

REINHOLD ENVIRONMENTAL Ltd.



**2018 NO_x-Combustion Round Table
& Expo Presentation**

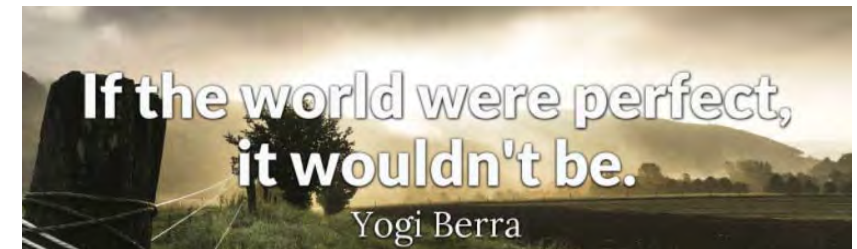
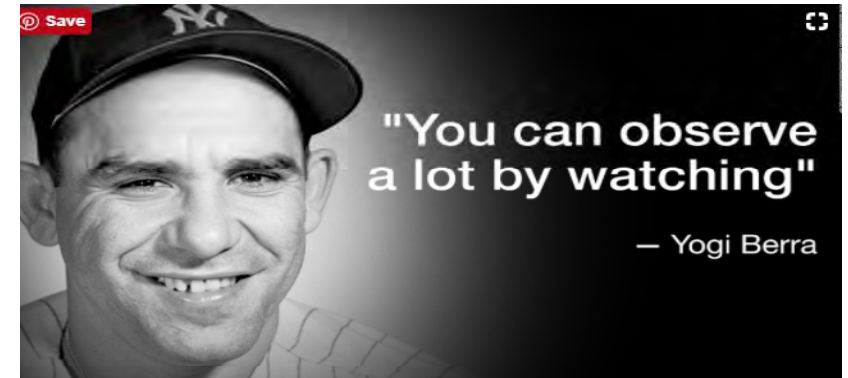
February 19-20, 2018, in St. Louis, MO / Hosted by Dynegy

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Federal Regulatory Update Rulemakings and Litigation 2017-2018

February 19, 2018
Reinhold Conference

Some Wisdom from Yogi Berra



Still Assembling the Energy and Environment Team

Kathleen Hartnett White

- Director: Fueling Freedom Institute
- Formerly, Chair, Texas Commission on Environmental Quality
- Met with Trump Post Election



Scott Pruitt

- Oklahoma Attorney General
- Leading Opponent of Clean Power Plan
- Possible Candidate for Oklahoma Governor or Senator

Andy Wheeler

- Staff Director Senate Environment Committee, Senator Inhofe



William Wehrum

- Lawyer Hunton and Williams
- Served in OAR in Bush Administration

A year after his inauguration, Donald Trump still had not filled nearly two-thirds of the key presidentially appointed, Senate-confirmed positions in his administration, "I'm generally not going to make a lot of the appointments that would normally be - because you don't need them," Trump told Forbes.



Basic Procedure: Options to Change Existing Policy

Executive Orders

- Executive Orders are limited and **cannot** change law or regulation

Rulemakings

- Finalized rulemakings cannot be repealed (or delayed) except through notice and comment process
- Revision or repeal requires a reasonable basis, not just policy change, consistent with factual record
- Finalized rules remain in effect during litigation unless a judicial stay is granted

Legislative Actions

- Congress can change law (Clean Air Act)
- Congress can defund specific agency activities
- Congress can overturn regulation (Congressional Review Act)

Legislative Actions Regarding Prior Rules---Trump Administration's Trump Card

Congressional Review Act

For Rules Promulgated After June 12, 2016 - Special Procedure to Pass Laws Overturning Rules

CRAs Signed into Law By Trump

- Stream Protection Rule
- Transparency For Oil Company Payments to Foreign Governments
- Non-subsistence take of Wildlife on National Wildlife Refuges in Alaska

BLM Methane Rule CRA Failed.

No CRA attempt on CSAPR.

Clock has expired.

Key EPA Rulemakings

Rule

Status

EPA Clean Power Plan

In litigation & under stay from the Supreme Court. DC Circuit Court grants 60-day abeyance. Public hearings held 11/28/17, comment deadline extended to 1/18/18.

EPA Mercury and Air Toxics Standard (MATS)

Supplemental cost consideration: under review with case held in abeyance.

Ozone NAAQS

11/16/17: EPA issues attainment designations for 2646 counties under 2015 standard (85% of counties) following successful 8/1/17 lawsuit of 15 states and DC, remaining 15% of counties designation to come in the future.

Cross State Air Pollution Rule (CSAPR)

Update rule (finalized September 2016)—litigation held in abeyance, but rule implementation is ongoing.

Regional Haze

Texas Court denies EPA request to delay Texas Plan. EPA withdraws request.

Steam Electric ELG

Fifth Circuit case is held in abeyance—EPA has finalized a two year delay of key requirements.

Coal Ash

EPA grants petition to review certain portions of the rule, including GW monitoring and beneficial reuse.

Oil and Gas Methane Rule

Court twice denies request by EPA to simply delay rule implementation for two years.

PM NAAQS

2012 NAAQS revision to 12 ug/m³ upheld by D.C. Circuit. Implementation Rule released July 2016.

Clean Power Plan

Clean Power Plan Litigation Limbo

- CPP Issued **October 23, 2015**.
- CPP Stayed by Supreme Court (Feb 9, 2016)
- Oral Argument in DC Circuit (September 27, 2016)
- Court Granted Motion to hold the Case in Temporary Abeyance on April 28, 2017 and then issued a further order holding the case in abeyance in August of 2017, requiring the filing of 30 day status reports.

Judges Tate and Millet Concurred:

“The Supreme Court’s stay now operates to postpone application of the Clean Power Plan indefinitely while the agency reconsiders and perhaps repeals the Rule...combined with this court’s abeyance, the stay has the effect of relieving EPA of its obligation to comply with that statutory duty for the indefinite future.”

“That in and of itself might not be a problem but for the fact that, in 2009, EPA promulgated an endangerment finding, which we have sustained...That finding triggered an affirmative statutory obligation to regulate greenhouse gases. See Massachusetts v. EPA, 549 U.S. 497, 533 (2007).”

Clean Power Plan

Clean Power Plan: Repeal

October 10, 2017: Proposed Repeal of CPP;

- **Changes key legal interpretation:**
 - Reductions must occur at the source.
 - Generation shifting cannot be considered BSER.
- Revises **cost/benefit methodology**
 - Co-benefits approach and approach to energy efficiency valuation.
 - Analysis concludes repealing CPP saves 33 billion dollars per year.
- Comments were due **January 16, 2018** on proposed repeal package.
- **Repeal will be litigated**

Clean Power Plan

Clean Power Plan: ANPRM On Replacement

December 28, 2017: Advanced Notice of Proposed Rulemaking on Replacement of CPP

- Schedule of ANPRM: **Comments due February 26th. (States Seeking Extension till April 26th)**
- Not a proposed rule, but an Advance Notice---seeking comment. Proposed rule will follow, and other ANPRMs may also be issued on specific topics
- Seeks comment on legal interpretation used in repeal---that reductions must take place at the source.
- Seeks comment on technology for source specific BSER
- Seeks comment on interaction of New Source Review with Efficiency Improvements under a source specific BSER
- Seeks comment on use of Carbon Capture technologies for setting BSER

Clean Power Plan

Clean Power Plan: Replacement Rule Options

- Inside the Fence Rule--BSER as heat rate improvements, efficiency upgrades?
- BSER for different coal types?
- Co-benefits approach and other approaches to cost benefit allow setting of BSER that is far less stringent?
- NSR rules may be addressed to specifically allow for efficiency improvements in this context without triggering NSR.
- Litigation regarding repeal proposal by itself provides a vehicle for getting an opinion regarding the co-benefits issue.
- Prior EPA CPP concluded a 2.1-4.3 percent efficiency gain was possible.

