

**HEARING ON THE U.S. ENVIRONMENTAL
PROTECTION AGENCY'S PROPOSED
FISCAL YEAR 2025 BUDGET**

HEARING

BEFORE THE

**COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS**

UNITED STATES SENATE

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

MAY 8, 2024

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

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HEARING ON THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED FISCAL YEAR 2025 BUDGET

WEDNESDAY, MAY 8, 2024

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Markey, Stabenow, Kelly, Padilla, Fetterman, Cramer, Lummis, Mullin, Ricketts, Boozman, Sullivan.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. Good morning, everyone. I am pleased to call this hearing to order.

Today, we welcome EPA Administrator Michael Regan back to our committee to discuss the President's Fiscal Year 2025 budget proposal for the Environmental Protection Agency.

As my colleagues will attest, I oftentimes say that budgets are about priorities, and they are. I believe that the President's budget prioritizes a vision for the future of our Nation in which every American can enjoy the health and economic benefits of cleaner air and land, as well as cleaner water.

The President's \$11 billion budget request for EPA represents a 20 percent increase over the amount Congress approved for Fiscal Year 2024. That may seem like a significant increase, and I agree that it is, but make no mistake, after years of funding cuts and freezes, the agency needs additional investments if it is to better protect the health and well-being of our constituents across America.

Those of us who care about the future of our planet, and I believe that is every one of us, want an EPA that has the resources that it needs to take common sense steps to combat the greatest threat that we face today on our planet, and that is our climate crisis.

Nearly every day, we see the signs of a planet in crisis: wildfires ravaging our lands, polluted air filling our lungs, extreme heat gripping many of our communities, and much, much more. Scientists here and around the world have repeatedly sounded the alarm. They say we are running out of time to reduce greenhouse

gas emissions and slow climate change for the health of our planet and our people.

In 2023 alone, the United States experienced 28 climate disasters. Let me say that again: in 2023 alone, the United States experienced 28 climate disasters. I have a friend, you ask him how he is doing, he says, compared to what? We will just say, compared to what?

For comparison, the U.S. experienced only seven climate disasters in 2013, only seven in 2013. In 10 years, the number of climate disasters has literally quadrupled. On top of that, the 28 disasters that our Country experienced in last year in 2023 cost American taxpayers a boatload, a total of \$93 billion. That is billion dollars, with a B. To put that figure into perspective, it is more than eight times the size of EPA's proposed budget for 2025.

Fortunately, the President's proposed budget would enable EPA to continue its work to address the climate crisis and reduce greenhouse gas emissions, all while protecting public health and supporting economic growth. How might that be accomplished, one might ask? That is a good question.

First, the President's budget request would provide the agency the funding it needs to continue to implement the historic investments made by Congress over the last few years, including the passage of the Bipartisan Infrastructure Law, which was literally crafted in this room, as well as the Inflation Reduction Act.

Through the passage of those laws, Congress has directed EPA to do more than ever before in order to tackle climate change, address pollution, protect our communities, and grow our economy.

Thanks to these laws, we have empowered EPA to help build a clean energy economy that is creating millions of jobs across America and lowering our unemployment rate to near-record lows while also lowering energy and health costs for households throughout America.

Just last month, Administrator Regan announced the awardees that will distribute some \$27 billion for clean energy projects through the Greenhouse Gas Reduction Fund. As you may recall, a number of our colleagues on this committee worked hard to create this program in the Inflation Reduction Act.

The Greenhouse Gas Reduction Fund is going to fund national networks of community financial institutions that will finance climate and clean energy projects across America, particularly in low-income and disadvantaged communities.

Thanks to the Greenhouse Gas Reduction Fund, homeowners throughout America will be able to make repairs and investments in order to make their homes more energy efficient, and business owners will have access to the financing that they need should they choose to decarbonize their buildings or install solar panels, just to name a few examples.

Through the Bipartisan Infrastructure Law, we invested in EPA's work to clean up legacy pollution from contaminated brownfields and Superfund sites, as well as to improve solid waste management and recycling programs while addressing lead and PFAS in our drinking water.

Just one of many examples, last year, the Standard Chlorine Superfund site in northern Delaware received \$1 million from the

Bipartisan Infrastructure Law to remove hazardous chemicals from that site and protect public health. There are many, many more examples like that across the Country.

We look forward to continuing to work with you, Administrator Regan, to support EPA's implementation of these critical laws, which will benefit our communities for decades to come.

Beyond its implementation of the Bipartisan Infrastructure Law and the Inflation Reduction Act, EPA has also been busy acting, as you know, to develop and finalize rules, informed by cutting-edge scientific research, to remove dangerous pollutants from the water that we drink and the air that we breathe.

EPA's new climate and clean air regulations will result in billions of dollars in climate and public health benefits across our Country, all while encouraging American innovation to help industry meet stronger standards on reasonable timelines.

By releasing new rules to implement laws like the Toxic Substances Control Act, the Superfund Law, and the Safe Drinking Water Act, EPA is addressing some of the most pressing environmental public hazards that America faces. I would add that I think each of those laws that I just mentioned really had their beginning genesis right here in this room.

The President's budget will support the agency's continued work to implement these rules to benefit our health, our planet, and our economy. Administrator Regan, I start off by saying you have a tough job. I think we all have tough jobs, but they are also really important jobs.

I think we are headed, for the most part, in the right direction, thanks in no small part to your leadership at EPA during an especially challenging time in our Nation's history. We look forward to hearing your testimony today. We welcome you.

Before we hear from you, I want to hear from our Ranking Member, Senator Capito, for her opening remarks. Senator Capito?

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Chairman Carper, and welcome, Administrator Regan. It is nice to see you again. I saw you last week. I get to see you twice in a month.

The Chairman started off his remarks with the same way I would start my remarks, and that is you can tell a lot about policy priorities of an administration by reviewing its budget and the actions that it takes. This is where our statements will diverge.

Many of the concerns I will raise today are the same ones I raised last year, and I am frustrated not to have seen more of a course correction by the agency over the past years. If anything, the EPA has accelerated the pace of economically crippling, unrealistic regulations that it has issued, with the total regulatory costs imposed by the Biden EPA now approaching \$1 trillion.

Chief among my concerns is the group of six regulations that make up the EPA's Electric Generating Unit, or Power Sector, Strategy. Your intent with these regulations is pretty clear: impose new, costly Federal mandates in a short period of time to make continued investment in baseload power plants uneconomic.

This is round two of the Obama administration's war on coal, except the Biden Administration is issuing even more regulations at an even greater cost than President Obama did, and this time, the war is not just against coal, but also against natural gas and American manufacturing.

By issuing the rules individually, the EPA has tried to hide the total, cumulative costs to businesses and the American people of its Power Sector Strategy, but their collective potential harm is, for me, daunting and real.

The agency's rules threaten the availability of reliable, affordable electricity at a time when Americans' pocketbooks are already being hit by inflation worsened by this Administration's policies. During each of the rulemakings, energy and reliability experts sounded the alarm about the damaging effects each of the rules could have on our grid.

At the end of last year, the North American Electric Reliability Corporation identified the six power sector rules under development as having "the potential to influence generators to seek deactivation despite a projected resource adequacy or operating reliability risk."

The EPA has made half-hearted attempts to claim it has addressed reliability concerns. Last year, at the same time as the EPA released the final so-called Good Neighbor Rule, the agency announced a joint Memorandum of Understanding with the Department of Energy to coordinate to ensure reliability is not harmed by the agencies' regulatory actions.

The EPA touted how the MOU would provide a robust and durable framework for continued interagency coordination and consultation on electric reliability issues at a time of significant dynamism in the power sector.

I do thank the agency for responding to an oversight letter I sent asking about the Memorandum of Understanding (MOU). In that response, however, the EPA stated that it has held a total of three meetings with NERC (North American Electric Reliability Corporation) and regional transmission organizations and independent service operators. Three meetings, that is it, in just over a year. The letter confirms that this initiative is little more than window-dressing, and not a genuine attempt to address the root of the EPA's self-created reliability problem.

Demand for baseload power from data centers, AI, and the forced transition to EVs is quickly rising and projected to balloon, and the EPA regulations will cause the baseload power supply to shutter. It is not rocket science to see the problem: demand is going up and supply will be going down, and electric reliability is not the only area where the agency's regulations are ignoring reality.

I have repeatedly said that we need the EPA to finalize reasonable drinking water standards to protect Americans from exposure to PFAS, including PFOA and PFOS, but after taking 3 years, which I thought was way too long, to develop the standards, the standards that the EPA ultimately released raised more questions.

The agency has set extremely low parts per trillion standards that do not align with levels that other countries have set. It lacks robust scientific support and does not fully consider the financial strains for compliance, particularly for rural and historically dis-

advantaged communities, and the strains will only be worsened by the recent CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) designation.

The EPA had a real opportunity here in the PFAS space to set durable, science-based standards to remedy a real environmental concern. I would have been strongly supportive of a drinking water standard similar to the Obama administration's health advisory level.

Addressing PFAS through other environmental statutes prior to finalizing CERCLA hazardous substances designations would have mitigated the unintended consequences that EPA's approach will have on local water systems, airports, landfill operators, and other passive receivers, and we have had at least one and maybe two hearings that have expressed the concerns about this.

I am disappointed that the EPA chose to make regulatory decisions based on the most extreme voices in the debate, rather than finalize sound and practical regulations.

Foundational environmental laws, such as the Clean Air Act and Clean Water Act, are based on the principle of cooperative federalism. Typically, States lead in managing environmental protection within their borders, while the EPA provides support and only steps in when the State does not act. The Biden EPA has not followed that framework in a number of cases, including the so-called Good Neighbor Rule that I have already mentioned.

Despite Federal courts of appeals repeatedly stopping this rule from going into effect, the EPA has not recognized the legal failings of the rule. Quite the opposite, actually, because in January, the agency chose to double down on executive overreach and proposed to add five more States to its illegal regulation.

Recent actions by Region 3 of the EPA in my home State present another especially troubling example of the agency's disregard for States' authority. After a year of closed-door negotiations, without even notifying our West Virginia regulators, the EPA announced a consent decree with activist environmentalist groups to impose Total Maximum Daily Loads, TMDLs, on 11 streams in West Virginia.

Last, and you and I talked about this at last week's hearing before the Appropriations Committee, I am very concerned about the risk of waste, fraud, and abuse as the EPA manages the unprecedented \$41.5 billion in the Democrat's so-called Inflation Reduction Act. The EPA has announced plans to obligate all of this funding for its largest IRA program, the Greenhouse Gas Reduction Fund, or Green Bank, which amounts to \$27 billion, between now and the end of September.

I would note that \$27 billion is nearly three times the total amount of appropriations the EPA receives each year. It is an astronomical sum of money. I fear the EPA will make a lot of mistakes in the rush to get this money out.

Now, your response to me, I will go off-script here, your response to me last week was that you are simply granting this money down to eight different entities across the Country. That said to me, well, they are the ones who are going to be responsible for the waste, fraud, and abuse. I think it is the EPA's responsibility, and we need adequate oversight by an inspector general.

On that, I will turn it back to Chairman Carper.

Senator CARPER. Thanks, Senator Capito.

Administrator Regan, welcome back to the Environment and Public Works Committee. You are recognized to proceed with your statement when you are ready. Are you ready?

Mr. REGAN. Yes, I am ready.

Senator CARPER. Go right ahead. Thank you.

**STATEMENT OF HON. MICHAEL REGAN, ADMINISTRATOR, U.S.
ENVIRONMENTAL PROTECTION AGENCY**

Mr. REGAN. Thank you, Chairman Carper and Ranking Member Capito, and members of the committee. Thank you for the opportunity to appear before you today to discuss the bold vision laid out by the U.S. EPA's proposed Fiscal Year 2025 budget request.

We recognize our partnership and open dialog with Congress is invaluable in order for EPA to carry out its mission to protect public health and the environment. Over the last year, we have been hard at work at EPA, and under President Biden's leadership, my agency has finalized protections that will bring 100 million people cleaner and safer drinking water from PFAS.

We have worked hard to right many of the historic wrongs communities have faced for generations. Through our critical rule-making, we have banned the last remaining kind of asbestos used in our Country, and we have issued final technology-based standards that will eliminate more than 6,000 tons of toxic air pollution from chemical plants, reducing elevated cancer risks for those living near these facilities by 96 percent.

EPA is committed to protecting public health and the environment for all American people, but more than just the powerful health impacts we are undertaking. My agency is also working hard to implement the historic laws you have passed and President Biden's Investing in America Agenda.

President Biden's Investing in America Agenda has not only directly invested in communities nationwide, but it has generated nearly \$700 billion in funding for private sector manufacturing and clean energy projects, protecting our planet and enhancing our global competitiveness.

I was pleased to join Senator Markey in Boston last August to speak about how the Inflation Reduction Act and Greenhouse Gas Reduction Fund are addressing climate change head-on while unlocking billions of dollars in private sector investment to lower energy costs, improve public health, and create good-paying jobs.

Together, President Biden's Investing in America Agenda and EPA's Fiscal Year 2025 budget request will continue to invest in environmental actions that will promote cleaner communities and produce economic benefits for years to come.

Last August, during my Journey to Justice Tour, I joined Senator Sullivan in Alaska to spotlight the environmental justice concerns of Alaska Native Tribes. We met with tribal leaders and heard firsthand about the challenges facing the community, including climate impacts and adaptation, food insecurity, and water infrastructure. There, he and I announced, along with Senator Murkowski, \$150 million in funding from the President's Investing in

America Agenda that will help fund projects that benefit federally recognized tribes across the State.

President Biden's proposed Fiscal Year 2025 budget request for EPA provides nearly \$11 billion to advance key priorities for the American people, including protecting air quality, cleaning up pollution, upgrading the Nation's aging water infrastructure, urgently fighting the climate crisis, and advancing environmental justice.

Millions of people across our Country are still grappling with the effects of poor air quality, perpetuating harmful health and economic impacts. In Fiscal Year 2025, EPA will improve air quality for communities by reducing emissions from ozone-forming pollutants, particulate matter, and air toxics.

The President's budget includes \$1.3 billion to improve air quality for communities across the Country, to reduce exposure to dangerous levels of radiation, and to leverage regulatory tools and public and private sector partnerships that promote environmental stewardship and encourage the adoption of cost-effective technologies and practices.

EPA's work to set these standards provides certainty to industry, builds on advancements and technology, and reinforces market movement that reduces power plant emissions without sacrificing reliability and affordable energy.

Clean and safe water is the foundation for healthy communities and a thriving economy. Although substantial progress has been made, many areas across our Nation still face significant barriers and challenges to achieving this goal. Aging water infrastructure, the effect of lead pipes, cybersecurity threats to our water systems, climate change, and emerging contaminants, such as PFAS, all pose dangerous health risks to our Nation's water supply and the American people.

EPA's budget request includes a total of \$101 million for two EPA grant programs dedicated to remediating lead contamination in drinking water. From investing in clean air to cleaning up contaminated land and water, there is no shortage of important work that needs to be done.

Members of the committee, EPA is up for the task. We are eager to work with all of you to deliver for our fellow Americans and to secure our Nation's global competitiveness, but we need your support. The Fiscal Year 2025 President's budget continues the historic progress and investments made by the Biden-Harris Administration and positions EPA to advance our vital mission of protecting public health and the environment.

Thank you for the opportunity to be here today to submit testimony for the record, and I look forward to our continued partnerships and your questions. Thank you.

[The prepared statement of Mr. Regan follows:]

**TESTIMONY OF
MICHAEL S. REGAN
ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE**

May 8, 2024

Thank you, Chairman Carper, Ranking Member Capito, and members of the Committee. I appreciate the opportunity to appear before you today to discuss the U.S. Environmental Protection Agency's (EPA) proposed Fiscal Year (FY) 2025 Budget request. In our FY 2025 Budget request, we provide the resources needed to advance a cleaner, healthier, and more equitable Nation where all people have equal access to safe and clean water, air, land, chemicals, and communities.

The FY 2025 President's Budget Request

The President's FY 2025 Budget for EPA requests nearly \$11 billion to advance the key priorities outlined in the *FY 2022-FY 2026 EPA Strategic Plan*, including urgently tackling the climate crisis, advancing environmental justice, protecting air quality, cleaning up pollution, upgrading the Nation's aging water infrastructure, and building the Agency's core capacity to carry out its vital mission. The President's FY 2025 Budget adheres to the discretionary spending levels set by the Fiscal Responsibility Act and continues to build on the historic progress and investments made by this Administration. EPA is committed to providing robust support to our Tribal, state, and local partners, with more than \$4.5 billion in grants that directly reach these communities. The Budget adds more than 2,000 Full Time Equivalents (FTE) across program and regional offices, bringing EPA back to more than 17,000 FTE, to ensure that the agency has the workforce to protect human health and the environment across the Nation.

Urgently Tackling the Climate Crisis

In FY 2025 EPA will continue to prioritize tackling climate change with the urgency that science demands by investing nearly \$3 billion in climate-related programs. EPA requests an additional \$19.3 million and 14.5 FTE for climate adaptation efforts to strengthen the adaptive capacity of Tribes, states, territories, local governments, communities, and businesses. In addition, the Budget requests an increase in state and local air quality management grants to help expand the efforts of air pollution control agencies to implement the Clean Air Act (CAA). We will leverage an additional \$65 million to implement the American Innovation in Manufacturing (AIM) Act to continue phasing out hydrofluorocarbons (HFCs).

EPA also requests an additional \$5 million to provide administrative support to implement the historic \$27 billion Greenhouse Gas Reduction Fund (GGRF), enacted through the IRA. EPA recently released funding opportunities for three grant competitions through the GGRF: the \$14 billion National Clean Investment Fund, the \$6 billion Clean Communities Investment Accelerator, and the \$7 billion Solar for All competition. With the requested enhanced administrative support, EPA will be able to more effectively and efficiently administer competitive

grants to mobilize financing and leverage private capital for clean energy and climate projects that reduce greenhouse gas (GHG) emissions with an emphasis on projects that benefit low-income and disadvantaged communities.

Elevating Environmental Justice

The Budget bolsters the Agency's efforts to achieve environmental justice in communities across the Nation by investing nearly \$1.5 billion in environmental justice-related programs. This investment supports the implementation of the President's Justice40 commitment, which ensures at least 40 percent of the benefits of federal investments in climate and clean energy as well as infrastructure work reach disadvantaged communities, including rural and Tribal communities.

In FY 2025, EPA requests more than \$324 million and 265 FTE for the Environmental Justice Program, an increase of \$216 M and 41 FTE above the current levels, to expand support for community-based organizations, indigenous organizations, Tribes, states, local governments, and territorial governments to identify and develop solutions to environmental justice issues through multi-partner collaborations. Included in this increase is \$36.5 million to scale up capacity-building grants to more communities, governmental partners, and academic institutions; and nearly \$70 million and 39.3 FTE to continue building out the community-centered technical assistance hubs established in FY 2023, ensuring that the network provides robust coverage across the United States. In partnership with the U.S. Department of Energy, EPA has opened 17 Thriving Communities Technical Assistance Centers (TCTACs), three of which are dedicated to assist Tribes, with the goal of strengthening EPA's partnership with Tribal Nations to deliver much-needed infrastructure investments to Tribal communities.

EPA's goal is to ensure that environmental programs inside Indian Country are as robust and protective as those same programs outside of Indian Country. The Budget requests \$25 million to establish a new Direct Implementation Tribal Cooperative Agreements Program, with \$13 million of this funding dedicated to making Tribes more resilient to climate impacts. This unique funding vehicle will allow EPA to fund Tribes to implement federal environmental programs in Indian Country. Since its creation by Congress in 2001, DITCAs have been proven successful as a tried-and-true method of providing federal support directly to Tribes however at a limited scale due to a lack of dedicated funding. Once established, this program will be able to maximize the use of DITCAs and expand its access to reach more underserved communities in Indian Country. This program is expected to at least double the number of Tribes receiving EPA assistance for direct implementation activities while providing needed multi-media environmental protections.

Enforcing Environmental Laws

Enforcing and ensuring compliance of our Nation's environmental laws is foundational to achieving EPA's mission. EPA holds, and will continue to hold, bad actors accountable for their violations, with a particular focus on communities with multiple pollution sources. In FY 2025, the Budget invests \$260 million for civil enforcement efforts, such as increasing enforcement efforts in communities with high pollution exposure and preventing the illegal importation and use of hydrofluorocarbons in the United States. The Budget also requests \$172 million for compliance monitoring efforts, including funds to conduct inspections in underserved and overburdened communities and rebuilding the inspector corps. Additionally, the Budget directs \$77 million for criminal enforcement efforts to pursue investigations of the most egregious environmental cases

and to support a specialized Criminal Enforcement Initiative focused on addressing environmental justice issues in partnership with the Department of Justice (DOJ). In FY 2025, EPA will implement the National Enforcement and Compliance Initiatives to target these investments at the most serious environmental violations.

Ensuring Clean and Healthy Air for All Communities

Poor air quality still affects millions of people across the country, perpetuating harmful short- and long-term health and quality of life impacts. In FY 2025, EPA will improve air quality for communities by reducing emissions of ozone-forming pollutants, particulate matter, and air toxics. The President's Budget includes \$1.3 billion to improve air quality for communities across the country, to reduce exposure to radiation, and to leverage regulatory tools and public and private sector partnerships that promote environmental stewardship and encourage adoption of cost-effective technologies and practices. In FY 2025, EPA will make critical resource investments in air regulatory development and implementation work, including \$269 million to develop and implement programs such as the National Ambient Air Quality Standards (NAAQS) to reduce air pollution from vehicles, engines, and fuels. EPA's work to set these standards provides certainty to industry, builds on advances in technology, and reinforces market movement towards a cleaner energy system that provides reliable and affordable energy. Additionally, the Budget provides \$100 million to expand the availability of Diesel Emissions Reduction Act (DERA) grants and rebates to include funds to replace existing school buses with low- and zero-emission buses.

Recognizing the need to further support Tribal, state, and local partners, the Agency is requesting \$423 million in grants to expand efforts in implementing air quality management programs that support on-the-ground efforts to address GHG emissions while building on core work such as air quality training and air toxics monitoring. EPA will continue to build on its historic progress in protecting human health and the environment from the harmful effects of air pollution and work to assure clean air for all Americans, with a particular focus on those in underserved and overburdened communities.

Achieving Clean and Safe Water for All Communities

Clean and safe water is a foundation for healthy communities and a thriving economy, and EPA is committed to ensuring clean and safe water for all. While progress is being made, it is clear that the Nation still faces significant barriers and challenges achieving this goal, including access to safe and clean water, aging infrastructure, replacement of lead pipes, cybersecurity threats to water systems, climate change, and management of public health risks of emerging contaminants of concern, such as PFAS.

In FY 2025, EPA will continue our work with federal, Tribal, state, and nongovernmental partners to advance water quality science, provide clean and safe water for all communities, and protect our Nation's waterbodies from degradation. The Budget provides \$2.4 billion for EPA's Drinking Water and Clean Water State Revolving Funds (SRF) and \$334 million for a range of grant programs authorized or modified in the America's Water Infrastructure Act (AWIA), the Water Infrastructure Improvement for the Nation (WIIN) Act, and the Drinking Water and Wastewater Infrastructure Act (DWWIA). These resources complement funds provided for water infrastructure programs in the Bipartisan Infrastructure Law (BIL). To further the President's goal of replacing

all lead pipes within the next decade, the Budget proposes nearly \$101 million for two grants dedicated to Reducing Lead in Drinking Water and Lead Testing in Schools.

Also included is \$80 million to support the Water Infrastructure Finance and Innovation Act (WIFIA) loan program. As of December 2023, EPA has issued 120 WIFIA loans to communities across the country totaling over \$19 billion in credit assistance to help finance more than \$43 billion for water infrastructure projects. WIFIA loans for these projects have saved communities nearly \$7 billion, which can be used for additional infrastructure investment and to keep rates affordable for water system users. These WIFIA-financed projects have created over 140,000 jobs and benefited more than 63 million people, demonstrating that WIFIA credit assistance is an effective tool to help address a variety of water infrastructure needs to support communities nationwide.

The Budget also requests \$30 million for a new program that addresses gaps in resources to help improve federal response to water-related emergencies where water quality poses a risk to public health. This new program will expand EPA's capabilities both at the headquarters and in the regional offices and establish a water emergency fund that provides direct assistance to affected communities which could be in the form of bottled water, filters, and trained personnel to operate or manage drinking water and wastewater services, among other essential tasks. The agency also requests new authority under the Safe Drinking Water Act 1442(b) to provide technical assistance and grants to any appropriate recipient that is not a State or a publicly owned water system.

To help deliver on President Biden's commitment to tackling PFAS pollution and to accelerate EPA's PFAS Strategic Roadmap, the FY 2025 Budget requests an additional \$60 million to increase our understanding of PFAS and their human health and ecological effects; restrict PFAS use to prevent new PFAS pollutants from entering the air, land, water; and remediate PFAS that have been released into the environment, the agency is taking a comprehensive approach to tackling PFAS pollution across the country. For example, the agency has finalized its PFAS drinking water regulation and is monitoring for PFAS in public water systems. EPA plans to propose an effluent limitation guideline rule for organic chemical manufacturing, metal finishing/electroplating, and landfills industrial point source categories. EPA has also finalized a rule to designate PFOA and PFOS as hazardous substances under Superfund and proposed to add multiple PFAS compounds as hazardous constituents under the Resource Conservation and Recovery Act (RCRA). These rules will strengthen protections for communities and better enable cleanup of lands contaminated with PFAS across the Nation. Additionally, the FY 2025 Budget provides \$289 million for the Section 106 Grants Program, which funds Tribal, state, and interstate water pollution control programs, and is critical funding for actions to identify, assess, and mitigate emerging contaminants in the environment like PFAS.

From the Great Lakes to the Chesapeake Bay, from Lake Pontchartrain to the Puget Sound, the United States is home to water bodies of ecological, cultural, and economic significance. Through EPA's Geographic Water Programs, the Agency assists Tribes, state, and multi-state partners to accelerate and manage the restoration of the ecological health of these water bodies. The Budget invests \$682 million to continue strong support for EPA's Geographic Water Programs to protect and restore these water bodies of special ecological and economic importance to the Nation. In FY 2025, EPA's Geographic Programs will deliver technical and financial assistance to solve

problems and support healthy resilient ecosystems that address water quality, water infrastructure, nutrient pollution, habitat loss, treaty rights, equity, and environmental justice.

Safeguarding and Revitalizing Communities

Preventing and cleaning up environmental pollution that harms communities and poses a risk to public health and safety continue to be a top priority for the Administration. Cleaning up America's most contaminated land and reducing exposure to toxic substances are critical components of the Agency's strategy to address human health impacts, particularly in underserved communities where many of these sites are located. The FY 2025 Budget enables EPA to continue to collaborate with Tribal, state, and local partners to improve the livelihood of all residents of the United States by addressing contaminated sites, including Superfund, brownfields, leaking underground storage tanks, and other waste sites and restoring them to productive use.

The Department of the Treasury currently estimates that \$2.2 billion will be available to the EPA in Superfund tax receipts in FY 2025. This funding, combined with annual appropriations, will enable the Superfund program to advance clean-up of the Nation's most contaminated land and respond to environmental emergencies and natural disasters. The Budget includes \$300 million in the Superfund Remedial program to make more progress in communities across the Nation. This historic level of funding will allow EPA to advance critical Superfund pre-construction work such as site characterization, construction design, and community outreach/engagement. Additionally, this funding will allow EPA to continue to effectively and efficiently address situations that require emergency response and removal actions such as chemical releases, fires or explosions, natural disasters, and other threats to people from exposure to hazardous substances, including from abandoned and uncontrolled hazardous waste sites. The Budget also includes \$208 million for EPA's Brownfields programs to provide grants and technical assistance to communities so they can plan, inventory, assess, safely clean up and reuse contaminated properties, as well as \$20 million for the Alaska Contaminated Lands program. Taken together, these investments will ensure EPA is cleaning up sites and fully engaging the communities we serve in the process.

Ensuring the Safety of Chemicals for People and the Environment

Chemicals and toxic substances are ubiquitous in our everyday lives and are often released into the environment from their manufacture, processing use, or disposal. EPA has significant responsibilities under amendments to the Toxic Substances Control Act (TSCA) to ensure the safety of chemicals in or entering commerce and addressing unreasonable risks to human health or the environment. EPA's work in managing chemical safety and toxic substances is particularly important to vulnerable populations, including low-income, minority, and indigenous populations, as well as children, who may be disproportionately affected by, and particularly at risk from, exposure to chemicals. The FY 2025 Budget requests \$132 million for the TSCA Program, an increase of \$49 million above current levels so the agency has the resources needed for the Program. These resources will support EPA-initiated chemical risk evaluations, protective regulations in accordance with statutory timelines, and establish a pipeline of priority chemicals for risk evaluation.

The agency has significant responsibility under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to screen new pesticides before they reach the market and ensure pesticides already in commerce are safe. In addition, EPA is responsible for complying with the

Endangered Species Act (ESA) and ensuring that federally endangered and threatened species are not harmed when the agency registers pesticides. To continue making progress toward meeting ESA mandates in FY 2025, the Budget includes an additional \$29 million for a total of \$80 million in our environmental pesticides program. The Budget also includes \$29 million for the Pollution Prevention Program to support businesses, Tribes, states, and other partners to promote and facilitate the adoption of approaches to improve multimedia environmental conditions and address climate impacts through reductions in pollutants and other hazardous materials, including an additional \$7.8 million for a new grant program to help small businesses transitioning to TSCA compliant practices to mitigate economic impacts.

Continuing to Build Back Critical Capacity to Carry Out EPA's Mission

Ensuring the Agency has the workforce it needs to carry out its mission is essential. The Budget adds more than 2,000 FTE relative to the current level, for a total of more than 17,000 FTE, to help rebuild EPA's core capacity. The Budget also will dedicate resources to continue strengthening the agency's ability to recruit, hire, develop, promote, and retain top talent and remove barriers to equal opportunity at management and staff levels to strengthen and advance diversity, equity, inclusion, and accessibility.

In FY 2025, the Agency requests an additional \$3.8 million to expand an existing paid internship program across the Agency to strengthen talent and workforce acquisition. A commitment to follow the science underpins EPA's work, and the Budget includes approximately \$1 billion for the Science and Technology account, an increase of more than \$200 million above current levels, that will ensure programs have the best available data to inform decisions.

Conclusion

All people deserve clean air, clean water, and safe land on which to live. This is the core of EPA's mission and is a worthy investment of federal resources. The FY 2025 President's Budget continues the historic progress and investments made by this Administration and positions the EPA to advance our vital mission of protecting human health and the environment, championing environmental justice, and tackling the climate crisis. With these investments we lay the groundwork to ensure the benefits of a cleaner environment for future generations.

Thank you for the opportunity to be here today. I look forward to our continued partnership and welcome any questions you may have.

Senate Committee on Environment and Public Works
Hearing Entitled, “*The U.S. Environmental Protection Agency’s Proposed Fiscal Year 2025 Budget*”
May 8, 2024
Questions for the Record for The Honorable Michael S. Regan

Chairman Carper:

1. EPA plays an outsized role in delivering on the President’s Justice40 initiative and reversing a legacy of overlooked communities that carry a disproportionate burden of pollution.
 - a. What does this budget proposal do to help the communities that need it the most, those that are economically challenged and that have borne the burden of environmental pollution?

EPA RESPONSE: The President’s Budget request invests in critical resources to strengthen the Agency’s capacity to carry out its mission to protect air, water, and land, implement the President’s historic Justice40 commitment, and fund programs to improve the Nation’s water infrastructure. The request includes an increase of \$267 million for EPA’s environmental justice program to advance our progress and reach more communities. This funding would support EPA’s plans to tie together elements of President Biden’s mandate for an all-of-government effort to advance equity and environmental justice, consistent with applicable laws. This includes our efforts to aggressively implement the Justice40 initiative and to make full use of the historic funding appropriated through the Bipartisan Infrastructure Law and Inflation Reduction Act to achieve meaningful and lasting improvements on the ground for those communities most needing and deserving of such support.

2. In recent years, we have witnessed an increasing number of cyberattacks that have disrupted the safety and reliability of water supplies in communities across the country. It is critical that the federal government take action to combat this concerning trend, while avoiding a one-size fits all approach. Small, rural utilities are likely to have very different vulnerabilities than large, high-tech water and wastewater facilities. I was pleased to see that the President’s FY25 budget includes \$25 million for cybersecurity in the water sector.
 - a. Please describe EPA’s ongoing efforts to combat cyber threats, including how EPA is collaborating with water utilities directly?
 - b. How will the president’s budget support those efforts?

EPA RESPONSE: EPA is the lead federal agency responsible for the security and resilience of water and wastewater systems against all hazards, including cyberattacks. The water sector consists of over 160,000 dispersed utilities of varying sizes most of which rely on automated controls for monitoring and operating their systems. While some utilities have taken important steps to improve their

cybersecurity, many have not yet adopted basic cybersecurity best practices and are at a high risk for cyberattacks from individuals, criminal collectives, or state or state-sponsored actors. As the Sector Risk Management Agency for the water sector, EPA provides extensive guidance, direct technical assistance, cyber threat alerts, and training to help water systems reduce the high risk from cyberattacks. For instance, under the Water Sector Cybersecurity Evaluation Program, EPA conducts free cybersecurity assessments for individual water systems upon request, and under the Cybersecurity Technical Assistance Program for the Water Sector, EPA offers the sector immediate virtual consultations with a subject matter expert regarding cybersecurity questions. EPA also developed the Water Cybersecurity Assessment Tool which allows water systems to self-assess their cyber practices to identify gaps and then develop a risk mitigation plan. In FY 2025, EPA is requesting an additional \$19 million and 25 full time equivalents (FTE) to implement actions to mitigate the risks of cyberattacks in the water sector as well as increase the Agency's ability to respond to cyber incidents. EPA is also requesting \$25 million to create a new grant program that helps drinking water systems establish and build the necessary cybersecurity capabilities to address rising threats.

3. In regard to EPA's recently finalized greenhouse gas standards for fossil-fuel fired power plants, how do investments made in the Inflation Reduction Act help to ensure grid reliability and affordability over the long term?

EPA RESPONSE: The Inflation Reduction Act is a transformative law that is positively impacting crucial sectors of our economy. Whether it is clean energy or carbon capture, the Inflation Reduction Act recognizes the market and begins to invest in things that will benefit all communities. Because of components of the Inflation Reduction Act and Bipartisan Infrastructure Law, we are seeing private companies invest so we can continue to power America's 21st century economy.

EPA's power plant rule recognizes technologies—such as carbon capture and storage and highly efficient turbines—that the power sector can choose from to reduce emissions of greenhouse gases. These technological advances and investments Congress made in the Bipartisan Infrastructure Law, Inflation Reduction Act, and CHIPS and Science Act give the power sector the flexibility and certainty it needs to not only power America and reduce emissions, but to become a global leader in clean energy technology all over the world.

EPA carefully considered the importance of maintaining resource adequacy and grid reliability in developing the final rule. We engaged with multiple stakeholders on reliability issues, including balancing authorities that submitted comments, state regulators, the Federal Energy Regulatory Commission (FERC) Commissioners as well as technical staff, the Department of Energy (DOE), the National Electric Reliability Corporation (NERC), and other expert groups.

Along with the grid investments provided by the Bipartisan Infrastructure Law and Inflation Reduction Act, EPA and DOE signed a Memorandum of Understanding in

March 2023 to support grid reliability and resiliency at every stage as the agency advances efforts to reduce pollution, protect public health, and deliver environmental and economic benefits for all. EPA intends to continue working with DOE to ensure that reliability stakeholders have ongoing opportunities to engage EPA. In November 2023, EPA participated in FERC's Annual Reliability Technical Conference, and met with many balancing authorities and others interested in reliability issues at that forum. We expect this engagement will continue during implementation. These continuing discussions, along with our engagements with RTOs and ISOs give us confidence that EPA rules will not present any obstacles for reliability coordinators to continue to deliver reliable and affordable power.

4. Please describe the programs and resources that EPA is devoting to improving the models that the agency uses to forecast greenhouse gas emissions. How will the president's budget support those efforts?

EPA RESPONSE: In FY 2025, EPA is requesting \$187 million and 256.7 FTE to help reduce greenhouse gas emissions through an integrated approach of regulations, partnerships, and technical assistance, an increase of \$78.9 million and 40.6 FTE above FY 2024 enacted level. This request enables EPA to take strong action on CO₂ and methane as well as high-global warming potential climate pollutants such as HFCs; and restores the capacity of EPA's climate partnership programs to provide essential contributions to our Nation's climate, economic, and justice goals. The funding strengthens EPA's capacity to integrate these and other emission reduction measures into modeling tools to provide projections of greenhouse gas emissions, which help support domestic mitigation and U.S. participation in the Paris Agreement.

5. As a part of EPA's Circular Economy series, the agency pledged to prepare five strategies for unique waste streams, including textiles. Could funding from the Solid Waste Infrastructure for Recycling (SWIFR) grant program be used for textile recycling and reuse projects?
 - a. If so, is this something EPA plans to pursue?
 - b. What actions should Congress consider to better manage post-consumer textiles across the country?

EPA RESPONSE: Yes, SWIFR grant funds are available for projects that implement the National Recycling Strategy through improvements in local post-consumer materials management, including municipal recycling programs. In November 2021, when EPA issued the National Recycling Strategy: Part One of a Series on Building a Circular Economy for All, EPA shared that it would be completing five additional strategies including one on textiles. Moreover, the National Recycling Strategy was issued on the same day that President Biden signed the Bipartisan Infrastructure Law, which included funding for the SWIFR Grants that were authorized in Save Our Seas Act 2.0 and codified at 33 U.S.C. 4282(a).

The Save Our Seas 2.0 Act allows EPA to provide SWIFR grants to implement the Circular Economy series, as well as support improvements to local post-consumer materials management, including municipal recycling programs, and to assist local waste management authorities in making improvements to local waste management systems. The SWIFR grants can fund textile recycling and reuse projects. In 2023, EPA announced the selectees for the first round of SWIFR grants and is currently working on awarding those funds. Some of the selectees are planning to work on reuse projects as noted in the responses below.

