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In The Works is a monthly newsletter providing Environment, Health and Safety (EH&S) news and regulatory updates. The newsletter is provided by Loureiro Engineering Associates, Inc. of Plainville, Connecticut. In this Issue you will find links to the following articles:

NATIONAL

United States EPA Proposes Affordable Clean Energy (ACE) Rule

WASHINGTON – The U.S. Environmental Protection Agency (EPA) has proposed a new rule to reduce greenhouse gas (GHG) emissions from existing coal-fired electric utility generating units and power plants across the country. This proposal, entitled the Affordable Clean Energy (ACE) Rule, establishes emission guidelines for states to use when developing plans to limit GHGs at their power plants. The ACE Rule replaced the prior administration's overly prescriptive and burdensome Clean Power Plan (CPP) and instead empowers states, promotes energy independence, and facilitates economic growth and job creation.

Pursuant to President Trump's Executive Order 13873, which directed Federal agencies to review burdensome regulations, the EPA undertook a review of the CPP. Many believed the CPP exceeded EPA's authority under the Clean Air Act, which is why 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the rule. Additionally, the Supreme Court issued an unprecedented stay of the rule.

"The ACE Rule would restore the rule of law and empower states to reduce greenhouse gas emissions and provide modern, reliable, and affordable energy for all Americans," said EPA Acting Administrator Andrew Wheeler. "Today's proposal provides the states and regulated community the certainty they need to continue environmental progress while fulfilling President Trump's goal of energy dominance."

"EPA has an important role when it comes to addressing the CO2 from our nation's power plants," said Assistant Administrator for the Office of Air and Radiation Bill Wehrum. "The ACE rule would fulfill this role in a manner consistent with the structure of the Clean Air Act while being equally respectful of its bounds."

The proposal will work to reduce GHG emissions through four main actions:

1. ACE defines the "best system of emission reduction" (BSER) for existing power plants as on-site, heat-rate efficiency improvements;
2. ACE provides states with a list of "candidate technologies" that can be used to establish standards of performance and be incorporated into their state plans;
3. ACE updates the New Source Review (NSR) permitting program to further encourage efficiency improvements at existing power plants; and
4. ACE aligns regulations under CAA section 111(d) to give states adequate time and flexibility to develop their state plans.

The proposed ACE Rule is informed by more than 270,000 public comments that EPA received as part of its December 2017 Advance Notice of Proposed Rulemaking (ANPRM).

EPA's regulatory impact analysis (RIA) for this proposal includes a variety of scenarios. These scenarios are illustrative because the statute gives states the flexibility needed to consider unit-specific factors – including a particular unit's remaining useful life – when it comes to standards of performance. Key findings include the following:

- EPA projects that replacing the CPP with the proposal could provide $400 million in annual net benefits.
- The ACE Rule would reduce the compliance burden by up to $400 million per year when compared to CPP.
- All four scenarios find that the proposal will reduce CO2 emissions from their current level.
- EPA estimates that the ACE Rule could reduce 2030 CO2 emissions by up to 1.5% from projected levels without the CPP – the equivalent of taking 5.3 million cars off the road. Further, these illustrative scenarios suggest that when states have fully implemented the proposal, U.S. power sector CO2 emissions could be 33% to 34% below 2005 levels, higher than the projected CO2 emissions reductions from the CPP.

EPA will take comment on the proposal for 60 days after publication in the Federal Register and will hold a public hearing. More information including a pre-publication version of the Federal Register notice and a fact sheet are available at https://www.epa.gov/stationary-sources-air-pollution/proposal-affordable-clean-energy-ace-rule

CONNECTICUT

CT Fire Crew Members Departing for Western States to Assist U.S. Forest Service in Fighting Fires

The Connecticut Department of Energy and Environmental Protection (DEEP) announced that five members of the Connecticut fire crew have departed on August 15, 2018 from DEEP Eastern District Headquarters, 209 Hebron Road, Marlborough to assist the U.S. Forest Service in fighting wildfires in western states.

The five trained and certified crew members consist of one Rhode Island Department of Environmental Management employee and other four local Connecticut residents and firefighters.

These firefighters will be part of a 20 person regional interagency firefighting crew. The crew will be flying to Great Falls, Montana, where they will receive a specific fire assignment from the Northern Rockies Coordination Center which is managing several large fires burning approximately 32,000 acres in the region.

Over 28,000 trained wildland firefighters from across the Nation have responded to over 5.6 million acres of wildland fires so far this year.

DEEP maintains a roster of agency staff members and personnel from local fire departments who have been certified to fight forest or wildfires. Crew members must complete a rigorous training program and participate in an annual physical work capacity test and refresher training.

Connecticut maintains this firefighting capability to participate in a reciprocal aid program operated by the U.S. Forest Service. Under this program, trained personnel from other parts of the nation are available to assist Connecticut in the event of a fire emergency or other natural disaster in return for the support of Connecticut personnel when needed. All state agency expenses directly associated with these deployments are 100% reimbursed to the State by the USDA Forest Service.

NEW HAMPSHIRE

The New Hampshire Department of Environmental Services has contracted Dr. Stephen M. Roberts, PhD, to assist the agency with review and evaluation of the ATSDR Draft Toxicological Profile for Perfluoroalkyls.

NHDES has contracted with Dr. Stephen Roberts, the Director of the Center for Environmental & Human Toxicology at the University of Florida, to assist with a toxicological analysis. Dr. Roberts serves as a Professor with joint appointments in the Department of Physiological Sciences in the College of Veterinary Medicine, the Department of Pharmacology and Therapeutics in the College of Medicine, and the Department of Environmental and Global Health in the College of Public Health and Health Professions. Dr. Roberts also serves as an Advisor to the Florida Department of Environmental Protection on issues pertaining to toxicology and risk assessment.

Dr. Roberts has been asked to review the draft ATSDR profile and to provide an analysis of how the minimum risk levels (MRL) within the report relate to drinking water and groundwater standards, and how the information can inform the development of appropriate drinking water concentration guidelines that are protective of public health for the four compounds addressed. Dr. Roberts will also help prepare communication materials NHDES could provide to the public regarding these evaluations.

Additionally, NHDES, pursuant to HB 1101 and SB 309, which were recently signed into law by Governor Sununu, is seeking to hire a full-time Toxicologist and a Human Health Risk Assessor to assist with developing drinking water standards for the following PFAS chemicals: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) by January 1, 2019.