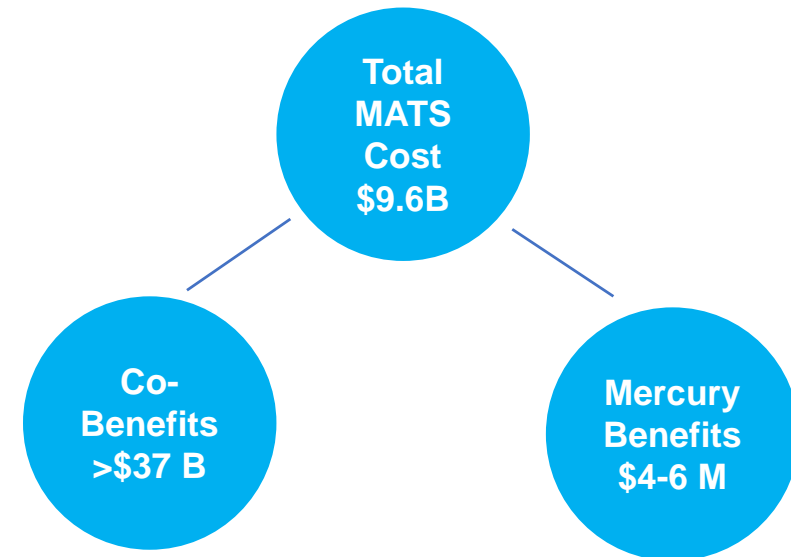
Mercury and Air Toxics Rule (MATS)

MATS Litigation

- D.C Circuit initially upholds MATS rulemaking including consideration of co-benefits
- BUT: Supreme Court rules that the EPA procedure for considering cost was invalid (*Michigan v. EPA*)

SCOTUS Findings

- EPA should have considered cost at first stage of analysis in determining whether regulation was “appropriate and necessary” at first step of analysis (2000).
 - Supreme Court remanded rule to EPA without “vacature” allowing EPA the opportunity to fix the analysis.
 - Supreme Court did not specifically rule on “co-benefits issue.”
- D.C. Circuit and Supreme Court Refuse to Stay Rule—rule goes into effect.



EPA's Supplemental Finding and Subsequent Litigation RE SCOTUS Remand

MATS Litigation

- **April 16, 2016:** EPA finalizes its supplemental finding.
 - EPA finalized its supplemental finding and concluded once again that mercury regulation for powerplants is “appropriate and necessary.”
 - There are two bases for the supplemental finding:
 - The first and “preferred” finding does not rely upon co-benefits but analyzes the cost to industry and the impact on electricity rates and finds that cost reasonable.
 - The second is based on the RIA for MATS and uses co-benefits.
- **July 2016:** The Supplemental Finding was challenged in court. The case was briefed and oral argument was scheduled.
- **April 27, 2017:** A motion to hold the case in abeyance was granted by the court with a requirement for status reports by EPA every 90 days.

MATS: EPA's Options

MATS implementation is largely complete in terms of the installation of controls. EPA clearly is interested in the **co-benefits** issue, as evidenced by the Clean Power Plan.

Some EPA Options:

1. Issue a revised “appropriate and necessary” finding that disregards the economic analysis and does not include co-benefits and conclude that **regulation is NOT “appropriate and necessary.”** Therefore, the MATS rule would be without legal basis and would need to be revoked.
2. Issue a revised “appropriate and necessary” finding that does not include co-benefits, but nonetheless conclude that **a small amount of regulation is “appropriate and necessary”** and leave some or all of the MATS rule in place. Existing source MACT could be set at, or close to, the MATs limit.
3. Issue a revised “appropriate and necessary” finding that relies upon the economic analysis of the power sector to say that regulation **IS appropriate and necessary**, but **preclude use of co-benefits**. This would allow a victory on co-benefits, but avoid the disruption that would come from eliminating MATS entirely.

Impacts of MATS Withdrawal/Repeal/Revision

All paths will be subject to litigation and may go to the Supreme Court.

Legal History

- The D.C. Circuit has repeatedly upheld the co-benefits approach.
- SCOTUS declined to address the issue in the prior case.

Key Considerations

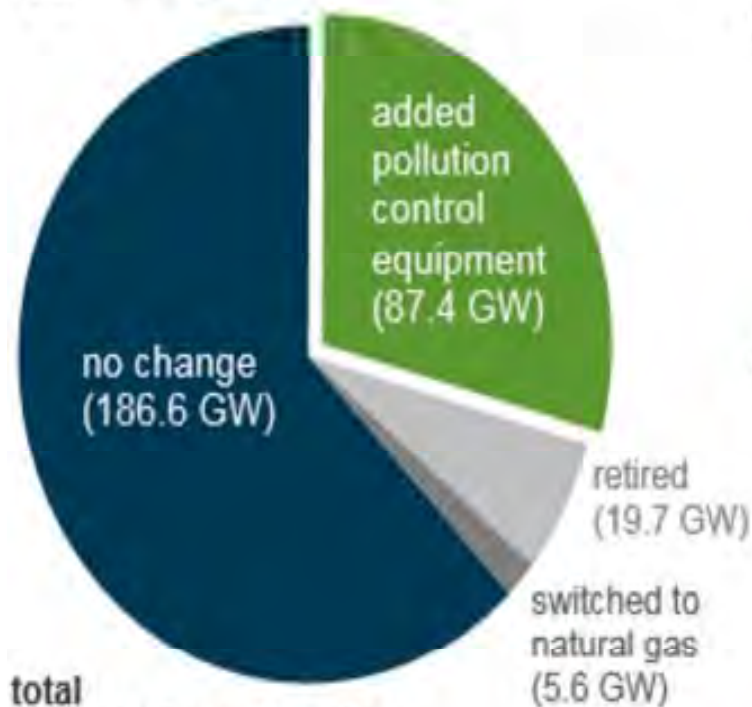
- Bill Wehrum (AA for Air & Radiation) will be the architect of any new solution to the mercury quandary.
- Many utilities now include MATS compliance costs in their rate base and some have suggested that repeal of MATS is no longer desirable.
- Forward leaning states would still have the ability to require compliance with MATS.

Bill Wehrum: Whither MATS?

At the Clean Air Advisory Committee meeting in December, Wehrum:

- “indicated he is torn about what action to take over the Obama EPA's mercury and air toxics standards (MATS) rule for power plants.”
- Regarding reopening MATS, Wehrum asked: “Can you unring that bell? Should you unring that bell?”
- Wehrum noted that although much has already been spent on implementing MATS, “there is a lot of money left to be spent in this program” by utilities to comply.
- “What do we do on the appropriate and necessary determination? And to the degree we decide to stay the course with the rule, then there are things we need to do there, fixes. I mean with any big and complex rule there are fixes that need to be made. If we keep the rule in place, I'd like to think about doing RTR, residual risk and technology review, for that rule. And there's some more narrow but important things like the coal refuse industry has had an outstanding concern about how it applies to them. So there's a cluster of issues in MATS and exactly where we go, there's the threshold question about where we want to go.”

Changes in U.S. coal capacity, December 2014 to April 2016 gigawatts (GW)

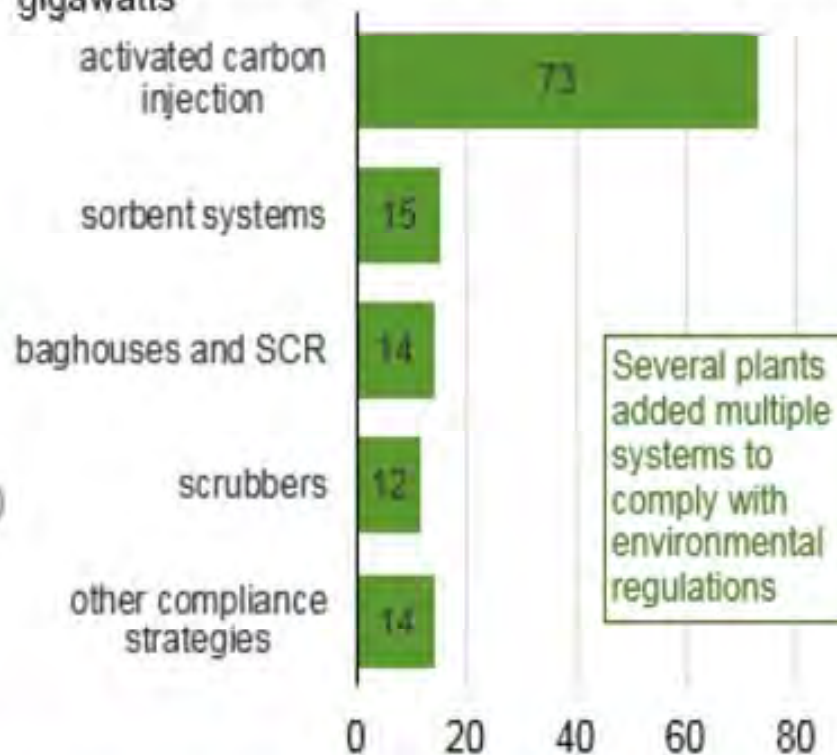


total
299 GW (December 2014)
276 GW (April 2016)