Post-consumer textile waste in the United States is a major issue. EPA estimated that the generation of textiles in 2018 was 17 million tons (5.8% of total MSW generation that year) and the amount recycled was 2.5 million tons (a 14.7% recycling rate) (<https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/textiles-material-specific-data>). EPA intends to further study textiles to identify additional objectives and actions for this waste stream when we begin developing a textile strategy similar to EPA's process developing the National Recycling Strategy and the recently released National Strategy to Reduce Food Loss and Waste and Increase Organics Recycling.

6. I was pleased to see the President's Budget include a \$10 million request for the EPA's Solid Waste Infrastructure for Recycling (SWIFR) grant program. These are flexible grants, which have been awarded for a wide variety of waste management projects across the country. Has EPA provided any SWIFR grants for reuse projects? If yes, please provide examples.
 - a. If not, will EPA commit to exploring potential funding through SWIFR for reusable infrastructure as an alternative to single-use materials?
 - b. Some EPW Committee members have expressed concern about ensuring that rural communities are able to access SWIFR grants on a timely basis and, on a related matter, what disadvantages rural communities may face in dealing with the grant application process. Does EPA provide technical assistance to jurisdictions seeking help in applying for SWIFR grants? If not, is EPA considering any steps it might take to ensure that rural and low-income communities can readily access and compete for SWIFR grants?

EPA RESPONSE: With respect to reuse, EPA has selected and awarded SWIFR grants under the SWIFR grant program for States and Territories that focus partially or fully on source reduction of waste and reuse. With this funding, EPA anticipates that the State of Delaware, for example, will conduct research on reusable bags and the State of Maryland will identify existing source reduction and reuse opportunities in the state. Further, the State of Vermont will host a statewide conference that focuses on reuse and reduction methods and the State of Washington will develop and implement a circular economy accelerator program to support projects for waste prevention, reuse, repair, recycling, and organics.

Moreover, some of the SWIFR grants for Tribes and Intertribal Consortia include projects on reuse as well. Some of these projects include: the Mesa Grande Band of Mission Indians will increase the reuse of used and discarded materials, generate data on materials recycled and reused, and support program sustainability; the Aleut Corporation will develop infrastructure to collect, compress, store and ship waste materials for reuse and recycling; the Red Cliff Band of Lake Superior Chippewa will add a reuse center and develop education tools to make their transfer station a place where reuse is encouraged; and the Little Traverse Bay Bands of Odawa Indians will purchase reuse infrastructure to increase source reduction in the community.

Lastly, there are examples of reuse projects in the SWIFR grants for Communities, including the work anticipated by the City of Seattle, Washington to develop a reuse warehouse that will accept and redistribute salvaged wood, as well as the work of Hawai'i County, Hawaii that will create a city-wide refillable bottle and reusable food ware system.

Roughly one-third of selected grants in our SWIFR Communities funding opportunity are located in rural communities, and just under half of the SWIFR Tribal selectees identified as either rural or remote Tribal Nations.

EPA is providing technical assistance to potential applicants through both the Environmental Justice Thriving Communities Technical Assistance Centers Program, as well as through contractor supported assistance. Additionally, EPA is providing pre-award assistance to all applicants by answering direct questions and providing webinars where applicants can learn about the funding opportunities and ask questions.

In EPA's second round of funding opportunities, the Agency plans to make the notices of funding opportunities available for 90 days or longer, to help ensure that rural communities have sufficient time to learn about the grants and to prepare and submit their applications.

7. EPA is in the midst of implementing the IRA's Greenhouse Gas Reduction Fund. It is one of the most ambitious clean energy initiatives, and it is also potentially one of its most consequential in terms of reaching disadvantaged communities and individuals.
 - a. What steps does EPA have in mind to ensure that this \$27 billion program is responsibly managed, both by EPA and by the intermediaries that EPA has selected to administer its three major components?

EPA RESPONSE: The congressionally enacted Greenhouse Gas Reduction Fund will strengthen the ability of communities across the country to finance projects that reduce emissions of greenhouse gases and other air pollutants, lower energy costs for families, bolster America's energy security, improve health outcomes, and create good-paying jobs. These programs will produce strategic, targeted investments of

the resources Congress provided. EPA takes its role seriously to responsibly steward these taxpayer resources, and the Agency has been implementing the Greenhouse Gas Reduction Fund according to statutory direction and applicable grant regulations.

EPA shares your commitment to make sure that Greenhouse Gas Reduction Fund resources are subject to strict controls and rigorous oversight. In the FY 2025 President's Budget, EPA requests an increase of \$5.0 million within the Climate Protection program to provide ongoing administrative support to implement the Greenhouse Gas Reduction Fund. All applicants selected for award under GGRF programs were evaluated on detailed proposals for award planning, management, compliance and reporting that they provided in their program applications. All selected applicants are now working directly with EPA to finalize their workplans so that they will deliver on these aspects of their proposals under their final award amounts. Recipients and sub-recipients will be governed by the terms and conditions of the award agreements and are subject to ongoing reporting requirements to ensure that public dollars are fully accounted for and fulfill the program's objectives. EPA will hold each recipient accountable to the terms and conditions of the award agreement as well as the recipient's workplan and budget. EPA will also enforce regulatory requirements for recipients to conduct risk assessments on potential subrecipients and undertake oversight activities of those subrecipients.

EPA staff will conduct ongoing reviews of recipients' administration of financial assistance agreements, as indicated in EPA Order 5700.6. Greenhouse Gas Reduction Fund administrative monitoring will be conducted by personnel in EPA's Office of Grants and Debarment. Further, EPA's Office of the Chief Financial Officer will provide the universe of data for the Greenhouse Gas Reduction Fund transactions and personnel from the Office of the Greenhouse Gas Reduction Fund will conduct transaction testing using EPA procedures for verifying recipient compliance with the Payment Integrity Information Act of 2019. Improper payment concerns will be addressed by Office of Grants and Debarment award officials. Finally, recipients—and, in many cases, subrecipients—will be subject to the Single Audit Act as implemented in 2 C.F.R. Part 200, Subpart F. The Single Audit Act is currently triggered when a non-federal entity expends more than \$750,000 of total federal funding during its fiscal year. Specifically, a Single Audit reviews a program's financial statements; internal controls; and compliance with federal regulations, statutes, and the terms and conditions of the grant agreement, per 2 C.F.R. § 200.514. In the event that terms and conditions of a grant agreement are violated, EPA has authority for multiple potential responses, including but not limited to wholly or partly suspending or terminating the award, disallowing costs, and recovering improperly spent funds.

Subawards are a well-established means through which a recipient ("Prime Grantee") can pass-through federal funds to other entities in order to carry out part of a Federal award. When a recipient provides a subaward, the recipient is

characterized as a *Pass-through entity*, as defined in 2 C.F.R. § 200.1. The *Subrecipient*, as defined in 2 CFR 200.1, is an entity “that receives a subaward from a pass-through entity to carry out part of a Federal award.” EPA provides extensive guidance to pass-through entities in EPA’s Subaward Policy and in related materials available on the Agency’s website. The Subaward Policy provides information to pass-through entities on how EPA oversees pass-through entity performance and includes information regarding what types of projects may be carried out through subawards. EPA also provides information on statutory, regulatory, and Executive Order requirements to assist pass-through entities who make subawards under the Uniform Grant Guidance to identify federal requirements that may apply to subrecipients on EPA funded projects. Further, EPA provides training to pass-through entities through webinars, recordings of which are available on the EPA website. EPA pays particular attention to the capabilities of nonprofit organizations who are recipients of pass-through funding, utilizing the procedures established in EPA Order 5700.8, which prescribes uniform pre-award procedures for evaluating the administrative and programmatic capabilities of non-profit applicants and establishes uniform post-award procedures for addressing any material failures to comply by non-profit recipients.

In terms of environmental data quality, 2 C.F.R. § 1500.12 requires that Quality Assurance (QA) applies to all assistance agreements involving environmental information. EPA QA requirements have been included in the Grant Terms and Conditions requiring submission of both a Quality Management Plan (QMP) prepared in accordance with the EPA QMP Standard and Quality Assurance Project Plan (QAPP) prepared in conformance with the EPA QAPP Standard to demonstrate compliance with the EPA Quality System and assure the quality of the environmental information received. These requirements flow down from the pass-through entity to subrecipients. EPA will evaluate pass-through entity conformance to QA requirements via assessments of their Quality System documentation and the data submitted to EPA. Pass-through entities will also assess subrecipient conformance to EPA quality requirements via assessments of their subgrantee Quality System documentation and the data submitted to the pass-through entity.

8. The IRA appropriated \$41.5 billion for EPA over the next decade to reduce harmful air pollution in places where people live, work, play, and go to school.
 - a. How can Congress continue to support EPA as the agency continues to implement this historic funding?

EPA RESPONSE: EPA is at the core of the President’s Investing in America effort. We are cleaning the air our children breathe on their way to and from school and, through technology standards, we are supporting industries and keeping America globally competitive. We appreciate Congress’ continued support and engagement in our work, and we value your support for the President’s Budget, including providing funding for the additional full time equivalents (FTE) to carry out EPA’s mission to protect the environment and public health—including administering community projects across the country, building emergency response capabilities,

ensuring the safety of chemicals before they enter the market, monitoring air emissions to ensure they're not harmful, and developing the science for more sustainable and healthy communities.

9. Is there anything else that you would like to provide the Committee that was not included in your testimony or discussed during the hearing?

EPA RESPONSE: Thank you for the opportunity to appear before your Committee. The constructive dialogue between your Committee and EPA helps us deliver on our mission to protect public health and the environment. We look forward to your continued engagement.

Senator Whitehouse:

1. The Environmental Protection Agency provides categorical grants to help states implement the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act. This funding helps states carry out these critical environmental laws—despite this, funding for these grants has not meaningfully increased over the last decade. Are the proposed funding levels for categorical grants sufficient and was any consideration given to increase these amounts?

EPA RESPONSE: Over 40 percent of the FY 2025 President's Budget for EPA requests funds for the State and Tribal Assistance Grants account to support EPA partners on the ground. Of the increase proposed in the Budget, \$360 million is for categorical grants, which fund program work conducted by our state, Tribal, and local partners. This increase will support our co-implementing partners in managing rising costs and advancing progress across core environmental programs. Of the request, over \$400 million will support the State and Local Air Quality Management Grants, an increase of \$165.0 million above the FY 2024 Enacted level. These grants assist air pollution control agencies in developing and implementing programs for the prevention and control of air pollution and for the implementation of National Ambient Air Quality Standards set to protect public health and the environment. Additionally, a total of \$653.5 million, an increase of \$101.2 million above the FY 2024 Enacted level, is requested for categorical grants that support tribal and state implementation of Clean Water Act and Safe Drinking Water Act.

The categorical grants also provide resources to directly support Tribes, Tribal governments, and those living in Indian Country. In FY 2025, over \$85 million in the Tribal General Assistance Program provides Tribes with a foundation to build capacity to address environmental issues on Indian lands, assess environmental conditions, utilize available federal and other information, and build and administer environmental programs tailored to their unique needs. Over \$23 million will support the Tribal Air Quality Management Program to develop and implement tribal air quality management programs and to build tribal air quality management capacity. The Budget also requests \$25 million to establish a new Direct Implementation Tribal Cooperative Agreement Categorical Grant. This new program will provide funding to tribes to carry out agreed upon federal

implementation activities that will assist EPA in implementing federal environmental programs in Indian Country.

2. Scientific studies continue to demonstrate that the oil and gas industry is responsible for far more methane emissions than the U.S. government estimates. EPA's recently announced update to the Greenhouse Gas Reporting Program Subpart W does not incorporate the use of modern emissions measurement technologies such as satellites in a systemized way. In the absence of utilizing modern methane measurement technologies, how will EPA's update to Subpart W rectify the agency's historical underestimates?

EPA RESPONSE: EPA's recent final rule updating and strengthening the Greenhouse Gas Reporting Program (GHGRP) requirements for the petroleum and natural gas sector, a key component of the Inflation Reduction Act's Methane Emissions Reduction Program, will significantly improve the accuracy, transparency, and accountability of methane emissions reporting from oil and gas facilities, including by incorporating advanced measurement data collected by satellites and other advanced technologies for the first time.

The final rule includes reporting of additional emissions and emissions sources to address potential gaps in the total methane emissions reported per facility to subpart W to ensure that reporting accurately reflects the total methane emissions and waste emissions from applicable facilities, as directed by Clean Air Act section 136(h). This includes the addition of a new source category termed "other large release events." More comprehensive reporting of greenhouse gas emissions will improve U.S. government estimates of greenhouse gas emissions from the oil and gas sector.

The final subpart W rule also allows owners and operators of oil and gas facilities to utilize advanced measurement technologies to quantify emissions from large release events where appropriate and if applicable direct measurements are not available. In addition, the final subpart W rule requires owners and operators to quantify emissions associated with super-emitter events that are reported to EPA through the Super-Emitter Program finalized as part of EPA's new Clean Air Act rule for new and existing oil and gas facilities. These provisions of subpart W reflect EPA's thorough review of a variety of advanced measurement approaches that utilize information from satellite, aerial, drone, vehicle, and stationary platforms to detect and/or quantify methane emissions from petroleum and natural gas systems at different spatial and temporal scales. Advanced technologies have been a focus for research and emission monitoring strategies, and several technologies have progressed in recent years to provide valuable methane (CH₄) emission data. The spatial and temporal resolution of emission estimates varies widely, however, depending on the technology and platform. As the technologies continue to improve, we will evaluate whether and how remote sensing approaches could be used to estimate annual emissions from other sources under subpart W. EPA will solicit additional input on the use of advanced measurement data and methods in subpart W by issuing a Request for Information and opening a non-regulatory docket this summer. EPA intends to use the feedback received to consider whether it is

appropriate to undertake further rulemaking addressing the use of advanced measurement technologies in subpart W, beyond the role for these technologies that is already provided in the current rule. Furthermore, EPA plans to undertake a solicitation or engagement for information about advanced measurement and detection technologies (in the form of a Request for Information, workshop, or similar mechanism) on at least a biennial basis. These engagements will enable EPA to learn about technological advances and the extent to which there is robust information about their accuracy, reliability, and appropriateness for use in a regulatory reporting program.

The final rule also added new calculation methodologies to allow for the use of direct measurement, including for the calculation of emissions from equipment leaks, combustion slip, crankcase venting, associated gas, compressors, natural gas pneumatic devices, and equipment leaks from components at transmission company interconnect metering and regulating stations. The inclusion of additional measurement and survey options is expected to incentivize the use of monitoring data. The emissions calculation methodologies were also updated to incorporate recent studies on GHG emissions or information that reflects updates to scientific understanding of GHG emissions sources. These updates are expected to increase the accuracy of the reported emissions.

3. How will EPA use the nonregulatory solicitation on advanced measurement technologies to support more accurate emissions reporting under Subpart W?

EPA RESPONSE: EPA intends to use the feedback received in response to the upcoming Request for Information to consider whether a rulemaking further addressing the use of advanced measurement technologies in subpart W is appropriate, beyond the role the recent rule amendments provide for these technologies. Following the publication of the Request for Information, EPA plans to undertake a solicitation or engagement for information about advanced measurement and detection technologies on a biennial basis to allow EPA to update its knowledge about new measurement and detection technologies, and to understand the extent to which there is robust information about their accuracy, reliability, and appropriateness for use in a regulatory program.

4. Congress provided funding in FY23 and FY24, and \$850 million in the Inflation Reduction Act for methane detection and monitoring. As of yet, EPA has not acquired satellite data despite this funding. When will EPA procure empirical data on methane emissions?

EPA RESPONSE: On June 21, 2024, EPA and DOE announced that applications are open for \$850 million in federal funding for projects that will help monitor, measure, quantify and reduce methane emissions from the oil and gas sectors. One of the areas of interest in this funding opportunity will establish regional methane characterization projects focused on reducing uncertainties in methane emissions

quantification across all scales using a variety of measurement approaches, including satellite-based monitoring.

Senator Kelly:

1. When EPA established a new air quality standard for particulate matter earlier this year, you committed to putting out updated tools to help air quality managers submit exceptional event demonstrations for days where particulate matter emissions exceeded legal limits due to wildfire. I'm concerned this same level of attention has not been applied to Ozone pollution caused by wildfires. Between 2015 and 2019, the Maricopa Association of Governments submitted documentation for 33 days where ozone emissions exceeded legal limits because of wildfire smoke. But to date, Region 9 has only evaluated the documentation for 19 of these days, and they've only granted an exemption for 3 days. The failure to quickly review – or even review at all – exceptional event demonstrations submitted by air quality managers is making it difficult for the Phoenix region to develop a plan to get into attainment. Can you explain how the new exceptional event tool for wildfires, which EPA committed to release as a part of the particulate matter rulemaking, will assist air agencies in easily submitting exceptional event demonstrations?
 - a. How will it specifically help regions submit demonstrations for Ozone exceedances?

EPA RESPONSE: The Clean Air Act has long recognized that it may be appropriate to exclude monitoring data influenced by “exceptional” events when making certain regulatory decisions. Such exceptional events may include wildfires and prescribed fires. EPA is committed to ensuring that the process for air agencies to request the exclusion of event-influenced data is clear and efficient, and has been engaging with state, local, and Tribal air agencies, as well as developing new tools and resources to that end. In April 2024, EPA made three products available to improve and support an efficient process for air agencies to demonstrate to the EPA that exceptional events caused exceedances or violations of the 2024 revised annual fine particulate matter (PM_{2.5}) standard. Some of these new tools can also assist in identifying event-influenced ozone data. Specifically, EPA’s exceptional events analysis and visualization tools allow users to screen data associated with multiple pollutants, including ozone, to identify days potentially influenced by exceptional events and then to determine whether the selected days have regulatory significance by calculating the impact of excluding the selected concentrations.

By providing this information on how exceptional events demonstrations can meet the requirements of Clean Air Act section 319(b) and the Exceptional Events Rule, particularly regarding the required showing of a “clear causal relationship” between the event and certain exceedances or violations of the standard, these tools establish the EPA’s expectations for air agencies’ exceptional events demonstrations. These tools promote a common understanding of certain analyses and language that can or should be included in a demonstration. After air agencies submit an initial notification of a potential exceptional event, EPA and the air

agency will work together to develop and right-size the demonstration. These tools, along with communication between EPA and the air agency throughout the process, enable air agencies to better manage resources as they prepare exceptional event demonstrations for EPA review, and are expected to improve EPA's efficiency in reviewing demonstrations prepared consistent with the new tools. EPA will continue to offer tools and information to help support state, local, and Tribal air agencies (and their delegates) to seek exclusion of air quality monitoring data influenced by exceptional events.

2. I know that EPA has been busy taking steps to address PFAS contamination. There has been a lot of concern raised by "passive receivers" of PFAS contamination – like water utilities, wastewater utilities, landfills, and others – that the recently finalized rules under CERCLA could expose them to newfound liability. I think we can all agree that the goal of CERCLA is to make sure that the entities who caused the contamination should be the focus of liability. Can you explain what steps the EPA is taking to protect entities like water utilities that are following the law, from frivolous and costly lawsuits under the newly finalized CERCLA rules for PFAS?

EPA RESPONSE: EPA recently took the important step of designating two PFAS (PFOA and PFOS) as hazardous substances under CERCLA as part of our effort to protect communities from PFAS contamination. Designating these chemicals under our Superfund authority will allow EPA to address more contaminated sites, take earlier action, and expedite cleanups, all while ensuring polluters pay for the costs to clean up pollution threatening the health of communities.

"Passive receivers" is not a defined term under CERCLA. EPA's CERCLA response decisions are made on a case-by-case basis after considering the specific circumstances of the CERCLA release at issue. While EPA cannot advise whether or not the Agency will decide to pursue particular entities outside the context of a specific Superfund response action, EPA issued a separate PFAS Enforcement Discretion and Settlement Policy Under CERCLA ("the Policy")¹ that makes clear that EPA will focus its CERCLA enforcement on parties who significantly contributed to the release of PFAS chemicals into the environment, including parties that have manufactured PFAS or used PFAS in the manufacturing process, federal facilities, and other industrial parties. The Policy also provides that EPA does not intend to pursue entities where equitable factors do not support seeking response actions or costs under CERCLA, such as farms where biosolids are applied to the land, water utilities, airports, or local fire departments, much as EPA exercises enforcement discretion regarding other hazardous substances. The Policy further outlines circumstances where EPA may enter into settlements with these parties which would provide protection from contribution claims by other liable parties.

3. As was discussed during Assistant Administrator Goffman's visit, manmade nitrogen oxides (NOx) and volatile organic compounds (VOC) precursor emissions have been

¹ For additional information, please see: <https://www.epa.gov/system/files/documents/2024-04/pfas-enforcement-discretion-settlement-policy-cercla.pdf>.

steadily decreasing over the last 20 years in the Maricopa ozone nonattainment area. But as you know, since 2017, despite the continued reduction in NO_x and VOC precursors, measured ozone levels have gone up. I recognize that Maricopa County may, or may not be, unique in this regard and that other areas of the country may have experienced similar air quality impacts, but the region is required under the Clean Air Act (CAA) to develop and submit to EPA state implementation plan (SIP) measures that collectively serve to demonstrate attainment of NAAQS. Thus, the science of ozone formation is fundamental the region's ability to both demonstrate such attainment (and comply with statutory and regulatory requirements) as well as attain the NAAQS. The region has asked repeatedly for more EPA assistance in developing scientific models which are useful to the Maricopa nonattainment area is science that we can directly utilize during the SIP planning process.

- a. What steps has EPA taken to date to provide assistance to the Maricopa County air region to understand the science of ozone nonattainment?
- b. What additional information can be reasonably expected by the region within a timeframe that will be useful to the SIP planning and submission process?

EPA RESPONSE: Over the last year, EPA Region 9 staff have been regularly meeting with staff from several Arizona agencies, including the Maricopa Association of Governments, Maricopa County, Pinal County, and the Arizona Department of Environmental Quality, to discuss recent ozone trends and to support the development of a modeled attainment demonstration to meet Clean Air Act requirements while taking into account recent trends and ozone formation in the Phoenix nonattainment area for the 2015 ozone NAAQS.

EPA remains committed to working with Arizona agencies and the scientific community to better understand the science of ozone formation in the Phoenix area. EPA coordinates monthly meetings with ozone experts across Arizona to share research insights, explore precursor trends, and to be available for any discussions or questions that Arizona agencies may have. EPA staff from the Office of Research and Development and Region 9 are also actively participating in a research team recently formed by Arizona Department of Environmental Quality and Arizona State University consisting of scientists from several Arizona agencies and universities that will work on advancing scientific knowledge about ground level ozone in the Phoenix area.

We recognize the need for more research investigating ozone formation in the Phoenix nonattainment area, and we look forward to continued collaboration to advance practical and policy-relevant science. Although the results of these efforts will not be immediate, we are committed to working with Arizona agencies to expand our collective understanding of ozone in Phoenix, while meeting the requirements of the Clean Air Act.

Ranking Member Capito:

1. On November 9, 2023, the Federal Energy Regulatory Commission held their Annual Reliability Technical Conference, where multiple panels focused on the Clean Power Plan 2.0's impact on electric grid reliability. During the Technical Conference, The EPA's Assistant Administrator for the Office of Air and Radiation, Joe Goffman, was asked by Commissioner Mark Christie if the EPA had analyzed whether coal- and natural gas-fired power plants would be able to get access to financing to comply with the EPA's Clean Power Plan 2.0 rule. Commissioner Christie noted, "If a generating unit cannot get financing to comply, all your timelines don't matter, it's going to shut down." Assistant Administrator Goffman replied that "I think it would be an overstatement if I said 'we analyzed whether or not they could get financing...'"
 - a. After Commissioner Christie pointed out this flaw in the EPA's evaluation of the rule's impact on grid reliability, did the EPA analyze whether or not coal- or natural gas-fired power plants would be able to get access to financing and how that would affect the rule's impact on electric grid reliability?
 - b. If the EPA did complete analysis that detailed whether and how many coal- and natural gas-fired units could get access to financing, please include a detailed synopsis of that analysis and how it impacted the final rule, and include the full analysis as an enclosure to your QFR responses.

EPA RESPONSE: In accordance with Executive Order 12866, EPA has evaluated the emission reductions, benefits, and costs of the final Carbon Pollution Standards in a Regulatory Impact Analysis. The power industry's compliance cost estimates are an estimate of the increased expenditures required to comply with the final rules. EPA regularly updates its assumptions on the cost and availability of financing that inform those projected compliance costs. Those assumptions are fully described in Chapter 10 of the EPA's 2023 Reference Case documentation at <https://www.epa.gov/system/files/documents/2024-04/chapter-10-financial-assumptions.pdf>.

The Inflation Reduction Act (IRA) is projected to accelerate the ongoing shift towards lower-emitting technology. The IRA includes notable financial incentives to help coal power plants install CCS, and the final Carbon Pollution Standards rule provides the regulatory framework and signal for sources to capture emissions and take advantage of the IRA incentives. This will help provide longer-term certainty for sources.

2. In December 2023, the EPA awarded the Climate Justice Alliance \$50 million under the Inflation Reduction Act's \$600 million Environmental Justice Thriving Communities Grantmaking Program. The Alliance advocates for many radical policies, including defunding the U.S. military and the police as well as the abolition of prisons. Since Hamas' invasion of Israel on October 7, 2023, the Alliance and its member organizations have supported and organized anti-Israel protests and disseminated a wide array of anti-Semitic and pro-Hamas content.

- a. Was the EPA aware of Climate Justice Alliance's activities supporting organized anti-Israel protests and anti-Semitic and pro-Hamas content, which are featured prominently on the organization's website, prior to awarding them funding under this program?
- b. Does the EPA believe that awarding the Climate Justice Alliance a \$50 million grant is an appropriate use of federal dollars?

EPA RESPONSE: EPA is implementing the EJ Thriving Community Grantmaker program as directed in the Inflation Reduction Act to fund environmental projects that benefit disadvantaged communities in both urban and rural areas such as disaster resiliency programs, environmental workforce development programs for local jobs reducing greenhouse gas emissions, fence-line air quality and asthma related projects, healthy homes programs, projects addressing illegal dumping, and more. EPA's selection process included a rigorous, multi-level competitive application process detailed in Section V of the Notice of Funding Opportunity. Selections were made based on the highest scores after the evaluation process. Political affiliations or leanings played no role in the evaluation, scoring, and selection of Grantmaker applications. This organization has not received any funds from EPA. We are going through a thorough evaluation to determine next steps.

Senator Cramer:

1. Administrator Regan, in recent months we've spoken about the need for EPA to work collaboratively with the states, utilities, and other affected stakeholders whenever EPA promulgates new rules or issues new regulations. Unfortunately, despite multiple assurances provided to myself and my staff that the State of North Dakota, North Dakota utilities, and other stakeholders would be consulted regarding the four rules (Clean Power Plan 2.0, Mercury and Air Toxic Standards Rule, Coal Combustion Residual, and Effluent Limitations Guidelines and Standards) the EPA finalized in April 2024, the rules do not reflect the serious concerns they raised in their public comments.
 - a. Can you please catalogue and summarize the interactions EPA had regarding these four rules with the State of North Dakota, including, but not limited to, the EPA's interactions with the ND Department of Environmental Quality?
 - b. Can you please catalogue and summarize the interactions EPA had regarding these four rules with any North Dakota members of the Lignite Energy Council?
 - c. Considering the EPA's justification for the Clean Power Plan 2.0 includes references to Minnkota's Project Tundra, please catalogue and summarize the interactions EPA had with Minnkota Electric Cooperative? How was their input and Project Tundra's specifications reflected in the EPA's final rule?

EPA RESPONSE: On April 25, 2024, EPA announced a suite of final rules to reduce pollution from fossil fuel-fired power plants in order to protect all

communities from pollution and improve public health without disrupting the delivery of reliable electricity. These rules, finalized under separate authorities including the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act, will significantly reduce climate, air, water, and land pollution from the power sector, delivering on the Biden-Harris Administration's commitment to protect public health, advance environmental justice, and confront the climate crisis. By announcing these final rules at the same time, EPA followed through on a commitment to provide regulatory certainty as the power sector makes long-term investments in the transition to a clean energy economy. The standards are designed to work with the power sector's planning processes, providing compliance timelines that enable power companies to plan in advance to meet electricity demand while reducing dangerous pollution.

The four rulemakings were developed according to EPA's regulatory development process and featured a public comment process where interactions with external stakeholders were transparently disclosed in a public docket. EPA meaningfully reviews all comments received, including those from North Dakota.

Comments from and meetings with external stakeholders—including those representing the state of North Dakota and other North Dakota stakeholders—can be found by reviewing the public rulemaking dockets at <https://www.regulations.gov/docket/EPA-HQ-OAR-2023-0072>, <https://www.regulations.gov/docket/EPA-HQ-OAR-2018-0794>, <https://www.regulations.gov/docket/EPA-HQ-OW-2009-0819>, and <https://www.regulations.gov/docket/EPA-HQ-OLEM-2020-0107>.

For the CCR rule, EPA responses to comments from North Dakota and the Lignite Council can be found on the following pages:

- Vol I – Legacy Comments, pgs. 3; 13; 40; 60; 138-139; 201-202, available at <https://www.regulations.gov/document/EPA-HQ-OLEM-2020-0107-1038>;
- Vol II – CCR Management Units Comments, pgs. 25, 26, 29 & 51; 64; 92, 140 & 144; 178-180; 188; 219-220; 241, 251, 256 & 258; 288; 318-319, available at <https://www.regulations.gov/document/EPA-HQ-OLEM-2020-0107-1037>;
- Vol III – Risk Comments, pgs. 6, 7 & 9; 19 & 28; 39, 40 & 45; 105 & 112, available at <https://www.regulations.gov/document/EPA-HQ-OLEM-2020-0107-1035>;
- Vol IV – Economics Comments, pgs. 36 & 51-52, available at <https://www.regulations.gov/document/EPA-HQ-OLEM-2020-0107-1039>; and
- Vol V – All Other Comments, pgs. 33, 34 & 43-44; 49-50; 100-101 & 104; 187 & 189, available at <https://www.regulations.gov/document/EPA-HQ-OLEM-2020-0107-1036>.

For the Effluent Limitations Guidelines and Standards, EPA conducted outreach with states during Federalism and Unfunded Mandates Reform Act (UMRA) Consultation. EPA also held webinars after the rule was proposed in March 2023 to

provide an overview of the proposed rules, information on how to effectively engage in the regulatory process and provided the public the opportunity to present comments and information on the proposed rule. The North Dakota Attorney General Drew Wrigley, along with nineteen other attorneys general, signed a public comment letter available at <https://www.regulations.gov/comment/EPA-HQ-OW-2009-0819-10064>. EPA's responses to comments for this rulemaking can be found at <https://www.regulations.gov/document/EPA-HQ-OW-2009-0819-10584>.

As part of the Carbon Pollution Standards rulemaking, Minnkota Power Cooperative was a small entity representative that self-nominated to participate in EPA's small business advocacy review panel. Small business outreach meetings were held on December 14, 2022, and August 10, 2023. More information about these meetings are available in the docket for the final rule at <https://www.regulations.gov/document/EPA-HQ-OAR-2023-0072-8108>. Minnkota Power Cooperative further submitted comments to EPA on August 8, 2023, August 24, 2023, and December 20, 2023. See <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0072-0632>, <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0072-0889>, and <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0072-8214>. EPA's responses to Minnkota's comments are reflected in the final rule, the response to comments document, and the final small business panel report, available in at Docket ID No. EPA-HQ-OAR-2023-0072. See <https://www.regulations.gov/document/EPA-HQ-OAR-2023-0072-8914> and <https://www.regulations.gov/document/EPA-HQ-OAR-2023-0072-8108>.

Further, prior to proposing the Carbon Pollution Standards, EPA conducted outreach to a broad range of stakeholders, include states and Tribal nations. EPA also opened a non-regulatory preproposal docket to solicit input on the Agency's efforts to reduce emissions from new and existing electric generating units. See Docket ID No. EPA-HQ-OAR-2022-0723. This outreach raised awareness and engaged stakeholders around the EPA's work to reduce GHG emissions from the power sector. The EPA conducted two rounds of outreach to gather input for these proposals – the first in January, February and March 2022, and the second in August and September 2022.

In addition, EPA held webinars after the rule was proposed in May 2023 to provide an overview of the proposed rules, information on how to effectively engage in the regulatory process and conducted a 3-day public hearing in June 2023 to provide the public the opportunity to present comments and information on the proposed rule. The State of North Dakota provided public comment on the rule on August 8, 2023. See <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0072-0752>.

Specifically, for the Mercury and Air Toxics Standards (MATS) final rulemaking, EPA conducted several calls with North Dakota stakeholders in early 2024. At their request, EPA met with Minnkota on February 21, 2024, to talk through the comments Minnkota submitted on the MATS proposal. After you and I met on February 27, 2024, regarding the proposed amendments to the MATS rule, EPA

staff conducted additional calls with your staff on March 12, 2024, and the North Dakota Department of Environmental Quality (NDDEQ) on March 14, 2024. The goal of these meetings was to hear about the specific concerns and impacts of MATS to North Dakota. During the calls, the stakeholders from North Dakota gave an overview of the information included in their public comments, which are available in the rulemaking docket. Additional information beyond what is included in their comments was not provided. More information about these meetings can be found in the docket for the final rule at <https://www.regulations.gov/document/EPA-HQ-OAR-2018-0794-6863> and <https://www.regulations.gov/document/EPA-HQ-OAR-2018-0794-6916>.

2. Administrator Regan, to say North Dakota is disappointed with the final MATS regulation would be an understatement. As you know, this regulation puts a large target on the back of coal plants in North Dakota who have already made tremendous strides in cutting air emissions. When we spoke, you asked Assistant Administrator Goffman to follow up with me. He did and flatly rejected North Dakota's request to maintain lignite's subcategory and said, "the MATS rulemaking is in a good place." Well, Mr. Administrator after doing our homework and sifting through this large and complex rule, not one of my lignite plants thinks they're in a "good place." Given North Dakota has more lignite-fired power plants than any other state I'd expect the EPA would incorporate our input. Unfortunately, that doesn't seem to be the case. I've spoken with you and Assistant Administrator Goffman personally, I've sent comment letters with Congressman Armstrong, and I've reviewed all comments you've received from North Dakotans. Can you point to anything in this rule that reflects my inquiries or North Dakota's input?
 - a. Further, I watched your testimony before the House Appropriations Interior Subcommittee. I want to drill down on an exchange you had with Rep. Zinke of Montana. In that exchange, you referenced the good work other states have done to reduce mercury emissions, and specifically gave a nod to North Dakota. You said "...93% of the coal facilities in this country have magically figured out how to control mercury at a level that doesn't produce this toxic for our children." As I mentioned earlier, you specifically touted North Dakota as an example of coal plants being good stewards of the environment and of the health of the citizens in surrounding communities. First, it wasn't magic. It was millions of dollars of upgrades paid for by North Dakota's ratepayers. But more to the point, you touted North Dakota's compliance while defending a rule that adds more compliance burdens on them.
 - i. Is North Dakota being lauded or singled out for additional regulatory and compliance costs?

EPA RESPONSE: EPA has no intention to single out North Dakota. In April 2024, EPA strengthened and updated MATS for coal-fired power plants, achieving important hazardous air pollutant (HAP) emissions reductions and ensuring that the standards reflect the latest advancement in pollution control technologies. Controlling these air toxics improves public health for all Americans by reducing

the risk of fatal heart attacks, cancer, developmental delays in children, and also reduces adverse environmental impacts. These public health improvements are especially important for children and communities with environmental justice concerns and others who regularly consume fish that accumulate high levels of pollutants from power plants.

In 2021, 16 of the top 20 mercury-emitting electric generating units (EGUs) were lignite-fired EGUs. Overall, lignite-fired EGUs were responsible for almost 30% of all mercury emitted from coal-fired EGUs in 2021, while generating about 7% of total 2021 megawatt-hours. EPA's review of information on current mercury emission levels and controls for lignite-fired EGUs shows that lignite-fired EGUs can achieve these more stringent mercury emission rates using available control technologies and/or improved methods of operation at reasonable costs. The Clean Air Act gives sources time to meet this stronger standard. EGUs will have 3 years and the possibility of a 4th year from the permitting authority to comply to the final rule. EPA's final rule projects \$300 million in health benefits and \$130 million in climate benefits over the 10-year period from 2028-2037. This does not include certain benefits of this rule that are not monetizable due to current data limitations that prevent EPA from assigning monetary value to reductions of hazardous air pollutants such as mercury, lead, arsenic, chromium, nickel, and cadmium. EPA welcomes any follow up discussion and engagement with you or your constituents that would help address compliance questions.

3. During the Biden Administration the EPA has finalized a large number of regulations. In fact, a recent analysis by the Regulatory Studies Center at the George Washington University found federal agencies broke records by issuing an unprecedented number of significant rules in April 2024. An often-overlooked aspect of federal regulations is the imposition of duties and costs placed on state, local, and tribal governments.
 - a. What is the total cost of unfunded mandates the EPA has imposed upon state, local, and tribal governments during the Biden Administration?

EPA RESPONSE: In cases where significant expenditures by state, local, and tribal governments are expected, EPA assesses these costs. These assessments are presented in the preamble, regulatory impact analysis, and/or other supporting material included in the docket for the rule.

4. In the EPA's new methane regulation for the oil and gas industry the EPA created a brand-new program without Congressional direction called the Super Emitter Program. The program creates a system for third parties to monitor and report emissions, whether they're regulated under Section 111 of the Clean Air Act or not, to the EPA.
 - a. How much does the EPA estimate this program to cost and how many FTE?

EPA RESPONSE: The Super Emitter Program in the final rule addressing methane emissions from oil and natural gas operations is based on both the EPA's authority under Clean Air Act section 114(a) to require "any person who owns or operates

any emission source” to provide information for purposes of carrying out the CAA and the EPA’s authority to regulate sources under CAA section 111. The final rule reflects important changes, including features suggested by industry commenters, to provide a strong oversight role for EPA in the Super Emitter Program and to ensure that the program operates with a high degree of integrity, transparency, and accountability.

