,766

July 25, 2010: 843,444 gallons, crude oil, Enbridge Energy, Marshall, Michigan, $927,270,213

Dec. 5, 2016: 529,830 gallons, crude oil, Belle Fourche Pipeline Co., Billings County, North Dakota, $11,334,049

June 4, 2011: 513,618 gallons, crude oil, Enterprise Crude Pipeline LLC, Chico, Texas, $1,472,079

Oct. 11, 2010: 428,400 gallons, crude oil, Centurion Pipeline LP, Levelland, Texas, $70,748

Jan. 19, 2017: 420,378 gallons, crude oil, Tallgrass Pony Express Pipeline, Logan County, Colorado, $345,554

April 13, 2011: 378,000 gallons, gasoline, Marathon Pipe Line, Dansville, Michigan, $38,661,147

Dec. 8, 2014: 369,600 gallons, gasoline, Plantation Pipe Line Co., Belton, South Carolina, $3,951,634

Aug. 29, 2016: 361,200 gallons, crude oil, Sunoco Pipeline LP, Sweetwater, Texas, $4,017,900

Oct. 23, 2016: 319,326 gallons, crude oil, Enterprise Crude Pipeline LLC, Cushing, Oklahoma, $7,818,638

Sept. 9, 2010: 316,596 gallons, crude oil, Enbridge Energy, Romeoville, Illinois, $52,284,683

Sept. 9, 2016: 309,540 gallons, gasoline, Colonial Pipeline Co., Helena, Alabama, $66,234,072

Jan. 27, 2011: 290,262 gallons, crude oil, Enterprise Crude Pipeline LLC, Iola, Texas, $4,834,962

Aug. 31, 2017: 240,072 gallons gasoline, Magellan Terminals Holdings LP, Galena Park, Texas, $1,340,026

March 9, 2013: 235,200 gallons, crude oil, Lion Oil Trading and Transportation, Inc., Magnolia, Arkansas, $3,538,062

Aug. 31, 2017: 221,424 gallons, gasoline, Magellan Terminals Holding LP, Galena Park, Texas, $1,292,026

Jan. 30, 2017: 210,000 gallons, crude oil, Enterprise Crude Pipeline, Anna, Texas, $2,346,925

Nov. 16, 2017: 210,000 gallons, crude oil, TransCanada Corp, Marshall County, South Dakota, Cost not yet known

Oct. 13, 2014: 189,378 gallons, crude oil, Mid-Valley Pipeline Co., Mooringsport, Louisiana, $12,049,280

Oct. 31, 2016: 186,669 gallons, gasoline, Colonial Pipeline Co., Helena, Alabama, $16,844,292

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