Source: U.S. Energy Information Administration, [2016 Annual Electric Generator data \(EIA-860\) Early Release](#) and [Preliminary Monthly Electric Generator Inventory \(EIA-860M\)](#)

Note: SCR is selective catalytic reduction.

pollution control equipment added in 2015 or 2016 gigawatts



Coal plants installed mercury controls to meet compliance deadlines

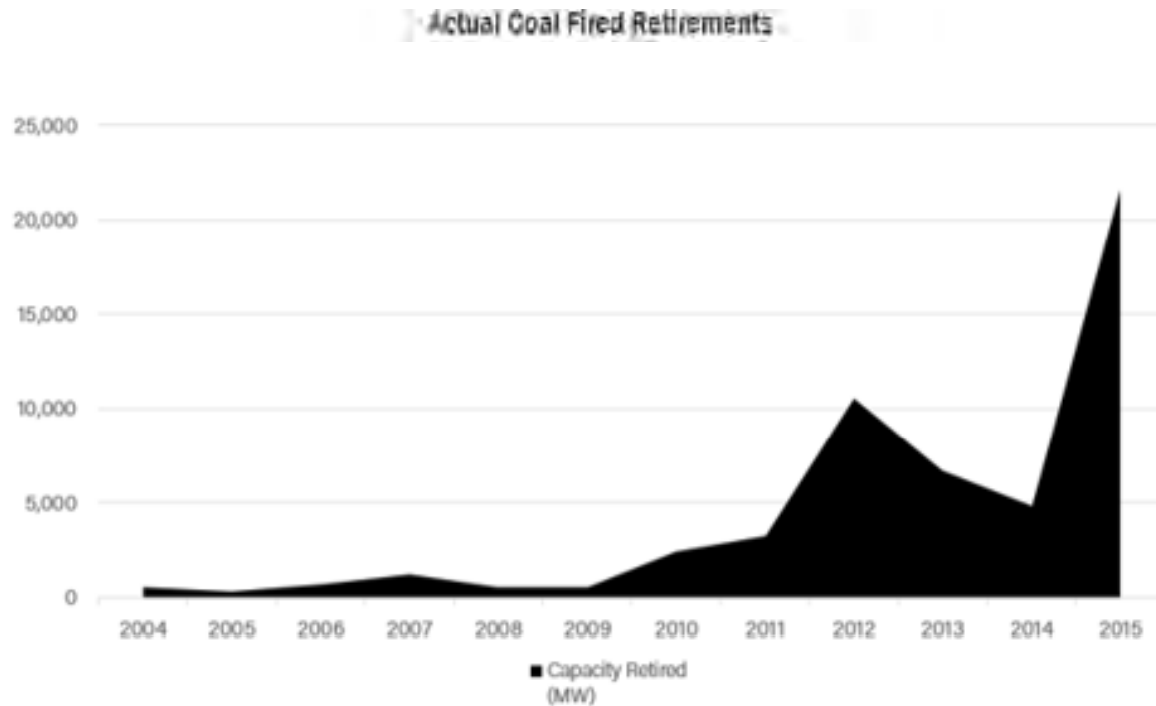
Activated carbon injection emissions control installed on coal-fired electric generators capacity (gigawatts)



Source: U.S. Energy Information Administration, [2016 Annual Electric Generator data \(EIA-860\)](#)

MATS Compliance Coincides with Retirements

Record number of retirements in 2012 and 2015 coinciding with first and last years of MATS implementation in 2015-2016.



Recent EPA Action Re: NSR

- **Fall 2017:** EPA announces formation of “task force” to study NSR
- **DTE Case:**
 - D.C. Circuit Twice Sides With EPA against Detroit Edison regarding whether upgrades at its Monroe facility are “routine maintenance.”
 - In January of 2017, the D.C. Circuit sides again with EPA regarding EPA’s questioning of the companies pre-construction forecast, despite DTE’s argument that actual emissions tracked with DTE’s original forecast.
 - **Recent Action:** December 7th, 2017: EPA Administrator Pruitt releases memorandum indicating that EPA will no longer question companies forecasts, unless there is “clear error.”
 - Recent Hearing Before House Energy and Commerce Committee regarding NSR
 - Two Bills Introduced Regarding NSR (Shimkus: “Nothing will be easy”)

New Source Review: NSR

What Triggers NSR for an Existing Unit:

A **Physical** modification or

Change in method of operation

That results in a **net emissions increase**

Over the **significance levels**

EPA's Two Step Test for PSD Applicability

PSD Significant Emission Rates (SER)	
Pollutant	tons/year
CO	100
PM ₁₀	15
PM _{2.5}	10 (direct)
NO _x	40
SO ₂	40
VOC	40
CO ₂	75,000

First Step

- Determine if the modification is either a physical or an operational change.
- Routine Maintenance, Repair, and Replacement activities (RMRR) are excluded.
- The meaning of “routine” is critical but not defined.
- No exclusion for energy efficiency improvements

Second Step

- Will emissions increase above the PSD “significant emission rate” thresholds as a result.

Some NSR Changes Being Considered

- Revise the emissions increase test under NSR to match the hourly test under NSPS.
- Clarify the routine maintenance, repair, or replacement activity exemption
- Create an exemption from NSR for efficiency or pollution control projects.
- Codify the information in the EPA Administrator Pruitt's December 7, 2018 memo, that EPA will not second-guess a facility's emissions projection and clearly identify the circumstances when an emissions projection will be subject to review.
- Clarify the definition of a "source" in order to ensure that geographically separate facilities are not artificially combined to create a single major source for NSR purposes.

Other EPA Rules – Ozone & CSAPR

- **Ozone:** EPA lowered Ozone NAAQS in 2015— from 75 PPB to 70 PPB
 - **Rule is currently in litigation**
 - April: D.C. Circuit agreed to hold the case in abeyance (90 day status reports).
 - August: EPA sought to delay implementation, but abruptly reversed its decision after litigation was filed.
 - EPA recently completed partial designations for areas meeting the standard, but delayed designating areas as nonattainment.
 - Changing or eliminating the 70 PPB standard would involve reworking an extensive scientific record through notice and comment rulemaking.
 - Recent decision by Court to continue seeking 90 day status reports and rejecting argument that case is ‘moot’
 - EPA withdrew classification rule related to Obama ozone standard from OMB—EPA will continue to lag on implementation of 70 PPB ozone standard.
 - Will EPA try to move 70 PPB standard back to 75 PPB?
- **CSAPR:** Update rule finalized in October 2016. Litigation suspended until further order of the Court. Rule remains in effect and implementation is underway.

Other EPA Rules

Steam Electric ELG

Fifth Circuit case is held in abeyance. EPA has finalized a two year delay of key requirements.

“The final rule postpones the compliance dates for the best available technology economically achievable (BAT) effluent limitations and pretreatment standards (PSES) for two waste streams at existing sources, bottom ash transport water and flue gas desulfurization (“FGD”) wastewater, for a period of two years.”

- October 2017: Administrator Pruitt announced that he would reconsider **BAT effluent limitations** and **PSES** in the 2015 rule that apply to **bottom ash** transport water and FGD wastewater. EPA will provide an opportunity for public comment on any proposed revisions to the 2015 final rule.
- EPA does not intend to conduct a rulemaking that would potentially revise BAT effluent limitations and PSES in the 2015 rule for fly ash transport water, flue gas mercury control wastewater, and gasification wastewater, or any of the other requirements in the 2015 rule.

Other EPA Rules

Coal Ash

- EPA has granted two petitions to reconsider substantive provisions of the final rule regulating coal combustion residuals (CCR) as nonhazardous waste under subtitle D of the Resource Conservation and Recovery Act (RCRA).
- The petition from the Utility Solid Waste Activities Group (USWAG) seeks reconsideration of 11 specific provisions of the final CCR rule, including:
 1. Provisions prohibiting the use of alternative points of compliance for ground water contamination,
 2. Regulating inactive surface impoundments, and
 3. Defining what activities constitute beneficial use of CCR.
- Should EPA decide to revise specific provisions of the final CCR rule, it will go through a notice and comment process.