Under the final rule EPA will certify third parties, will receive and review for completeness and accuracy any notifications or other information on super emitter events the third parties provide, will send information that satisfies EPA’s review criteria to owners and operators, and will post such notifications (except for the owner/operator attributions) on EPA’s website. As the Agency had proposed, only EPA-approved remote-sensing technologies, such as those used on satellites or in aerial surveys, may be used in the program. The rule does not allow the third parties to enter a well site or other facility. Once notified, owners and operators must investigate to find the source of the potential super emitter event and report the results of that investigation to EPA within 15 days of receiving the notification. Owners and operators would be required to repair leaks or releases consistent with applicable section 111 standards. EPA will post on its website the owner or operator attribution after receiving confirmation from the notified owner or operator or if no response is received within the 15-day response deadline and EPA believes the attribution to be accurate. This will avoid the potential for incorrect identification of the owner or operator of a facility believed to be the cause of a super-emitter event. We began accepting applications on May 23, 2024, for the alternative technologies that could be used to identify super emitters. This technology approval is a prerequisite to being certified as a third party.

The Agency requires a data system to collect and publish this information and is in the process of developing such a data system. EPA expects this super emitter database will require about \$3.6 million and 6 full-time equivalents for EPA headquarters over five years and 12 full-time equivalents over 2 years for EPA’s regional offices. EPA has allocated this funding to implement advanced methane detection technology in the oil and gas sector, including technology used to identify super-emitter events. This funding is in place to support the evaluation of candidate technologies in a transparent manner which includes the development of a public facing portal for submission of these technologies to EPA for use in the super emitter program.

Senator Lummis:

1. Administrator Regan, as you know the U.S. Environmental Protection Agency estimates there are approximately 15,000 abandoned uranium mining rock waste piles scattered across my state and others in the western United States. Recently, at a hearing held by this Committee, I asked National Regulatory Commission Chairman Chris Hanson what he and his Agency were doing about this issue and how we could expedite the process to alleviate an important health concern for members of Navajo Nation and others exposed to these materials. While the Chairman’s answer indicated his concern, he seemed to

lack a plan to aggressively prioritize this issue. Historically, the options to address abandoned uranium mine cleanup have been: 1) do nothing, 2) remove all waste off-site, or 3) bury all waste on-site – which explains why there has not been any significant progress on this issue to date. Please thoroughly address what you and your team are doing, in accordance with the USNRC, to foster innovative solutions to address this longstanding concern?

- a. Senator Kelly and I both made addressing these issues a priority. May I have your commitment to work with NRC Chairman Chris Hanson, the Navajo Nation, and our offices to expedite the efforts to address abandoned uranium mine site cleanup?

EPA RESPONSE: You have our commitment to work with Congress, with the Navajo Nation, with the NRC and with other government and non-government stakeholders to address abandoned uranium mine site cleanup expeditiously. EPA understands the long-standing and profound impacts of un-remediated legacy uranium mining on the Navajo people and throughout the southwest. EPA conducts extensive community engagement, and government-to-government consultation with the Navajo Nation, including through Navajo-speaking staff. Part of our ongoing engagement with the Navajo government includes exploring additional mine waste disposal options, given the current limitations by federal and state regulation and community opposition. EPA is working closely with the Navajo Nation to advance cleanup of the more than 500 abandoned uranium mines on or near the Navajo Nation. EPA and the Department of Justice have secured funding from responsible parties to clean up nearly 250 of these mines. The recent listing of the Lukachukai Mountains Mining District site on the National Priorities List added another 11 mines, formerly unfunded for cleanup, to those being addressed by EPA. EPA continues to seek funding to address the remaining mines on the Navajo Nation.

Senator Ricketts:

1. Your agency continues to assert that the final “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles” is less burdensome than the proposal. However, the CO₂ standard of 85 grams per mile for Model Year 2032 remains unchanged. This still represents an average annual reduction in the standard of 10 to 12 percent.
 - a. How many current gas, diesel, or traditional hybrid vehicles meet the 85 grams per mile of CO₂ standard today?
 - b. How many gas, diesel, or traditional hybrid vehicles meet the 85 grams per mile of CO₂ standard by 2027?

EPA RESPONSE: The final light- and medium-duty rule that was issued on March 20, 2024, phases in over model years 2027 through 2032. It does not apply to vehicles today or prior to the 2027 model year. Moreover, the 85 grams per mile target does

not apply in 2027; rather the standards are projected to result in fleetwide light-duty vehicle targets of 170 grams of carbon dioxide per mile in 2027 and 85 grams of carbon dioxide per mile in 2032. Beginning with the 2027 model year, the rule will deliver an estimated \$100 billion in annualized net benefits to society through the year 2055. This final rule will cut carbon emissions by 7.2 billion metric tons, save the average consumer about \$6,000 over the lifetime of a vehicle, and strengthen American energy security by reducing reliance on 15 billion barrels of imported oil. The final rule builds on rapid investments in clean vehicle manufacturing, including from Inflation Reduction Act, and we project an increase in U.S. auto manufacturing in response to these final standards, consistent with the Biden-Harris Administration commitment to create good-paying jobs, union jobs leading the clean vehicle future. The final standards are performance-based emissions standards and are based on manufacturer's fleetwide average emissions – manufacturers have flexibility in determining the mix of vehicles they will sell. The standards allow manufacturers to choose the technologies they believe are best suited for their fleet, including gasoline, hybrids, plug-ins—all types of vehicles—continuing to meet a diversity of customer needs and preferences.

2. The National Renewable Energy Laboratory estimates that 1.1 million public chargers must be deployed by 2030 to support the Administration's EV mandate. A majority of these public chargers are "Level 2", operating at up to 30 amps, utilizing 7.2 kWh of power. In the hearing, you pointed to your agency's work with the Department of Transportation, Department of Energy, and private industry to discern the amount of power generation required to operate these chargers.
 - a. In either total kWh or percentage change, exactly how much more power generation will be required over the current national generation levels?
 - b. Please share the methodologies used in this research.

EPA RESPONSE: Electric utilities have historically met increases in electricity demand, and we anticipate they will continue to do so. We estimate that EV charging under the light- and medium-duty standards, combined with our projection of charging under the heavy-duty vehicle standards, will increase annual generation from the electric power sector by less than 1% in 2030, approximately 9% in 2040, and 12% in 2050 relative to the absence of the new light-, medium- and heavy-duty standards. The United States has historically met the demand from comparable expansions of generation and transmission capacity (e.g., residential/commercial air conditioning in the 1970s-1990s; and recent expansion of generation needed to support computer data centers, cryptocurrency mining and residential/commercial expansion of heat pumps).

EPA collaborated extensively with the Department of Energy and National Laboratories in assessing future energy demand of electric vehicles and used up-to-date modeling of the power sector and the transportation sector. Details of EPA's power sector modeling methodologies can be found in Chapter 5.1 and 5.2 of the

Regulatory Impact Analysis for the Light/Medium-Duty Vehicle Rule
<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1019VPM.pdf>.

3. How is your agency expediting the transmission permitting process to ensure energy can reach rural and remote communities that currently do not have access to this infrastructure?

EPA RESPONSE: EPA's direct role in the permitting of transmission related projects is limited and, in some cases, EPA's role is limited to reviewing and commenting on regulated actions being considered for authorization by another agency (e.g., Clean Water Act section 404 requires authorization from the Secretary of the Army, acting through the Corps of Engineers). There may be situations where Clean Air Act or Clean Water Act associated permits are triggered; however, more often other federal or state agencies have been delegated permitting authority.

With respect to efficiencies in the Agency's environmental permitting, EPA is taking steps to improve its permitting through automating its permitting processes, building permit staffing capacity using Inflation Reduction Act funding and by engaging in early and frequent interagency coordination. For example, EPA serves on many energy-related interagency working groups and has entered into MOUs to closely coordinate efforts with federal partners. EPA entered into an MOU with DOE on facilitating federal authorizations for transmission facilities in May 2023 and actively participates in DOE's Coordinated Interagency Transmission Authorizations and Permits Program.

4. There have been many concerns regarding the plan for access to the critical mineral required to comply with this mandate. This is exasperated by the fact that our largest adversary, China, refines 68 percent of nickel globally, 59 percent of lithium, and 73 percent of cobalt. China dominates global production of battery cells, including 70 percent of cathodes, 85 percent of anodes, 66 percent of separators, and 62 percent of electrolytes. China has 78 percent of the world's cell manufacturing capacity for electric vehicle batteries. Three-fourths of the world's lithium-ion battery mega-factories are in China. China is also the largest consumer of the minerals it refines.
 - a. What is your agency's plan to support and expedite domestic critical mineral and rare earth mineral deployment?
 - b. Has your agency developed an inventory of allied countries with access to critical mineral development and refining? If so, which federal agencies have you coordinated with to develop said inventory?
 - c. Does your agency, in coordinating with other relevant federal agencies, have a plan for sourcing these critical minerals in case of China preventing the export to the United States?

EPA RESPONSE: EPA's Office of International Affairs and Office of Policy will continue engagement in a strong international trade and security dialogue on critical minerals supply chains with other U.S. Government stakeholders (NEC, NSC, CEQ, DOI, DOE, USGS, DOL, DOS, USAID, DOD, USDA) to implement policies and programs that strengthen critical minerals supply chain resilience. Additional details on federal roles are available online at: <https://www.criticalminerals.gov/pages/member-agencies>, with an EPA-specific overview available online at: <https://www.criticalminerals.gov/pages/member-agencies-environmental-protection-agency>.

5. Will the EPA finalize the 2026 Renewable Fuel Standard Renewable Volume Obligations by the statutory deadline of November 2024?

EPA RESPONSE: In June 2023, we issued a final rule under the Renewable Fuel Standard (RFS) program that establishes the biofuel volume requirements for 2023 to 2025—the strongest Renewable Volume Obligation in the history of the RFS program. This final rule builds on the RFS program's progress over the previous two years and reflects the Biden-Harris Administration's commitment to strengthen the nation's energy independence, advance low-carbon fuels, and support agricultural communities. We are the first Administration ever to put the RFS on a multi-year growth trajectory, and we are working as expeditiously as practicable to develop and issue future Renewable Volume Obligations.

6. Will you commit to working with myself and relevant stakeholders to ensure that the Renewable Fuel Standard Renewable Volume Obligations will be reflective not only of industry capacity, but also long-term demand?

EPA RESPONSE: In all our work, including the RFS program, EPA is committed to transparency and engaging with stakeholders, as appropriate, to develop rulemakings that are fully informed.

7. On Tuesday, April 30, 2024, the Treasury Department released the *Updated* Greenhouse gases, Regulated Emissions, and Energy use in *Technologies* (GREET) Model to Measure Lifecycle Emissions from Sustainable Aviation Fuels, which was developed in close coordination with your agency. While there are several positive steps taken in this guidance, the updated model also requires that cover crops, no-till, and smart fertilizer application all be used for corn to qualify for the carbon reduction score. The all or nothing approach does not consider the diverse needs of soil types and climates, which make some of the applications impractical. Will you commit to me, and our agriculture stakeholders to work towards a feasible model for the carbon intensity of feedstocks?

EPA RESPONSE: The Administration took the extra time and effort to include an updated GREET model in the Sustainable Aviation Fuels (SAF) guidance, not only to ensure compliance with the statute, but also to make sure U.S. farmers and feedstocks can compete in this emerging market. That's what our interagency workgroup has focused on for the past year. The Administration strongly supports

farmer adoption of Climate-Smart Agriculture practices. That's why the Climate-Smart Agriculture pilot program was included in the SAF tax credit, and it's also why this Administration intends to request additional information from the public as we develop future clean fuel tax credits under the Inflation Reduction Act. For the details of how this program will work, I refer to U.S. Department of Treasury and U.S. Department of Agriculture who took the lead on this aspect of the policy.

8. The updated GREET model also correctly values lower carbon intensity score through Carbon Capture and Storage. These wells play a critical role in the safe storage of carbon dioxide and adding value throughout the supply chain of essential industries. However, your own office has a 2-year delay on the permitting of Class IV Wells.
 - a. What is your agency's plan to expedite the processing timelines of Class VI Wells?

EPA RESPONSE: EPA is committed to reviewing Class VI permits as expeditiously as possible when EPA is the permitting authority. EPA's goal is to make a permit determination and issue a permit when appropriate approximately 24 months after receipt of a complete application. This timeframe is dependent on several factors, including the complexity of the project and the quality and completeness of the submitted application.

The review of a Class VI permit application by the permitting authority entails a multidisciplinary evaluation to determine whether the application includes the required information, is technically accurate, and supports a risk-based determination that underground sources of drinking water (USDWs) will not be endangered by the proposed injection activity. EPA works to ensure a scientifically rigorous and efficient process in reviewing permit applications. The permit application review often involves subject matter experts in geology, hydrology/hydrogeology, modeling, well engineering, and finance—as well as risk analyses to collectively evaluate the topics addressed in the application. A permit application review involves activities such as completeness and technical review, considerations under federal law, development of draft permit package, public notification, issuance of final permit, and pre-operational testing review/authorization to inject.

EPA is committed to transparency as shown by the agency's website which provides a permit status dashboard at: <https://www.epa.gov/uic/current-class-vi-projects-under-review-epa>.

9. The Renewable Fuels Standard statute excludes fuels used in ocean-going vessels, which is hampering the shipping industry's efforts to switch to cleaner fuels. Are you supportive of access to ocean-going vessels to utilize low-carbon biodiesel?

EPA RESPONSE: EPA is committed to implementing the RFS program in accordance with our statutory authority. The U.S. government, led by the

Department of State and supported by EPA and other agencies, is currently participating in international discussions under the International Marine Organization to explore options for encouraging adoption of low-carbon fuels in ocean-going vessels.

10. The EPA recently closed a comment period on a request from California Air Resources Board (CARB) to begin enforcing their own emissions standards on locomotives. These emission standards would jeopardize the interoperability of the national rail network and would jeopardize and threaten the entire national supply chain. I led a bipartisan comment letter with nearly a dozen of my colleagues expressing our concerns with CARB's petition. Shippers, agricultural groups, rail labor, and locomotive equipment manufacturers all weighed in to state their opposition to EPA approving California's request. Will you commit to fully and carefully reviewing each of the comments filed to ensure that any decision that EPA makes is rooted in a legally sound analysis and is mindful of the supply chain impacts that California's regulation would have?

EPA RESPONSE: EPA is committed to following the process established by Congress in the Clean Air Act. EPA has received an authorization request from CARB for its "In-Use Locomotive Regulation." The Clean Air Act sets forth both the administrative process for such authorization requests as well the criteria that EPA must consider in evaluating the request. EPA conducted a public hearing and written comment period that is now closed. EPA is now evaluating the comments received in order to reach an appropriate decision based on the Clean Air Act criteria.

11. As you are aware the U.S. Senate Committee on Environment and Public Works has jurisdiction over federal recycling statutes under the purview of the U.S. Environmental Protection Agency (EPA). We have made many legislative strides on these issues lately, but I'd like to bring to light an issue within the scrap metal recycling industry. In recognition of the cooperative federalism framework of many environmental statutes, EPA delegates RCRA hazardous waste program implementation to the states. However, this delegation cannot go unchecked. EPA has a duty to conduct proper oversight of state implementation and I am concerned by reports of [a state/California DTSC] taking action in direct conflict with federal RCRA — and all other states[— and DTSC's own regulations and policy on books for more than 30 years] regarding in process recycled scrap metal.
 - a. Does EPA agree that regulating recycling operations out of existence is inherently in conflict with the over-arching goals of RCRA?
 - b. When EPA delegates its RCRA authority to a state, does it assume that the state follows any basic principles of administrative law when developing its own regulations? Would EPA be okay with DTSC negotiating new permitting requirements with a subset of industry stakeholders behind closed doors?

EPA RESPONSE: Consistent with RCRA section 1003, Objectives and National Policy, EPA supports and promotes recycling that is protective of human health and the environment. Under RCRA Subtitle C, EPA may authorize states to implement their own hazardous waste programs in lieu of the federal program. California has an authorized state RCRA program. State RCRA programs may impose requirements that are more stringent or broader in scope than the federal program.

EPA regulations include robust public notice requirements for state authorization, as well as public notice and public participation requirements for facility permit approval and modification. The requirements related to state program authorization were followed in authorizing California's program, and the state's regulations include public notice and public participation requirements that are equivalent to the federal program. EPA is not involved with the state administrative rulemaking process, which is governed by state law and procedures outside the federal rulemaking and program authorization processes.

EPA recently responded to a petition for Corrective Action or Withdrawal of Program Approval for California's RCRA Hazardous Waste Program. The response addresses those petitioners' concerns regarding California's regulation of material the petitioners characterized as "scrap metal." Among other reasons given in the response, "scrap metal" is a defined term. Whether a material truly qualifies as scrap metal is a technical and fact-specific inquiry, and EPA was not provided a factual basis or information (including technical information, data, or other similar details) to believe that California has regulated materials in a way not in keeping with the federal (or authorized State) regulations or that DTSC's actions conflict with RCRA.

Senator Boozman:

1. For rural water systems with a relatively small base of ratepayers, the forging of partnerships or regionalizing operations on a voluntary basis has been a successful tool to help these systems build capacity, including many success stories in my state of Arkansas. Congress directed EPA in WRDA 2018 to carry out a rulemaking – the Water System Restructuring and Assessment Rule – that would provide resources to allow for more of this work to take place. This rule has not yet been released for public comment. Where is the EPA at in its process with this rulemaking and when can we expect it to be released?

EPA RESPONSE: EPA's proposed Water System Restructuring Assessment Rule was published in the *Federal Register* on May 30, 2024. The proposed rule outlines a framework for states, public water systems, and the communities they serve to evaluate options for restructuring to help ensure safe, reliable drinking water. EPA held an informational webinar about the proposed Water System Restructuring Assessment Rule on June 5, 2024, for the general public, local, state, and federal government agencies, environmental and public interested groups, water utilities and water utility associations, and technical assistance providers. EPA also hosted two national listening sessions on July 17, 2024 and July 24, 2024, to allow for

maximum public participation and engagement during the public comment period. EPA is requesting public comment on the proposed regulation. The extensive public comment period was open through July 29, 2024.

2. As a co-chair of the Senate Recycling Caucus, I fully appreciate the economic and environmental benefits associated with recycling various materials, including valuable scrap metal. As you are aware, the Senate Committee on Environment and Public Works has jurisdiction over federal recycling statutes under the purview of the Environmental Protection Agency. We have made many legislative strides on these issues lately, but I'd like to bring to light an issue within the scrap metal recycling industry. Per EPA's own website and statute, scrap metal that is not excluded under 40 CFR section 261.4(a)(13) is not subject to Resource Conservation and Recovery Act (RCRA) hazardous waste regulation when recycled. This makes sense, as recycled scrap metal is not a waste. Rather, it is a valuable product that propels our domestic circular economy. The scrap metal recycling industry accounts for thousands of direct and indirect jobs and over \$40 billion annually to our domestic economy. EPA's 2021 National Recycling Strategy recognizes the importance of such metal recycling to the municipal solid waste recycling system. Recycling scrap metal also has tremendous environmental benefits. It results in less energy consumption that would otherwise be needed to manufacture new products and it reduces the need to mine new ore and harvest more trees. However, the State of California's Department of Toxic Substances Control (DTSC) has been using enforcement and no formal rulemaking to regulate metal shredding as hazardous waste, of which is in conflict with RCRA and requires costly permits for California job creators. It also has resulted in aggressive state inspection, thereby minimizing industry expansion. Does EPA agree that DTSC's actions treating scrap metal as hazardous waste conflicts with federal RCRA, despite EPA's own policy stating otherwise?
 - a. Do you agree that EPA permitting DTSC to regulate scrap metal as hazardous waste sets a dangerous precedent for the rest of the Country?

EPA RESPONSE: Under RCRA Subtitle C, EPA may authorize states to implement their own hazardous waste programs in lieu of the federal program. California has an authorized state RCRA program. EPA recently responded to a petition for Corrective Action or Withdrawal of Program Approval for California's RCRA Hazardous Waste Program. The response addresses those petitioners' concerns regarding California's regulation of material the petitioners characterize as "scrap metal." As described in the response, "scrap metal" is a defined term. Whether a material truly qualifies as scrap metal is a technical and fact-specific inquiry, and EPA has no basis to believe California is regulating materials in a way that is not in keeping with the federal (or authorized state) regulations. But in any event, as the response explains, state RCRA programs may impose requirements that are more stringent or broader in scope than the federal program. As a result, EPA has no basis to believe that DTSC's actions conflict with RCRA. The response (attached) addresses your first question in further detail.

With respect to setting a precedent about scrap metal recycling, EPA does not view its response to the petition as establishing a new precedent because it does not reflect

any new principles. Rather, EPA determined that the petition did not demonstrate that California's actions are inconsistent with either its authorized program or the federal program. Moreover, EPA did not "permit" DTSC to regulate these materials in any particular way; states are free to impose solid and hazardous waste requirements that are more stringent and broader in scope than the federal program. The RCRA regulations do have a consistency requirement in 40 C.F.R. § 271.4. However, the requirement is particularly concerned with state programs that would prevent the movement of hazardous waste across state lines, and RCRA does not require uniformity among state programs. Such an interpretation of consistency would be inconsistent with RCRA and EPA's regulations.

3. Administrator Regan, a company in my state owns and operates a RCRA permitted hazardous waste combustor in El Dorado, Arkansas. As a component of its waste minimization and sustainability efforts, the company began permitting a deep well in 2019. An Arkansas Department of Environmental Quality permit (ADEQ) and EPA No Migration Petition approval are required to operate at the site. An ADEQ state permit application was submitted in 2019 and conditionally approved in 2020, pending approval of the EPA No Migration Petition.

The EPA No Migration Petition was submitted to EPA Region 6 in 2019 with the understanding that EPA would begin the review process before the well was drilled. EPA Region 6 communicated to my constituents that it typically takes two years for a no migration petition to be approved.

The well was drilled in 2021 and information relayed to EPA Region 6 and ADEQ. The expectation was that EPA would promptly finalize the approved petition no later than 2022. This process is now going on four years with my constituent, despite its good faith efforts, having no regulatory certainty or awareness of the timeline for final approval by EPA Region 6 of the requested petition.

I am concerned about not only the delay in approval of the No Migration Petition but also the lack of communication from Region 6 on a timeline for approval of this petition. My constituent company has contacted Region 6 on multiple occasions, including Region 6 Administrator (Dr. Earthea Nance), and still has not received a response or any clarity on the timeline for approval of the petition. This is not acceptable. The approval delays have had a significant financial impact – more than \$10 million in total expenses to date.

Mr. Administrator, I would be grateful for your assistance in not only helping to facilitate the timely completion of this petition but also identifying a lead Region 6 official to serve as the primary point of contact to ensure that there is consistent and timely communication between Region 6 and the petition applicant. I would also respectfully request that EPA also provide the following in a timely fashion. What is the status report from EPA Region 6 on the No Migration Petition for the El Dorado (Arkansas) project?

- a. What is the quarterly update from EPA Region 6 Relating to the ongoing status of this project?

- b. What are the impediments to the timely consideration of this petitions (lack of funding, personnel, etc)?

EPA RESPONSE: EPA has completed the review of the geology, administrative, wastewater and well history sections of the petition. Currently, Region 6 is reviewing the approximately 250 artificial penetrations as well as the modeling, all of which entail highly technical and time-intensive processes. The team is also reviewing potential pressure and plume interactions between the proposed Clean Harbors site, a second active Class I hazardous waste site, and a new proposed Class VI carbon dioxide sequestration project site in the El Dorado area. The location of two geologic faults in proximity to these project areas compounds review complexities.

I understand that the company would prefer a faster process. However, the protection of underground sources of drinking water and the safety of our communities is paramount. As such, the technical team needs time to continue efforts to carefully evaluate the volume of information that was submitted to the Agency. The EPA is committed to providing quarterly updates, and if no other issues arise and significant progress is made, our goal is to release the petition for public comment in early 2025.

4. Administrator Regan, I have a constituent with a case (SWL-2023-00283) that has been elevated to the Environmental Protection Agency (EPA) and Corps HQ for review per the Agencies' September 2023 [pre-2015] coordination memorandum. EPA Headquarters and Corps HQ are evaluating and coordinating on the draft AJD. Per the coordination memo, the Corps is unable to finalize the draft AJD until that process is complete. When should we expect this process to be finalized?

EPA RESPONSE: An approved jurisdictional determination (JD) is an official document expressing the United States Army Corps of Engineers' (Corps) view that jurisdictional "waters of the United States" are either present or absent on a particular site. With the finalization of the September 2023 rule, the Corps resumed issuing jurisdictional determinations that were paused in light of the *Sackett* decision. The Agencies have hosted public meetings to provide clarity about this new rule, and we hosted listening sessions in February 2024 with co-regulators and stakeholders, focusing on identifying issues that may arise around implementation.

The draft approved JD for SWL-2023-00283 has been elevated to EPA Headquarters and the Office of the Assistant Secretary of the Army for Civil Works (OASACW) for review. The EPA and Army are working as expeditiously as possible to conclude review of the draft elevated approved JD after which the Corps can finalize the draft approved JD.

Senator Sullivan

Senator Kelly and I introduced the “Contaminated Lands Reclamation Act of 2024,” which includes a number of provisions that would help support additional remediation of contaminated lands. Cleaning up these sites will require billions of dollars.

1. Does EPA support innovative regulatory solutions, in addition to those that would bring more resources to the table, to tackle the problem? For example, our bill authorizes EPA and the Army Corps of Engineers to enter into an agreement with an Indian Tribe to remediate ANCSA land or Indian land for the purpose of compensatory mitigation for a permitted activity under the 404 program.
2. Would EPA support codifying a categorical exclusion for the Alaska Contaminated Lands program? EPA adopted the Bureau of Indian Affairs’ categorical exclusion for this program in November, so there is precedent.
3. What other resources or authorities does EPA need to keep the cleanup of ANCSA contaminated lands a top priority?

EPA RESPONSE: EPA is generally supportive of innovative regulatory approaches within our existing authorities and leads an all-government approach to advance cleanup of contaminated ANCSA lands. EPA acknowledges that the current categorical exclusion that EPA adopted has served as an efficient means of complying with the National Environmental Policy Act. In FY 2023, in response to Congressional direction in our annual appropriation act, EPA established the new Contaminated ANCSA Lands Program, which provides funding for assessment and remediation of legacy contaminated sites on conveyed ANCSA lands. Under the new program, EPA issued the first Notice of Funding Opportunity (NOFO) in May 2023 and awarded the first three cooperative agreements in September 2023. Three Alaska Native Corporations were awarded more than \$2.5 million for assessment and cleanup work. A second NOFO was issued in December 2023 for rolling applications. EPA expects to award additional cooperative agreements in FY 2024 and 2025.

Additionally, in FY 2023, EPA began the effort to compile a contaminated ANCSA sites inventory and develop a public-facing dashboard with site information, including cleanup status. The inventory and public-facing dashboard went live to the public in September 2023.² In the FY 2025 President’s Budget, EPA requests \$20.0 million to continue to maintain the inventory and public dashboard as we administer the Contaminated ANCSA Lands Grants Program. EPA looks forward to continuing to work with you and your staff on these issues, and we welcome the opportunity to provide any technical assistance on any legislative proposals.

² “Contaminated ANCSA Sites Common Operating Picture,” U.S. Environmental Protection Agency, available at <https://experience.arcgis.com/experience/51479962643a49368433f43204d493e3>.

Senator CARPER. Administrator Regan, thank you for that statement. Thanks for joining us today, and thank you for your leadership. Thank you for taking on a really tough job, and our thanks to your family for sharing you with all of us. I think about three and a half years ago, I think they sat there, right in the front row, and said, we are willing to share their husband, and your son, their dad. It is a sacrifice for them, and we appreciate their service, too.

Mr. REGAN. Thank you for that.

Senator CARPER. I have a couple questions I want to lead off with. One of them is a question dealing with the general budget. I am going to ask some questions, Senator Capito will follow me. Senator Stabenow was here earlier, and if she shows up right away, then she would succeed Senator Capito, and then Senator Cramer, and if he is not back, then Senator Ricketts is on the on-deck circle. There we go.

First question: after years of declines in funding and staffing, EPA has begun to recover from the effects of diminished resources over the past few decades. For most of its existence, EPA's budget has not kept pace with inflation, while Congress has steadily added to its responsibilities. EPA needs more people. They need additional funding to fulfill their critically important mission, which is reflected in the President's proposed budget.

How would the additional funding the President has requested help this agency, your agency, fulfill its mission to protect public health and the environment while growing the economy and jobs?

Mr. REGAN. Thank you for the question, Senator. It is critical. I think, in order to have a viable strong partnership with our States, we need to be able to provide technical assistance and demonstrate that partnership in our regions. More than 50 percent of this budget will go to our regional staff to provide that technical assistance.

We need resources to continue to deal with building our capabilities in the areas of emergency response, whether it be the wildfires in Maui or the train derailment in East Palestine. We are continuing to see these disasters that we are having to respond to, so we need to build our emergency response capabilities.

We need to ensure that the safety of chemicals that are needed to propel our electric vehicles, our semiconductor industry, continues to move forward. We want to continue to administer these congressionally directed spending assignments all across the Country, such as the \$4 million to the city of Wilmington for sewer-stormwater separation.

With those resources, we are going to continue to build that capability to not interrupt the economy, but also provide the technical ability, so that we can all compete at the Federal and State level.

Senator CARPER. Thank you. My next question is, through the Inflation Reduction Act and the Bipartisan Infrastructure Law, much of which was authored in this room, this committee made historic investments to tackle the climate crisis and make our communities more resilient at the same time. EPA's Fiscal Year 2025 budget builds on those historic investments and reaffirms the Administration's commitment to tackling climate change with the urgency that the science demands by dedicating \$3 billion to climate-related programs.

Administrator Regan, how important are the investments provided by the Inflation Reduction Act, the Bipartisan Infrastructure Law, and the President's budget for reducing U.S. emissions to head off the worst of climate change? Why do these investments matter?

Mr. REGAN. These investments are critical to preserve both the economy and the environment. If we are able to leverage the historic resources that we received from the Bipartisan Infrastructure Law and the Inflation Reduction Act, we are able to marry those financial incentives with the statutory and regulatory obligations that we have. We are seeing a significant infusion in technological advancements to help curb those emissions.

In BIL, we are seeing a significant level of resources to harden our water infrastructure, increase our water cybersecurity, to make them more resilient for the changing climate and the international threats that we are facing there. Coupling those investments with our regulatory obligations creates a win-win opportunity for global competitiveness.

Senator CARPER. My last question before yielding to Senator Capito is, EPA's recent efforts to cut emissions and greenhouse gases in toxic pollutants from power plants are expected to deliver significant public health and climate benefits. Despite these benefits, some focus intently on potential impacts to grid reliability and related compliance schedules.

My question, Administrator Regan, as I understand it, EPA has carefully considered those potential impacts in the development of its new regulations. Could you just briefly describe for us the mechanisms in the rule to ensure grid reliability is maintained? The second half of my question is, what actions will EPA take in the future to avoid challenges to grid reliability? Go right ahead.

Mr. REGAN. Thank you for the questions, Chairman. I am happy that you mentioned the public health benefits for these four rules. The public health benefits are just astronomical in terms of cost benefits. In 2035 alone, our regulatory impact analysis estimates that we will have up to 1,200 avoided premature deaths, 870 avoided hospital emergency room visits, 1,900 avoided cases of asthma onset, and over 360,000 avoided cases of asthma symptoms. The health opportunities are grand.

In carrying out our duties to protect public health and the environment, we teamed up with the Department of Energy; we have multiple meetings with FERC. We engage with EEI and those who are responsible for grid management. We understand that we are seeing increased demand, but we are also understanding that there is a tremendous investment from historic legislation into technological advancements and investments in the grid that will make all of this possible. We are confident that we have mitigated any grid reliability issues that are current and that could potentially be a future threat.

Senator CARPER. Okay, thanks.

Senator Capito? Thank you.

Senator CAPITO. Thank you.

Administrator Regan, I want to talk about the power sector strategy and the six different EPA regulations that you put out all at once. In a 2022 speech, you said, if EPA's actions unfold while

the rest of the Federal family, leading States and leading firms in this sector are mobilizing their tools and resources, then our actions and the clean energy investment signals that they send will work as they should, hand in glove.

If I understand your statement, by issuing six rules in a short timeframe at the same time the IRA is being implemented, the EPA rules will send clean energy investment signals to the industry. Is that correct?

Mr. REGAN. That statement was intended when I addressed the utility leaders at CERAWEEK that we would issue four rules simultaneously. That was to focus on wastewater discharge, cleaning up coal ash, focusing on controlling mercury, and the fourth is reduction in carbon pollution.

What I had talked to the industry leaders about is, these regulations have to come from the agency. In the past, they have come in staggered ways or in ways that did not work in a sort of cross-purpose way. We decided, and I said this 2 years ago when working with the industry, that we would put out four rules at the same time that have their own unique statutory authority and requirements, but that they could see the costs associated and make strategic investments, long-term investments, to provide affordable, reliable power.

Senator CAPITO. You went to six instead, from four to six?

Mr. REGAN. We announced four at the same time.

Senator CAPITO. Now we have six. We have the Good Neighbor Rule and all that pulled together. Correct?

Mr. REGAN. Some of those rules, we issued prior to that.

Senator CAPITO. You have changed some of your rules. You said you wanted actions to be durable and provide certainty, and you have already proposed, as I mentioned in my opening statement, to add five more States to the 23 covered by Good Neighbor. You are already changing your rules, even though you State that you want to provide certainty.

Mr. REGAN. No, I think when you look at the Good Neighbor Rule, I think there are a number of States that are actually controlling their emissions and not contributing to States next door. When we think about the Good Neighbor Rule, we are responding to the States that have said, you have a Federal obligation to protect our citizens. You also have a Federal obligation not to penalize us for doing what we need to do while other States may not be controlling their emissions.

Senator CAPITO. At the same time, you didn't listen to the State plans, right? You just went forward and said, we are going to have a Federal plan, and that is it. All these State plans were pretty much neutered, correct?

Mr. REGAN. No, we absolutely listened to the State plans. As a former State regulator, I understand this process extremely well. I still have a lot of colleagues who are serving as State secretaries. The bottom line is that the Federal Government has an obligation to exercise a duty to control pollution. Sometimes pollution will, not sometimes, pollution does not understand boundaries. If there are other States that are polluting neighboring States, to avoid litigation from those States who have done what they have said they are

going to do, we have an obligation to make sure that we protect those States.

Senator CAPITO. I think that is obviously being challenged in the courts, and your ability or your actual right to actually do that. Let me ask you, I just get so frustrated when I see, let's see, right now, our power mix is 60 percent fossil fuel, 16 percent coal, 43 percent natural gas, 18 percent nuclear, and 20 percent renewable.

The plan that you have put out, the Clean Power Plan that will basically make every coal plant extinct, because nobody is going to be able to afford to do that on an aging coal plant, so those will be gone in the 2030's. Nobody is going to build a new one unless they only run it under 40 percent, because they are not going to be able to meet the demand.

Do you know a U.S. power plant right now that meets the 90 percent CCS requirement that you have put into that bill? Where is that plant?

Mr. REGAN. I think I want to sort of push back on the notion that this rule is going after coal. When we talked to these utilities' CEOs, they provided to us their plans. Some of these coal plants were already going to sunset, because they are transitioning to natural gas. Some of these coal plants we do believe will be able to take advantage of these CCS technologies.

Senator CAPITO. Is anybody doing that now?

Mr. REGAN. Well, I have had a number of visits since——

Senator CAPITO. The answer is no.

Mr. REGAN. Like North Dakota, I spent time with the Governor in Wyoming. There are utilities that are putting on this technology and beginning to use it.

They are also taking full advantage of the resources provided by the Inflation Reduction Act, tax codes by the Inflation Reduction Act, to invest in this very technology. Our timeline does match with the resources currently going to utilities who are investing in CCS technologies.

Senator CAPITO. Okay.

Here is another problem. We had a pipeline in West Virginia, a natural gas pipeline, that goes down toward North Carolina, the Mountain Valley Pipeline. We all know what we went through to get the completion of that. We had to have a Presidential signature to get that completed after it had been in and out of the courts for years. It tripled the cost that it originally was.

How in the world can you say that we are going to do CCS, we are going to build pipelines that are going to carry carbon? That is not going to happen.

Mr. REGAN. The Country is already doing it, and the Country is doing it for other sectors of the economy. Here is where the whole of government——

Senator CAPITO. I would love for you to give me an interState pipeline that has been recently built that carries carbon, and then I will be quiet about it.

Mr. REGAN. There is a pipeline currently being built from North Dakota to Iowa.

Senator CAPITO. When was it permitted?

Mr. REGAN. I would have to get you those details.

Senator CAPITO. Yes. A long time ago. All right. I am going to stop here.

Senator CARPER. Thank you, ma'am.

Before recognizing Senator Stabenow, who I believe is next in line, I am going to ask unanimous consent to submit for the record materials describing the forthcoming carbon capture projects across our Nation, demonstrating that the Administration's policies have enabled the deployment of carbon capture systems to reduce power plant emissions.

Without objection, so ordered.

[The referenced information follows:]



Carbon Capture Demonstration Projects Program Front-End Engineering Design (FEED) Studies Selections for Award Negotiations

Office of Clean Energy Demonstrations

[Office of Clean Energy Demonstrations »](#)

Carbon Capture Demonstration Projects Program Front-End Engineering Design (FEED) Studies Selections
for Award Negotiations

The U.S. Department of Energy (DOE) Office of Clean Energy Demonstration (OCED) is catalyzing the equitable transition to the clean energy economy by investing in critical clean energy technologies in partnership with the private sector to accelerate deployment and market adoption.

On September 23, 2022, DOE [announced](#) up to \$189 million in funding for integrated Front-End Engineering Design (FEED) studies to support the development of community-informed integrated carbon capture, transport, and storage projects. This funding is part of OCED's [Carbon Capture Demonstration Projects Program](#), which seeks to address the urgent need to advance carbon management technologies. The goal of the Carbon Capture Demonstration Projects Program is to accelerate the implementation of integrated carbon capture and storage technologies and catalyze significant follow-on investments from the private sector to mitigate carbon emissions sources in industries across America.

Awarded FEED studies projects include:



OCED is working with Duke Energy to demonstrate the company's carbon capture and storage (CCS) technology design. This FEED study seeks to evaluate the feasibility of capturing and storing CO₂ from flue gases of the two Heat Recovery Steam Generators at the Edwardsport power generation plant in Knox County, Indiana.

[View the factsheet >](#)



OCED is working with Heidelberg to evaluate the cost and performance of retrofitting a cement plant with amine-based carbon capture technology, identify site-specific considerations for the full-scale integration at the specified facility, and evaluate the benefits to the community from the technology retrofit. This FEED study will examine storage aspects of the project, including nearby storage injection wells to be located on Heidelberg



OCED is working with Tampa Electric Company to complete a FEED study to design and determine the cost of retrofitting ION Clean Energy, Inc.'s post-combustion carbon capture technology with pipeline transport and secure geologic storage for the natural gas combined cycle power plant at the Polk



OCED is working with Southern States Energy Board to evaluate the cost and performance of retrofitting a cement plant with a cryogenic-based carbon capture technology, and identify benefits to the community from the technology retrofit.

[View the factsheet >](#)

5/8/24, 12:52 AM

Carbon Capture Demonstration Projects Program Front-End Engineering Design (FEED) Studies Selections for Award Negotiation...

Power Station in Mulberry,
Florida.

[View the factsheet >](#)



OCED is working with Entergy Services, LLC to complete a FEED study to develop a full-scale integrated carbon capture project for Entergy Louisiana's natural gas combined cycle power plant at Lake Charles Power Station.

[View the factsheet >](#)



OCED is working with Membrane Technology and Research (MTR) Carbon Capture and its strategic partner, The Wyoming Carbon Storage Assurance Facility Enterprise (CarbonSAFE), to complete a FEED study for a proposed capture plant featuring MTR Carbon Capture's second-generation Polaris™ membrane.

[View the factsheet >](#)

SELECTED FEED STUDIES UNDER AWARD NEGOTIATION:

DOE's selection of an application for award negotiations is not a commitment by DOE to issue an award or provide funding. DOE and each selectee will negotiate a cooperative agreement, and any DOE funding would be provided only after negotiations are complete and DOE's Contracting Officer executes the funding agreement. Before a funding agreement is executed, DOE may cancel award negotiations and rescind the selection for any reason.

Navajo Transitional Energy Company, LLC (NTEC)

Project Name: Four Corners Power Plant Integrated Carbon Capture and Storage

Project Manager: Harry Tipton

Co- Project Manager: Cindy Crane

Location: Navajo Nation

Project Summary: The proposed project includes an integrated CO₂ capture retrofit of post-combustion CO₂ capture technology, transport, and storage for the coal fired Four Corners Power Plant (FCPP) located on the Navajo Nation. The proposed project has an estimated capability of capturing a minimum of 95% of the CO₂ emissions from the FCPP, representing 10 million+ tons of CO₂ per year. The project uses Mitsubishi Heavy Industries Americas, Inc. KS-21™ solvent for carbon capture and NTEC has partnered with Enchant Energy, LLC as the CO₂ Capture Project Developer, and other institutes for development of the CO₂ offtake solution, including pipeline and storage site development.

University of Illinois at Urbana-Champaign

Project Name: Integrated Capture, Transport, and Geological Storage of CO₂ Emissions from City Water, Light and Power


Project Manager: Dr. Kevin O'Brien

Location: Springfield, Illinois

Project Summary: The proposed project includes an end-to-end carbon dioxide capture, transport, and storage solution for the Dallman 4, a pulverized coal power plant at City Water, Light and Power in Springfield, Illinois. The project is estimated to capture 2 million tons of CO₂ per year and transport it to a geologic storage site in the Illinois Storage Corridor. The proposed capture system uses a Linde-BASF solvent-based system.

Both OCED and the award recipient have the right to discontinue the agreement at any time during the life of the project. Projects awarded under this program that are no longer receiving federal funding: Taft Carbon Capture.

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Project Name	Entities
8RH2 Facility	8 Rivers Capital
Aberdeen Biorefinery	Summit Carbon Solutions, Glacial Lake Energy
Absolute Energy CCS	Summit Carbon Solutions, Absolute Energy
Adams Fork Clean Ammonia Project	Adams Fork Energy LLC, Flandreau Santee
Aemetis Carbon Capture Projects	Aemetis, Inc
Air Products Port Arthur Facility	Air Products
AirCapture LLC	AirCapture LLC, Nutrien
Allen Parish Sequestration Project	1PointFive
Arkalon	Perdure Petroleum, Arkalon Energy
Atkinson Biorefinery	Green Plains, Summit Carbon Solutions
Balcones Cement	RTI International, CEMEX
Barry Generating Plant	Southern Company
Battelle Carbon Storage Complex	Battelle Memorial Institute
Bayou Bend CCS Project	Talos, Carbonvert, Chevron
Baytown Low Carbon Hydrogen Project	ExxonMobil, Technip Energies
Beaumont Blue Ammonia	OCI
Big Spring Refinery	Delek Group
Blue Flint	Blue Flint Ethanol, Midwest AgEnergy
Bluebonnet Hub	1PointFive, Enterprise Produce Partners, Occidental
Bonanza BioEnergy	PetroSantander
Bridgeport Carbon Capture and Storage	Carbon America, Bridgeport Ethanol
Broadwing Energy	NetPower, 8 Rivers Capital, Archer-Daniels-Midland
Bucks Sequestration Project	Southern States Energy Board
CalCapture	California Resources Corporation, OGCI, Fluor
Calcasieu Pass	Venture Global
CalHub	Electric Power Research Institute, Inc. California Resources Corporation
Cameron Parish Offshore CO2 Hub	Carbonvert, Castex Energy Inc.
Cane Run #7	University of Kentucky, Electric Power Research Institute
Carbon Terravault I	California Resources Corporation
Carbon Terravault II & III	California Resources Corporation
CarbonFrontier	Aera Energy
Cardinal Ethanol	Cardinal Ethanol LLC, Vault 44.01 Ltd
Carmeuse Kentucky Lime Plant	Electricore, Inc.
Casselton Biorefinery	Summit Carbon Solutions, Tharaldson Ethanol
Celanese Utilization Project	Celanese Corp., Mitsui & Co., Fairway Methanol
Central City	Green Plains, Summit Carbon Solutions
Central Louisiana Regional Carbon Storage	CapturePoint
Century Plant	Occidental
Coastal Bend Carbon Management Project	Port of Corpus Christi Authority, Talos, Howland

Coffeyville Plant	Coffeyville Resources, Chaparral
Colorado School of Mines Storage Proj	Colorado School of Mines
Commonwealth LNG Project	Commonwealth LNG, OnStream CO2
Constellation	Constellation, Carbon Engineering
Core Energy CO2-EOR	Core Energy
Cormorant Clean Energy Project	8 Rivers Capital
Corpus Christi Carbon Sequestration H	Enbridge, OLCV (Oxy)
Corpus Christi Carbon Storage Hub	Repsol, Carbonvert, MEPUSA, POSCO
Covanta	University of Illinois, Covanta
Coyote Clean Power Project	NetPower, 8 Rivers Capital, Southern Ute Ir
CP2 LNG	Venture Global
CPV Shay Energy Center	Competitive Power Ventures
CWLP Carbon Capture Project	University of Illinois, Linde, BASF, Affiliated
Cypress Carbon Capture Project (LA)	Taft Carbon Capture LLC
Dave Johnston Plant	Glenrock Petroleum
Deer Park Energy Center NGCC	Calpine Texas CCUS Holdings
Delta Energy Center	ION Clean Energy, Calpine
Denbury Donaldsonville	Denbury
Dickinson Plant Project	Marathon Petroleum, University of North Da
Donaldsonville Complex	CF Industries
Dry Fork	Basin Electric Dry Fork Station, MTR Carbon
DTE Energy hub	DTE Energy
El Dorado	Lapis Energy, LSB Industries
Elysian	Elysian, Starwood Energy Group, OGCI
Enbridge Blue Ammonia Plant	Enbridge, Yara
Enid Fertilizer	Koch Fertilizer
Evergreen Sequestration Hub	Trace Carbon Solutions, LLC (Trace), Molpu
Fairmont Biorefinery	Summit Carbon Solutions, Green Plains
Farley DAC Project	Battelle, AirCapture LLC, Southern Co
Filer City Biomass CCS Project	CMS Enterprises
G2 NetZero LNG	G2 NetZero LNG, NetPower
Galva Biorefinery	Summit Carbon Solutions, Quad County Co
GE Gas Power	GE Gas Power
Geismar Ammonia	Nutrien
Gerald Gentleman	Nebraska Public Power, Ion Engineering
Goldfield Biorefinery	Summit Carbon Solutions, Corn LP
Grand Junction Biorefinery	Summit Carbon Solutions, Louis Dreyfus Co
Granite Falls Biorefinery	Summit Carbon Solutions, Granite Falls Ene
Great Green River Basin Storage Proje	University of Wyoming
Great Plains Synfuels Plant	Bakken Energy, Mitsubishi Heavy Industries
Great Plains Synfuels Plant	Dakota Gasification Co

Gulf Coast Sequestration Hub	Denbury Carbon Solutions, Natural Resource
Hackberry Carbon Sequestration	Sempra, TotalEnergies, Mitsui, Mitsubishi
Haynesville Shale	CapturePoint, Energy Transfer
Heirloom DAC Facility	Heirloom, CarbonCure
HERO Basalt CarbonSAFE	University of Wyoming
Heron Lake Biorefinery	Summit Carbon Solutions, Heron Lake BioE
Holcim Ste. Genevieve	Holcim, University of Illinois at Urbana-Chan
Houston Ship Channel CCS Innovation	Exxon
Howard's Javelina refinery	Port of Corpus Christi Authority, Howard En
Huron Biorefinery	Summit Carbon Solutions, Glacial Lake Ene
Illinois Clean Fuels	Illinois Clean Fuels
Illinois Industrial Carbon Capture and S	Archer Daniels Midland
Kern River Eastridge	Chevron
King Ranch	Oxy, King Ranch
LA SeQuest	Oxy, LA SeQuest
Lake Charles Methanol II	Lake Charles Methanol, Denbury
Lake Charles Power Station Integrated	Entergy Services, Talos, Mitsubishi Heavy I
Lamberton Biorefinery	Summit Carbon Solutions, Highwater Ethanol
Lawler Biorefinery	Summit Carbon Solutions, Homeland Energy
Lebec Net Zero Cement Plant	National Cement Company of California
Libra CO2 Storage Solutions	Denbury, Lapis Energy
Linde	Linde
Linde	Linde
Linde Hydrogen Project	BP, Linde
Livingston Parish Sequestration Hub	1PointFive, Weyerhaeuser Company
Lone Cypress Hydrogen Project	Carbon TerraVault JV Holdco, LLC, Lone C
Longleaf CCS Hub	Tenaska
Louisiana Clean Energy Complex	Air Products
Louisiana Green Fuels Project	Strategic Biofuels Llc Hatch, Koch Project S
Low-carbon hydrogen, ammonia and ce	Calpine
Madison Biorefinery	Summit
Magnolia Sequestration Hub	Magnolia Sequestration Hub LLC
Marcus Biorefinery	Summit Carbon Solutions, Little Sioux Corn
Marquis Industrial Park	Marquis Incorporated
Mason City Biorefinery	Summit Carbon Solutions, Golden Grain En
Mendota Bioenergy with Carbon Captur	Clean Energy Systems, Chevron, Microsoft
Merrill Biorefinery	Summit Carbon Solutions, Plymouth Energy
Milestone Carbon Hub	Milestone Carbon
Mina Biorefinery	Summit Carbon Solutions, Glacial Lake Ene
Mission Creek Gas Plant	Standard Lithium, Aqualung, Mission Creek
Mitchell CarbonSAFE	University of Illinois, Lehigh Hanson

Mitchell Cement	Lehigh Hanson, Mitsubishi Heavy Industries
Mitchell Cement Plant Decarbonization	Heidelberg Materials
Mote Hydrogen	Mote Hydrogen, SunGas Renewables, Carb
Mount Vernon Biorefinery	Summit
Mr. Simon Hub	Wolf Carbon Solutions, Archer-Daniels-Midl
Mustang Station	Mustang Station of Golden Spread Electric (
Nevada Biorefinery	Summit Carbon Solutions, Lincolnway Ener
Norfolk Biorefinery	Summit Carbon Solutions, Louis Dreyfus Co
Northern Delaware Basin/Red Hills	Lucid Energy Group/Targa Resources
Novel CO2 Utilization for Electric Vehicle	DOW Chemical Company
Nucor Exxon Project	Nucor Corporation, Exxon
Nucor Steel Gallatin	Nucor Corporation, University of Kentucky
One Earth	One Earth Energy, University of Illinois
Onida Biorefinery	Summit Carbon Solutions, Ringneck Energy
Otter Tail Biorefinery	Summit Carbon Solutions, Green Plains
Oxy Interseqt	White Energy, Oxy
Oxy Interseqt	White Energy, Oxy
Oxy/Enterprise	Oxy Low Carbon Ventures LLC, Enterprise I
Ozona CCS LLC	Ozona LLC
Pacific Ethanol	Pacific Ethanol
Panda Energy	Panda Energy
PCS Nitrogen	Potash Corp, Denbury Resources
Pelican Renewables Sequestration Pro	Pelican Renewables
Penwell Facility	Nacero
Petra Nova	JX Nippon, Gas Exploration
Plainview Biorefinery	Summit Carbon Solutions, Husker Ag
Plaquemines	Venture Global
Polk Power Station	Tampa Electric Company, ION Clean Energ
Prairie Compass DAC Hub	University of North Dakota Energy & Enviror
Prairie State	Prairie State Generating Company
Project Bison	Carbon Capture Inc, Frontier Carbon Solutio
Project Crossroads	BP
Project Cyclus	Babcock & Wilcox, Kiewit, CSRS, Fidelis
Project Cypress	Battelle, Climeworks Corporation, Heirloom
Project Diamond Vault	Cleco
Project Lochridge	Southern States Energy Board
Project Monarch	Capture6, Palmdale Water District
Project OASIS Shelby County	Southern States Energy Board
Project Tundra	Minnkota Power
Quail Run Carbon Capture Project	Quail Run Carbon, NAES Corporation, Elysi
Red Trail	Red Trail Energy

Redding Cement Plant	Lehigh Hanson, Fortera
Redfield Biorefinery	Summit Carbon Solutions, Redfield Energy
Rio Grande LNG	NextDecade
Roughrider Carbon Storage Hub	University of North Dakota, ONEOK Inc.
San Juan Project	City of Farmington, NM; Enchant Energy
Shell Chemicals Complex	Wood Environmental & Infrastructure Solutio
Shenandoah Biorefinery	Summit Carbon Solutions, Green Plains
Shute Creek	ExxonMobil
Sioux Center Biorefinery	Summit Carbon Solutions, Siouxland Energy
South Texas DAC Hub	1PointFive
Southeast DAC Hub	Southern States Energy Board, Alabama Po
Southwest Regional Direct Air Capture	Arizona Board of Regents on behalf of Arizo
St. Charles Clean Fuels Project	Copenhagen Infrastructure Partners, Sustai
Steamboat Rock Biorefinery	Summit Carbon Solutions, Pine Lake Corn F
Sterling Ethanol Plant Project	Carbon America, Sterling Ethanol, LLC
Stratos DAC Project	Carbon Engineering, Oxy/1PointFive
Summit Carbon Solutions	Summit Carbon Solutions, Green Plains, Hu
Superior Biorefinery	Summit Carbon Solutions, Green Plains
Sutter CO Project	Gas Technology Institute
Sutter Energy Center Project	Calpine, SMUD, ION Clean Energy
Svante	Svante, LafargeHolcim, Oxy, Total
Sweetwater Carbon Storage Hub	Frontier Carbon Solutions Holdings LLC, Ta
Terrebonne Parish Project	Milestone Carbon
Terrell Gas Processing	Terrell
The ZEROs Project	Systems International Inc.
Timberlands Sequestration Pulp and Pa	Timberlands Sequestration, LLC
Tulare County Carbon Storage Project	Advanced Resources International
U.S. Steel Gary Works Plant	U.S. Steel Corporation, CarbonFree Chemic
Uinta Basin CarbonSAFE	University of Utah
University of Illinois	University of Illinois, Climeworks
University of Illinois	University of Illinois, CarbonCapture Inc, Ca
Velocys	Velocys, Oxy
Vicksburg Containerboard Mill	RTI International in collaboration with IP, SL
Virgo Sequestration Site	Denbury, Soterra LLC
Voestalpine	University of Illinois, Voestalpine Texas LLC
Wabash Valley	Wabash Valley resource, OGI
Watertown Biorefinery	Summit Carbon Solutions, Glacial Lake Ene
Wentworth Biorefinery	Summit Carbon Solutions, Dakota Ethanol
Wood River Biorefinery	Green Plains, Summit Carbon Solutions
Wyoming Regional Direct Air Capture P	Carbon Capture Inc., Frontier Carbon Soluti
Wyoming Trails Carbon Hub	University of Wyoming EORI, Carbon Soluti

Yazoo City Complex	CF Industries
York Biorefinery	Green Plains, Summit Carbon Solutions
Yuma Ethanol Plant Project	Carbon America, Yuma Ethanol, LLC.

Capture or Storage Details	Country
New hydrogen production plant equipped with 8RH2 technology	United State:
Transported, and deposited deep underground through Summit'	United State:
Partnership between Summit and ethanol plant Absolute Energy	United State:
Clean ammonia project associated with ARCH2 Hydrogen Hub,	United State:
Two 1 million metric ton per year wells	United State:
Carbon capture from our two steam methane reformers located	United State:
Separate CO2 from ambient air and convert the CO2 into value-	United State:
Leased land in Allen Parish for a possible sequestration project	United State:
	United State:
Carbon capture and sequestration project that will create the infr	United State:
CO2 capture from cement flue gas by using a NAS with 95% CC	United State:
Units being retrofit are two GE 7F.04 gas turbines.	United State:
Recipient of 2610 FOA funding, intends to develop an integratec	United State:
Offshore and onshore storage	United State:
Low-carbon hydrogen, ammonia and carbon capture facility is e:	United State:
1.1 million ton per annum blue ammonia	United State:
This pilot project plans to deploy an innovative post-combustion	United State:
Announced a project in collaboration with Coal Creek Station CC	United State:
55,000-acres of land along the Texas Gulf Coast develop a carb	United State:
	United State:
CCS project to sequester 95% of emissions from Bridgeport Eth	United State:
Replace emission from coal plant with oxy-fuel natural gas, 280	United State:
Southern States Energy Board (Peachtree Corners, Georgia) pl:	United State:
Elk Hills Power Plant 550 MW NGCC retrofit. EPRI is doing FEE	United State:
Capture from LNG processing	United State:
Other DOE DAC funded project under IIJA (topic 2, design). FEf	United State:
Offshore storage, 24,000 acre tract of land situated in State wat	United State:
Using a solvent-independent low-cost CO2 capture process retr	United State:
1 million tonnes of CO2 injected per year in the Elk Hills Field. Ir	United State:
Applied for two Class VI permits for an additional 80 million metr	United State:
The newly launched CarbonFrontier CCS project is part of a pla	United State:
facility to capture the CO2 generated from the ethanol productio	United State:
commercial-scale, advanced carbon capture system that separa	United State:
Transported, and deposited deep underground through Summit'	United State:
carbon capture and utilization (CCU) project at its Clear Lake, T	United State:
Carbon capture and sequestration project that will create the infr	United State:
Multiple storage sites in central Louisiana	United State:
Gas processing facility supplying CO2 for Occidental EOR oper	United State:
Recipient of CarbonSAFE 2610 FOA funding, plans to evaluate	United State:

Produces ammonia and urea ammonium nitrate (UAN) fertilizers United State:
 regional CO2 storage hub to address emissions from cement, h₂ United State:
 carbon capture and storage solution at Commonwealth's 9.3 mill United State:
 Integrated with an existing light water nuclear reactor at Constell United State:
 Capture from natural gas processing United State:
 This project will produce blue hydrogen for ammonia using 8 Riv United State:
 A proposed large-scale CO2 pipeline transportation system and United State:
 Repsol-led partnership a contract for over 140,000 gross acres c United State:
 Biphasic CO2 absorption process (BiCAP) United State:
 Oxy-fuel natural gas, 280 MW United State:
 Capture and storage from LNG processing United State:
 1,800 MW combined-cycle natural gas power station United State:
 Including using CO2 as feedstock for algae; scrubber wastewater United State:
 commercial carbon capture facility at the existing Taft cogenerat United State:
 Potentially, the Dave Johnston coal power plant. It's a 762 MW f United State:
 Capturing 95 percent of total CO2 emissions from a NGCC pow United State:
 Retrofit of an existing 857-MW NGCC power station with geolog United State:
 Denbury estimates more than 50 million metric tons per year of r United State:
 CCS installation on renewable diesel refinery, received \$2.5 mill United State:
 Capture from blue ammonia United State:
 FEED led by MTR. 400 Mwe of the 420 MW plant. Project plans United State:
 Evaluating multiple biofuel projects United State:
 Capture on blue ammonia production with storage below the fac United State:
 NGCC retrofit United State:
 Norway's Yara (YAR.OL) and Canada's Enbridge (ENB.TO) plar United State:
 CO2 is transported 193km by pipeline for use in EOR projects at United State:
 carbon sequestration site, to be called the Evergreen Sequestra United State:
 Carbon capture and sequestration project that will create the infr United State:
 Will leverage available thermal energy from Southern Company' United State:
 retrofit where the plant will be able to fire 100 percent sustainabl United State:
 Net-zero greenhouse gas emissions from the producing reservo United State:
 Capture from ethanol, transported to North Dakota for storage United State:
 95 percent CCS commercial solution into an existing F-Class NC United State:
 Designed to achieve at least a 90 percent reduction in CO2 emi United State:
 Gerald Gentleman Station coal fired power Unit-2 with nameplat United State:
 Carbon dioxide to be captured, transported and deposited deep United State:
 Capture from ethanol plant United State:
 Capture from ethanol plant United State:
 commercial, multi-source, large-scale carbon capture and stora United State:
 Autothermal reforming hydrogen production technology to produ United State:
 Ability to capture carbon dioxide (CO2) through the Rectisol pro United State:

Develop a CO₂ sequestration site on approximately 75,000 acre United State:
 Cameron LNG Phase 1 and proposed Phase 2 export projects v United State:
 CO₂ capture from natural gas processing. Storage to be CENLA United State:
 new facility that can capture up to 1,000 tons of CO₂ per year, s United State:
 Recipient of CarbonSAFE 2610 FOA funding, plans to accelerat United State:
 Capture from ethanol plant United State:
 The capture technology has the ability to achieve 95 percent cap United State:
 Offshore storage United State:
 Capture from hydrogen production United State:
 Transported, and deposited deep underground through Summit' United State:
 Waste to jet and diesel fuels (gasification) United State:
 Stores captured CO₂ safely almost a mile and a half underground United State:
 The captured CO₂ will be transported via pipeline to the bounda United State:
 Privately held ranch agreed to lease Oxy 106,000 acres in Klebe United State:
 Sequestration hub United State:
 Petcoke gasification to manufacture methanol United State:
 full-scale integrated CO₂ capture facility for Entergy Louisiana L United State:
 Capture from ethanol plant United State:
 Capture from ethanol plant United State:
 Awarded up to \$500 M in federal funding via the Department of United State:
 carbon sequestration complex at Lapis Energy's 14,000-acre sit United State:
 Commercial steam methane reforming (SMR) hydrogen plant United State:
 Unavailable United State:
 Capture at hydrogen production United State:
 1PointFive has leased land from Weyerhaeuser Company to de United State:
 Blue hydrogen facility to to sequester 100,000 metric tons (MT) United State:
 Carbon storage for manufacturers, power plants, industrial proce United State:
 The project will also be the world's largest carbon capture for se United State:
 Capture from waste biomass to renewable fuels project United State:
 Designed to capture 95% or more of CO₂ emissions from turbin United State:
 Carbon capture and sequestration project that will create the infr United State:
 Magnolia Sequestration Hub, LLC (Houston, Texas) intends to c United State:
 Captured, transported and deposited deep underground through United State:
 Capture from two hydrogen facilities and a SAF facility United State:
 Captured, transported and deposited deep underground through United State:
 Retrofit existing 600 TPD biomass power plant with CES oxy-fue United State:
 Capture from ethanol plant United State:
 underground carbon storage hub across 10,000 acres in Midlan United State:
 Transported, and deposited deep underground through Summit' United State:
 Carbon Capture Pilot plant undergoing testing at a natural gas p United State:
 Recipient of CarbonSAFE 2610 FOA funding, plans to geologic United State:

Aims to incorporate features to minimize energy consumption at United States
 Awarded up to \$500 M in federal funding via the Department of Energy United States
 Converting wood waste into hydrogen fuel while also capturing, United States
 Carbon capture and sequestration project that will create the infrastructure United States
 Capture and transport carbon dioxide produced at ADM's ethanol plant United States
 University of Texas at Austin is leading FEED. 464 Mwe NGCC United States
 Capture from ethanol plant United States
 Capture from ethanol plant United States
 What would be the Permian Basin's largest CCS project, Lucid Energy United States
 Awarded up to \$95M in federal funding via the Department of Energy United States
 Exxon will capture, transport and store as much as 800,000 metric tons United States
 Heat-integrated carbon capture process United States
 DOE grant under FOA 1999 is supporting capture assessment at United States
 Capture from ethanol plant United States
 Capture from ethanol plant United States
 Ethanol plant United States
 Ethanol plant United States
 Potential carbon dioxide ("CO2") transportation and sequestration United States
 Reached a definitive agreement with a private landowner to lease United States
 On site capture and storage at Pacific Ethanol Pekin site consists United States
 NGCC retrofit of a 758 MW plant. FEED being conducted by Bechtel United States
 CO2 byproduct partly used for urea production but surplus sold to United States
 carbon capture and storage project on a biofuels plant in the Port United States
 Capture from production of low carbon gasoline from natural gas United States
 aims to capture 1.4 million tonnes of carbon dioxide per year and United States
 Capture from ethanol plant United States
 Capture from LNG processing United States
 Retrofit of an existing 1,190-MW NGCC power station United States
 Other DOE DAC funded project under IIJA (topic 2, design). Phase United States
 816 Mwe retrofit at a 1600 Mwe Coal plant retrofit. S&L doing FEED United States
 Class VI wells for permanent CO2 storage United States
 Carbon storage hub expected to capture and store up to 23 million tons United States
 Net-Negative CO2 Biomass-to-Energy Facility for Fidelis New Energy United States
 One of two recipients of DOE's DAC hubs funding from IIJA (topic 2) United States
 Retrofit for Madison 3, the single biggest emitter in the electric grid United States
 Recipient of CarbonSAFE 2610 FOA funding, intends to establish United States
 joint pilot facility to produce freshwater resources and simultaneously United States
 Recipient of 2610 FOA funding, plans to assess local industrial carbon United States
 Project Tundra - Milton R Young Station Unit-2, a 477 MW unit. United States
 carbon capture facility that will capture approximately 95% of the United States
 Ethanol United States

Redding cement plant, capturing 60% of emissions United State:
 Capture from ethanol plant United State:
 Capture and store CO2 from gas pre-treatment and exhaust gas United State:
 Recipient of 2610 FOA funding, plans to determine the feasibility United State:
 San Juan Coal power plant retrofit 847 MW. Unit 1 and Unit 4. S United State:
 The project will reduce overall facility CO2 emissions by 95 perc United State:
 Carbon capture and sequestration project that will create the infr United State:
 CO2 separation from LaBarge gas fields United State:
 Capture from ethanol plant United State:
 One of two recipients of DOE's DAC hubs funding from IIJA (top United State:
 Other DOE DAC funded project under IIJA (topic 2, design) United State:
 Other DOE DAC funded project under IIJA (topic 2, design) United State:
 \$4.6 billion ammonia production and export facility in St. Charles United State:
 Capture from ethanol plant United State:
 The Carbon Capture and Storage (CCS) projects at the Yuma E United State:
 Direct Air Capture United State:
 Dozens of carbon dioxide emission sources, primarily biorefineri United State:
 Carbon capture and sequestration project that will create the infr United State:
 Recipient of 2610 FOA funding, intends to determine the feasibil United State:
 Located near Yuba City, California, the Sutter Energy Center is j United State:
 Lafarge Holcim Portland Cement Plant United State:
 one of North America's first open source, multipurpose carbon s United State:
 Milestone Carbon plans to use the land to permanently dispose United State:
 Began capturing CO2 as part of gas processing since the early United State:
 Systems International is constructing two 120 MW power plants United State:
 site characterization efforts to develop a biomass carbon remov United State:
 Recipient of 2610 FOA funding, plans to establish the technical United State:
 signed a non-binding Memorandum of Understanding (MoU) to United State:
 Recipient of CarbonSAFE 2610 FOA funding, intends to establis United State:
 Will leverage thermal energy from the Brawley Geothermal Plan United State:
 An advanced DAC and utilization system coupled to CO2 conve United State:
 Bayou Fuels facility, woody biomass forest residue gasification t United State:
 Pilot project plans to build a carbon capture system at Internatic United State:
 carbon sequestration site in Louisiana United State:
 Cryocap technology on a hot briquetted iron plan that will use pr United State:
 Petcoke gasification with CCS, before hydrogen production. United State:
 Transported, and deposited deep underground through Summit United State:
 Capture from ethanol plant United State:
 Carbon capture and sequestration project that will create the infr United State:
 Other DOE DAC funded project under IIJA (topic 2, design) United State:
 statewide carbon capture and storage pipeline network that bett United State:

Capture from blue ammonia	United States
Carbon capture and sequestration project that will create the infrastructure	United States
The Carbon Capture and Storage (CCS) projects at the Yuma Ethanol Plant	United States

Location	State	Sector Classification
WY	WY	Industrial
Aberdeen, SD	SD	Industrial
Saint Ansgar, IA	IA	Industrial
Mingo County, WV	WV	Industrial
Ceres, CA	CA	Storage
Port Arthur, TX	TX	Industrial
Kennewick, WA	WA	Direct Air Capture
Allen Parish, LA	LA	Storage
Liberal, KS	KS	Industrial
Atkinson, NE	NE	Industrial
New Braunfels, TX	TX	Industrial
Bucks, AL	AL	Power
MI	MI	Storage
Jefferson County, TX	TX	Storage
Baytown, TX	TX	Industrial
Beaumont, TX	TX	Industrial
Big Springs, TX	TX	Industrial
Underwood, ND	ND	Industrial
Chambers and Liberty Counties, TX	TX	Storage
Garden City, KS	KS	Industrial
Bridgeport, NE	NE	Industrial
Decatur, IL	IL	Power
Bucks, AL	AL	Storage
Kern County, CA	CA	Power
Calcasieu Pass, LA	LA	Industrial
California	CA	Direct Air Capture
Cameron Parish, LA	LA	Storage
Louisville, KY	KY	Power
Bakersfield, CA	CA	Storage
Sacramento, CA	CA	Storage
Kern, CA	CA	Storage
Union City, IN	IN	Industrial
Unavailable	KY	Industrial
Casselton, ND	ND	Industrial
Clear Lake, TX	TX	Industrial
Central City, NE	NE	Industrial
LA	LA	Storage
Fort Stockton, TX	TX	Industrial
Coastal Bend, TX	TX	Storage

Coffeyville, KS	KS	Industrial
Pueblo, CO	CO	Storage
Cameron Parish, LA	LA	Industrial
Byron, IL	IL	Direct Air Capture
Vanderbilt, MI	MI	Industrial
Port Arthur, TX	TX	Industrial
Corpus Christi, TX	TX	Storage
Corpus Christi, TX	TX	Storage
Indianapolis, IN	IN	Power
CO	CO	Power
Cameron Parish, LA	LA	Industrial
Doddridge, WV	WV	Power
Springfield, IL	IL	Power
Hahnville, LA	LA	Power
Converse County, WY	WY	Power
Deer Park, TX	TX	Power
Pittsburg, CA	CA	Power
Donaldsonville, LA	LA	Storage
Dickinson, ND	ND	Industrial
Donaldsonville, LA	LA	Industrial
Gillette, WY	WY	Power
Multiple locations	CA + other state	Industrial
El Dorado, AR	AR	Industrial
Unavailable	Unavailable	Power
Corpus Christi, TX	TX	Industrial
Enid, OK	OK	Industrial
Calcasieu and Beauregard parishes, LA		Storage
Fairmont, MN	MN	Industrial
Columbia, AL	AL	Direct Air Capture
Filer City, MI	MI	Power
Cameron Parish, LA	LA	Power
Galva, IA	IA	Industrial
Unavailable	Unavailable	Power
Geismar, LA	LA	Industrial
Sutherland, NE	NE	Power
Goldfield, IA	IA	Industrial
Grand Junction, IA	IA	Industrial
Granite Falls, MN	MN	Industrial
Great Green River Basin, WY	WY	Storage
Beulah, ND	ND	Industrial
Beulah, ND	ND	Industrial

Mobile, AL	AL	Storage
Hackberry, LA	LA	Industrial
Haynesville, LA	LA	Industrial
Tracy, CA	CA	Direct Air Capture
Hermiston, OR	OR	Storage
Heron Lake, MN	MN	Industrial
Bloomsdale, MO	MO	Industrial
Houston, TX	TX	Industrial
Corpus Christi, TX	TX	Industrial
Huron, SD	SD	Industrial
Morgan County (Futuregen site), IL	IL	Industrial
Decatur, IL	IL	Industrial
Bakersfield, CA	CA	Power
Corpus Christi, TX	TX	Storage
Gulf coast, LA	LA	Industrial
Port of Lake Charles, LA	LA	Industrial
Westlake LA	LA	Power
Lamberton, MN	MN	Industrial
Lawler, IA	IA	Industrial
Lebec, California	CA	Industrial
St. Charles Parish, LA	LA	Storage
Convent, LA	LA	Industrial
Gulf coast, TX	TX	Industrial
Houston, TX	TX	Industrial
Livingston Parish, LA	LA	Storage
Kern County, CA	CA	Industrial
Mobile County, AL	AL	Storage
Ascension Parish, LA	LA	Industrial
Columbia, LA	LA	Industrial
Baytown, TX	TX	Power
Madison, IL	IL	Industrial
Allen Parish, LA	LA	Storage
Marcus, IA	IA	Industrial
Hennepin, IL	IL	Industrial
Mason City, IA	IA	Industrial
Mendota, CA	CA	Power
Merrill, IA	IA	Industrial
Midland and Upton Counties, TX	TX	Storage
Mina, SD	SD	Industrial
Columbia County, AR	AR	Power
Mitchell, IN	IN	Storage

Mitchell, IN	IN	Industrial
Mitchell, Indiana	IN	Industrial
CA	CA	Industrial
Mount Vernon, IN	IN	Industrial
Decatur, IL	IL	Storage
Denver City, TX	TX	Power
Nevada, IA	IA	Industrial
Norfolk, NE	NE	Industrial
Lea County, NM	NM	Power
s		Industrial
Convent, LA	LA	Industrial
Ghent, KY	KY	Industrial
Gibson City, IL	IL	Industrial
Onida, SD	SD	Industrial
Fergus Falls, MN	MN	Industrial
Hereford, TX	TX	Industrial
Plainview, TX	TX	Industrial
Unavailable	Unavailable	Storage
Loving, TX	TX	Storage
Pekin, IL	IL	Industrial
Unavailable, but likely TX	TX	Power
Geismar, LA	LA	Industrial
Stockton, CA	CA	Industrial
Penwell, TX	TX	Industrial
Thompsons, TX	TX	Power
Plainview, NE	NE	Industrial
Plaquemine Parish, LA	LA	Industrial
Mulberry, FL	FL	Power
Grand Forks, ND	ND	Direct Air Capture
Marissa, IL	IL	Power
WY	WY	Direct Air Capture
Whiting, IN	IN	Industrial
West Baton Rouge Parish, LA	LA	Power
Calcasieu Parish, LA	LA	Direct Air Capture
Lena, LA	LA	Power
Offshore Timbalier Lease Area, LA	LA	Storage
Palmdale, CA	CA	Direct Air Capture
Shelby County, AL	AL	Storage
Hensler, ND	ND	Power
Ector County, TX	TX	Power
Richardton, ND	ND	Industrial

Shasta district, CA	CA	Industrial
Redfield, SD	SD	Industrial
Port of Brownsville, TX	TX	Industrial
Northwest ND	ND	Storage
Waterflow, NM	NM	Power
Deer Park, TX	TX	Industrial
Shenandoah, IA	IA	Industrial
Kemmerer, WY	WY	Industrial
Sioux Center, IA	IA	Industrial
Kleberg County, TX	TX	Direct Air Capture
Peachtree Corners, GA	GA	Direct Air Capture
Phoenix, AZ	AZ	Direct Air Capture
St. Charles Parish, LA	LA	Industrial
Steamboat Rock, IA	IA	Industrial
Sterling, CO	CO	Industrial
Permian Basin, TX	TX	Direct Air Capture
ND	ND	Storage
Superior, IA	IA	Industrial
Sacramento Basin, CA	CA	Storage
Yuba City, CA	CA	Power
Florence, CO	CO	Industrial
Granger, WY	WY	Storage
Terrebone Parish, LA	LA	Industrial
Terrell Co, TX	TX	Industrial
Chambers and Liberty Counties, TX	TX	Power
Monroe County, AL	AL	Storage
Pixley, CA	CA	Storage
Gary, IN	IN	Industrial
Uinta Basin, UT	UT	Storage
Brawley, CA	CA	Direct Air Capture
Gary, IN	IN	Direct Air Capture
Natchez, MS	MS	Industrial
Vicksburg, MS	MS	Industrial
St. Helena Parish	LA	Storage
Portland, TX	TX	Industrial
Terra Haute, IN	IN	Industrial
Watertown, SD	SD	Industrial
Wentworth, SD	SD	Industrial
Wood River, NE	NE	Industrial
Wyoming	WY	Direct Air Capture
Wyoming	WY	Storage