DOE Notice of Proposed Rulemaking

- September: DOE filed a NOPR under the Federal Power Act to **enhance grid resilience**
 - Directs FERC to "***accurately price generation resources necessary to maintain reliability and resiliency.***"
 - The rule would provide for "***recovery of costs of fuel-secure generation units frequently relied upon to make our grid reliable and resilient.***"
- Comes after the completion of a **grid reliability study** from DOE in August:
 - Urged federal regulators to explore **boosting compensation for baseload generators.**
 - Directs FERC to **act within 60 days.**
 - Urged federal regulators to begin examining how to **better compensate generators** for the services they provide for reliability and resilience if it finds reliability is threatened.
- Under the NOPR:
 - Generating units in wholesale power markets that have a 90-day fuel supply onsite would be eligible for "**full recovery of costs.**"
 - The plants must be able to provide ancillary and reliability services, be compliant with environmental regulations, and not be subject to cost-of-service recovery by a state.

DOE Notice of Proposed Rulemaking: Rejected

In January, FERC: unanimously rejected the DOE NOPR:

"While some commenters allege grid resilience or reliability issues due to retirement of particular resources, we find that these assertions do not demonstrate the unjustness or unreasonableness of the existing RTO/ISO tariffs," FERC wrote in the decision. "In addition, the extensive comments submitted by the RTOs/ISOs do not point to any past or planned planned generator retirements that may be a threat to grid resilience."

In rejecting the NOPR, FERC asked regional grid operators to report back to the commission within 60 days on grid resilience. In particular, FERC wants input on how the operators define resilience, how they assess it in their service areas, and whether any action from FERC is needed to assist them.

FERC Storage Rule

- On February 15, 2018 FERC unanimously approved a rule designed to “remove barriers to the participation of electric storage resources” in the wholesale energy markets that make up about three-quarters of the country’s electricity supply.
- FERC Commissioner Cheryl LaFleur, a Democrat, called storage a “Swiss army knife” in its ability to provide energy to accompany intermittent renewable generation, to provide frequency regulation and to help manage distribution and transmission needs.
- Commissioner Richard Glick, a Democrat, noted that energy storage capacity is expected to grow dramatically over the next five years, with performance that “is equal to or, in some cases, superior to conventional forms of generation.”
- Commissioner Rob Powelson, a Republican, referenced the benefits of energy storage into FERC’s recent ruling overturning Rick Perry’s proposed rulemaking to bolster coal and nuclear plants, saying that “The resilience of the grid depends in part on the ability to quickly respond to unforeseen events” he said. “Flexible resources that possess unique physical and operational characteristics that will assist us in accomplishing that goal should therefore be permitted to participate in the RTO and ISO markets.”

“A Powerful Mix of Solar and Batteries Is Beating Natural Gas” (Bloomberg, WSJ)

- First Solar Inc. won a power contract to [supply](#) Arizona’s biggest utility at peak demand times between 3 p.m. and 8 p.m. The panel maker beat out bids from power plants burning cheap gas by proposing to build a 65-megawatt solar farm that will, in turn, feed a 50-megawatt battery system.
- Just last week, [NextEra Energy Inc.](#)’s Florida utility similarly [installed](#) a battery system that’ll back up a solar farm and boost generation.
- In California, regulators have called on PG&E Corp. to use batteries or other non-fossil fuel resources instead of supplies from gas-fired plants to meet peak demand.
- NextERA’s chief executive, Jim Robo, predicts that it will be cheaper to install new renewables than to continue operating existing coal and nuclear plants by the early 2020.

Carbon Capture

- ***CCUS: The FUTURE ACT—Carbon Sequestration Tax Credit Update Law Enacted***
- On February 9, 2018, Congress passed the Furthering Carbon Capture, Utilization, Technology, Underground Storage, and Reduced Emissions Act (FUTURE Act). The bill was included in the stopgap spending measure passed by Congress early that morning and signed into law by President Trump.
- Championed by Heidi Heitkamp (D-ND), Sheldon Whitehouse (D-RI), Tim Kaine (D-VA), Shelley Moore Capito (R-WV), Lindsey Graham (R-SC), and John Barrasso (R-WY), the FUTURE Act encourages technological innovation in carbon capture utilization and storage (CCUS)
- The new law will extend and expand the 45Q tax credit and incentivize the build-out of industrial carbon capture projects that plan to use CO₂ and CO for enhanced oil recovery and carbon utilization.
- The FUTURE Act represents years of work by a bi-partisan coalition and groups such as the National Enhanced Oil Recovery Initiative (NEORI) and The Carbon Utilization Research Council (CURC). A diverse body of interests including oil and coal interests, labor, environmental groups and utilities are represented.

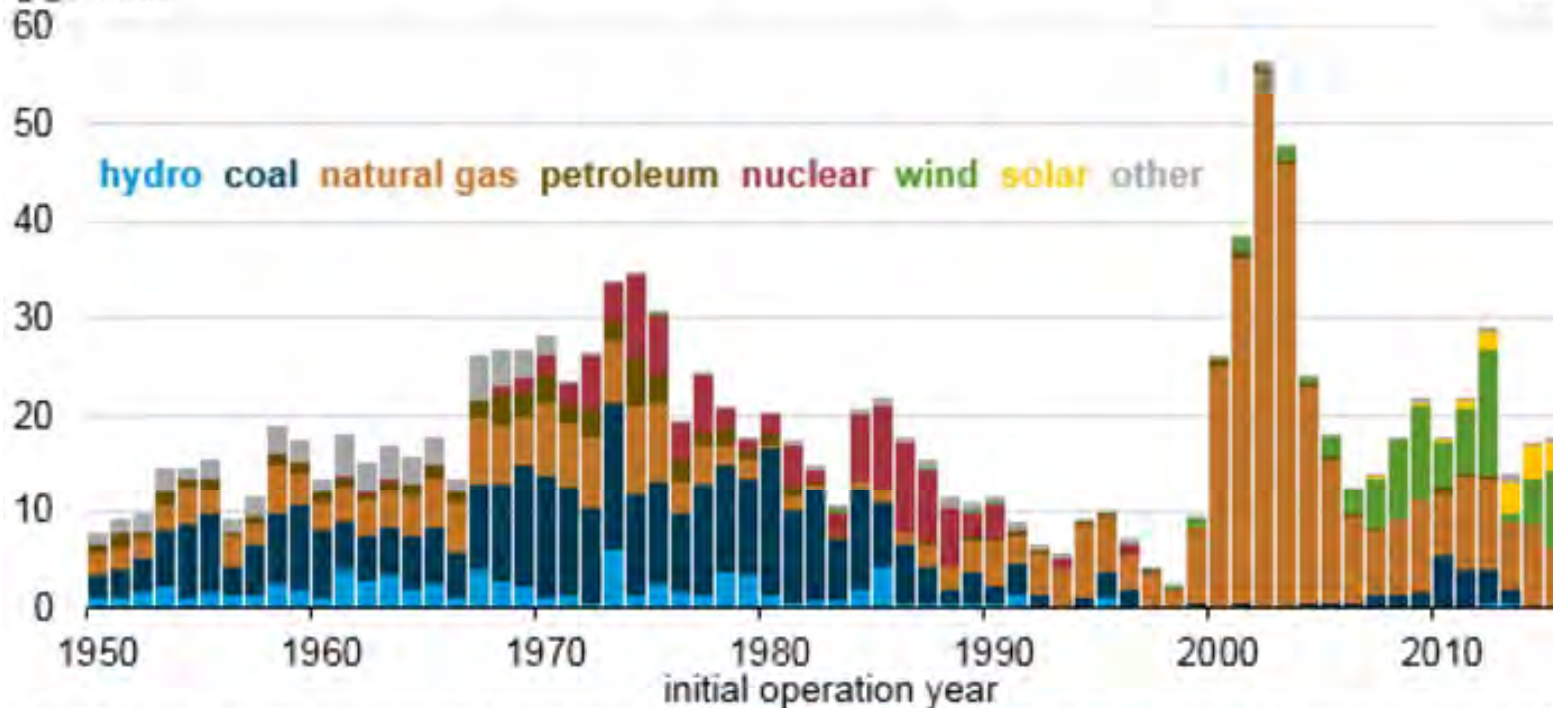
Trump's Proposed FY2019 Cuts EPA Funding By A Quarter

- In his FY2019 budget proposal, President Trump plans to slash EPA's budget by a quarter from its current \$8.05 billion to \$6.1 billion.
- There are significant cuts planned for EPA's science programs and regulatory programs, programs that target climate change and state assistance grants.
- Proposed cuts would reduce the number of agency employees to 12,250 from 15,408
- It is important to remember that Congress will determine the final budget. The Administration budget last year cut EPA funding drastically, but Congress's cuts, while substantial, were not at the levels requested by the Administration.

Demand trends, prices, and policies drive recent electric generation capacity additions

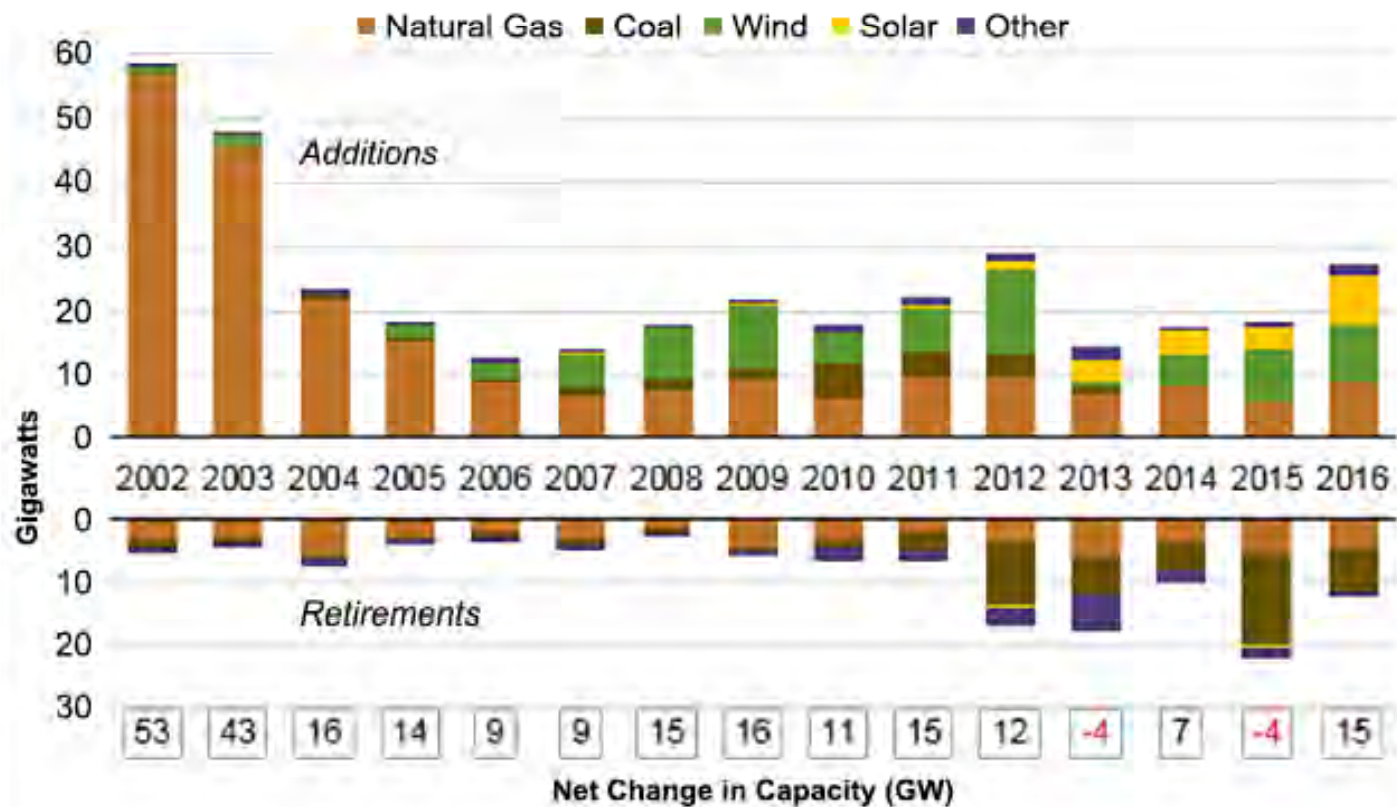
Electric generation capacity additions by technology (1950-2015)

gigawatts



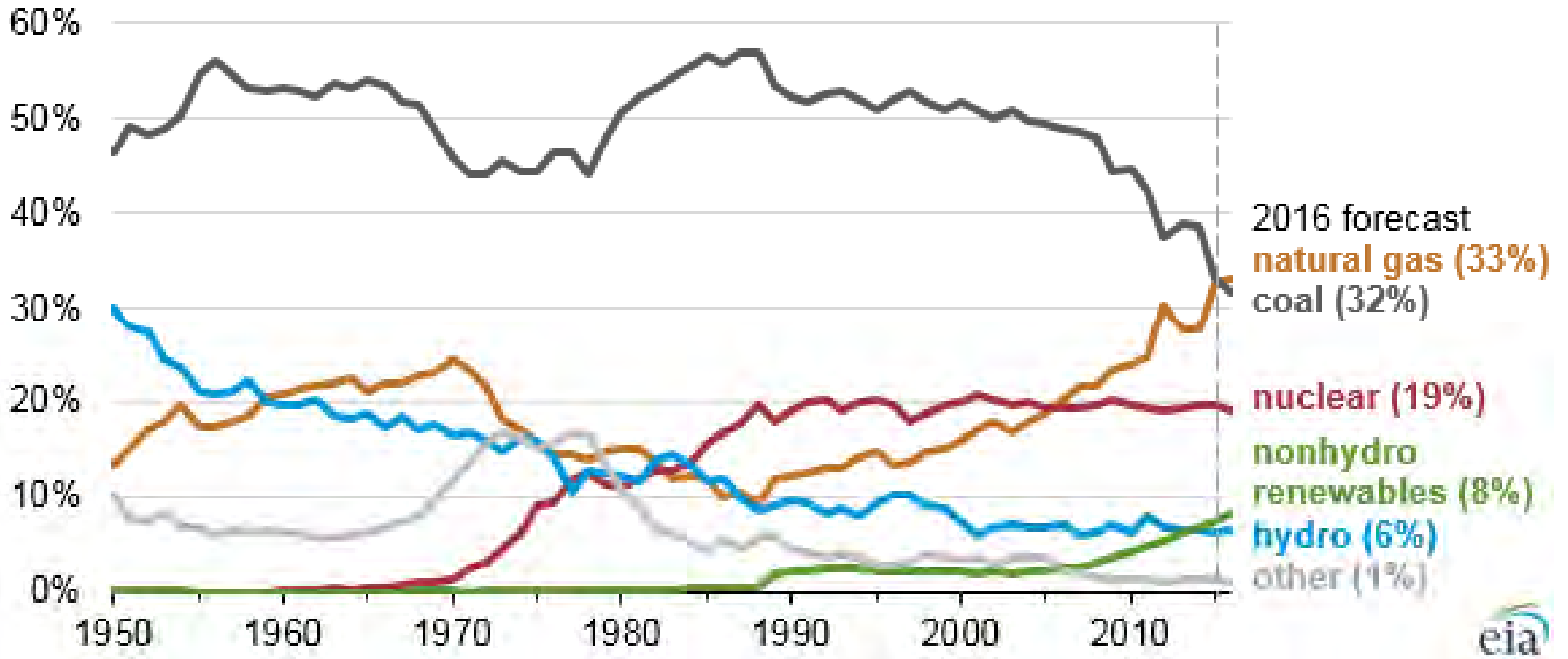
Source: U.S. Energy Information Administration, *Monthly Electric Generator Inventory*, and Platts Electric Capacity Database