Yazoo City, MS	MS	Industrial
York, NE	NE	Industrial
Yuma, CO	CO	Industrial

Sector Description	Subsector Classification	Subsector Description
Industrial	Hydrogen	Hydrogen
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Industrial	Ammonia	Ammonia
Storage	Storage	Storage
Industrial	Hydrogen	Hydrogen
Direct Air Capture	Direct Air Capture	Direct Air Capture
Storage	Storage	CCS Storage Hub
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Industrial	Cement	Cement
Power	Natural Gas	Natural Gas
Storage	Storage	Storage
Storage	Storage	Storage
Industrial	Hydrogen	Hydrogen
Industrial	Ammonia	Ammonia
Industrial	Oil	Oil
Industrial	Biofuels	Ethanol
Storage	Storage	CCS Storage Hub
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Power	Natural Gas	Retrofit from coal to gas with ca
Storage	Storage	Storage Hub
Power	Natural Gas	Natural gas retrofit
Industrial	Gas Processing	Gas Processing
Direct Air Capture	Direct Air Capture	Direct Air Capture
Storage	Storage Hub	Storage Hub
Power	Natural Gas	Natural Gas
Storage	Storage	Storage
Storage	Storage	Storage
Storage	Storage	Storage Hub
Industrial	Biofuels	Ethanol
Industrial	Biomass	Biomass
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Methanol
Industrial	Biofuels	Ethanol
Storage	Storage	Storage
Industrial	Gas Processing	Gas Processing
Storage	Storage	Storage

Industrial	Other Subsector	Fertilizer
Storage	Storage	Storage Hub
Industrial	Gas Processing	Gas Processing
Direct Air Capture	Direct Air Capture	Direct Air Capture
Industrial	Gas Processing	Gas Processing
Industrial	Hydrogen	Hydrogen
Storage	Storage	CO2 pipeline
Storage	Storage	Storage Hub
Power	Waste-to-Energy	Waste-to-Energy
Power	Natural Gas	Natural Gas
Industrial	Gas Processing	Gas Processing
Power	Natural Gas	Natural Gas
Power	Coal	Coal
Power	Natural Gas	Natural Gas
Power	Coal	Coal
Power	Natural Gas	Natural Gas
Power	Natural Gas	Natural gas retrofit
Storage	Storage	Storage
Industrial	Biofuels	Renewable diesel
Industrial	Ammonia	Ammonia
Power	Coal	Coal
Industrial	Biofuels	Biofuels
Industrial	Ammonia	Ammonia
Power	Natural Gas	Natural gas retrofit
Industrial	Ammonia	Ammonia
Industrial	Other Subsector	Fertilizer
Storage	Storage	Storage Hub
Industrial	Biofuels	Ethanol
Direct Air Capture	Direct Air Capture	Direct Air Capture
Power	Biomass	Biomass
Power	Natural Gas	Natural Gas
Industrial	Biofuels	Ethanol
Power	Natural Gas	Natural Gas
Industrial	Ammonia	Ammonia
Power	Coal	Coal
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Storage	Storage	Storage Hub
Industrial	Hydrogen	Coal Gasification
Industrial	Other Subsector	Coal Gasification

Storage	Storage	Storage
Industrial	Gas Processing	Gas Processing
Industrial	Gas Processing	Gas Processing
Direct Air Capture	Direct Air Capture	Direct Air Capture
Storage	Storage	Storage
Industrial	Biofuels	Ethanol
Industrial	Cement	Cement
Industrial	Storage	Storage hub
Industrial	Hydrogen	Hydrogen
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Aviation fuel
Industrial	Biofuels	Ethanol
Power	Natural Gas	Natural Gas
Direct Air Capture	Direct Air Capture	Storage hub
Industrial	Subsector Not Specified	Subsector Not Specified
Industrial	Chemicals	Petrochemicals
Power	Natural Gas	Natural Gas
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Industrial	Cement	Cement
Storage	Storage	Storage
Industrial	Hydrogen	SMR Hydrogen
Industrial	Gas Processing	Gas Processing
Industrial	Hydrogen	Hydrogen
Storage	Storage	CCS Storage Hub
Industrial	Hydrogen	Hydrogen
Storage	Storage	CCS Storage Hub
Industrial	Hydrogen	Hydrogen
Industrial	Biofuels	Biofuels
Power	Natural Gas	Natural Gas
Industrial	Ethanol	Ethanol
Storage	Storage	Storage Hub
Industrial	Biofuels	Ethanol
Industrial	Industrial Hub	Hydrogen, Aviation Fuel
Industrial	Biofuels	Ethanol
Power	Biomass	Biomass power plant
Industrial	Biofuels	Ethanol
Storage	Storage	Storage Hub
Industrial	Biofuels	Ethanol
Power	Natural GAs	Natural Gas
Storage	Storage	Storage

Industrial	Cement	Cement
Industrial	Cement	Cement
Industrial	Hydrogen	Hydrogen
Industrial	Ethanol	Ethanol
Storage	Storage	CO2 pipeline
Power	Natural Gas	Natural Gas
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Power	Gas Processing	Gas Processing
Industrial	Chemicals	Chemicals
Industrial	Steel	Steel
Industrial	Steel	Steel
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Storage	Storage	CO2 pipeline
Storage	Storage	Storage Hub
Industrial	Biofuels	Ethanol
Power	Natural Gas	Natural gas retrofit
Industrial	Other Subsector	Fertilizer
Industrial	Biofuels	Biofuels
Industrial	Other Subsector	Low carbon fuel
Power	Coal	Coal
Industrial	Biofuels	Ethanol
Industrial	Gas Processing	Gas Processing
Power	Natural Gas	Natural Gas
Direct Air Capture	Direct Air Capture	Direct Air Capture
Power	Coal	Coal
Direct Air Capture	Direct Air Capture	Direct Air Capture
Industrial	Oil	Oil
Power	Waste-to-Energy	Waste-to-Energy
Direct Air Capture	Direct Air Capture	Direct Air Capture
Power	Coal	Coal
Storage	Storage	Storage
Direct Air Capture	Direct Air Capture	Direct Air Capture
Storage	Storage	Storage
Power	Coal	Coal
Power	Natural Gas	Natural Gas
Industrial	Biofuels	Ethanol

Industrial	Cement	Cement
Industrial	Biofuels	Ethanol
Industrial	Gas Processing	Gas Processing
Storage	Storage	Storage
Power	Coal	Coal
Industrial	Chemicals	Chemicals
Industrial	Biofuels	Ethanol
Industrial	Gas Processing	Gas Processing
Industrial	Biofuels	Ethanol
Direct Air Capture	Direct Air Capture	Direct Air Capture
Direct Air Capture	Direct Air Capture	Direct Air Capture
Direct Air Capture	Direct Air Capture	Direct Air Capture
Industrial	Ammonia	Ammonia
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Direct Air Capture	Direct Air Capture	Direct Air Capture
Storage	Storage	CO2 pipeline
Industrial	Biofuels	Ethanol
Storage	Storage	Storage
Power	Natural Gas	Natural Gas
Industrial	Cement	Cement
Storage	Storage	Storage Hub
Industrial	Storage	Storage
Industrial	Gas Processing	Gas Processing
Power	Waste-to-Energy	Waste-to-Energy
Storage	Storage	Storage
Storage	Storage	Storage
Industrial	Steel	Steel
Storage	Storage	Storage
Direct Air Capture	Direct Air Capture	Direct Air Capture
Direct Air Capture	Direct Air Capture	Direct Air Capture
Industrial	Biofuels	Aviation fuel
Industrial	Pulp and Paper	Pulp and Paper
Storage	Storage	Storage
Industrial	Other Metals	Other Metals
Industrial	Hydrogen	Petcoke gasification
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol
Direct Air Capture	Direct Air Capture	Direct Air Capture
Storage	Storage	CO2 pipeline

Industrial	Ammonia	Ammonia
Industrial	Biofuels	Ethanol
Industrial	Biofuels	Ethanol

Approx. Latitude	Approx. Longitude	Visualized Capacity (Metric Tons Per Annum)	Capacity (Metric Tons Per Annum)
41.23	-110.89	600,000	600,000
45.458376	-98.543124	143,000	143,000
43.49729804	-92.95507122	370,000	370,000
37.77629805	-82.20970674	2,700,000	2,700,000
37.552308	-120.915838	2,000,000	2,000,000
29.866	-93.967	1,000,000	1,000,000
46.116	-119.024	-	Unavailable
30.69198298	-92.73245863	-	Unavailable
37.106767	-100.7977	200,000	200,000
42.5313	-98.9783	157,000	157,000
29.674129	-98.18513	2,700,000	2,700,000
31.006139	-88.011232	-	Unavailable
Unavailable	Unavailable	-	Unavailable
29.805	-93.942	225,000,000	225,000,000
29.75898618	-95.00328479	10,000,000	10,000,000
30.051	-94.103	-	Unavailable
32.26804408	-101.4102376	145,000	145,000
47.4564	-101.1371	181,437	181,437
Unavailable	Unavailable	-	Unavailable
37.959112	-100.83676	100,000	100,000
41.6653	-103.1019	175,000	175,000
39.8754	-88.8993	1,000,000	1,000,000
31.00969919	-88.02488445	-	Unavailable
35.4937	-118.8597	1,400,000	1,400,000
29.785	-93.323	500,000	500,000
Unavailable	Unavailable	-	Unavailable
Unavailable	Unavailable	-	Unavailable
38.182757	-85.885237	1,700,000	1,700,000
35.28484	-119.31729	40,000,000	40,000,000
38.663	-121.431	80,000,000	80,000,000
Unavailable	Unavailable	1,600,000	1,600,000
40.18511474	-84.86106797	-	Unavailable
Unavailable	Unavailable	-	Unavailable
46.897637	-97.259343	501,000	501,000
29.56029717	-95.05347963	180,000	180,000
41.1158	-98.0017	332,000	332,000
30.895	-92.439	15,000,000	15,000,000
30.608181	-102.57849	5,000,000	5,000,000
Unavailable	Unavailable	-	Unavailable

37.047329	-95.604094	650,000	650,000
38.28462221	-104.622544	-	Unavailable
29.77049192	-93.33878953	-	Unavailable
42.0766	-89.2852	-	Unavailable
45.113	-84.652	400,000	400,000
29.82910383	-93.97934955	1,400,000	1,400,000
27.807	-97.461	-	Unavailable
Unavailable	Unavailable	-	Unavailable
39.734313	-86.19013	900	900
37.087	-108.138	865,000	865,000
29.789	-93.317	500,000	500,000
38.753	-80.721	-	Unavailable
39.80549541	-89.63988972	73,000	73,000
29.97718133	-90.40718729	3,000,000	3,000,000
43.0489	-105.4068	1,260,000	1,260,000
29.71302	-95.13412	5,000,000	5,000,000
38.01667	-121.8451	-	Unavailable
30.096	-90.992	80,000,000	80,000,000
46.86406167	-102.8699341	-	Unavailable
30.0981	-90.9553	2,000,000	2,000,000
44.3911	-105.5022	2,200,000	2,200,000
Unavailable	Unavailable	-	1,000,000
33.21257	-92.66505	450,000	450,000
Unavailable	Unavailable	-	Unavailable
27.807	-97.461	-	Unavailable
36.378636	-97.762739	680,000	680,000
Unavailable	Unavailable	-	Unavailable
43.66523	-94.496906	343,000	343,000
31.2192	-85.1255	-	Unavailable
44.21758861	-86.28694607	-	Unavailable
29.8434	-93.178	4,000,000	4,000,000
42.47761	-95.413666	109,000	109,000
Unavailable	Unavailable	-	Unavailable
30.2231	-91.0517	1,800,000	1,800,000
41.1567	-101.1268	4,300,000	4,300,000
42.733413	-93.911375	215,000	215,000
42.053708	-94.236236	343,000	343,000
44.799942	-95.486675	180,000	180,000
41.83342162	-109.2316461	-	Unavailable
47.359369	-101.838972	3,000,000	3,000,000
47.3544	-101.8248	3,000,000	3,000,000

30.687	-88.218	300,000,000	300,000,000
30.034	-93.338	2,000,000	2,000,000
32.971	-93.135	1,000,000	1,000,000
37.76954173	-121.4253239	1,000	1,000
45.83960835	-119.3020368	50,000,000	50,000,000
43.807432	-95.288871	186,000	186,000
38.109448	-90.257781	-	Unavailable
29.686	-94.995	100,000,000	100,000,000
27.807	-97.461	-	Unavailable
44.3743	-98.253069	86,000	86,000
39.7341	-90.2245	8,125,000	8,125,000
39.863	-88.913	1,000,000	1,000,000
35.43867	-118.97848	300,000	300,000
27.52263594	-97.89535934	-	Unavailable
29.757543	-92.148831	-	Not applicable
30.2158	-93.2497	4,000,000	4,000,000
30.24183553	-93.25050228	2,500,000	2,500,000
44.230486	-95.298598	157,000	157,000
43.072511	-92.206626	572,000	572,000
34.8201223	-118.7496607	950,000	950,000
29.8877319	-90.3579126	-	Unavailable
30.081561	-90.821199	1,200,000	1,200,000
28.6	-96	1,400,000	1,400,000
29.622	-95.322	-	Unavailable
30.55276147	-90.75453318	6,000,000	6,000,000
35.4937	-118.8597	200,000	200,000
30.79034258	-88.03740996	-	
30.152	-90.976	5,000,000	5,000,000
32.181	-92.087	-	Unavailable
29.77215	-94.904869	-	Unavailable
38.68276495	-90.15637668	460,000	460,000
30.69198298	-92.73245863	-	Unavailable
42.82153	-95.764422	458,000	458,000
41.2767	-89.3178	-	Unavailable
43.116537	-93.229732	343,000	343,000
36.75	-120.385	300,000	300,000
42.731434	-96.248565	157,000	157,000
Unavailable	Unavailable	-	Unavailable
45.442549	-98.78707	400,000	400,000
41.10782617	-76.38858571	-	Unavailable
38.737408	-86.458262	-	Unavailable

38.737408	-86.458262	2,000,000	2,000,000
38.74084953	-86.45597295	2,000,000	2,000,000
35.282	-118.832	150,000	150,000
37.93924806	-87.903871	250,000	250,000
39.875	-88.899	12,000,000	12,000,000
32.9645	-102.8291	-	Unavailable. Plant e
42.026844	-93.510704	257,000	257,000
42.067617	-97.383462	152,000	152,000
32.68027532	-102.7291727	500,000	500,000
Unavailable	Unavailable	100,000	100,000
30.01924577	-90.82357237	800,000	800,000
38.76147331	-84.99288634	-	Unavailable
40.5653	-88.3759	6,500,000	6,500,000
44.692907	-100.061564	229,000	229,000
46.31387	-96.130002	172,000	172,000
34.8151	-102.3977	350,000	350,000
34.2	-101.7	350,000	350,000
Unavailable	Unavailable	-	Unavailable
Unavailable	Unavailable	120,000,000	120,000,000
40.5675	-89.6407	680,389	680,389
32	-99.9	-	Unavailable
30.223	-91.051	400,000	400,000
38.02498877	-121.4253058	-	Unavailable
31.733	-102.594	1,500,000	1,500,000
29.47908971	-95.62943553	1,400,000	1,400,000
42.349865	-97.708563	315,000	315,000
29.619	-89.82	500,000	500,000
27.72615	-81.988563	3,700,000	3,700,000
Unavailable	Unavailable	-	Unavailable
38.35	-89.7501	6,241,500	6,241,500 - 8,212,500
42.83	-107.46	5,000,000	5,000,000
41.66315266	-87.48096531	23,000,000	23,000,000
Unavailable	Unavailable	2,000,000	2,000,000
30.20158631	-93.30558529	1,000,000	1,000,000
31.397117	-92.718735	-	Unavailable
Unavailable	Unavailable	-	Unavailable
34.5786304	-118.1114427	-	Unavailable
33.30766318	-86.63719966	-	Unavailable
47.2603	-101.0849	3,265,865	3,265,865
31.84204643	-102.3144557	1,750,000	1,750,000
46.8839	-102.3157	180,000	180,000

40.7909	-121.8474	800,000	800,000
44.917145	-98.502192	172,000	172,000
25.969	-97.352	5,000,000	5,000,000
Unavailable	Unavailable	-	Unavailable
36.7602	-108.4943	6,000,000	6,000,000
29.7251	-95.1146	950,000	950,000
40.754576	-95.395156	235,000	235,000
41.88568	-110.0926	7,000,000	7,000,000
43.086174	-96.226702	186,000	186,000
27.48627524	-97.64242846	1,000,000	1,000,000
Unavailable	Unavailable	-	Unavailable
Unavailable	Unavailable	-	Unavailable
29.9471618	-90.3243023	5,000,000	5,000,000
42.458419	-93.057666	229,000	229,000
40.63967486	-103.1814218	175,000	175,000
34.0848	-101.8068	500,000	500,000
47.5	-100.4	-	Unavailable
43.432431	-94.960525	172,000	172,000
Unavailable	Unavailable	-	Unavailable
39.0531879	-121.6909118	1,750,000	1,750,000
38.3903	-105.1186	725,000	725,000
41.6008405	-109.9598055	-	Unavailable
29.55299886	-90.83481295	-	Unavailable
30.3718	-101.8449	500,000	500,000
29.7525	-94.6864	1,500,000	1,500,000
31.65193478	-87.37149998	-	Unavailable
35.97573887	-119.2861898	-	Unavailable
41.60746755	-87.33607275	50,000	50,000
Unavailable	Unavailable	-	Unavailable
33.028	-115.551	-	Unavailable
41.607	-87.338	5,000	5,000
31.5604	-91.4032	330,000	330,000
32.56098193	-90.78767157	120,000	
30.86794477	-90.72588398	-	Unavailable
27.889238	-97.279384	-	Unavailable
39.4667	-87.4139	1,500,000	1,500,000-1,750,000
44.879688	-97.111226	372,000	372,000
43.973591	-96.957097	257,000	257,000
40.8206	-98.6001	346,000	346,000
Unavailable	Unavailable	-	Unavailable
Unavailable	Unavailable	120,000,000	120,000,000

32.9038	-90.3818	500,000	500,000
40.8674	-97.5921	143,000	143,000
40.12555947	-102.6808816	175,000	175,000

Storage Classification	Storage Description
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Utilization	Utilization
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Utilization	Utilization
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage

Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Enhanced Oil Recovery	Enhanced Oil Recovery
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage (Wyoming CarbonSAFE)
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Enhanced Oil Recovery	Enhanced Oil Recovery

[illegible]

Other	Other
Other	Mix of dedicated saline storage and utilization
Utilization	Utilization
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Utilization	Utilization
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage (Part of U.S. DOE's Carbor
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Enhanced Oil Recovery	Enhanced Oil Recovery
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage (Mt. Simon sandstone)
Enhanced Oil Recovery	Enhanced Oil Recovery
Enhanced Oil Recovery	Enhanced Oil Recovery
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage (Part of U.S. DOE's Carbor
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage & Enhanced Oil F	Dedicated Saline Storage & Enhanced Oil Recovery
Unavailable	Unavailable
Dedicated Saline Storage	Dedicated Saline Storage

[illegible]

Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage
Dedicated Saline Storage	Dedicated Saline Storage

Year Announced	Year Operational	Status
2022	#N/A	In Development
2021	#N/A	In Development
2023	#N/A	In Development
2023	#N/A	In Development
2021	#N/A	In Development
#N/A		2013 Operational
2022	#N/A	In Development
2022	#N/A	In Development
#N/A		2009 Operational
2021	#N/A	In Development
2022	#N/A	In Development
2019	#N/A	In Development
2023	#N/A	In Development
2021	#N/A	In Development
2022		2027 In Development
2022	#N/A	In Development
2024		2028 In Development
2019	#N/A	Operational
2023		2026 In Development
#N/A		2012 Operational
2022		2025 In development
2020	#N/A	In Development
2023	#N/A	In Development
2019	#N/A	In Development
2021	#N/A	In Development
2023		In Development
2023	#N/A	In Development
2022	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2023		In Development
2023	#N/A	In Development
2023	#N/A	In Development
2021	#N/A	In Development
2021		2024 Operational
2021	#N/A	In Development
2022	#N/A	In Development
#N/A		2010 Operational
2023	#N/A	In Development

#N/A		2013 Operational
2023	#N/A	In Development
2023		2027 In Development
2022	#N/A	In Development
#N/A		2003 Operational
2024		2027 In Development
2022	#N/A	In Development
2023		In Development
2022	#N/A	In Development
2020	#N/A	In Development
2021	#N/A	In Development
2022	#N/A	In Development
2021		2026 In Development
2023	#N/A	In Development
2019	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2022	#N/A	In Development
2023	#N/A	In Development
2021	#N/A	In Development
2019		2024 In Development
2019	#N/A	In Development
2022	#N/A	In Development
2019	#N/A	In Development
2023	#N/A	In Development
#N/A		1982 Operational
2023	#N/A	In Development
2021	#N/A	In Development
2022	#N/A	In Development
2023	#N/A	In Development
2020	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2022	#N/A	In Development
2019	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2023	#N/A	In Development
2021	#N/A	In Development
#N/A		2000 Operational

2022	#N/A	In Development
2022	#N/A	In Development
2022	#N/A	In Development
2021		2023 Operational
2023	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2019	#N/A	In Development
#N/A		2017 Operational
2022	#N/A	In Development
2022	#N/A	In Development
2020	#N/A	In Development
2019	#N/A	In Development
2023	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2024		In Development
2023		2027 In Development
2020	#N/A	In Development
2020	#N/A	In Development
2022	#N/A	In Development
2022		2025 In Development
2022		2025 In Development
2024		2026 In Development
2021	#N/A	In Development
2021	#N/A	Under Construction
2022	#N/A	In Development
2021		2024 In Development
2023	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2019	#N/A	In Development
2021	#N/A	In Development
2023	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2023	#N/A	In Development

2022	#N/A	In Development
2024		2030 In Development
2021	#N/A	In Development
2021		2024 In Development
2022	#N/A	In Development
2019	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2022	#N/A	In Development
2024		In Development
2023		2026 In Development
2022	#N/A	In Development
2019	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2018	#N/A	In Development
2018	#N/A	In Development
2022	#N/A	In Development
2023		In Development
2019	#N/A	In Development
2019	#N/A	In Development
#N/A		2013 Operational
2021	#N/A	In Development
2021	#N/A	In Development
2013		2023 Operational
2021	#N/A	In Development
2021	#N/A	In Development
2022	#N/A	In Development
2023		In Development
2019	#N/A	In Development
2022	#N/A	In Development
2023	#N/A	In Development
2022		In Development
2023		In Development
2022	#N/A	In Development
2023	#N/A	In Development
2023	#N/A	In Development
2023	#N/A	In Development
2023	#N/A	In Development
2019	#N/A	In Development
2022	#N/A	In Development
2019		2022 Operational

2021	#N/A	In Development
2021	#N/A	In Development
2020	#N/A	In Development
2023	#N/A	In Development
2019	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
#N/A		1986 Operational
2021	#N/A	In Development
2023		2029 In Development
2023		In Development
2023		In Development
2023	#N/A	In Development
2021	#N/A	In Development
2022		2025 In Development
2019	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2023	#N/A	In Development
2023	#N/A	In Development
2020	#N/A	In Development
2023	#N/A	In Development
2023	#N/A	In Development
#N/A		1972 Operational
2020	#N/A	In Development
2023	#N/A	In Development
2023	#N/A	In Development
2023		2025 In Development
2023	#N/A	In Development
2022	#N/A	In Development
2022	#N/A	In Development
2019	#N/A	In Development
2024		In Development
2023		2026 In Development
2022	#N/A	In Development
2019	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2021	#N/A	In Development
2023		In Development
2023	#N/A	In Development

2021	#N/A	In Development
2021	#N/A	In Development
2022		2025 In Development

Notes	Month Announced
DOE FEED study	05/01/2022
Connecting to Summit Carbon Solutions pipeline	
	June 2023
Announced in April 2023 and collaborating with A	April 2023
Project will inject captured CO2 from nearby facilities to generate LCF ci	
DOE award amount: \$2,934,380	April 2022
	November 2022
Green Plains' expanded annual commitment is approximately 1.9 millior	
DOE supported front-end engineering design (FE	November 2022
Updated from 2019 project announcement	
Received DOE funding February 2023	February 2023
Currently in DOE FEED stage (January 2023)	March 2022
Leverages the recently signed US Inflation Redu	09/01/2022
In 2024, selected as one of four projects to reciev	February 2024
Reduce Coal Creek's carbon emissions by at least 80%	
expected to sequester 1.2 billion tonnes CO2. 1F	March 2023
	October 2022
Illinois and Colorado plants will be Net Power's first commercial-scale ur	
Received DOE Funding May 2023	May 2023
DOE grant awarded for FEED.	
Already concluded a "comprehensive engineering and geotechnical ana	August 2023
estimated 250 million tons capacity	September 2023
DOE supported front-end engineering design (FE	08/26/2022
	Oct 2023
	January 2023
Received funding from DOE January 2023	January 2023
Connecting to Summit Carbon Solutions pipeline	
	March 2021
Green Plains' expanded annual commitment is approximately 1.9 millior	
	08/01/22
Received DOE funding February 2023	February 2023

Received DOE Funding May 2023	May 2023
Will store CO2 in the Cameron Storage hub	November 2023
DOE award amount: \$2,500,000	April 2022
	January 2024
Entities have signed letter of intent	December 2022
	Sep 2023
DOE supported front-end engineering design (FE	08/26/2022
Illinois and Colorado plants will be Net Power's first commercial-scale ur	
The project was made possible by the advancem	September 2022
Funded by DOE/NETL, estimated the constructio	May 2021
Received DOE Funding May 2023	May 2023
The break-even price of oil production is estimated at \$55-\$60/b.	
DOE grant for a project that will use Shell's patented CANSOLV CO2 ca	
DOE grant for a design effort that will utilize ION's ICE-21 solvent and w	
Denbury estimates first potential CO2 injection fo	07/01/2022
	June 2023
Will qualify for 45Q	
DOE grants awarded for FEED (DOE FOA 2058) and for saline storage	
First CO2 injection expected by 2025	04/01/2022
Construction of the facility expected to commence in early 2021.	
planned for a long time but explicated cited IRA a:	March 2023
estimated 250 million tons capacity	September 2023
Green Plains will make an initial investment in Summit Carbon Solutions	
DOE award amount: \$2,499,178	April 2022
1.4 million grant from DOE as part of more than \$	February 2023
Promising net-zero carbon emissions from upstream to dockside by as €	
710-mile pipeline would go through 30 Iowa counties and transport carb	
DOE grant for GE to investigate advanced technology and control conce	
Full production expected by 2027	05/01/2022
DOE grants awarded for FEED (DOE FOA 2058)	
Connecting to Summit Carbon Solutions pipeline	
Connecting to Summit Carbon Solutions pipeline	
Connecting to Summit Carbon Solutions pipeline	
Received DOE Funding May 2023	May 2023
The plant has the capacity to capture up to 3 million tonnes of CO2 per a	

Denbury may consider expanding its existing Gul	02/01/2022
Last year, the Hackberry Carbon Sequestration p	05/01/2022
	08/04/2022
Facility unveiling November 2023, storing in conc	April 2021
Received DOE funding February 2023	February 2023
Connecting to Summit Carbon Solutions pipeline	
DOE grant for a design that will employ Air Liquide's Cryocap™ FG sys	
Once it is fully online, sequestering 100 million metric tons of CO2 per y	
This target has been formalised with the signing of a memorandum of ur	
Connecting to Summit Carbon Solutions pipeline	
The company plans to use the 45Q tax credit	05/01/2022
Land has been leased	November 2022
Construction starting spring 2022	
Received DOE Funding May 2023	May 2023
Connecting to Summit Carbon Solutions pipeline	
Connecting to Summit Carbon Solutions pipeline	
	March 2024
estimates 200 million metric tons capacity, will cc	June 2023
Designed to recover at least 90 percent of the CO2 from a flue gas stree	
Capture and storage of CO2 from other large ind	05/01/2022
	January 2022
CARB has signed a CDMA, as the project stands	December 2022
Partners: Southern States Energy Board (award	March 2024
The complex will produce over 750 million standard cubic feet per day o	
The plant will ultimately produce up to 33.7 million gallons of renewable	
In 2023 was one of three project selected to be funded for up to \$890 m	
Received DOE Funding May 2023	May 2023
Connecting to Summit Carbon Solutions pipeline	
Will begin immediate development of the first of two 600 ton per day blu	
Connecting to Summit Carbon Solutions pipeline	
Using approximately 200,000 tons of agricultural waste annually that loc	
Connecting to Summit Carbon Solutions pipeline	
estimated 30 million tons capacity	September 2023
Connecting to Summit Carbon Solutions pipeline	
The Carbon Capture Pilot Plant will assess the te	September 2021
REceived DOE funding February 2023, 50 millior	February 2023

Sequester it in a sandstone or dolomite formation	September 2022
Selected as an awardee of OCED's Industrial De	March 2024
Potentially, permanently storing its CO2 in concrete using CarbonCure's	

350-mile steel pipeline, officially filed application	06/01/2022
DOE grant awarded for FEED.	

Connecting to Summit Carbon Solutions pipeline	
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Connecting to Summit Carbon Solutions pipeline	
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January 2022

March 2024

Signed a CCS agreement in June 2023	June 2023
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Funded by DOE/NETL	April 2022
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DOE grant under FOA 1999 is supporting capture assessment at this fa	
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Connecting to Summit Carbon Solutions pipeline	
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Connecting to Summit Carbon Solutions pipeline	
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it was the 45Q tax credits that made the project economically viable	
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it was the 45Q tax credits that made the project economically viable	
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Hubs will provide access to high quality pore spa	04/01/2022
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Oct 2023

U.S. Department of Energy (DOE) grant awarded for FEED (DOE FOA :	
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DOE project that originally began operations in 2	September 2023
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Connecting to Summit Carbon Solutions pipeline	
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DOE supported front-end engineering design (FE	08/26/2022
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August 2023

DOE grants awarded for FEED (DOE FOA 2058) on capture and for sali	
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The project is expected to be operational by late	September 2022
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DOE contributing \$98 million to development	November 2023
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March 2022

August 2023

According to data from the Environmental Protec	04/01/2022
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Received DOE funding February 2023	February 2023
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June 2023

Received DOE funding February 2023	February 2023
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DOE grant awarded for FEED DOE (DOE FOA 2058) and for saline stor	
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Applied at Texas Comptroller in April 2022, no pl	April 2022
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The system will produce a cementitious material for use in concrete products
Connecting to Summit Carbon Solutions pipeline

At full scale, Rio Grande LNG will be capable of producing 27 million metric tons per year

Received DOE funding February 2023 February 2023

DOE grants awarded for FEED (DOE 2058) and for saline storage characterization

DOE grant for a project that will use Shell's CANSOLV, an amine-based process

Green Plains will make an initial investment in Summit Carbon Solutions

Connecting to Summit Carbon Solutions pipeline

August 2023

August 2023

August 2023

April 2023

Connecting to Summit Carbon Solutions pipeline

Part of overarching project with both Yuma and S May 2022

Under construction, groundbreaking for the plant occurred on April 28, 2022

Committed CO2 volume will likely result in commitments exceeding the 1 million metric tons per year

Green Plains will make an initial investment in Summit Carbon Solutions

Received DOE funding February 2023 February 2023

Announced in April 2023 but still need permitting April 2023

"Svante's capital cost advantage, combined with progressive tax credit program

Received DOE CarbonSAFE funding June 2023 June 2023

(March 2023) current intent to evaluate the 46,000 metric tons per year

Financing of projects will be completed through Private Activity Bonds is

Received DOE Funding May 2023 May 2023

Received DOE funding February 2023 February 2023

Mineralization project; CarbonFree's SkyCycle technology

Received DOE funding February 2023 February 2023

DOE award amount: \$2,495,197 April 2022

DOE award amount: \$3,459,554 April 2022

CCUS opens up revenue from 45Q and from California's Low Carbon Fuel Standard

In 2024, selected as one of four projects to receive DOE funding February 2024

estimates 100 million metric tons capacity, ready June 2023

DOE supported front-end engineering design (FEED) 08/26/2022

CarbonSAFE project.

Connecting to Summit Carbon Solutions pipeline

Connecting to Summit Carbon Solutions pipeline

Green Plains' expanded annual commitment is approximately 1.9 million metric tons per year

August 2023

received DOE \$3 million grant in June 2023 June 2023

Will qualify for 45Q
 Green Plains' expanded annual commitment is approximately 1.9 million
 Part of overarching project with both Yuma and S May 2022

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PSC Approves Construction Of Gas Power Plant In Doddridge County



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The West Virginia Public Service Commission has given its approval for the construction of a gas-fueled power plant in Doddridge County.

The PSC granted a siting certificate to Competitive Power Ventures to build a \$3 billion combined-cycle natural gas power plant a few miles southeast of West Union.

The plant will generate 2,060 megawatts of electricity, which will be sent to the regional grid on the wholesale market.

The plant's Massachusetts based owner also plans to incorporate carbon capture and storage into the operation, with a tax credit that was part of the Inflation Reduction Act passed in 2022.

Construction is to begin in the fourth quarter of next year.

"West Virginia is pleased to welcome yet another business to our state," PSC Chairman Charlotte Lane said.

Despite being one of the top U.S. gas producers, West Virginia has no other combined-cycle plants, which are more efficient. In contrast, Ohio, Pennsylvania and Virginia have built dozens, largely displacing coal.

U.S. Environmental Protection Agency rules for power plants announced last week require new gas-fired power plants as well as existing coal ones to capture at least 90 percent of their carbon dioxide emissions.

[The plant will be called the CPV Shay Energy Center.](#) Shay is a type of geared steam locomotive used on West Virginia's logging railroads in the early 20th century.

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Senator CARPER. Just last month, I am told, West Virginia regulators approved one of the largest gas power plants with carbon capture in our Nation, generating millions of dollars of economic benefits for the surrounding communities.

With that said, Senator Stabenow, good to see you. Welcome this morning.

Senator STABENOW. Well, thank you very much, Mr. Chairman and Ranking Member. Thanks so much for holding the hearing.

Administrator Regan, it is wonderful to see you again. I want to thank you for being here and for all the work you have put into developing EPA's Fiscal Year 2025 budget. I have to say, from my perspective in Michigan, when I look at this budget, I see a commitment to a lot of longstanding priorities of mine and the people that I represent. I want to thank you for that.

I see increased investment in our water infrastructure, including vital funding to replace lead pipes and address emerging contaminants like PFAS, the impacts of which Michiganders know far too well. Certainly, you do not have to go any farther than Flint, Michigan. We deeply understand the critical nature of health and safety and why that needs to get done.

I see the recognition of the impacts of the climate crisis and an emphasis on ensuring that our communities have the resources to address and adapt to new climate realities, unfortunately. I also see robust funding for our Great Lakes, including for the Great Lakes Restoration Initiative, a program I authored back in 2010, as you know, which serves as the most important tool we have to restore and protect our Great Lakes.

I am so appreciative that this committee reauthorized our bipartisan bill to extend the Great Lakes Restoration Initiative out now until 2031. This is very, very important.

I do want to say that one of the things that brings the climate crisis home to us in Michigan is that the Great Lakes are now warming faster than the oceans. Lake Superior, our largest, deepest, gorgeous northern lake, is now one of the five fastest warming lakes in the world. You never could swim in Lake Superior, and now you can, which may sound great. It is not great, actually. Thank you for all of that work.

Let me first also ask a question about light duty vehicle emissions, the rule, and express my appreciation for EPA's commitment to engaging with our automakers and autoworkers at my request. Thank you very much for listening, working with them, and developing an ambitious but achievable final rule for light-and medium-duty vehicle emissions.

I have already said Michigan automakers are the best in the world. There is no question about it. I am glad EPA took their input into account when developing the rule so that they have the capacity to continue to lead.

Moving forward, do I have your commitment to continue working with our automakers and autoworkers on the rules that impact them for the future?

Mr. REGAN. Absolutely, and thank you for your leadership in helping us to establish some of those relationships and keep that conversation going. I absolutely commit to working with the automakers and with the unions that are supporting those automakers.

Senator STABENOW. Great, thank you very much.

Let me go on to another strong passion of mine, which is E15 and our biofuels industry. I want to thank the EPA for issuing an emergency fuel waiver to allow E15 gasoline, gasoline blended with 15 percent ethanol, to be sold in the upcoming summer months.

Can you speak to how enabling the year-round sale of E15, as you have permitted in both 2022 and 2023 through similar waivers, can help protect consumers against fuel supply shocks by reducing reliance on imported fuel? As we look ahead, what will be the impact of EPA's recent final rule related to State waivers?

Mr. REGAN. Well, this is another opportunity for me to thank you and your staff for helping us to navigate what was contentious but ended up in a great situation. Yes, we did issue the emergency waiver for summer of 2024 as we have done in 2022 and 2023 to ensure that our domestic producers can compete on the biofuels side, but also to begin to reduce our dependency on foreign oil.

We have worked on satisfying that waiver request for eight States. For Fiscal Years 2025 and beyond, those waivers will be permanent for those States to use E15 throughout the summers. That gives those eight States a level of certainty for future investments to up that production of biofuels so that we can continue to keep our prices low but be globally competitive.

Senator STABENOW. Thank you so much. This really brings us between EPW and the agriculture committee, where we see the coming together around issues related to lower price for consumers, addressing a cleaner environment, but also jobs, a lot of jobs, in particularly rural America through our bioeconomy. I appreciate your working with us on that.

Thank you, Mr. Chairman.

Senator CARPER. Thank you, Senator Stabenow.

Senator Stabenow wears a number of hats, as my colleagues know, and one of those is Chair of the Agriculture Committee. I wanted to just say on behalf of all of us, a big thank you for the support in making sure that the legislation dealing with regenerative agriculture, which actually focuses on agricultural policies, it could be crop rotation, it could be a variety of other things, but ways that would enable the farmers in this Country to actually do good things for our planet, at the same time, an economic model that provides more money for them in their pockets at the end of the day.

It is called regenerative agriculture. We applaud your support for those policies. Thank you so much.

Senator Cramer, welcome.

Senator CRAMER. Well, thank you. Let me just followup really quickly with that and thank Senator Stabenow for her leadership as well, but please, let's get a Farm Bill done before you retire, ma'am. Please, let's get that done. Okay, good. Thank you. We need production agriculture to feed a hungry world.