U.S. Utility-Scale Electric Capacity Additions and Retirements 2002–2016

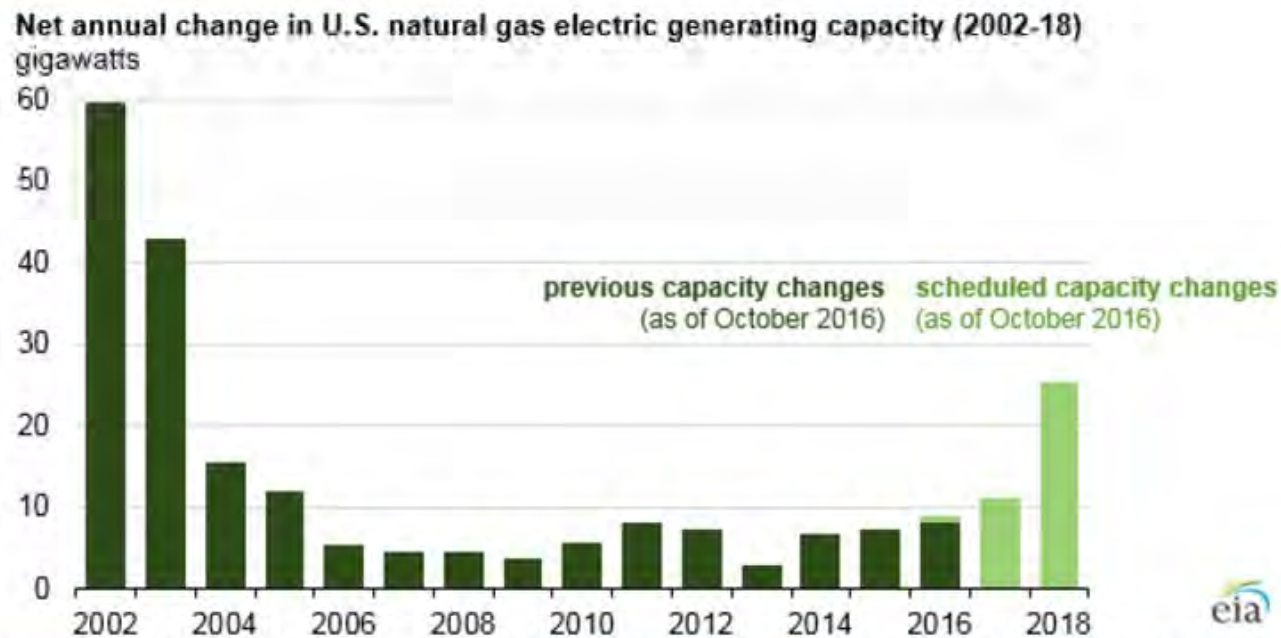


Source: Energy Information Administration

Annual share of total U.S. electricity generation by source (1950-2016)
percent of total



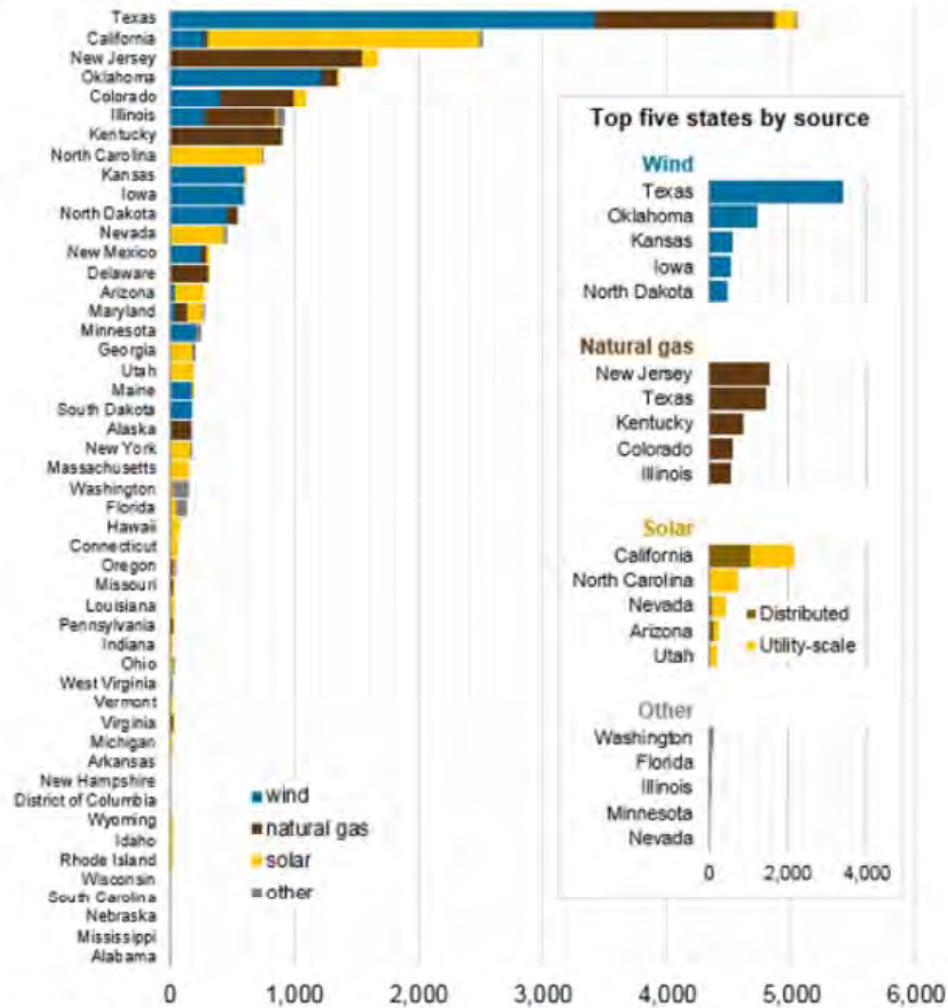
Natural gas-fired generating capacity likely to increase over next two years



Source: U.S. Energy Information Administration, *Electric Power Annual* and *Preliminary Monthly Electric Generator Inventory*

The electricity industry is planning to increase natural gas-fired generating capacity by 11.2 gigawatts (GW) in 2017 and 25.4 GW in 2018, based on information reported to EIA. If these plants come online as planned, annual net additions in natural gas capacity would be at their highest levels since 2005. On a combined basis, these 2017–18 additions would increase natural gas capacity by 8% from the capacity existing at the end of 2016. Depending on the timing and utilization of these plants, the new additions could help natural gas maintain its status as the primary energy source for power generation, even if natural gas prices rise moderately.

**U.S. electric generation capacity additions in 2015
megawatts (MW)**



Source: U.S. Energy Information Administration, *Preliminary Monthly Electric Generator Inventory*
 Note: Data include facilities with a net summer capacity of one megawatt and above except for solar, which also includes small-scale distributed solar photovoltaic (PV) capacity. All data reported in alternating-current megawatts (MW_{AC}).

U.S. wind generating capacity surpasses hydro capacity at the end of 2016

U.S. utility-scale wind and hydro electric generating capacity, as of Dec 2016
cumulative currently operational capacity by initial operating year
thousand megawatts