Okay, I am going to pass through MATS for now, and go right to where you and Senator Capito left off and just speak a little bit and ask some questions about carbon capture. First of all, the pipeline you are referring to from Iowa to North Dakota is designed to ultimately take CO2 captured from ethanol plants, from the Corn Belt, and take it to North Dakota's geology, which is suitable for

carbon capture and storage, and even better yet, enhanced oil recovery, and who wouldn't want more of that.

At is not yet permitted. I do not know that it is finished in any of the States. It is a hard slog, and we will see if that happens.

Second, Mr. Administrator, what is interesting to me is, you referenced in the rule about carbon capture storage as a prescription for meeting the standard for coal-fired power plants, and yet, the 90 percent that was referenced earlier, which is in the rule, has never been achieved.

One of the things about best emissions standards is it requires adequately demonstrated. The illustration that EPA often uses is a SaskPower plant that has carbon capture on it that captures, after years of fine-tuning, 65 to 70 percent. It looks to me like 90 percent is a setup for failure, that the goal is to shut down, to go after coal, to Senator Capito's point. When you prescribe a solution that can not be adequately demonstrated or is not adequately demonstrated, it looks to me like an impossibility by design.

The second thing I would say, the Supreme Court was very clear in the West Virginia case that you can not prescribe outside the fence line. It seems that if CO₂, which has to be piped to geological formations able to take the CO₂, can be hundreds of miles away, that is, by definition, outside the fence line.

How do you have a durable rule in the face of the Supreme Court's decision that you have to stay within the fence line?

Mr. REGAN. I think on that latter point, the Supreme Court indicated that you could not take credit for actions that are occurring outside of the fence line. When you look at this technology that will be onsite of the facility, it is the facility that is reducing those emissions.

Our folks have looked very carefully, and I want to say, we are not attempting to be cute or step outside the Supreme Court's ruling. We are not having programs that are designed to try to get reductions outside and get credits from outside that fence line. We are solely focused on technologies that perform on the facility themselves.

Senator CRAMER. The disposal of that CO₂ is different than solving the emissions issue, I think that will be debatable. It will certainly be litigated. I would hate to see millions and millions of more Federal dollars and ratepayer dollars to once again turn back the EPA when they are stepping outside not just the fence line, but outside their authority, which is what I believe to be the situation.

I actually have another question, but just about how whether this is even productive, particularly in 2.0, because the rule sets what I think is an arbitrary 20 percent annual run time limit for simple cycle natural gas plants, realizing that other than natural gas, the only other fuel that is not nuclear that is 24-7 is coal.

The only way to back up unreliable, intermittent energy sources like wind or solar is to have these simple cycle natural gas combustion turbines. If they can only be run 20 percent of the time before then you meet a threshold of rulemaking that is prohibitive financially, every utility is going to have to have five simple cycle gas plants to back up the unreliable clean energy. I do not see that as a cost savings. That looks to me like unnecessary, redundant investment.

Can you explain, I mean, has anybody considered that this might actually be counterproductive?

Mr. REGAN. We looked at that, and I think the way you are describing it, and this rule applies to future natural gas, which is why we set aside existing, so we wanted to avoid the problem you just laid out for existing sources. When we look at future natural gas plants, and in our conversations with the industry, for those who are building these future gas plants, they are looking at both the simple cycle option, but they are also looking at the CCS option.

These are direct results from conversations that we have had with many in the industry. What I would point to that I think is a rub is not if we should do some of these things, but the timeframes associated with it. The desire to pursue the technologies and the way to do this and looking at the transition, we have had a lot of very positive conversations with the industry.

I think, when you get into, is it too stringent on the percentages for looking at a timeline, that is where the real heart of the debate is, and so that is why I get a little bit nervous when people attempt to undermine what is happening in Wyoming or North Dakota, places where we are proven out.

I just met with a CEO just earlier this week. There are investments, significant investments, going into carbon capture and storage. Right now, they are leveraging tax credits from the Inflation Reduction Act. We are arguing more over time and stringency, not whether we should do this or how.

Senator CRAMER. Yes, but the final rule is pretty prescriptive on both of those things, and quite honestly, I mean, going back to MATS, which I said I was going to pass over, and I promise, Mr. Chairman, that I will wrap up here, and probably come back.

All of this looks to me like we are heading very quickly, very quickly, in a transition to no fossil fuels. I am just thinking, maybe it would be a good idea to have an experiment. Let's just turn off all fossil fuels for a week and see how it goes. because I have a feeling that while you and I are long gone after all of this stuff kicks in, that is the reality that some people are going to have to deal with.

I just, economically, competitively, it damn sure is not going to make it more competitive in the global marketplace. We need to be more realistic. We will get to another round in a little bit. Thank you.

Senator CARPER. Senator Cramer, thank you for those questions.

Senator Cardin, welcome, my neighbor.

Senator CARDIN. Thank you, Mr. Chairman.

Administrator Regan, welcome. It is nice to have you here.

Mr. REGAN. Thank you.

Senator CARDIN. I want to deal with one aspect of the infrastructure initiatives that we have had that deals with affordability, water, consumers who have to pay water bills. Today, about one out of every three consumers are challenged on affordability of water. Working with Senator Wicker, we included a rural and low-income water assistance pilot program in the legislation that we passed.

The challenge is that it is not funded, because we need to have the report from the EPA as the basis to moving forward with this. The program, which was passed, has a sunset of 2026, so if we do not get started soon, it will be over before we can get started.

Can you just tell me where we are in regard to the study under the EPA and whether we can anticipate having that report in a timely way, so Congress can consider funding the pilot program in order to get this started?

Mr. REGAN. Absolutely, Senator. Thank you for your leadership and focusing on this and the partnership with your staff and Senator Wicker's staff. The bottom line is, we will have it done this summer. We recognize the urgency of the timeframe. We will have that report to you all, to Congress, this summer.

Senator CARDIN. Thank you. I am glad we have a specific time.

I just make one other point on this. Local authorities that are responsible for setting water rates, the ratepayers are stressed. Alternative sources are helpful, but not enough to deal with the issue, so affordability is becoming more and more urgent with our aged infrastructure. I am pleased to see we will have that report this summer. I hope it will be in time for us to act during the appropriation cycle.

Let me move on to the Chesapeake Bay. There is hardly a hearing that goes by that I do not mention the Chesapeake Bay, and I want to thank my colleagues for their support. We have increased the authorization for the Chesapeake Bay Program and the resources in the Chesapeake Bay Program.

Under Senator Stabenow's leadership, we have gotten help under the Department of Agriculture, and we have gotten help from other of our programs.

There is a committee that you chair that has not been reconstituted recently, that coordinates the Federal agencies, the Federal Leadership Committee. I understand, in conversations with Senator Van Hollen, we both have expressed to you the advisability of reconstituting that committee with your leadership as chair, considering that we are reaching 2025, which is the next plateau on the commitments made by the States for what they can do in reducing the challenges of pollutants in the bay, enforced by TMDLs.

Can you just assure us that that committee will be reconstituted or reinstated in order to coordinate the work of the various Federal agencies?

Mr. REGAN. Absolutely, and thank you for your leadership on just getting historic investments to the Chesapeake Bay. We have been digesting all of these historic investments and getting our stuff together, so we are going to have that group reconstituted for fall meeting. We see it as a huge opportunity to get all of the executives around the table and be sure that we are pursuing those goals that you and others would like us to pursue.

Senator CARDIN. Okay, I have the summer for water affordability, the fall for the leadership coordinating committee, let us see if I can get something for the winter done.

How are we doing on the lead pipe eliminations? That was a major part of the Biden Administration's initiative in the infrastructure package. Baltimore has significant problems today on lead pipes, lead poisoning. Our public schools, many are not con-

nected to water because the connecting pipes are still contaminated by lead.

Can you just give us a progress report on how we are dealing with the remedial issues concerning lead pipes?

Mr. REGAN. Absolutely. To date, we have made \$9 billion of Federal funding available for water systems across the Country to focus on lead. The President and I just announced another \$3 billion recently. I think this year Maryland is slated to get about \$30 million of that.

These resources are transforming communities all across the Country, especially cities like Baltimore. To date, we have also replaced more than 220,000 lead service lines, that is since 2021. This has been a game changer, a huge shot in the arm, and we appreciate those resources.

Senator CARDIN. Thank you. It is a very, very high priority for us with older cities, particularly the connectors between the mainlines and the users and public facilities, such as schools. Thank you for your leadership on that.

Thank you, Mr. Chairman.

Mr. REGAN. Thank you.

Senator CARPER. Senator Cardin, thanks for joining us. Thanks very much for your faithful participation and leadership on this committee. Thank you.

I think Senator Ricketts, you are next. Thanks so much for joining us. You probably get the best attendance record of anybody on the committee, except maybe for Shelley and me. Thank you.

Senator RICKETTS. Great, thank you very much, Mr. Chairman.

Thank you, Administrator Regan, for being here. As you are aware, on Wednesday last week, I led a bipartisan congressional Review Act to block the implementation of your agency's Multi-Pollutant Emissions Standards for model year 2027 and later for light-duty and medium-duty vehicles.

Your agency keeps saying that the final EV mandate rule is less burdensome than the proposal, but I note the CO2 standard of 85 grams per mile in model year 2032 is exactly the same as what you originally proposed. This is an average reduction in the standard of 10 to 12 percent a year.

You and others have said that this is actually not an EV mandate, but how many current gas, diesel, and traditional hybrid vehicles meet the 85 grams per mile CO2 standard today?

Mr. REGAN. The rule is for 2027 and beyond, and this is based on the projections that the auto industry are actually making themselves. I do not know how many to date, I just know that the Automobile Association, UAW, and others supported the rule that we put across the finish line, which gave a lot more credence to plug-in hybrids, biofuels, traditional fuels, as well as EVs.

When you say that CO2 goal looks similar, the CO2 goal looks similar because what the automobile industry gave to us through the comment period is, if you actually look at the penetration of plug-in hybrids, it exceeded what we had budgeted for, and so that took up that gap in terms of what people anticipated the percentage or level of EVs to be. That was automobile industry driven on that point.

Senator RICKETTS. In 2024, to your knowledge, there are not any gas, diesel, or hybrids that are actually meeting the 85 grams per mile today? Is that accurate?

Mr. REGAN. I do not know of any current technology that is doing so, but I could have my staff look into that, but this is a rule focused on the future and not today. I think that is an appropriate caveat there.

Senator RICKETTS. Well, good. Let us talk about the future, because chargers are another thing that has to go along with this, right, whether you are going to talk about a plug-in hybrid or an electric vehicle.

Of the 147 communities in my State that are classified as cities, 99 do not have a charger. You could be in Bloomfield, Valentine, Alliance, and be 45 minutes from the nearest charger. Nationally, right now, I think the publicly available charging stations is 27 to 1, versus the number of EVs out there.

The National Renewable Energy Laboratory estimates that 1.1 million public chargers are going to be needed to be deployed by 2030 to support the Administration's goal here. This means that we are going to need three public chargers deployed every 10 minutes.

Do you and your agency know where are we with regard to getting chargers deployed on this? Are we on track?

Mr. REGAN. Yes, I think we are moving forward. Our rule was designed in coordination with both the investments that are being made by the Department of Energy from the Bipartisan Infrastructure Law and the Inflation Reduction Act, but also with the metrics and data provided to us by the automobile industry.

When you look at our rule and the timeframe and the levels of stringency, one of the reasons that both the UAW and the automobile manufacturers supported this rule is because they believe that it is achievable. It is a stretch goal, but it is achievable, and that directly coincides with where we, at EPA, DOE, DOT, and the private sector believe the investments of infrastructure will be 2027 to 2032.

Senator RICKETTS. You are talking, you have talked a lot about the manufacturers working with this. Is part of those conversations what will happen to the price of used vehicles?

I mean, the average EV right now goes for \$53,000, last year it was. Your average low-income family spends \$12,000 on a vehicle. Was the cost of used cars part of this conversation when you were talking to the automakers?

Mr. REGAN. When we look at vehicle cost and our cost-benefit analysis, we take into consideration a lot of things. Affordability is one. We took to heart what the companies were telling us about used or resale vehicles. What we see with new vehicles, we see a cost savings over time, especially from maintenance and durability. In that recently, we see those costs—

Senator RICKETTS. What about the cost, getting directly back at the cost of a used vehicle, was that part of the conversations you had? How much will a used vehicle cost as we progress down the road under your rule?

Mr. REGAN. I would have to get you those specifics, because a used vehicle, I mean, what brand, what make?

Senator RICKETTS. You did talk about used vehicles, just broadly speaking though, about what cost?

Mr. REGAN. We talked about all of the new vehicles moving forward and took into consideration what that means for used and second-hand vehicles.

Senator RICKETTS. The cost of new vehicles, Okay.

Mr. Chairman, I think my timer is blinking here. Did I run out of time?

Senator CARPER. I think you have broken the timer.

[Laughter.]

Senator RICKETTS. Did I break the timer? Okay.

Well, I hope we will get a second round of questions here, then. Great. Thank you.

Senator CARPER. I hope so too. Thanks so much for those questions.

I think next is Senator Kelly, and then Senator Mullin. Senator Kelly, you are recognized. Welcome.

Senator KELLY. Thank you, Mr. Chairman. Administrator Regan, good to see you again.

I want to start by talking about air quality. Right now in the Phoenix metro area, we are seeing ozone concentrations increase, which has placed the region into non-attainment. This is happening as the Phoenix area is becoming one of the largest manufacturing hubs in the Country of microchips, battery technology, and electric vehicles.

These projects not only create great-paying jobs, but they are the type of investments we need to combat climate change and ultimately reduce emissions across the Country. Right now, the biggest impediment to getting some of these projects off the ground is air quality non-attainment.

Everyone in Arizona is united around finding a solution that allows these projects to move forward while continuing to reduce emissions in the region. That includes elected officials at the State, county, local level and our business community.

That is why, before I supported his confirmation, I asked Joe Goffman, your Assistant Administrator for Air and Radiation, to commit to coming out to Arizona to meet with all of our stakeholders. I appreciate that he agreed to make the trip.

When he was in Arizona in March, Administrator Goffman heard about two innovative proposals developed by Maricopa County to generate emission reductions called Rule 204 and Rule 205. Broadly speaking, these rules would allow manufacturers to offset new emissions by helping to electrify mobile sources of emissions, like cars, trucks, construction equipment, and other vehicles.

Before his confirmation and while he was in Arizona, Administrator Goffman provided me and my staff with some commitments to making progress on rules 204 and 205, but it has been a few months since his visit, so I want to ask you for an update.

First of all, in Rule 205, after Administrator Goffman visited Arizona, EPA Region 9 provided Maricopa County with a commitment to conditionally approve rule 205 if the county committed to make some minor technical changes. Last week, Maricopa County sent a letter to Region 9 confirming that they would make all of the re-

quired technical changes. That means the next step is for the EPA to conditionally approve Rule 205.

Administrator Regan, can you confirm that EPA Region 9 will now move forward with providing conditional approval for rule 205?

Mr. REGAN. I can, yes, absolutely.

Senator KELLY. When do you expect that Region 9 will be able to grant this conditional approval?

Mr. REGAN. We anticipate being able to do that this summer.

Senator KELLY. Can you confirm that EPA will work closely with Maricopa County to ensure that final approval is granted to rule 205 within the next year?

Mr. REGAN. Yes.

Senator KELLY. Thank you. Now, Rule 204, which I will note was submitted by Maricopa County to Region 9 back in 2019. To date, no action has been taken by Region 9 to approve the rule or even provide feedback. During their visit, Assistant Administrator Goffman and Regional Administrator Guzman committed that after we got conditional approval on 205, we then turn our attention to 204.

Administrator Regan, will you commit that EPA will, by the end of this year, work with Maricopa County to decide whether Rule 204 can be approved, and if not, identify what changes are needed to make the rule approvable?

Mr. REGAN. We can absolutely do that. We will be shifting all of our resources from 205 to 204 to get that done in a timely fashion.

Senator KELLY. Thank you. Now, as you may know, EPA issued a finding of a failure to submit a State implementation plan or a SIP for ozone non-attainment last year. We now face a deadline to submit our SIP of August 2024 as the deadline. Arizona intends to meet this deadline.

However, because of how long it has taken for Rule 205 to be approved, we may have to submit our SIP very close to the deadline. I understand that it can take some time between when a SIP is submitted to Region 9 and when it is considered received by EPA. We do not want Arizona to be penalized for passing the August deadline because of an EPA paperwork processing delay.

Administrator Regan, will you commit that as soon as the State of Arizona submits its SIP, Region 9 and EPA headquarters will move as quickly as possible to confirm it has been received so that sanctions are not imposed on Arizona?

Mr. REGAN. Yes, I can. As a matter of fact, our staffs are already talking with the State. We anticipate getting that late June, early July, so we believe we are on track.

Senator KELLY. Thank you.

Mr. Chairman, if I could, could I have one more minute? I also want to ask you about some exceptional events rules. I understand that the EPA established a new air quality standard for particulate matter earlier this year. You committed to putting out updated tools to help air quality managers submit exceptional event demonstrations for days where particulate matter emissions exceeded legal limits due to wildfire.

I am concerned this same level of attention has not been applied to ozone pollution caused by wildfires. Between 2015 and 2019, the

Maricopa Association of Governments submitted documentation for 33 days where ozone emissions exceeded legal limits because of wildfire smoke. To date, Region 9 has only evaluated the documentation for 19 of these days, and they have only granted the exemption for 3 days.

The failure to quickly review, or even review at all, exceptional event demonstrations submitted by air quality managers makes it difficult for Phoenix, the region, to develop a plan to get into attainment.

Administrator Regan, can you explain how the new exceptional even tools for wildfires, and I am going to ask this for the record, because I am over my time, but can you submit for the record how the new tools, which EPA committed to release as part of the particulate matter rulemaking, will assist air agencies in easily submitting exceptional event demonstrations? If you could just submit that for the record.

Mr. REGAN. Yes, thank you.

Senator KELLY. Thank you.

Senator CARPER. As Senator Kelly knows, we will be submitting a variety of a number of questions for the record following this hearing. That will be one of them that will be included. Thank you.

Senator KELLY. Thank you for the extra time, Mr. Chairman.

Senator CARPER. You are quite welcome.

Senator Mullin, you are recognized. Welcome.

Senator MULLIN. Thank you, Chairman.

Administrator, honestly, you are hard not to like. I just do not like the agency you work for.

Senator CARPER. I think that is a compliment.

Senator MULLIN. Thank you. It is a compliment.

Senator CARPER. That is as close as a compliment you are going to get from this guy.

Senator MULLIN. From me, it is probably the best you are going to get, and I mean that sincerely, because I get the EPA's role. It seems like the EPA just constantly looks back at old laws that were passed, the Clean Water Act, the Clean Air Act, and continue to rewrite them, and continue to go after agents or industry over and over and over again, and not understanding actually the add cost or what it does to downstream.

You say you take the economic impact, you do take that into consideration, but you do not, because we continue to see the ad. What Senator Ricketts was just asking you about the vehicles, I did some quick research on it. I will let him talk a little bit more about it.

The ad that is costing, you talk about trying to have better fuel efficiency, but yet the rule that you guys put on diesel trucks, which I drive every day, by making us put DEF, diesel exhaust fluid, into it, it runs our gas mileage down, and that actually is worse for the environment. When you see this stuff and it spills and crystallizes all over the floor, you can remove it from a truck, which is illegal, I understand that, but you can take it off a truck and you will increase your gas mileage by 20, 30, and sometimes 50 percent. You guys do not take that into consideration, but you still continue to push that.

Now, we have the farm industry, which, I am a rancher, we have a cow-calf operation. We see protein prices going through the roof,

and it continues to climb. We have a hard time finding enough markets to go to right now. We have meat packers that are pretty consolidated right now, as we see. We see the poultry consolidating faster for processing plants. We see the pork industry very consolidated, and yet now, the EPA is coming out with new guidelines for ELG.

By your own admittance, you said that this was going to cause some plants to close. Is that good for the industry, because on the other hand, you said you want to have, you guys have talked about wanting to have a more resilient meat and poultry and protein supply chain.

How is this new proposed rule that you guys are running toward on your options for ELG, how is this positive for the cattle market? How is this positive for consumers when you see protein already spiking at higher prices than we have ever seen in the history of the United States? How is this positive for the consumer? How is this a positive move for the EPA to be making this move right now?

Mr. REGAN. I will tell you that, No. 1, I hear you loud and clear. We are listening to our farmers and our ranchers. As we look at—

Senator MULLIN. Are you, though?

Mr. REGAN. We have not finalized the rule, and we have taken a look at what we are seeing in terms of these discharges and trying to eliminate some of the negative environmental impacts from these discharges, but as we look at the economic—

Senator MULLIN. Hasn't industry done a tremendous job on already changing a lot of their discharge? They have gone a long ways in where they were at 50 years ago to where they are at today, and yet, it is still not even kind of good enough, so are you really listening to them?

Mr. REGAN. Well, I will tell you, you make a very good point. When we look at these standards, we do have people, and the majority of the people in the industry are performing, are doing well. We are trying to create that level playing field to bring some of those who are not taking those additional investments to reduce that footprint.

Senator MULLIN. Administrator, why wouldn't you just work with those individuals by themselves rather than make it a new rule and it affecting the entire industry? This is going to affect the entire industry, and this is going to add a tremendous amount of cost to every dinner plate, and every breakfast plate, and every sandwich served.

We already see in prices because the minimum wage increased in California, where a hamburger at McDonald's is almost not going to be affordable. In 2013, I literally got people who were laughing when I said if we continued down this path before long, you are going to be paying \$20 for a hamburger at McDonald's. Is it so funny now? We are dang near there.

This is going to add cost, sir, and you know it. This is going to add a tremendous amount of cost to protein when you could just work with the few of those bad apples rather than changing the entire industry on how they are discharging right now.

Mr. REGAN. The industry is moving forward and updating, so by law, we have to update our standards that match with where industry is going, and so in order to bring——

Senator MULLIN. No, they are meeting your standards today, and you are moving the goalpost again.

Mr. REGAN. Some of them, many of them, are exceeding the standards.

Senator MULLIN. Great, let them exceed. Why are you moving the goalpost? Why do you see the need to move the goalpost? You know, there is no way you can deny this, this is going to add cost to protein. Yes?

Mr. REGAN. We have to update the standards.

Senator MULLIN. No, no, no. Is it, or is it not?

Mr. REGAN. We have not finalized it, so I do not know.

Senator MULLIN. You know it is going to do that.

Mr. REGAN. I do not know the answer to that.

Senator MULLIN. Is it going to cost the poultry and the meat industry, is it going to cost them to upgrade and spend a tremendous, millions of dollars? The answer to that is yes.

Mr. REGAN. We have to look at the benefits, too. There are a lot of people who are benefiting from the industry actually moving forward and doing better.

Senator MULLIN. Who is this benefiting from it?

Mr. REGAN. Communities benefit from it. When you look at the water contamination——

Senator MULLIN. The communities, you mean communities that is going to lose jobs when these industries shut down, these plants?

Mr. REGAN. We have to balance that.

Senator MULLIN. These same industry, these same communities that you say are going to benefit, are these same industries just going to lose maybe the largest employer in their community because they can not afford to make the changes? I am trying to figure out where you say communities are going to benefit.

Mr. REGAN. We are talking about health benefits. We are talking about the people that live in these communities that we recognize do work in these facilities, but they are also drinking the water, they are breathing the air.

We are trying to balance those public health benefits with the jobs and the economics, and many in the industry, as you have pointed out, are doing it the right way, but we have to make sure——

Senator MULLIN.

[Remarks off microphone.]

Senator CARPER. Wait, wait, wait, wait. Your time has expired. There is going to be a second round.

Senator MULLIN. Can I have another minute, just like you gave Mr. Kelly?

Senator CARPER. You can have another round.

Senator MULLIN. You gave——

Senator CARPER. Go ahead. Go ahead, take a minute.

Senator MULLIN. Okay, thank you.

Let me just ask this, too. How do you explain this to the people right now that are struggling to put protein on the plates for the kids as I speak, or their families, as I speak now, knowing that this

is going to add cost? You know this is going to add a, the industry is predicting this could add 15 to 20 percent cost to protein. How can you say that this is a positive move for the Country?

Mr. REGAN. What I would tell them is, we have a Farming and Ranching Federal Advisory Committee and a new agricultural office that is advising me specifically on the impacts, the technologies available, and what this means to their communities.

Senator MULLIN. None of them are raising cattle like we do in Oklahoma. None of your advisories are actually doing that. They are professionals that work in colleges and universities that have a tremendous amount of theory, but they have never gotten crap on their boots before.

Mr. REGAN. I think I will challenge you on that and provide the details. We do have those who are farming and ranching on the Federal Advisory Committee.

Senator CARPER. Okay. If you are willing to stay, I will recognize you for another round, Okay? Thank you.

Senator Markey, welcome. It is good to see you.

Senator MARKEY. Thank you. Good to see you.

Good to see you, Mr. Administrator. I like you, and I love your agency, you know.

Senator CARPER. The time for the gentleman has expired.

[Laughter.]

Senator MARKEY. I was elected in 1976, 6 years after the agency was created, so I have been serving in Congress for 90 percent of the life expectancy of the EPA, and I know how much longer life expectancy is in the United States today than it was then, because of the EPA. That is a big benefit for our society.

Mr. Administrator, congratulations on making the historic Greenhouse Gas Reduction Fund awards for the National Clean Financing Network. When I introduced the National Climate Bank Act and when I worked with Chairman Carper on this language in the Inflation Reduction Act, I knew this would be a transformational program, if done right.

You did it right, Mr. Administrator, and I am leading an appropriations letter to fight for your request on ongoing support for oversight, as well. This climate bank money is out the door, and it is ready to bring clean power owned by communities onto the grid, help working families cut their electricity bills, and leverage new private dollars into projects that will do good for the public.

Is that a priority for your agency going forward, just to make sure that it is up and running by the end of this year?

Mr. REGAN. It absolutely is, and thank you for your leadership and dedication. We have over 15 years focused on this topic. We were glad to get it done. We loved doing the visit with you in Boston to make the announcement. I feel really good about this program.

We have consulted with all of the experts outside, inside. We know that this capital will pull billions of dollars of private sector capital off the sidelines. Yes, it is a priority. We want the oversight. We are asking for the oversight, because we know we have a solid program, so we appreciate your support on that.

Senator MARKEY. Thank you. As you know, it was in Waxman-Markey in 2009, but it took Chairman Carper to get it over the fin-

ish line. A little bit late, but still in time to be able to make a big difference.

Earlier this year, the Environmental Protection Agency finalized the Clean Cars Rule, which will help us accelerate toward our climate targets and put the brakes on drivers' dependence on pricey fossil fuels. I thank my colleague, Senator Ricketts, for talking about the importance of investing in chargers. I would love to work with you on that, just to get them out there and make sure that people have confidence with this range anxiety, which plays a big role in how people view their ability to purchase a vehicle.

The rule that has been promulgated is estimated to avoid more than seven billion metric tons of carbon pollution, equivalent to four times the annual emissions from the entire transportation sector, making this the single most significant climate rule in U.S. and world history.

Administrator Regan, in addition to the climate benefits, is this regulation going to cut costs for American drivers as well?

Mr. REGAN. Thank you for the question, Senator, and it absolutely has proven that it will cut costs over the duration of this regulation. I think I want to just say that it is not just me. These car companies are running \$7 million Superbowl ads to their constituents, saying the future is hybrid and electric.

What we have done is put together a regulation that coincides with where technology and the market is going, so it is not only good for the environment, but it is good for the economy, and it will be good for people's pockets.

Senator MARKEY. Right. Again, it is projected to prevent 25,000 premature deaths. Big benefit.

Mr. REGAN. Yes, big benefit.

Senator MARKEY. Also save \$6,000 for a consumer over the lifetime of that vehicle.

Last year, EPA selected 17 thriving community technical assistance centers to provide technical support and grant writing assistance to disadvantaged communities and grassroots organizations interested in the Inflation Reduction Act's historic new funding opportunities, and it is called TCTAC, which is easy to understand. While these centers were set up across the Country, Region 1, which serves Massachusetts and Rhode Island, still does not have an office in our region.

Administrator Regan, would you commit to working with us to ensure that a center that can partner with Massachusetts environmental justice groups is stood up in Region 1 by the end of this year?

Mr. REGAN. I can do that. I know we are taking a very close look at that and putting those wheels into motion. Yes, we can commit to setting up that technical assistance resource for Region 1.

Senator MARKEY. That would be very helpful to us.

Administrator Regan, is the recently announced Environmental Justice Clearinghouse another tool that community organizations can use to understand, track, and win grants from the Inflation Reduction Act?

Mr. REGAN. Absolutely. This is a multi-agency tool that we put in place that speaks to not just the grant opportunities, multiple grant opportunities within EPA, but the multiple grant opportuni-

ties that span the entire Administration. This is a sort of fingertip way of getting information on technical assistance and training and funding opportunities, as well as screening and mapping tools to ensure that these grants that are submitted are competitive.

Senator MARKEY. Beautiful.

Mr. Administrator, when it comes to the power plant regulations, all I can say is, all these new arguments about carbon capture and hydrogen are a very different tune from what we heard when working on the Inflation Reduction Act. I am glad we have seen your strong-fought new rules, and I urge utility lobbyists to figure out what hymnal they are singing from.

If CCS and hydrogen are off the table, I will be happy to help my colleagues find a better use for the power sector's billions in subsidies and support. I am glad that the Administration and you are moving forward with those proposals. Thank you.

Mr. REGAN. Thank you, Senator. I can assure you that my conversations with the industry assures me that CCS and hydrogen are on the table, taking advantage of tax credits and resources from IRA, and that I and we should ensure that there is a future for those specific technologies.

Senator MARKEY. They are interested and enthusiastic?

Mr. REGAN. They are interested and enthusiastic, and as I said earlier, the tension points that are happening are based on timing and percentages, not whether we pursue it and how we do it.

Senator MARKEY. Got it, thank you.

Thank you, Mr. Chairman.

Senator CARPER. Senator Markey, thanks so much for joining us and for your good work on a number of these issues.

Senator LUMMIS, welcome. Great to see you.

Senator LUMMIS. Well, thank you so much, Mr. Chairman.

Administrator Regan, welcome. Given your background in State government, I really held a measure of hope that you would lead the EPA with policies that were grounded in reality and in the States and maintain a healthy perspective of the hardworking American families who work and live under your rules and regulations, but that hasn't happened.

People in Wyoming are struggling with rising prices in every area of their lives, and what the policy prescriptions do, and what we see from the EPA and this Administration, is a torrent of regulation that you know will lead to scarcity and higher costs, because you are restricting baseload energy.

Let's start with the Clean Power Plan 2.0, which forces coal and gas-fired plants to close down if they do not spend billions of dollars and meet unrealistic targets. These metrics are not achievable. Facts and rational arguments have been presented to the EPA, but they are rebuffed.

For this Administration, ideology wins at all costs, and the costs will be great as gas and coal-fired power plants account for around 60 percent of our Nation's electricity, at a time when EVs are going to be consuming more electricity, at a time when cloud computing is consuming more electricity, at a time when artificial intelligence will be consuming more electricity.

The State of Wyoming abounds with resources to fuel our Nation's current and future energy needs. Wyoming and our Nation

are global leaders in clean energy. It is absolutely surreal to see the EPA devaState energy production even as energy demands increase for more data centers, artificial intelligence, and your own EV mandates.

The Supreme Court ruled against the EPA for overstepping its authority on the first Clean Power Plan, and rightly so, because Congress did not grant the EPA sweeping authority to regulate the Nation's generation and uses of electricity. Left unchecked, the EPA has the power to destroy livelihoods, annihilate jobs, and wreck the economy.

Evidently, that is your agenda. You said so yourself, stating that when, and now I am quoting, "when you get an expedited facility retirement, that is the best tool for reducing greenhouse gas emissions." I join many of my colleagues in anticipation that this attack on energy is overturned again by the Supreme Court.

Now, the EPA also just finalized rules to force a transition to electric vehicles. It is astonishing that the Federal Government is telling Americans what kind of vehicles to drive and pushing an agenda that does not work outside of major urban areas. As with Clean Power Plans 1 and 2, you have exceeded your authority. Congress did not direct you to mandate electric vehicles.

Wyoming is a rural, high-altitude State of nearly 100,000 square miles with famously harsh weather conditions. People in Wyoming frequently drive long distances. My ranch and my farm are 400 miles apart, and yet they are still in Wyoming. Their livelihoods depend on affordable, reliable vehicles, and that means a gas or diesel-powered car or truck, or natural gas.

The average EV is over \$10,000 more expensive than the average gas-powered car, and they do not work at altitude. They do not work when it is that cold, and they do not work when you can not get them charged, because there are no charging stations.

Judging by the numbers, Americans do not want EVs. EV sales are around 6 or 7 percent, and dealerships are saying to pump the brakes on electric vehicles. For the good of the Country, pull the plug on this mandate.

Last, and I am just scratching the surface on the EPA's overreach, I will mention PFAS. All of us value clean drinking water. That is not the issue. The EPA's regulatory approach through CERCLA was flawed from the beginning and leaves innocent parties vulnerable for the cost liabilities.

I will tell you, and I know my time is running out, justice and fairness dictate that we seek a polluter pays approach. Instead, EPA has placed the financial burden on little passive receivers like water utilities, industries, and people who did not create the PFAS substances. You would force rural water providers and ratepayers to bear those costs, and they are already feeling the squeeze from the economy and other Federal mandates.

In closing, Administrator Regan, I urge you to consider the real-world individual and cumulative impacts of these regulations by any reasonable standard. Within constitutional, representative government, these go too far.

Mr. Chairman, I yield back. Thanks for letting me unload.

Senator CHAIRMAN. There is not much to yield back.

[Laughter.]

Senator CARPER. We are being visited by a lot of young people in the audience here today, Mr. Administrator. It is great to see all of them. They have probably the biggest stake in what we are talking about here today. Are we going to have a planet today, are we going to have a planet to grow up on and grow old on, and will they have the opportunity to have good jobs to support themselves and their families as the rest of us have? We welcome all of you.

With that in mind, let me say to Senator Whitehouse, welcome. It is great to see you.

Senator WHITEHOUSE. Thank you, Chairman.

Welcome, Administrator. What timeframe can you commit to for the existing power plants part of the power plant rule, the existing gas-fired power plants?

Mr. REGAN. Yes. We are working on that process right now, and we have engaged our stakeholders to start that formal process. We are going to move as quickly as possible.

Senator WHITEHOUSE. Can you commit to any endpoint at all?

Mr. REGAN. Well, it is too early for me to just throw out a date, so what I would like to do is be able to provide you a date that is grounded in the facts of how the process is going to be designed and going.

Senator WHITEHOUSE. We have given you authority to regulate methane emissions, and we have required in the law that you use, and I am quoting the law here, "empirical data," which means that you are supposed to actually measure it, correct?

Mr. REGAN. Yes.

Senator WHITEHOUSE. That is what empirical means. Has EPA historically underestimated methane leakage from the fossil fuels sector?

Mr. REGAN. Not just EPA, but I think most have underestimated methane leakage.

Senator WHITEHOUSE. EPA for sure has?

Mr. REGAN. Yes.

Senator WHITEHOUSE. EPA did so because it relied on industry reporting in order to come to its numbers, correct?

Mr. REGAN. I wouldn't say solely on industry reporting, but I think that industry reporting informed our measurements, yes.

Senator WHITEHOUSE. Yes, and the result was underreporting.

Now, in 2018, which is five-plus years ago, EDF first reported that EPA's methane numbers were too low. EDF reported likely methane leak numbers that were 60 percent higher than your GHG inventory numbers. Two years later, Penn State reported further, as the science developed, and said that methane leaks were two times higher than EPA was relying on. Stanford last year has put out its own research showing that methane leakage is likely three times higher than EPA has been relying on.

One of the things that we asked you to do was to acquire satellite data, and we appropriated money to do that. What is the status of EPA's acquisition of satellite data? Do you presently have access to satellite data for methane leaks?

Mr. REGAN. I do know that we have started a process to acquire. We are leveraging the acquisition of satellite data from some of our sister agencies, like NASA and others.

Senator WHITEHOUSE. Like NASA? When do you think you are going to have actual access to satellite data?

Mr. REGAN. I will have to get back to you on that specific timeline, but what I can say is, and you will see this in the actions that we have taken, as we use the resources that you have given us, and we put out this call for competitions to look at the best technologies, you will see that satellite data is specified as something that we want to consider in our acquisition, along with our Federal family, to be sure that we are all working with the same numbers.

Senator WHITEHOUSE. At a minimum, satellite data puts up a pretty good flag for further inquiry about methane leaks that you can do through drones, aircraft, or on-ground measuring, correct?

Mr. REGAN. Correct.

Senator WHITEHOUSE. Are you currently deploying that satellite information to trigger those further investigative methods?

Mr. REGAN. We are looking at all the options above.

Senator WHITEHOUSE. Okay. There is a point where looking at it has to end, and doing it has to begin.

Mr. REGAN. I will say, you have cited 2018, 2019, 2020. I think there are a number of years where the agency was prevented from pursuing the pursuit of climate change gases. With the resources that you all have appropriated since 2021 and under this Administration, I will say that we have moved as aggressively as we possibly can, and we will continue to do so.

Senator WHITEHOUSE. On the enforcement side, some time ago, the Administration announced that it was putting together a methane task force, which, as a proposition, makes a lot of sense. If you have satellite data that points at methane leaks and allows for further investigative methods to be deployed or if it is reliable enough simply pursued on that basis, you might want to be talking to the Department of Justice about what their capabilities are with respect to enforcement. You might want to be talking to the Department of Interior about what they as landlords and permittees can do to push those leaks.

What is your view right now of that methane task force, how often it meets, how often your team meets with Interior and DOJ people, whether there is an actual war-room type setup for the task force to be operating through in a cooperative way?

Mr. REGAN. I will say that when the President stepped out in 2021 and cited methane and the methane pledge as priorities, all of the agencies have been working to focus on this. When we look at the methane regulation, the most aggressive methane regulation this agency has ever finalized, that set the new bar for some of the ways we could enforce these actions.