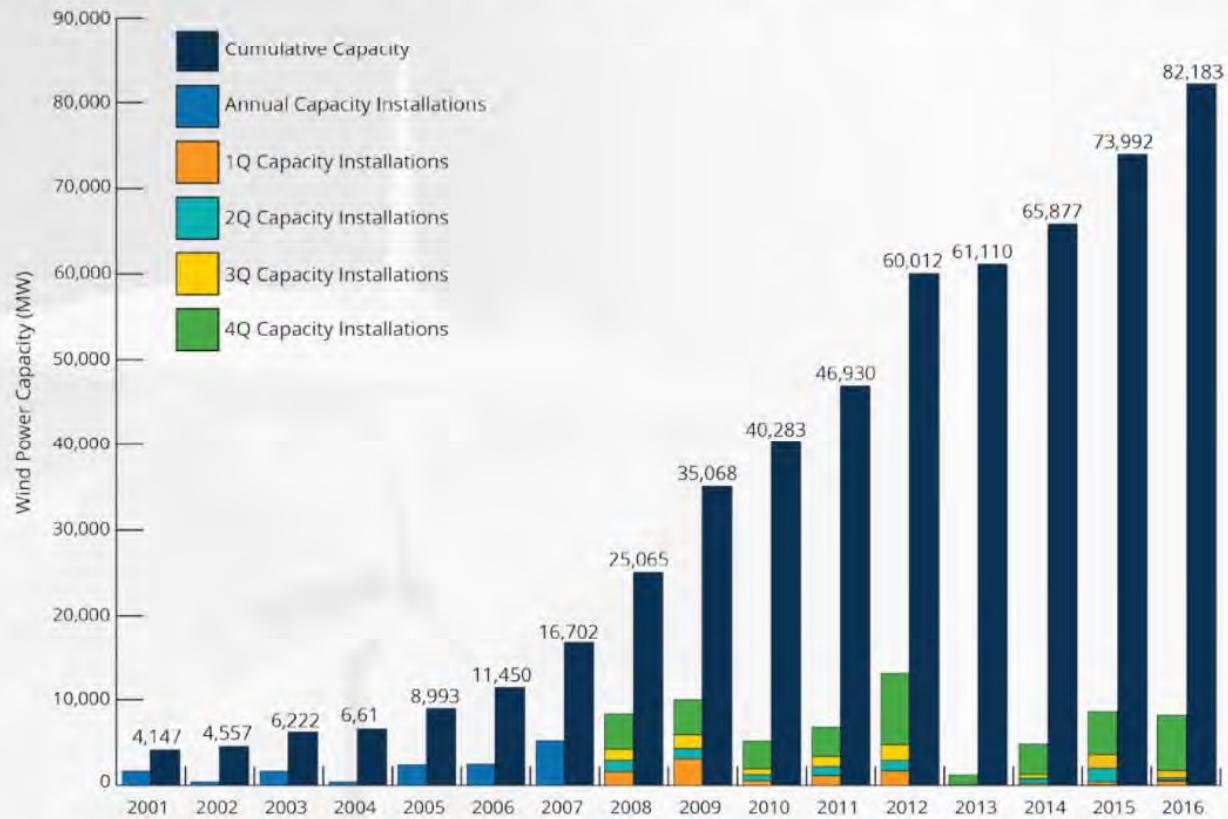
Source: U.S. Energy Information Administration, *Preliminary Monthly Electric Generator Inventory*

Note: Data include facilities with a nameplate capacity of one megawatt and above.

Table 6.7.B. Capacity Factors for Utility Scale Generators Not Primarily Using Fossil Fuels, January 2013- January 2017

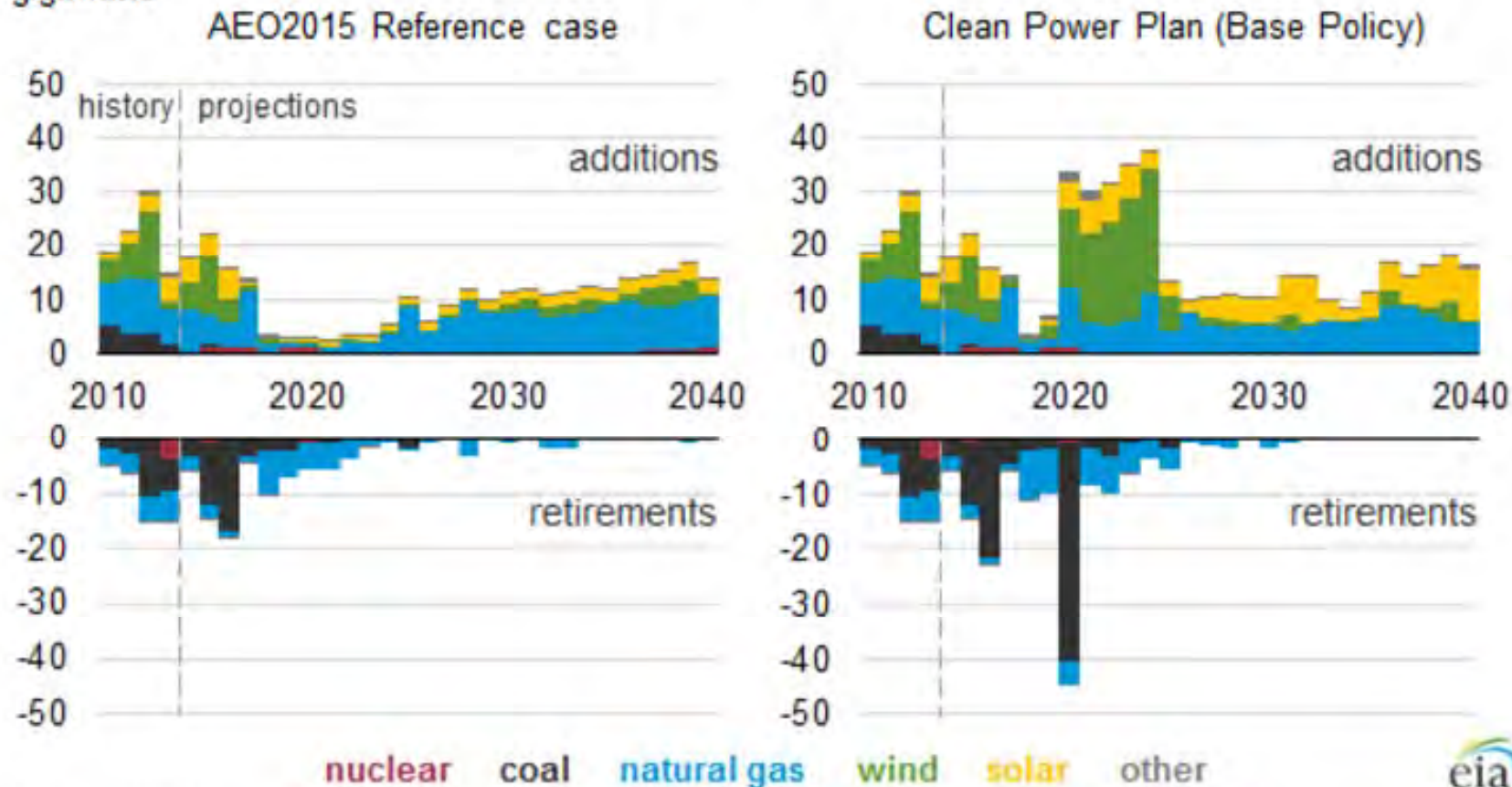
Period	Nuclear	Conventional Hydropower	Wind	Solar Photovoltaic	Solar Thermal	Landfill Gas and Municipal Solid Waste	Other Biomass Including Wood	Geothermal
Annual Factors								
2013	89.9%	38.9%	32.4%	NA	NA	68.9%	56.7%	73.6%
2014	91.7%	37.3%	34.0%	25.9%	19.8%	68.9%	58.9%	74.0%
2015	92.3%	35.8%	32.2%	25.8%	22.1%	68.7%	55.3%	74.3%
2016	92.5%	38.0%	34.7%	27.2%	22.2%	70.7%	46.7%	74.2%
Year 2015								
January	101.3%	40.7%	31.2%	16.8%	5.0%	65.1%	57.2%	75.9%
February	95.8%	41.4%	34.1%	22.1%	14.5%	64.3%	60.0%	76.4%
March	88.0%	40.8%	31.4%	26.7%	22.6%	63.0%	53.4%	76.8%
April	84.3%	39.4%	37.5%	30.9%	30.5%	66.8%	47.3%	72.4%
May	89.8%	33.9%	34.8%	31.2%	27.0%	68.5%	48.4%	76.6%
June	96.4%	35.8%	27.9%	31.7%	32.2%	69.2%	56.7%	74.1%
July	97.3%	35.8%	27.4%	31.4%	31.1%	73.1%	59.9%	74.7%
August	98.6%	32.5%	25.8%	31.3%	32.3%	71.5%	61.6%	73.9%
Sept	93.6%	28.3%	28.1%	26.6%	27.1%	68.8%	56.1%	67.9%
October	82.5%	28.3%	31.6%	22.8%	16.5%	68.3%	48.8%	72.4%
November	84.8%	33.8%	39.0%	20.7%	16.9%	72.4%	55.8%	75.4%
December	94.9%	39.4%	37.4%	17.5%	9.5%	73.0%	58.3%	75.3%

U.S. annual and cumulative wind power capacity growth



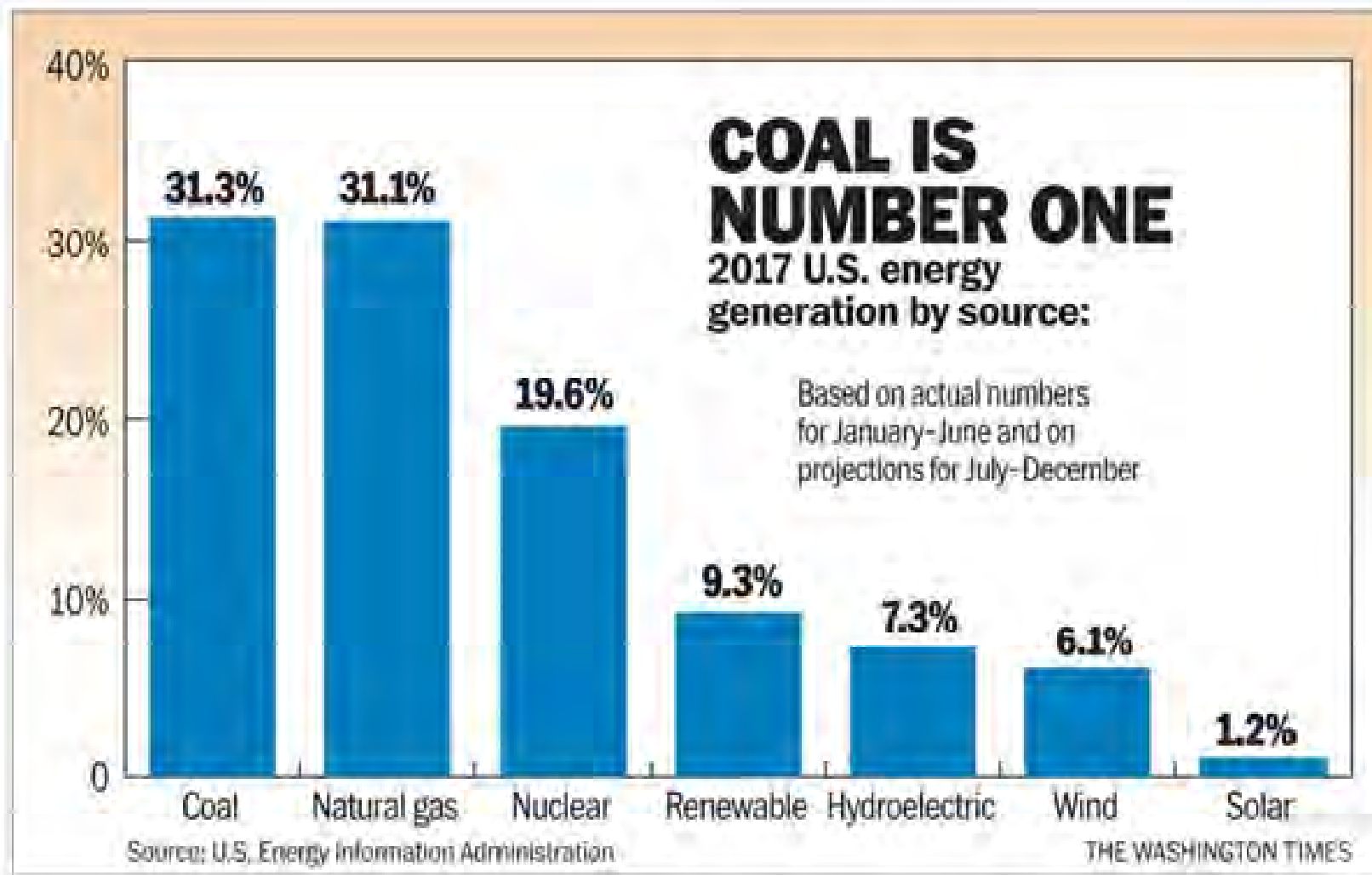
Source: AWEA U.S. Wind Industry Fourth Quarter 2016 Market Report

Projected U.S. electric capacity additions and retirements in two cases, 2010-40
gigawatts

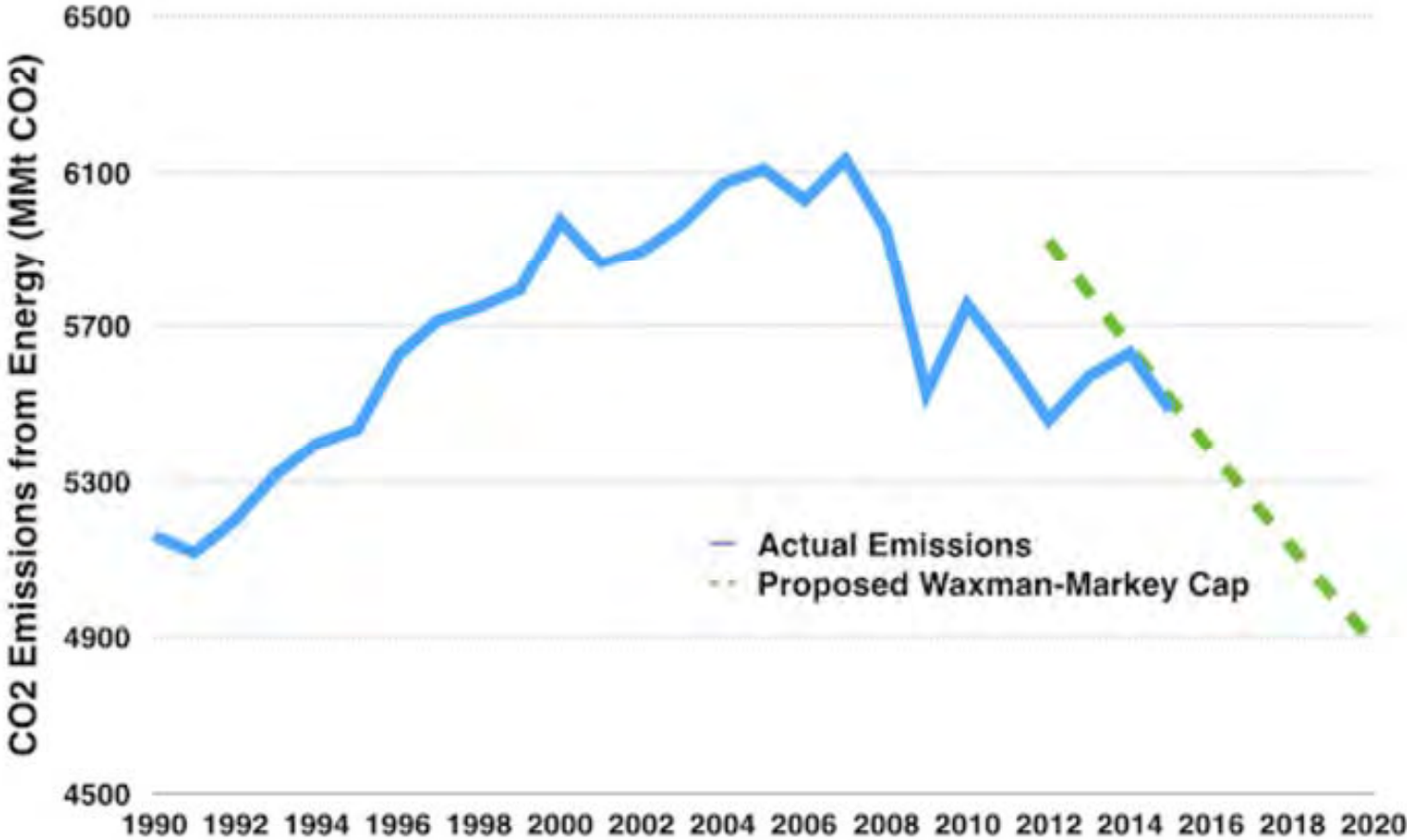


Source: U.S. Energy Information Administration, *Analysis of the Impacts of the Clean Power Plan*

Note: Other includes hydropower, geothermal, biomass, municipal solid waste, and other gaseous fuels used in end-use sectors



US CO2 Emissions from Energy



Who is In Charge?

- Federal Policy? State Policy? The Market?
- Conclusion—Very few new federal environmental rules going forward; Obama Administration rules post June of 2016 can be eliminated, the effect of Obama Administration rules issued prior to that point is largely a fait accompli.
- Everything gets litigated and the courts often have the final say.
- Impact of Budget changes for EPA can be dramatic and long lasting.

Pruitt postponing visit to Israel after reports of expensive travel:CNN



Thank You!

Questions? Comments? Objections?

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