There is a constant conversation and relationship, very close relationship, with the Department of Justice on looking at how we enforce our regulations. With Interior as well as DOE and others, we have all received resources from the Inflation Reduction Act. As we look at how we develop those grants, use the information, use the data and the technology, we are trying to be sure that we are leveraging all of our resources together in this whole-of-government approach.

It does take coordination, but I think the development of enforcement, regulations, and these grant programs is being done in concert with not just DOJ from an enforcement standpoint, but DOE and Interior, and others as well.

Senator WHITEHOUSE. My time has expired.

Senator CARPER. Thanks for those questions, Senator Whitehouse.

We have been joined by Senator Padilla.

Before I recognize you, Senator Padilla, let me ask unanimous consent to submit for the record materials, including a statement from our President on the strength of the United States' economy. According to that data, over 15 million jobs have been created since he took office. That is more than the populations of Delaware, Kansas, Nebraska, New Mexico, New Hampshire, Oklahoma, and West Virginia combined.

With today's unemployment rate under 4 percent, the U.S. ties the record for the longest consecutive monthly streak set in the late 1960's. It has been under 4 percent now for more than 27 months in a row. Inflation has been under 4 percent for more than 2 years, and it has fallen by 10 percentage points since its height in 2021.

Without objection, so ordered.

Senator CARPER. Sometimes, I have a friend, they ask him, compared to what? He will say, compared to what? Compared to what, those are some pretty good numbers.

I yield to Senator Padilla. Thank you for joining us. You are recognized.

Senator PADILLA. Thank you, Mr. Chair. Administrator Regan, I want to start by thanking you and your staff at the EPA for your collaboration, not just with my office, but a lot of State and local leaders in California on the many pressing chemical cleanup, clean water and clean air challenges that we face in California.

You know from our discussions and my many letters to you and to the agency that I have been consistently focused on how to reduce emissions, especially across the transportation and goods movement sectors, so I am so grateful for EPA's recent rulemakings on light-duty and heavy-duty vehicles. I understand they have gotten the attention of some of my colleagues on the committee on the other side of the aisle.

I want to ask you, Mr. Administrator, can you take a moment to reaffirm not just for me but for my friends on the other side of the aisle that the final emissions rules for both light and heavy-duty vehicles do not, in fact, ban conventional combustion engines?

Mr. REGAN. They absolutely do not.

Senator PADILLA. Thank you. Clear, concise.

Can you now spend a minute or two and emphasize the benefits of these rules to communities across the Country, not just those in California, but across the Country, and the people who live in these goods movement corridors?

Mr. REGAN. We know that there are over 72 million Americans that live along these corridors that are disproportionately impacted by these emissions, especially from our heavy-duty vehicles. On the HDV side, the final standards will provide over \$13 billion in annual benefits to society. There are a lot of people that will be

breathing cleaner air and living a healthier life because of these rules.

Again, I think we have done it in a way where we have looked at the technology. It is not just us. I think, as I said before, the automobile industry is running \$7 million Superbowl ads talking about the benefits of these technologies. We have aligned our regulations with where technology and the market is going, and if we do not do it, we will be beholden to China. We need to have these rules in place, improve our health and our environment, and we need to manufacture these components domestically.

Senator PADILLA. Thank you.

Just to underscore a statistic that can get lost on some, I believe you said about 72 million Americans?

Mr. REGAN. Seventy-two million Americans.

Senator PADILLA. Live along these goods movements corridors. That is getting close to about 20 percent of the national population.

Mr. REGAN. It is significant.

Senator PADILLA. An idea, a policy that can improve the lives, the health, the well-being of one in five Americans in one fell swoop is hugely consequential.

Now, in addition to all that work, I know, and I know you know, that we can not stop with cars and trucks, given the significant pollution stemming from the rest of the freight system. California's ports, as busy as they are and as successful as they are, along with our freight system, move the goods that fuel not just the local and regional, but truly, our national economy.

Yet, it is California communities that bear the burdens of the poor air quality and harmful climate impacts that come with goods movement. That is why I have consistently called on the EPA, as you know, to do more to reduce the emissions from locomotives and ships and planes and off-road equipment, as well.

The EPA and the Administration do deserve a lot of credit for launching two efforts just this past month and a half to do just that. The Administration launched a zero emission freight corridor strategy to help guide the deployment of zero emissions infrastructure along freight highways, and you followed up last month by setting a national goal of a zero emissions freight sector.

Now, a national strategy encompassing the whole freight sector, including heavy-duty vehicles, ships, trains, and more will help significantly in reducing these harmful impacts on air quality, climate change, and public health while improving American economic competitiveness and accelerating job creation. We have seen it happen in California. We want to really scale up.

Mr. Administrator, can you describe what the next steps are that the EPA plans to take to implement both the freight corridor funding strategy and the national goal of achieving a zero emission freight sector?

Mr. REGAN. I will say, this is a very important topic. I have spent time in Georgia, New Jersey, California just visiting with these ports. This strategy is so important, and it is important that I, along with DOT and many of the Federal family are working together with the consolidated strategy.

I would say that, in addition to that strategy, where we are with the next steps is thanks to your leadership and the leadership of

many in this committee. We have \$3 billion in grants that we are going to begin to dedicate to these ports to invest in these technologies and these vehicles and the like.

Our ports want to be globally competitive. They know the future is driven by technology. They have welcomed this strategy and these investments with open arms. I think not only are we going to make this Country or keep this Country globally competitive, we are going to save a lot of lives, and we are going to reduce a lot of hospital visits.

Senator PADILLA. Thank you very much. We have set ambitious goals. You visited; we have invested. We are setting more ambitious goals. You are going to continue to visit. I look forward to seeing you soon back in California.

Mr. REGAN. Absolutely.

Senator PADILLA. Thank you, Mr. Chair.

Senator CARPER. Thanks, Senator Padilla.

We have been joined by Senator Sullivan. Before I recognize him, I just want to ask a quick question.

Administrator Regan, when you were the nominee of this President, you were questioned about your willingness to visit States. Not just the States that are represented here in this committee, but those who are not represented on this committee. I asked my staff to find out how many States you have visited thus far. I am told that you have made, as of this week, 116 visit to 38 States, and between you and the Deputy Administrator at EPA, you have visited a total of 45 States.

I think I speak for all of us, a special thanks, whether we agree with you on every single policy that we are discussing today, the fact that you have made the time to come to our States again and again is much appreciated and acknowledged, so thank you for that.

I want to yield now to Senator Sullivan. Welcome.

Senator SULLIVAN. Thank you, Mr. Chairman.

Mr. Administrator, good to see you. Thank you, by the way, in terms of States you are visiting, for coming up to Alaska. I know you had a good visit last summer. We would welcome you back.

I am just going to talk very briefly. Mr. Chairman, I do want to, you know we had a bit of a contentious exchange last week. I do want to keep working with your team, your staff, and the minority staff on this committee to work with my office on that issue we raised.

We have not gotten any data or anything from your team, and I would like that. I think I am, out of courtesy, I think I deserve that, and my constituency. There are a lot of people who are watching what your staff was doing to my State when I was home over the weekend, and nobody was happy about it. I would like to not continue that debate, but I do want your staff to come and brief me, personally, on what they are up to.

Mr. Administrator, I also want to just touch on one of the issues. You are not doing it so much, but in this committee, I need to do it. So many decisions that the Biden Administration takes, particularly as it relates to Alaska and the so-called environment are lawless. The President 2 weeks ago announced that he was going to shut down the Ambler Road, which had already been approved in

the EIS to the Ambler Mining District, one of the biggest critical mineral districts in the Country.

A Federal law in 1980 actually mandates that that road be permitted. I can read you the language. I am just going to submit it. This is ANILCA Section 201(b), I would like to submit it for the record, mandates it. The Biden Administration violated that law.

The Biden Administration on ANWR, which we got done, I submitted a letter to Secretary Haaland on May 2d, 2024. I would like to submit that to the record.

ANWR, which we got into law, to have two lease sales required, mandated, by the Congress, in a law. Secretary Haaland just said she was going to ignore those leases; cancel them.

Interestingly, there was a FOIA request, and even the Biden OMB went back to Secretary Haaland saying, geez, where do you have the legal authority to do this, Madam Secretary? That is in this letter. The Biden Administration is asking her, you can not do that. She is doing it. That is violating the law.

This, I would like to submit it for the record, 63 Executive Orders and Executive Actions targeting my State, the State of Alaska, 63 from this Administration, singularly focused on Alaska. Most of them are lawless.

[The referenced information follows:]

Alaska National Interest Lands Conservation Act (ANILCA)

- Section 201(b) of ANILCA states, “Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Ambler Mining District to the Alaska Pipeline Haul Road) and the Secretary shall permit such access in accordance with the provisions of this subsection.”
- Section 201(d) of ANILCA states the environmental and economic analysis for this access road “shall be completed within one year and the draft thereof within nine months of the receipt of the application and shall be prepared in lieu of an environmental impact statement which would otherwise be required under section 102(2)(C) of the National Environmental Policy Act. Such analysis shall be deemed to satisfy all requirements of that Act and shall not be subject to judicial review.”
- Section 201(e) of ANILCA states, “the Secretaries shall jointly agree upon a route for issuance of the right-of-way across the preserve. Such right-of-way shall be issued in accordance with the provisions of section 1107 of this Act.”

DAN SULLIVAN
ALASKA

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United States Senate

COMMITTEES

ARMED SERVICES
COMMERCE, SCIENCE, AND
TRANSPORTATION
ENVIRONMENT AND
PUBLIC WORKS
VETERANS' AFFAIRS

May 2, 2024

The Honorable Deb Haaland
Secretary, U.S. Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Secretary Haaland:

I write regarding the competitive oil and gas leasing program (the Program) in the non-wilderness Coastal Plain (1002 Area) of the Arctic National Wildlife Refuge (ANWR) that was established under section 20001 of the Tax Cuts and Jobs Act (the Tax Act), and your decision to illegally cancel the leases that were awarded in 2021 pursuant to the Program. It has come to my attention that documents obtained from a Freedom of Information Act (FOIA) lawsuit raise new questions about the cancellation of those leases and the future of the 2024 sale.¹

I. BACKGROUND

In 2017, Congress provided clear approval and a mandate to the to the Department of the Interior (DOI) for commercial leasing, exploration, development, and production in the 1002 Area when it passed the Tax Act and established the Program as a means of improving energy security while generating revenue for the United States.² Specifically, Congress required the Secretary of the Interior, through the Bureau of Land Management (BLM), to develop and maintain an oil and gas leasing program within the 1002 Area and conduct at least two area-wide leasing sales, not less than 400,000 acres each, within seven years, with the first lease sale taking place before December 22, 2021, and the second lease sale before December 22, 2024.³ It also mandated that the Secretary of the Interior grant rights-of-way and easements necessary for the successful development of the oil and gas resources in the 1002 Area and authorizes up to 2,000 surface acres, or 0.01% of ANWR's 19.3 million acres, to be covered by production and support facilities.⁴

¹ See Press Release, Americans for Prosperity, AFP Foundation Files Suit for ANWR Lease Cancellation Documents (Oct. 31, 2023), <https://americansforprosperity.org/press-release/afp-foundation-files-suit-for-anwr-lease-sale-cancellation-documents/>.

² Pub. L. No. 115-97, tit. II, § 20001, 131 Stat. 2054 (Dec. 20, 2017).

³ *Id.* at § 20001(c) (requiring that the first lease sale occur within 4 years of the date of enactment of the TCJA and the second lease sale within 7 years of enactment).

⁴ *Id.*

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BLM moved forward with a final EIS and published the ROD for the Program in August 2020.⁵ BLM then responded to Congress' direction when it held the first lease sale on January 6, 2021, pursuant to the ROD, subsequently entering into contracts with three entities for the issuance of 10-year leases that covered nine tracts of land totaling more than 430,000 acres.⁶

It's important to note that the scope of alternatives analyzed in the 2020 final EIS ranged from a "no action alternative" to a maximum development scenario, as required by the National Environmental Policy Act (NEPA). There was and remains no other range of alternatives that could be used. Further, the 2020 ROD was vetted by multiple career attorneys within DOI's Solicitor's office. These attorneys met at least three times each week with professional staff at the BLM and Fish and Wildlife Service (FWS) offices in Alaska.

This painstaking process was done to ensure that the 2020 final EIS comported with each and every law and regulation governing DOI, including section 20001 of the Tax Act. As a United States Senator with oversight responsibilities over the very legislative language that you believe DOI "failed" to properly interpret, we can assure you that the 2020 final EIS and ROD reflect Congress' intent.

II. THE SCOPE OF THE SECRETARY'S AUTHORITY

It is particularly important to detail the scope of authority of the Secretary's authorities with respect to the Program. As discussed, section 20001 of the Tax Act explicitly requires that the Secretary conduct *at least* two lease sales in the 1002 Area, staggered over a 7-year period.⁷ Specifically, the Tax Act required that the first lease sale be held within 4 years of enactment and the second lease sale within 7 years.⁸ Yet despite this direction, BLM stated in the draft supplemental environmental impact statement (SEIS) published this fall that both must occur by December 22, 2024.⁹

BLM therefore has effectively not met its statutory obligation to conduct the first lease sale by December 22, 2021 in cancelling the leases that were issued pursuant to the first sale. BLM is consequently now behind on that schedule, and must hold two lease sales, the first of which should be held *immediately* given Congress' mandate.

More importantly, the Tax Act only provides the Secretary with the authority to "manage" the Program and "administer" it in a manner similar to that of the oil and gas leasing Program in the NPR-A.¹⁰ To that end, the Naval Petroleum Reserves Production Act of 1976

⁵ See Bureau of Land Management, et al., *Coastal Plain Oil and Gas Leasing Program Record of Decision* (Aug. 2020).

⁶ See Bureau of Land Management, *2021 Coastal Plain Lease Sale Bid Recap* (Jan. 6, 2021).

⁷ *Supra* note 2.

⁸ *Id.*

⁹ Draft Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement at § 1.3.

¹⁰ Tax Act at § 20001(b)(3).

(NPRPA), the statute governing the oil and gas leasing program in the NPR-A, only provides the Secretary with the authority to “direct or assent to the suspension of operations and production.”¹¹ The only time the NPRPA contemplates the termination of leases is under specific, limited circumstances that are beyond the control of the lessee.¹² It is clear that neither the Tax Act nor the NPRPA delegate you the authority or discretion to terminate a lease, and your actions constitute an abuse of administrative power and violate the law.

III. FOIA FINDINGS

The documents provided in response to the FOIA request shed light on DOI’s decision to cancel the leases and the variety of issues related to that decision. One email in particular demonstrates how officials in the Biden Administration, including DOI’s Office of Budget and the Office of Management and Budget (OMB), were caught off guard and confused by the absence of legal authority for DOI to cancel lease sales in ANWR:

I just saw this press release after [OMB official] Mike Hagan brought it to my attention. Can we arrange a phone call with the appropriate person(s) to discuss this announcement further, especially the ANWR piece. He wants to make sure he completely understands the decision and rationale, and their implications. For example, how was the 2021 lease sale in violation of (“not correctly interpret”) the the [sic] Tax Cut and Jobs Act of 2017? And is it just the existing leases that are not in compliance; e.g. even if these existing leases are cancelled, does BLM still have a statutory obligation under the Tax Cut and Jobs Act of 2017 to conduct a new lease sale?¹³

These officials were right to be skeptical: the Bureau of Land Management (BLM) is violating the law by cancelling the 2021 lease sale. Indeed, budget officials were also concerned by the budgetary impacts because the President’s budget “reflects ANWR revenues.”¹⁴ To date, DOI has not released any information about how ANWR revenues would have been used in the budget, nor has it provided a public estimate of the amount of lost revenue to the federal, state, local, or tribal interests from the cancellation of the lease sale.

The documents also show that there is little-to-no likelihood that DOI will hold the second lease sale required in the Tax Act. In late February 2024, BLM responded to Questions for the Record (QFR) from a September 2023 oversight hearing held by the House Natural Resources Subcommittee on Energy and Mineral Resources. In those QFRs, Chairman Bruce

¹¹ 42 U.S.C. § 6506a(k)(2).

¹² *Id.* at § 6506a(i).

¹³ Email from Bill J. Gordon, Department of the Interior Office of Budget, to Bureau of Land Management Budget Director Jessica Huffman (Sep. 6, 2023), available at <https://bit.ly/4ay1U45>.

¹⁴ *Id.*

Westerman asked if BLM would meet the deadline to conduct the 2024 ANWR lease sale as required under the Tax Act. BLM responded: “Yes, we will follow the law.”¹⁵

But another document confirms my suspicions that the Biden Administration has no plans to conduct and complete the 2024 lease sale. A document prepared for Secretary Haaland’s trip to Ottawa in September 2023, for example, acknowledges this mandate, but clearly implies that the agency has intentions to restrict possible production in the 1002 Area to the point where the lease sale will be effectively cancelled. This is especially troubling, as the Biden Administration is privately suggesting to foreign audiences that it intends to cancel the 2024 lease sale while keeping Americans—and Alaskans—in the dark:

[A]lthough we are mandated by statute to hold a second lease sale before December 2024, we have begun a new, comprehensive analysis of potential environmental impacts from the proposed program. We are working on that analysis – in consultation with several Cooperating Agencies – with the goal of completing that analysis next year.¹⁶

To my knowledge, there are little-to-no public details from the Administration regarding how DOI has carried out the referenced “comprehensive analysis,” including taking into consideration and giving weight to the Alaska Native communities most impact by DOI’s decision. Indeed, while DOI recently announced that it plans to issue the final SEIS in July, cooperating agencies, including the village of Kaktovik, the only Alaska Native community located in ANWR have yet to review that draft, and the Biden Administration has *still* not revealed the legal or regulatory authority for its actions.

For these reasons, I request written answers to the following questions by June 2, 2024:

1. How does the cancellation of the 2021 lease sale, and likely cancellation of the 2024 lease sale, affect the President’s budget now and in the future?
2. How is the cancellation of the 2021 lease sale, and likely cancellation of the 2024 lease sale, in compliance with the mandate from Congress to hold these lease sales? What federal statute does DOI believe gives it authority to not go forward with the lease sales?
3. Did DOI estimate the revenue loss to local and state governments, Alaska Native corporations, and Native Villages of cancelling the 2021 lease sale? What about if DOI cancels the 2024 lease sale?

¹⁵ Letter from Bureau of Land Management to Chairman Pete Stauber of the House Natural Resources Subcommittee on Energy and Mineral Resources (Feb. 23, 2024).

¹⁶ Email from Fish & Wildlife Service International Affairs Specialist Gilbert Castellanos to Fish & Wildlife Service officials Sara Boario, Wendy Loya, and Bobbie Jo Skibbo with proposed talking points for Interior Secretary Haaland’s trip to Ottawa, Canada (Aug. 28, 2023), available at <https://bit.ly/4aw9ydG>.

4. Does DOI, BLM, and FWS have a plan in place to quickly reinstate the 2021 leases if Congress explicitly overrides the Record of Decision or DOI loses in federal court?
5. What is the “new, comprehensive analysis of potential environmental impacts of the proposed program” in regard to the 2024 lease sale?
 - What is the legal or regulatory authority for the analysis?
 - Who are the cooperating agencies involved?
 - When will it be completed, and will it be released to the public?
6. Do you agree that section 1002(e)(2)(C) of ANILCA requires DOI to make data and information available [related to the exploration of ANWR and the location of likely oil and gas deposits, including 2D seismic, and other data] now that more than “two years [have passed] following any lease sale ...”? If so, what is the process for members of Congress or the public to obtain this information?
7. Is there any scenario where DOI, BLM, and the FWS allow the 2024 ANWR lease sale to complete and result in oil and gas development within the Coastal Plain? What factors would have to be met?

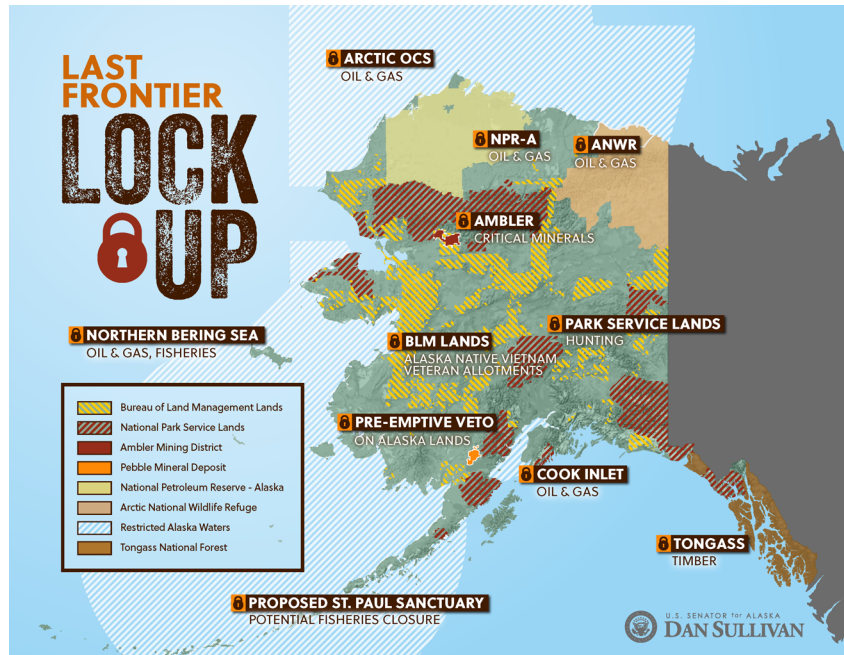
Thank you for your attention to this matter. DOI, FWS, and BLM should reverse course, follow the law, honor the 2021 lease sale, and faithfully conduct the 2024 lease sale. I look forward to your timely response.

Sincerely,



Dan Sullivan
United States Senator

CC: The Honorable Tracy Stone-Manning, *Director, Bureau of Land Management*
The Honorable Martha Williams, *Director, Fish and Wildlife Service*
Steve Cohn, *Alaska State Director, Bureau of Land Management*
Sara Boario, *Alaska Regional Director, Fish and Wildlife Service*



63 Executive Orders & Actions Targeting Alaska

JANUARY 20, 2021 - PRESIDENT BIDEN TAKES OFFICE

- 10**
- 01.20.2021 - EO 13990 on Day 1, reviewing the Willow Project EIS.
 - 01.20.2021 - EO 13990 on Day 1, reviewing Bering Sea-Western Interior EIS.
 - 01.20.2021 - EO 13990 on Day 1, reviewing hunting/trapping in National Preserves rule.
 - 01.20.2021 - EO 13990 on Day 1, reviewing Roadless Rule exemption for Alaska.
 - 01.20.2021 - EO 13990 on Day 1, moratorium on congressionally-mandated ANWR leasing.
 - 01.20.2021 - EO 13990 on Day 1, reinstating Northern Bering Sea Climate Resilience Area.
 - 02.01.2021 - U.S. Forest Service halts activities in Alaska Roadless Rule areas.
 - 02.2021 - BLM conducts bad-faith permitting for RSC, AK Native lands, blocking access.
 - 04.16.2021 - DOI delays PLOs for AK Native Veteran allotments, tribes, resources.
 - 04.16.2021 - DOI Secretary Order 3398, revoking DOI's previous NPR-A order.

MAY 24, 2021 - ALASKA DELEGATION MEETING AT THE WHITE HOUSE

- 9**
- 06.01.2021 - DOI initiates new EIS process for 1002 Area, suspends ANWR leases.
 - 06.07.2021 - BLM expands Mendenhall Glacier Recreation Area by 4,500 acres.
 - 06.29.2021 - DOI withdraws Arctic OCS exploratory drilling proposed rule.
 - 07.18.2021 - USDA bans old growth harvest, proposes road development ban in Tongass.
 - 07.23.2021 - BLM environmental review limits AK Native Veteran allotment program.
 - 08.04.2021 - DOI intends to review potential development in ANWR 1002 Area.
 - 09.03.2021 - DOI reviews EIS for 2020 NPR-A integrated activity plan.
 - 11.2021 - Administration's "Build Back Better" bill cancels ANWR leases.
 - 11.19.2021 - USDA intends to roll back Roadless Rule exemption for Alaska.

DECEMBER 9, 2021 - ALASKA DELEGATION MEETING AT THE WHITE HOUSE

- 21**
- 12.31.2021 - USFS fails to hold mandated Tongass timber sale.
 - 2021 - BLM intends to review Central Yukon Resource Plan EIS.
 - 01.10.2022 - BLM selects "No Action Alternative" for 2020 NPR-A (AP/EIS).
 - 01.20.2022 - USDA & DOI publish federal subsistence policy notice.
 - 02.2022 - Administration delays final supplemental EIS for Willow Project.
 - 02.22.2022 - DOI files to reopen Ambler Road ROD.
 - 03.09.2022 - BLM intends to establish recreational fees on Alaska public lands.
 - 04.04.2022 - NOAA intends to designate critical habitat area for Beringia seals.
 - 04.21.2022 - DOI further delays, complicates AK Native Veteran allotments.
 - 04.26.2022 - BLM reverts the NPR-A to the 2013 Integrated Activity Plan.
 - 05.12.2022 - DOI cancels planned oil & gas lease sale in Cook Inlet.
 - 05.25.2022 - EPA proposes 404(c) pre-emptive veto of Pebble Mine site.
 - 06.2022 - DOI intends to review and revise the Ambler Road Project EIS.
 - 06.08.2022 - NOAA advances marine sanctuary proposal for St. Paul Island region.
 - 08.31.2022 - DOI advances AK Native allotment process with reduced available acreage.
 - 08.16.2022 - BLM intends to prepare EIS on lands subject to ANCSA withdrawal.
 - 09.13.2022 - BLM guidance on SO 3403 usurps state authority on Alaska lands.
 - 11.16.2022 - USACE pulls nationwide permit for Constantine Mine.
 - 12.01.2022 - EPA recommends 404(c) preemptive veto of Pebble.
 - 12.01.2022 - DOI delays release of draft SEIS for ANWR 1002 Area drilling.
 - 12.06.2022 - DOI claims authority over state lands relevant to Ambler Road Project.

DECEMBER 21, 2022 - ALASKA DELEGATION MEETING AT THE WHITE HOUSE

- 5**
- 2023 - USFS & BLM fails to implement ANILCA-compliant cabin policy, limiting permits.
 - 01.04.2023 - DOI proposes hunting restrictions on Alaska's National Preserves.
 - 01.10.2023 - BLM publishes PLO with 20-year extension of Chugach Forest withdrawal.
 - 01.24.2023 - BLM draft plans include access fees prohibited under ANILCA.
 - 01.31.2023 - EPA publishes pre-emptive veto of Pebble Mine area.

MARCH 3, 2023 - ALASKA DELEGATION MEETING AT THE WHITE HOUSE

- 18**
- 03.13.2023 - DOI proposes additional restrictions on 15 million acres of NPR-A.
 - 03.13.2023 - White House intends to block all oil & gas leasing in the Arctic Ocean.
 - 03.14.2023 - DOI withdraws land exchange for life-saving King Cove Road.
 - 04.04.2023 - EPA enables unachievable deadline for PM2.5 air quality standard for Fairbanks.
 - 05.19.2023 - DOI again delays the Ambler Road Project ROD.
 - 05.19.2023 - DOI places new surface mining regulatory requirements on Alaska.
 - 05.31.2023 - BLM intends to lock up 735 million acres around Birch Creek / Fortymile.
 - 06.08.2023 - BLM extends PLO withdrawing 117 acres of public land from mining until 2045.
 - 06.30.2023 - BLM invests in project aimed at locking up development in Fortymile district.
 - 09.06.2023 - DOI cancels final lawfully-issued ANWR leases held by AIDEA.
 - 09.08.2023 - DOI proposes restricting development on millions of acres in NPR-A.
 - 12.05.2023 - USFWS's new guiding proposal discriminates against long-term local guides.
 - 12.15.2023 - DOI five-year oil & gas leasing proposal excludes Alaska.
 - 12.15.2023 - BLM draft ANCSA 17 (6)(1) withdrawal EIS delays required conveyances.
 - 02.28.2024 - USFS intends to develop new Tongass management plan.
 - 04.19.2024 - DOI finalizes NPR-A restrictions, defying federal law.
 - 04.19.2024 - DOI FEIS denies re-approval of Ambler Access Project, defying federal law.
 - 04.19.2024 - BLM Central Yukon Resource Plan restricts development, defying federal law.

Senator SULLIVAN. By the way, most of them hurt the indigenous population of my State. Twenty percent of Alaska is indigenous. It is a little rich when I keep hearing about the focus of this Administration on environmental justice, helping Indigenous communities, when they come after my State so much and hurt the Native people.

I am going to get to that with you, Mr. Administrator, but I do want to ask, *West Virginia v. EPA*, did you read that Supreme Court Case?

Mr. REGAN. Yes.

Senator SULLIVAN. I can not remember, are you a lawyer?

Mr. REGAN. No, thankfully.

[Laughter.]

Senator SULLIVAN. Yes. I was going to comment. There are not a lot of good lawyers in the Biden Administration, since they violate the law all the damn time, but I will give you a pass on that.

With regard to agency rules, it said the agency must point to a clear congressional authorization for the power it claims. This new NEPA rule, I know it didn't come from you, Administrator, but do you think that that was something that the Congress granted the Administration authority to rewrite NEPA?

Mr. REGAN. I can not say that I have dived into the NEPA rule. It is not in our agency, but I trust my colleagues have followed the law. I do know that we have a part of the NEPA process, and we feel comfortable with our part of the process.

Senator SULLIVAN. I think the lawyers and even the good lawyers and even the non-lawyers, even the bad lawyers, need to reread *West Virginia v. EPA*. It is a really important case.

Let me get to something more positive with you. I really appreciate you meeting with our Alaskan Native communities, particularly on the contaminated lands issues, and you know the whole history there. You and I have talked about it.

We are working on it. Senator Kelly and I have legislation that we are trying to get through this committee and the WRDA bill relating to Indian tribes in Arizona, lower 48, and Alaska. We want to authorize the EPA and the Army Corps to enter into an agreement with Indian Tribes and Alaska Native Tribes for the purposes of compensatory mitigation for a permitted activity under the 404 program. You and I have talked about it before. I know it came up in that roundtable you had in Anchorage.

Would you support that idea, Mr. Administrator, and can you work with me and Senator Kelly on that idea?

Mr. REGAN. We would be happy to provide technical assistance and work with Congress on those ideas, yes.

Senator SULLIVAN. How about, would the EPA support, again, kind of the same category, a categorical exclusion for Alaska contaminated lands programs? That comes under NEPA review. Maybe, if that is too quick a question, I can submit that for the record for more detail to get your answer.

Mr. REGAN. Yes, I was going to say, let us dig into that. I would love for our staffs to talk through that one.

Senator SULLIVAN. Then, I know in the President's budget, there was a significant amount of money on contaminated lands cleanup, but I will ask you, because I want to be respectful here.

For the record, what other resources or authorities does the EPA need to help cleanup these Native lands, which, remember, the Native people in Alaska got the lands from the Feds, 44 million acres, in the biggest land settlement for Native people probably in the history of the world, and a lot of it was contaminated.

We worked together, the Chairman and I, to say, well, a couple years ago, at least CERCLA does not apply. These Alaska Native groups can not be liable, since the Federal Government gave them polluted land. Are there other resources or authorities you need to help cleanup these Native lands that are contaminated in Alaska?

It is a top priority of mine, and I know you learned a lot about this when you were in Alaska. Again, I really appreciate you taking the time to meet with the different Native groups that were impacted and do the due diligence on this really unjust situation.

Mr. REGAN. Yes.

Senator CARPER. Administrator Regan, I am going to ask you to be brief in your response, and then we are going to recognize Senator Fetterman.

Senator SULLIVAN. Yes.

Mr. REGAN. Yes. Thank you for hosting that meeting. I think you and I and Senator Murkowski announced \$150 million going toward some of this cleanup. There is more that we can tap in both BIL and IRA. We should talk about how we do that.

Senator SULLIVAN. Okay, I will submit those for the record for more detailed answers. Thank you, Mr. Chairman.

Senator CARPER. You bet.

Senator Fetterman, welcome. Good to see you.

Senator FETTERMAN. Thank you, Mr. Chairman. Thank you for the opportunity to talk to an expert on all of this.

I am in Pennsylvania, and some people across the Nation really do not know what a brownfield is. A brownfield, would you like to give an exact definition?

Mr. REGAN. Yes. These brownfields are sites that have been contaminated, that qualify for programs where we can clean these brownfields up, whether they are abandoned warehouses or gas stations that typically are blights in our communities, and we can turn them into economic engines.

Senator FETTERMAN. Absolutely, absolutely. Sometimes they can be smaller than you were referencing, or they can be really large. They can be a couple hundred acres and everything.

I am in western Pennsylvania, and I literally am surrounded by brownfields. At one point last century, that was the engine that really helped shape American society and was about half of the world's steel output. Now, they are abandoned and left, really, kind of to hold the bag.

The investments, the proactive kinds of investments on these brownfields, have now allowed struggling communities to emerge from bankruptcy. I literally live next door to one, the Carrie Furnace site, as well. It is magnificent.

Now, it is actually going to be a national historic site of steeling. It is the last standing example of that kind of a blast furnace. Those are the kind of investments that help the communities that created so much of an investment and output for the history of our Nation. That is one of my priorities here, as a Pennsylvania Sen-

ator, is to continue that, because there are more and more sites like that in Allegheny County, where I live, but Pennsylvania, it is a story across all of it.

You run a very large agency, and I am not going to throw a lot at you. I just hope the one thing to take away from that is just how critical brownfield funding for Pennsylvania absolutely is. It is the lifeline for communities like Duquesne, like Braddock, like Rankin, like Swissvale, like West Homestead, Munhall. All of these, and now without those kinds of investments, those fallow sites would not have had anything done for 30, 40, 50 years. It has really created an amazing impact on that.

If you have 5 minutes, that is an opportunity to talk to an expert like yourself. That really means everything. It is almost kind of, somewhat related to my colleague from Alaska, that it is land that has a lot of great value, but it needs a lot of remediation, as well, those invest in forgotten or communities that were left behind. This really is a very, very critical program.

If there is anything I can do to be more of an effective advocate for that, I really am here. I would like any feedback on that, and I want to thank you for your agency's investments to do that, and it is not just Pennsylvania. There are a lot of others de-industrializing, some States, that we all need those kinds of investments.

I would like to, if you have any observations, I cede the time to yourself, and I thank you for your Administration's work on all of it.

Mr. REGAN. I appreciate your laser focus on this, and we appreciate the resources that we receive from the Bipartisan Infrastructure Law to supercharge this. I think we have awarded over \$250 million toward our Brownfields Program. That is the largest in EPA's history.

Just a great example is in Pittsburgh, we worked with the State, vacant property, two gas stations that were converted into affordable senior living with cafes and the like. We see this as a huge opportunity not to leave any communities behind. We will continue to work with your staff to be sure that we are prioritizing these investments, but there is a win-win opportunity there, as you have articulated.

Senator FETTERMAN. Yes, and I have a little bit, about 30 seconds left, and I would just say, more, more, and more. Thank you for those kind of investments. I am pleased. As a former mayor of one of those small communities, I cannot possibly express how critical those investments are to allow these communities to move forward, because without those kinds of help, they would continue to deteriorate and certainly not ever be able to prosper and come into a new phase.

Thank you, Mr. Chairman.

Mr. REGAN. Thank you.

Senator CARPER. Senator Fetterman, thanks so much for joining us. I think your perspective, I know my perspective as a former Governor informs me in the work that I do every day, and I am sure your experience as a former mayor and, if I am not mistaken, a Lieutenant Governor as well, and husband, father, all of that helps inform us for the work that we do.

I have a couple questions I want to ask. I am going to yield to Senator Capito. After that, Senator Cramer, and Senator Ricketts may be trying to come back and join us for a second round. Are you up to that?

Mr. REGAN. Absolutely.

Senator CARPER. Okay. Do we have to pay you overtime? I hope not.

Mr. REGAN. More like hazard pay, Mr. Chairman.

[Laughter.]

Senator CARPER. Some days, it might seem that way. I got a couple of questions. Let me just ask one of them, but I think you recently announced the selections of eight entities to administer some \$20 billion in funding from the Greenhouse Gas Reduction Fund created in the Inflation Reduction Act. Take a minute and just explain to people who might be tuned in around the Country, when we talk about the Greenhouse Gas Reduction Fund, what are we talking about?

Mr. REGAN. Well, we are thankful for the Greenhouse Gas Reduction Fund, \$20 billion focused on ensuring that the average American can participate in the low carbon transformation, whether than be an energy efficient home or appliances, investing in those types of things.

Twenty billion dollars, we work with the Department of Treasury, HUD, those that specialize in clean energy financing underwriting. We spend some time with private equity, commercial banking, just to be sure that as we design this program, we do it in a transparent way that demonstrated that the government could put its money where its mouth is, and if we do, can we bring hundreds of billions of dollars of private capital off the sideline. I believe we have accomplished that. We created an excellent competition that selected eight grantees that are responsible for leveraging that capital.

We have a ton of transparency metrics and oversight built into that, and you will notice, and it was raised earlier that we have asked for resources in this budget to continue to do so. I try to meet as frequently as possible with our Inspector General. He has indicated that there could be a usage of additional resources there for IRA, and so we are trying to oblige that. To demonstrate that, we want to be as transparent as possible so that as many Americans as possible can benefit from these investments.

Senator CARPER. Thanks. Let me ask a question about TSCA implementation. We had a hearing here about a year ago with respect to the implementation of TSCA legislation that a number of us helped write, the Toxic Substances Control Act that has been in effect for a couple of years.

It was a disappointing hearing, and basically, it was very clear that we have a lot of work still to do. Part of what we heard from the senior staff who were here to speak on the issue was the resources. Human resources that were needed to help do the job simply weren't there.

One of the reasons why we are providing, the President is asking for additional resources, additional people, is in part to be able to do the work that Congress has said needs to be done with respect to the Toxic Substances Control Act. We charged EPA with this de-

manding responsibility. It is also our responsibility to ensure that EPA has the appropriate resources to implement TSCA as intended.

What impacts would the Fiscal Year 2024 funding levels have on the TSCA program, and would you please give us a sense of what EPA could accomplish if the agency received the full budget request from the President for the TSCA program, as well as maximized revenue collections through the recently updated fees rule?

Mr. REGAN. Yes. Well, thank you, Chairman. This is one of the ones that I scratch my head on. We received small increases to focus on TSCA in 2022 and 2023, and we more than doubled the number of chemical reviews that we were doing each month. We were really trying to honor the essence of what Congress asked us to do with TSCA.

I think that with this cut, we are just going to see slower approval of new chemistries, especially those companies that want to propel the semi-conductor automotive and battery sectors. It is just going to gum up the system. We need the resources; we need the bodies to do so.

Before 2016, before this TSCA revisit that you all championed, EPA was looking at about a 20 percent rate in these reviews. TSCA now requires that we do 100 percent. In order to keep pace with the economy and moving forward, we need to review these chemicals each and every month, and it does not make sense to cut that funding now.

Senator CARPER. Thank you for that.

I have another question or two to ask you, but I am going to yield to Senator Capito for any questions that she has.

Senator CAPITO. Great, thank you.

Let me ask you, I asked you this in Appropriations and mentioned it again, and then it was asked again about the Green Bank oversight accountability. Can you give me in specific details two examples of accountability mechanisms the agency is developing for these final agreements, specifically?

Mr. REGAN. Yes, there are a number.

Senator CAPITO. Just two.

Mr. REGAN. Yes, first and foremost, with the Green Bank, there is a transparency aspect to this that focuses on basic transactions underwriting. It is aligned with most banking protocol, but these investments must go to recipients that can demonstrate not only a leverage of capital, but must get specific reductions from carbon or climate warming pollutants.

When we think about just the level of transparency and the process, it is very clear, it is very concise that they are held accountable to use the resources that they are given to get certain reductions according to traditional banking approaches.

Senator CAPITO. You have, I think you have, what, 20 people that are overseeing this, right, in your department? About 20?

Mr. REGAN. I believe that is, yes, about 20 individuals.

Senator CAPITO. They are looking specifically at how people are enumerating carbon reduction and whether they can leverage by banking standards?

Mr. REGAN. Those 20, which some are term limited, because that is the way IRA laid it out, were responsible for designing and con-

necting and creating the program. We now have to do the maintenance and the implementation. Some of the resources we are asking for is beyond the design phase. It is really to be sure that during the implantation phase——

Senator CAPITO. Right, that is what I am worried about.

Mr. REGAN [continuing]. we are very, very transparent, and so we have asked for resources for that. We have also asked for resources for the Inspector General's office, because I see them as a partner.

Senator CAPITO. Well, that was left out of the IRA. It was put in for the Department of Energy, but not for EPA.

Mr. REGAN. What we at EPA want to do is be transparent and responsible with the resources that Congress has given us.

Senator CAPITO. That is the correct statement, though, right? Right.

Let me ask you about the issue about TMDLs in West Virginia. This is a specific West Virginia. I mentioned in my opening statement, they announced the agency was entering into a consent decree with the Sierra Club to impose TMDL on 11 streams in West Virginia.

Here is what the West Virginia DEP said in their statement: "As the primary regulator of water quality in the State of West Virginia, the West Virginia Department of Environmental Protection is flummoxed"—I love that they used the word flummoxed, I do not know why I think that is sort of humorous, but anyway, they are flummoxed as to why it has been kept in the dark regarding a proposed settlement, which had been months in the making.

The department is even more astounded that the EPA has apparently decided, in contrast to the prior litigation and without any advance notice to the department, not to mount any kind of defense to the allegations leveled in the plaintiff's complaint.

Do you agree that the agency's decision to keep West Virginia in the dark is troubling?

Mr. REGAN. I absolutely disagree with keeping West Virginia in the dark. In 2015, the courts stipulated to EPA and the State of West Virginia the results of that case that we contested. We have had, collectively, EPA and West Virginia, since 2015 to resolve this problem, yet the agency nor West Virginia could come to a solution.

We are running up against a timeline that a judge has given me. What our agency did was we entered into the settlement, which we are legally obligated to do, and we got your letter about extending the comment period——

Senator CAPITO. Which you did, thank you.

Mr. REGAN. We are going to extend that, but I just have to push back. I am a former State regulator. We would never do anything where we just ice out the State. From 2015 to 2024, that is a long time.

Senator CAPITO. Well, they apparently disagree with that.

Let me go to the State regulator thing, back to the Good Neighbor rule that we were talking about earlier, where the 23 States developed, and you know more about the technicalities of this, the State implementation plans. Two were rejected outright, and then 21 were rejected by you, blanket rejected, on the same day or ex-

actly the same time when the Federal implementation plan came forward.

Did this kind of scenario ever happen to you as a State regulator, when you were not regulating in this space, but somewhere else, where you had a State implementation plan, it was rejected, and a Federal one came right in on top of it? Isn't the usual way to do it is to work with the States to say your State implementation plan is falling short here, there? Let's make adjustments, instead of just outright rejection? Has this ever happened to you when you were a State regulator?

Mr. REGAN. I have never been surprised that a State implementation plan was either at a crossroads or not meeting the expectations of the Federal Government.

Senator CAPITO. No, that is not what I am asking. I am asking, were you, as a State regulator, ever a party to having a blanket rejection like this?

Mr. REGAN. Yes, during the last Administration.

Senator CAPITO. Yes?

Mr. REGAN. On a whole host of issues, I attempted to work with the Trump Administration, and we worked through it. Irrespective of the party who is in charge—

Senator CAPITO. Well, right, well, this is not the option. They are not getting the option to work through it. You are just coming in and telling them the Federal plan. It is getting challenging for them.

Mr. REGAN. The Federal plan is in place until a State plan is agreed upon.

Senator CAPITO. You rejected all the State plans.

Mr. REGAN. Well, but this is the thing, though, you and I—

Senator CAPITO. I do not even get the sense that you had State regulators here. We didn't get the sense, the State regulators didn't get the sense that there was any kind of discussion going on here. It was just no.

Mr. REGAN. Even when I was a State regulator, I recognized my limitations in negotiating with the Federal Government. If they rejected it once, I didn't resubmit the same homework.

Senator CAPITO. Well, no, but you got a chance to resubmit to have something else before a Federal plan would come in on top of you. Correct? That is the point I am trying to make.

Mr. REGAN. It depends on the timeframe that we are looking at, and I think when you look at the Good Neighbor Rule, in order to fend off litigation from other States who have been asking for this relief for multiple years, we have to use the tools that we have.

The State implementation plan has been available for those State secretaries for a number of years. They didn't get the job done. Now, there is a Federal plan in place until they can negotiate those State implementation plans. It is not a closed door.

Senator CAPITO. Well, it will not be, because the courts are going to come in and tell you you have overextended your authorities here, and you have to give the States the ability to do exactly what you are saying, rework their plans so that they can meet the standards that the Federal Government wants.

Thank you very much.

Senator CARPER. Sure. You may want to continue this conversation beyond the walls of this room.

Mr. REGAN. Absolutely.

Senator CARPER. I am sure you would welcome that opportunity, Senator Capito.

Okay, we have been rejoined by Senator Ricketts. Thanks for coming back.

Senator RICKETTS. My pleasure, Mr. Chairman. Thank you very much for allowing a second round of questions so I can continue the conversation you were just talking about.

Senator CARPER. You bet.

Senator RICKETTS. Administrator Regan, we talked about, when I was doing the questioning earlier that when it comes to the 85 grams per mile, we are going to followup on the current vehicles, gas, diesel, hybrids, in the 2024 model year, any make of those, so I think that, because you said you had conversations with car makers on that. You also said that we were on track with regard to charging stations, so we will followup on that.

One of the questions I wanted to also ask you is, I presume that you do expect there to be a greater mix of both plug-in hybrids and electric vehicles to be able to make the 85 gram rule. Has your agency done any work with regard to the additional power generation that will be needed to be able to do that?

Mr. REGAN. We have, yes.

Senator RICKETTS. What do you project the amount of new power generation to be required by, say, 2032 to be able to meet the demand or meets the needs of however many more electric vehicles or plug-in hybrids?

Mr. REGAN. We can provide you those statistics, those details.

Senator RICKETTS. What about transmission lines, have you done that as well, looked at transmission lines?

Mr. REGAN. We have worked in close concert with the Department of Energy, who is investing tremendously into those transmission lines. Yes, the thorough analysis of the demand, meeting that demand, reliability, we have done a thorough analysis of how all of our rules impact the grid in all of those areas, and we would be happy to provide those details to you and your staff.

Senator RICKETTS. Okay, but you do not know off the top of your head how much more power generation on a percent basis we are going to need?

Mr. REGAN. No, that is not a number I retained.

Senator RICKETTS. I presume, again, the power generation you are talking about also takes into consideration that you have your Clean Power Plan 2.0, which Ranking Member Capito has already talked about, is going to put constraints on coal plants, essentially putting them out of business, natural gas plants as well it is going to constrain.

Your power generation plans are going to take into consideration all of that. Is that accurate?

Mr. REGAN. The power plant strategy, I want to be very clear, it is not a Clean Power Plan 2.0. This is a power plant strategy that I have talked with the industry about over 2 years, and yes, it takes into account the generation and the demand, the reliability, and the cost.

Senator RICKETTS. All right. Now, I also want to get into your modelling when you are talking about, how do you get to that 85 grams per mile. I believe what you model is that EVs are charged with 100 percent renewable energy. Is that correct?

Mr. REGAN. I would have to get back to you on that. I do not know if we model it at 100 percent renewable energy. I do not think we would do that.

Senator RICKETTS. Okay, do you know what State has the highest percentage of its energy coming from renewable energy?

Mr. REGAN. I do not.

Senator RICKETTS. It is Iowa. I presume, since you didn't know it was Iowa, you do not know what percentage it is, either. Do you?

Mr. REGAN. No, I do not think our rule is predicated on a State generating 100 percent renewable energy. Your question is sort of so out there, it is throwing me off. That is why I am responding like that.

Senator RICKETTS. Okay, so the point is, your model calls for all EVs being charged, my understanding is, that it is from 100 percent renewable energy. Iowa is the leading State for generating electricity from renewable energy, and it is at 60 percent. Nebraska, actually, is pretty good. I think we rank number 12. We are at 31.7 percent.

Where you have a lot of EV use here on the east coast, the States of Maryland, New Jersey, Delaware, Connecticut, and Pennsylvania, they are all under 5 percent of their electricity coming from renewable energy. New York, they are actually doing better. They are at 7.2 percent. Massachusetts, and I am sorry Senator Markey is not here, because they are actually, on the east coast, one of the leaders, at 16 percent.

My point being is that your model is a lie if it is relying on, if you are telling the American public you are charging your EV and it is with renewable energy, that is just not true, because most States are not generating that much of their electricity from renewable energy.

If you are thinking you are saving carbon because, and you are giving car manufacturers credit for having an EV, assuming that it is powered by renewable energy, it is just not true. It is just not true. We have got to be able to tell the American people the truth about how these models work.

Mr. REGAN. I am not accepting what you are promoting here. If you look at our power plant strategy, it is not 100 percent renewable energy, and we know that our power plant strategy is going to electrify this Country. That is the purpose of best management practices and technology.

Senator RICKETTS. That is how it interacts, but I am not talking about the power plant strategy, I am talking about charging EVs and plug-in hybrids.

Mr. REGAN. How else do you provide power to those EVs absent than the power sector?

Senator RICKETTS. Right. My point is, if you are assuming that the EVs are charged by renewable energy, it is actually not true, right? It is partially true, but it is not totally true.

Mr. REGAN. I contest that our model is making that assumption. Our modeling, when we look at our power generation, our power

sector and what that means in terms of affordability and reliability on the grid, and you overlay that with our cars and trucks rule, I am not aware that any of our modelling says, ignore all of the generation from clean natural gas, from using hydrogen, from using CCS, to create electrons that tackle the grid, and we are going to parse out and just use renewable ones.

That is not the purpose of the EPA. EPA sets standards to control pollution and allows for companies to choose combinations of technologies to provide cleaner power, and that cleaner power will fuel our cleaner vehicles.

The wedge issue here, which I would love for our staffs to converse about, is the notion that all of the new electric vehicles would solely rely on renewable energy. That is the first time I have heard that.

Senator RICKETTS. Okay, great.

Second, my time has expired here, so I am going to bear with the Chairman just a moment more, but we will followup on this, so I will not ask you to respond back to it.

There are other cost considerations in this as far as heavier electric vehicles and, for example, guardrails, or wear and tear on the roads and stuff like that. I would like to know if the EPA has also modelled that into their cost-benefit analysis.

Mr. Chairman, thank you very much for doing a second round of questions. I appreciate it.

Senator CARPER. We are glad you came back. Thanks for your thoughtful questions.

We had a bunch of young people here today. There are still some young people out in the audience, but we had a bunch of young people here. I do not know if they are in high school or college or what, but I was sitting here thinking about when I was in their shoes, we didn't give much of a thought to solar energy and the ability to meet our energy needs on solar. We didn't think much about wind, either.

People talked about fusion, but you know, I think we were more confused about fusion than anything else. Now, fusion is on the edge of actually happening. Senator Capito and I have been pushing hard for a legislation that she has authored called the ADVANCE Act, which is advanced nuclear reactors, but there is a lot going on there in terms to meet our energy needs.

I drive an electric vehicle. I replaced a 2001 Chrysler Town and Country Minivan that I drove for 20 years that had 600,000 miles on it. My wife finally said, either that minivan goes, or you go. I said, it goes.

We actually sold it to a guy that does yards in our neighborhood, and I still see it. It looks worse than it used to.

The last thing I would say, I studied a little bit of economics through Ohio State as an undergraduate, and after that, after I got out of the Navy I moved to Delaware, I got an MBA. I studied a little more economics, and I am a big believer in market forces. We have not talked a lot about market forces.

One of the reasons why I like driving an electric vehicle, it is just a hoot to drive it. It is just so much fun. I know it does good things for the environment and so forth, but it is also a lot of fun to actu-

ally get out and drive, so we, it looks like we ought to keep in mind market forces and how do we harness market forces for the good.

Okay, last question. Senator Capito and I have worked a whole lot, along with our teams, and at least one of our colleagues from Arkansas, on recycling. We have a couple major recycling bills that we are trying to move through the Senate and the House and get signed into law, and I appreciate very much your leadership on that.

As we have discussed many times on this committee, there are significant issues plaguing our Nation's solid waste management system. I was proud to help lead the inclusion of, I think it is \$275 million of funding in the Bipartisan Infrastructure Law, for the solid waste infrastructure for the Recycling Grant Program at EPA.

This funding provides the agency, I believe, with about \$55 million per year through Fiscal Year 2026 to support the establishment and expansion of recycling infrastructure. I understand that this funding is helping to implement the national recycling strategy, which EPA published in 2021 in addition to two subsequent strategies on plastics and organic waste.

Here is my question. Would you, as we prepare to close out, would you please describe for us the progress that EPA has made thus far in implementing the National Recycling Strategy and why continued funding from Congress is necessary to accomplish EPA's goal of achieving a 50 percent recycling rate by 2030?

Mr. REGAN. Thank you for this. This is, as I travel the States and the world, this topic is one of those topics that our youth and young people gravitate to so much, so quickly. We were excited to be able to work on a national recycling strategy.

The first part of the strategy was creating the Solid Waste Infrastructure and Recycling Grants Program which we have, and to date, we have selected about 164, or 165 applicants. We are providing about \$199 million through that.

We are just seeing a lot of demand for these grants. We are actually creating a market and a demand to get more and more creative and innovative ideas in place around recycling, whether that be waste, plastics, and the like. This is a great way for us to look at this closed-loop cycle system that will benefit our economy and the environment.

Senator CARPER. Okay.

Before we adjourn, Senator Capito, any other questions?

Senator CAPITO. Yes. I just want to thank you for being here. I know I have been a little contentious with you, but I have great respect for your work. I think you know that.

I will say, in your characterization of the new clean power plan, you have emphasized stakeholders, stakeholders, power generators. The National Rural Cooperatives very much vehemently oppose this plan. Jim Matheson, my former colleague from the House, is in charge of that. They provide power to over 42 million people, 92 percent of which live in persistently poverty areas. He characterizes this plan as, they characterize it on behalf of their members, because they are a membership organization as unrealistic, unachievable, and unlawful.

Thanks for coming.

Mr. REGAN. Thank you, Senator.

Senator CARPER. Thank you, Senator Capito. It is just a pleasure and a joy to be a partner with you on all these issues. I thank you and your staff, along with the members of our own team.

I have been given by my staff a correction to a unanimous consent request that I had asked. I am not going to read the whole thing again, but in the original, I just want to modify it quickly.

I will begin that unanimous consent request to submit for the record materials with a correction, including a statement from President Biden on the strength of the U.S. economy. According to the data, over 15 million jobs have been created since he took office. That is more than the population, I mentioned a number of States.

With today's unemployment rate under 4 percent, the U.S. ties the record for the longest consecutive monthly streak set in, I think, the late 1960's. It has been under 4 percent for more than 27 months in a row. I think that might be a record.

Inflation is down by 60 percent since it peaked out in June 2022. It has been less than 4 percent since June 2023, and now it sits at 3.5 percent. That would be a revised UC request, without objection.

[The referenced information follows:]

MAY 03, 2024

Statement from President Joe Biden on the April Jobs Report

With today's report of 175,000 new jobs, the great American comeback continues. When I took office, I inherited an economy on the brink, with the worst economic crisis in a century. I had a plan to turn our country around and build our economy from the middle out and the bottom up. Now we are seeing that plan in action, with well over 15 million jobs created since I took office, working-age women employed at a record high rate, wages rising faster than prices, and unemployment below 4 percent for a record 27 months in a row.

There's more work to do. I have a plan to lower the cost of rent and homeownership by building 2 million homes; to cut taxes for middle-class families and American workers; and to continue making health care, prescription drugs, inhalers, and insulin more affordable. Congressional Republicans have a different vision. They are fighting to slash taxes on billionaires and let special interests rip off Americans. I will keep fighting for the middle class and hardworking families I grew up with—for Scranton, not Park Avenue.

###

Senator CARPER. Now, a closing statement, if I could. We want to thank you not just for showing up today, but we want to thank you for showing up ready for, not for battle, but rather just to have a really informative and, I think, collegial and productive exchange of ideas. Hopefully, we helped set the stage with our opening comments, and you certainly have helped as well with your thoughtful remarks.

All of us realize that leading EPA has more than a few challenges. I want to thank you, Administrator. You are providing the strong leadership we need to deliver on the priorities and the promises that we and the President have made to the American people. As we have heard today, robust funding and experienced staff are essential for the EPA to successfully protect human health and the environment and provide greater certainty and predictability to stakeholders, including businesses.

With that in mind, I hope that our members will join me in supporting the President's Fiscal Year 2025 budget request for EPA.

A little bit of housekeeping, if I could. Senators will be allowed to submit written questions for the record through the close of business on Wednesday, May 22d. We will compile those questions. We will send them to you and to your team. We would ask that you reply to us by Wednesday, June 5th.

Before I adjourn, I just want to say, my sister and I were born in a coal-mining town, as Senator Capito knows, in West Virginia. My dad and all my uncles, all of our uncles, were in the military and served in World War II or Korea or both.

I spent many years in the Navy during the Vietnam War and after. I have known a lot of service members, men and women, who had spouses who also served. I have said to many spouses just as recently as this last weekend in Dover, that sometimes we think the person who wears the uniform in the military is the person who is serving, and oftentimes, it is not just the person wearing the uniform who serves, but the person, the spouse alongside the service members who serves.

I would just say to your family, to your wife and son, thank you to them. Welcome to the family. Just a real thank you to them for their service and, again, their willingness to serve you.

I especially am pleased with how many States you visited and how often you visited States. You have a few that you have not been able to make it to, but you got five, six, 7 months left for the year, and who knows after that. Knock them out, and you will maybe hold the record for State visits by an EPA Administrator. That would be a great record to hold.

Anything else, Senator? With that, I think we are done. It is a wrap. Thank you so much. With that, we are adjourned. Thanks so much.

Mr. REGAN. Thank you all.

Senator CARPER. Thank you.

[Whereupon, at 12:23 p.m., the hearing was adjourned.]

THOMAS R. CARPER, DELAWARE, CHAIRMAN
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United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

April 9, 2024

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Regan:

On March 9, 2023, you and Secretary of Energy Granholm announced a Memorandum of Understanding (MOU) titled “Interagency Communication and Consultation on Electric Reliability.”¹ The stated purpose of this MOU is to “[provide] a framework for interagency cooperation and consultation on electric sector resource adequacy and operational reliability” as both of your agencies propose, finalize, and implement regulations and other programs that affect the electricity sector.² Since announcing the MOU, the Environmental Protection Agency (EPA) has proposed, revised, and promulgated numerous regulations that either directly regulate electric generating units or will have the effect of increasing the demand for electricity throughout the country, e.g., expanding the deployment of electric vehicles.

The Committee seeks the following information on how the EPA has implemented the MOU.

1. The MOU states that the EPA has designated an “internal team or working group” and has “identified key staff to serve as points of contact” to liaise with the Department of Energy (DOE) on electric reliability.³ **Please provide the names and titles of the current EPA internal team or working group, as well as the designated EPA staff contacts carrying out this section of the MOU.**

¹ U.S. Environmental Protection Agency, U.S. Department of Energy and Environmental Protection Agency Partner to Support Reliable Electricity (Mar. 9, 2023), <https://www.epa.gov/newsreleases/us-department-energy-and-environmental-protection-agency-partner-support-reliable>.

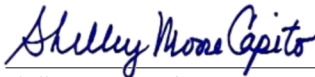
² U.S. Department of Energy and U.S. Environmental Protection Agency, Joint Memorandum on Interagency Communication and Consultation on Electric Reliability, at 1 (Mar. 9, 2023), <https://www.epa.gov/system/files/documents/2023-03/DOE-EPA%20Electric%20Reliability%20MOU.pdf>.

³ *Id.* at 3.

2. The MOU requires at least semiannual meetings between the EPA and the DOE “to provide updates about policies, programs and activities pertaining to electric reliability, share information and analysis, and discuss ongoing monitoring and outreach activities.”⁴
Please provide the date, attendees, and agendas for any meetings held pursuant to this section of the MOU. Additionally, please provide the date of the next scheduled meeting, if any.
3. The MOU gives discretion to the agencies to hold joint meetings with outside entities pertaining to electric reliability.⁵ **Please provide the date, attendees, and agendas for any meetings or consultations that have been held between EPA staff and the following entities pursuant to the MOU:**
 - a. Federal Energy Regulatory Commission;
 - b. North American Electric Reliability Corporation; and
 - c. Regional transmission organizations and/or independent system operators.

Please respond with all the information requested in this letter by no later than April 26, 2024. Should you have any questions regarding this request, please contact my staff at 202-224-6176.

Sincerely,



Shelley Moore Capito
Ranking Member
Environment & Public Works Committee

⁴ *Id.*

⁵ *Id.* at 3-4.

**OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS**

WASHINGTON, D.C. 20460

April 29, 2024

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Senator Capito:

On behalf of the U.S. Environmental Protection Agency (EPA), I am responding to your letter dated April 9, 2024, regarding the EPA's Memorandum of Understanding (MOU) with the U.S. Department of Energy (DOE) titled, "Interagency Communication and Consultation on Electric Reliability." We appreciate your interest in the MOU and are pleased to provide you with information.

The MOU provides a platform to strengthen interagency cooperation and consultation on electric sector reliability at a time of significant dynamism in the electric power sector. The MOU also outlines activities that our agencies will undertake individually and collectively to monitor, share information, and consult to support the continued reliability of the electric system. The EPA and DOE both play major roles in the creation of policy and the provision of funding that relates to the electric power sector. Although the EPA and DOE have distinct institutional mandates and legal authorities, the agencies each have considerable expertise in various aspects of electric system reliability and share the objective of supporting the ability of federal and state governments, grid operators, regional reliability entities and power companies to continue to deliver a high standard of reliable electric service. As the electric power sector continues to change and as the agencies carry out their respective authorities, the agencies intend to revisit the framework in the MOU and revise it as necessary.

Deputy Assistant Administrator Tomás Carbonell represents leadership for the Office of Air and Radiation's (OAR) involvement with DOE on this MOU and he is supported by staff in OAR's Office of Atmospheric Protection (OAP) and Office of Air Quality Planning and Standards (OAQPS). There have been three meetings under the MOU framework. The meetings have been attended by Federal Energy Regulatory Commission (FERC) staff, as observers. These meetings have typically entailed engagement with key reliability authorities and experts, as well as routine information exchange between EPA, DOE, and FERC. In May 2023, the agencies met with the North American Electric Reliability Corporation (NERC) to discuss their 2023 Summer Assessment, as well as the National Association of Regulatory

Utility Commissioners (NARUC). In September 2023, the agencies met with the ISO-RTO Council (IRC)¹ to hear perspectives on reliability. In January 2024, the agencies met with NARUC and NERC to discuss their Long-Term Reliability Assessment. While no specific future events are currently planned, both EPA and DOE hope to utilize the MOU to continue to engage relevant reliability authorities and stakeholders and to share information about agency activities relevant to reliability.

Thank you for your interest. The EPA remains committed to effective interagency coordination and engaging reliability stakeholders regarding this important topic. If you have any further questions, please contact me, or your staff may contact Kristien Knapp in EPA's Office of Congressional and Intergovernmental Relations at Knapp.Kristien@epa.gov.

Sincerely,



Tim Del Monico
Associate Administrator

cc: The Honorable Tom Carper, Chairman
Committee on Environment and Public Works

¹ Independent System Operators-Regional Transmission Operators Council (<https://isorto.org/>) - The IRC consists of nine Independent System Operators (ISO) and Regional Transmission Organizations (RTO) in North America and serves two thirds of electricity consumers in the United States and more than half in Canada.

Joint Memorandum on
Interagency Communication and Consultation on Electric Reliability
U.S. Department of Energy
U.S. Environmental Protection Agency

Purpose

This memorandum by and between the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE) provides a framework for interagency cooperation and consultation on electric sector resource adequacy and operational reliability (together, reliability) at a time of significant dynamism in the electric power sector. The memorandum describes the respective roles and responsibilities of both agencies with regard to electric system reliability.¹ It also outlines activities that our agencies will undertake individually and collectively to monitor, share information and consult to support the continued reliability of the electric system.

The EPA and DOE both play major roles in the creation of policy and the provision of funding that relates to the electric power sector. Although the EPA and DOE have distinct institutional mandates and legal authorities, the agencies each have considerable expertise in various aspects of electric system reliability and share the objective of supporting the ability of federal and state governments, grid operators, regional reliability entities and power companies to continue to deliver a high standard of reliable electric service. As the electric power sector continues to change and as the agencies carry out their respective authorities, the agencies intend to revisit this framework and revise it as necessary.

The EPA and DOE also anticipate that they will engage in regular outreach and consultation with the Federal Energy Regulatory Commission (FERC) when carrying out activities under this memorandum. FERC is an independent agency charged with assisting consumers in obtaining reliable, safe, secure, and economically efficient energy services to Americans at a reasonable cost through appropriate regulatory and market means. In particular, pursuant to section 215 of the Federal Power Act, FERC oversees the implementation of mandatory reliability standards for the bulk power system. The EPA and DOE intend to engage FERC regularly to benefit from its expertise when undertaking activities pursuant to this memorandum.

¹ For the purposes of this memorandum, electric system refers to the bulk power system as defined in section 215 of the Federal Power Act (16 U.S.C. 824o), including the transmission system and transmission-connected electric generation, but not facilities used for the local distribution of electric energy.

Background

A reliable and resilient electric power system is indispensable to the national security and economic well-being of the United States. The United States has developed a robust and multilayered system of institutions, policies and practices to ensure that our infrastructure for generating, transmitting, and distributing electric power maintains the high standards of reliability that the nation requires. Meeting this challenge has required the shared effort of many entities including federal agencies; the FERC-designated Electric Reliability Organization, the North American Electric Reliability Corporation; regional reliability entities; state public utility commissions; developers, owners and operators of generation, transmission and distribution resources; demand response providers; consumer and other public interest organizations; and other stakeholders.

This is also a time of significant ongoing change in the power sector. Since 2005, for example, the U.S. electric power sector has experienced a rapid transition towards low- and zero-carbon energy sources, including renewable generation, energy storage and increased deployment of energy efficiency and demand response. In addition, many regions of the country have experienced a significant increase in the frequency and severity of extreme weather events such as heat waves, droughts and periods of intense cold that have challenged the nation's energy infrastructure. The investments in clean energy deployment, grid reliability and resilience, and electrification of transportation, industry and homes in the Bipartisan Infrastructure Law and the Inflation Reduction Act, together with these other trends, are expected to drive significant changes in the electric power sector in the coming years.

In this dynamic context, it is essential that the EPA and DOE continue to have regular and effective communication and consultation on electric reliability using appropriate informational, policy, and regulatory tools within their respective statutory authorities and mandates. With the sound application of existing authorities and policy tools, the EPA and DOE can continue to support the reliability of the electric power system.

Roles and Responsibilities of DOE and the EPA

Department of Energy: DOE ensures America's security and prosperity by addressing its energy, environmental and nuclear challenges through transformative science and technology solutions. Supporting a secure, resilient and reliable electric power system is a cornerstone of this mission. DOE carries out its mission by supporting research, development, demonstration and deployment of new, clean technologies to produce and move electricity into our homes, offices and factories. It also helps stakeholders plan and prepare for a successful energy transition with dependable energy supplies.

The Bipartisan Infrastructure Law and Inflation Reduction Act have expanded DOE's role, with new funding, programs and authorizations to support electric transmission, power-system flexibility, and cybersecurity – all in service of enhanced reliability. As the sector risk management agency for the energy sector, DOE mitigates impacts of disruptive events through

preparedness, innovation and support for recovery in collaboration with other federal agencies, the private sector, and state, local, tribal and territory governments. DOE is also tasked with exercising emergency authorities provided by the Federal Power Act, the Natural Gas Policy Act and the Defense Production Act, which can play critical roles in maintaining the reliable operation of the electric power system in the event of emergencies and other unexpected events. Through its U.S. Energy Information Administration, applied technology offices and National Laboratories, DOE plays a key role in gathering and disseminating actionable information about the operation of the energy system to help inform federal, state, and industry decisionmakers and the public.

Environmental Protection Agency: The EPA protects human health and the environment by implementing and enforcing, in partnership with the states, the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act and other foundational environmental laws. The EPA gives careful consideration to electric reliability implications as it develops and implements environmental regulations for electric generating facilities. The EPA has a long tradition of protecting human health and the environment in a manner that has still maintained the management and reliability of the electric power grid.

For more than 50 years, the EPA has promulgated numerous regulations under the Clean Air Act and other statutes that affect the electric power sector, and in so doing, has developed significant expertise in the electric system's reliability. In its rulemakings, the EPA collects information and undertakes analysis relevant to the impacts of environmental protections on electric reliability. In addition, the EPA frequently engages with a broad and diverse array of entities that are responsible for protecting electric reliability, including DOE, FERC, state energy and environmental regulators and their associations, independent system operators, and regional transmission organizations and power companies. These activities enable the EPA to develop regulations that follow the law, are feasible to implement, and are consistent with maintaining reliable electric service.

Framework for Interagency Communication and Consultation

The foundation of this framework is routine and robust communication across DOE and the EPA. Both agencies have designated an internal team or working group with relevant expertise and responsibility with respect to electric reliability, and have identified key staff to serve as points of contact for routine communications across the agencies. In addition, the agencies will meet on an at least semiannual basis to provide updates about policies, programs and activities pertaining to electric reliability, share information and analysis, and discuss ongoing monitoring and outreach activities.

As appropriate, the agencies may hold joint meetings with other entities (such as the North American Electric Reliability Corporation (NERC), state public utilities commissions or state environmental regulators) and/or convene technical workshops to solicit information and input from outside stakeholders and experts.

During this routine communication and consultation, the agencies intend to organize activities within the following areas consistent with their respective authorities:

- Analysis. Sharing information about modeling and analysis of electric power sector investments, operations, additions of new generating resources, changes in the utilization of existing generating resources and retirements of generating resources to identify any potential forthcoming reliability risks in advance; sharing information on projections of increased extreme weather and its effect on reliability; discuss data needs and additional technical analyses required to evaluate reliability risks; and, as appropriate, make available technical tools, information and resources to entities engaged in maintaining electric reliability.
- Engagement. Continue engaging with stakeholders including power companies and relevant trade associations; state public utility commissions and related associations (e.g., National Association of Regulatory Utility Commissioners, National Association of State Energy Officials); state environmental regulators and related associations (e.g., National Association of Clean Air Agencies, Association of Air Pollution Control Agencies, Environmental Council of the States); Regional Transmission Organizations/Independence System Operators; NERC; and state and regional reliability entities. The agencies see this engagement as vital in identifying current and emerging reliability risks; data, tools and resources that may be useful to stakeholders engaged in protecting reliability; and actions that the agencies may consider taking within their respective authorities to support stakeholders in maintaining the reliability of the bulk power system.
- Monitoring. While carrying out their individual authorities, monitor the electric system to identify any reliability risks that might arise, and communicate and share information as appropriate with other entities engaged in maintaining electric reliability.
- Short-term interventions. Where the agencies become aware of previously unforeseen, short-term reliability risks, consider their respective legal and technical tools and share information as appropriate within their respective statutory authorities and mandates.
- Medium-term trajectory. Share information on the implementation of policies and programs that take into account, protect and bolster electric reliability, including the development and implementation of new public health and environmental protections under the Clean Air Act, Clean Water Act and other statutes; investments in upgrades to generation, storage, transmission and distribution infrastructure; as well as policies that support reliability planning, infrastructure development and deployment of innovative technologies.

Limitations

All commitments made by the parties to this memorandum are subject to the availability of appropriated funds. Nothing in this memorandum, in and of itself, obligates the parties to expend appropriations or to enter any contract, assistance agreement, interagency agreement or incur other financial obligations that would be inconsistent with their budget priorities. Any transaction involving reimbursement or contribution of funds between the parties to this memorandum will be handled in accordance with applicable laws, regulations and procedures under separate written agreements.

Nothing in this memorandum alters the statutory, regulatory or other authority or responsibilities of the parties. This memorandum does not supersede existing agreements or restrict any future agreements among the parties.

Duration of Memorandum

- A. This memorandum is to take effect upon the signature of the parties. The agencies intend to revisit this framework no later than one year after the date of this memorandum to evaluate whether any modifications are appropriate.
- B. This memorandum may be extended or modified, at any time per the mutual written consent of the parties.
- C. A party may terminate its participation in this memorandum at any time by providing written notice to the other party, at least ninety (90) days in advance of the desired termination date.

Signatories

 Jennifer M. Granholm
 Secretary
 U.S. Department of Energy

 Michael S. Regan
 Administrator
 U.S. Environmental Protection Agency

Date _____

Date _____

The Good Neighbor Plan And Reliable Electricity
March 2023

EPA's final Good Neighbor Plan for the 2015 ozone NAAQS will improve air quality, saving lives and improving public health in smog-plagued communities across the United States. This final rule, which requires pollution reductions from power plants and industrial sources whose pollution crosses state lines, delivers substantial health benefits using proven, cost-effective control technologies and strategies. In addition, the Good Neighbor Plan provides sufficient lead time and compliance flexibility to make it feasible for sources to reduce their pollution at reasonable cost. Reflecting input received from grid operators across the country, power companies, and other stakeholders, the Agency made several adjustments to the emissions trading program for power plants that it proposed in April 2022. Under this final rule, the power sector will continue to deliver reliable electricity while also achieving cleaner and healthier air.

The Good Neighbor Plan's required emissions reductions for electric power plants are implemented through a flexible allowance trading program

- The Good Neighbor Plan builds on the highly effective power sector emissions trading programs EPA has been administering under the Cross-State Air Pollution Rules and similar regulatory frameworks since 1995.
- The Plan's requirements are based on conventional pollution control technologies that are widely available and already in use at most power plants, and also offers covered power plants flexibility to determine the most economic compliance path.

EPA engaged with a full suite of power sector stakeholders while developing the Good Neighbor Plan – and listened

- EPA is committed to providing state and federal energy regulators, power companies, and grid operators with timely information about EPA actions, as well as providing clear and reasonable emission limitations and compliance deadlines to inform the industry's electric reliability planning.
- During the Good Neighbor Plan rule development, EPA actively engaged with key players in the electricity sector, including system operators, the Department of Energy (DOE), the Federal Energy Regulatory Commission (FERC), and other parties are responsible for ensuring reliability.
- EPA hosted a series of meetings with the reliability organizations that commented on the proposal to thoroughly understand their perspectives and seek to address their concerns in the final rule.

EPA adopted several changes in the final rule to address reliability concerns raised by commenters, while still achieving the clean air and public health objectives of the Clean Air Act. The final rule:

- Provides greater compliance flexibility for power plants by deferring "backstop" emission rate requirements for plants that currently do not have state-of-the-art controls until no later than 2030.
- Enhances the availability of allowances during a period of relatively rapid fleet transition by allowing power plant owners and operators to "bank" allowances at a higher level through 2030.

- Provides greater certainty for grid operators and power companies by establishing a predictable minimum quantity of allowances available through 2029.

The final rule includes additional flexibility measures:

- Modifies the approach for determining emission budgets to reduce year-to-year variability in state-level emissions budgets.
- Provides a more gradual phase-in of emissions reductions that will allow power companies greater flexibility to comply in a more cost-effective manner
- Ensures that no unit incurs a penalty under the backstop emission rate requirements solely because of limited unavoidable emissions.

A new Memorandum of Understanding signed by DOE Secretary Granholm and EPA Administrator Regan facilitates interagency collaboration to support electric reliability

- EPA and DOE have entered an agreement that provides a robust and durable framework for continued interagency cooperation and consultation on electric reliability issues at a time of significant dynamism in the power sector.
- This Memorandum of Understanding builds on and reinforces the longstanding collaborative work between EPA and DOE on matters affecting the bulk power system.
- The Memorandum outlines activities that EPA and DOE will undertake to monitor, share information, and consult to assure the continued reliability of the bulk power system as each agency implements its respective statutory obligations.
- The Memorandum ensures that, with the sound application of existing authorities and policy tools, DOE and EPA can continue to support the ability of the power sector to maintain electric reliability while also ensuring protection of human health and the environment.

