



November 2011

Ash bill gets bipartisan backing in Senate

Legislation directing the Environmental Protection Agency (EPA) to treat coal ash as non-hazardous was introduced in the U.S. Senate late last month with nine co-sponsors divided between the two parties.

Lead sponsor John Hoeven (R-ND) said the bill (S.1751) will set up a state permitting program for coal ash under a section of the Resource Conservation and Recovery Act (RCRA) that would “ensure sites have the adequate groundwater monitoring, protective lining, and properly engineered structures needed to protect communities.”

It’s identical to the bill (H.R. 2273) that passed the House of Representatives on a strong bipartisan vote October 7. On that roll call, 37 Democrats including Minnesota’s Tim Walz crossed over to vote with the Republican majority in favor of the bill. Other members of the Minnesota delegation split along party lines, with the exceptions of Michelle Bachmann and Collin Peterson, who were not recorded as voting.

In a floor speech introducing the Senate version of the bill, Hoeven said

if it chooses the option of designating coal ash as hazardous waste, the EPA might overturn 30 years of precedent, “despite findings from the Department of Energy, the Federal Highway Administration, and State regulatory agencies throughout the country, as well as EPA itself.”

“EPA’s own studies show the toxicity level in coal ash is well below the criteria that requires any type of hazardous waste designation,” Hoeven said. He added that a hazardous designation

could compel power-plant operators to incur disposal costs estimated at \$250–\$450 per ton, while the loss of business activity related to ash recycling could eliminate more than 300,000 U.S. jobs over the next 20 years.

Hoeven conducted a news conference in the final week of October to promote the legislation. Electric co-op support for the bill was demonstrated by the participation of officials from Great River Energy and Basin Electric Cooperative.

EPA rule delayed, but not for long

The Environmental Protection Agency (EPA) announced late last month it will delay its Maximum Achievable Control Technology (MACT) rule for hazardous air pollutants from power plants for 30 days until December 16.

At the same time, the agency has made procedural moves consistent with implementing the rule—it’s under a federal court order to do so this year. At the end of October, the court declined to hear a lawsuit by the National Rural Electric Cooperative Association and others seeking a one-year delay.

Bruce’s briefs

by CN Lobbyist Bruce Kleven

Senate specials leave numbers unchanged

Special elections were held on Tuesday, October 18, to fill two seats in the Minnesota Senate. One seat was vacated by the retirement of Senator Linda Berglin (D–Minneapolis). The other was left open by the death this spring of Senator Linda Scheid (D–Brooklyn Park).

Senator Scheid lost her six-year battle with cancer on Wednesday, June 15. Scheid was first elected to the House in 1976 and later moved over to the Senate. She was known for her common sense and ability to compromise. Her cancer was discovered in 2005, and she had treated it on and off ever since. This spring the treatments were no longer effective and she entered hospice. Democrat and registered nurse Chris Eaton won the October special election by a margin of 61 percent to 33 percent over Republican candidate Cory Jensen.

Senator Berglin announced her retirement from the Minnesota Senate on Monday, July 25, less than a week after the special session was completed, in order to take a job as the health policy manager for Hennepin County. Senator Berglin had served in the House from 1972–80 and in the Senate since 1980 for a total of more than 38 years, making her one of the most senior members of the Senate. During that time, she was the lead person on state health care legislation, and since the Republican takeover she had been left out of important negotiations for the first time ever in her long legislative career. Her resignation was effective August 15.

Current state Representative Jeff Hayden (D–Minneapolis) won the special election with 68 percent of the vote. It is interesting to note that in this liberal south Minneapolis district, the Republican candidate did not come in second, but rather it was Green Party candidate Farheen Hakeem who came in second with 22 percent, followed by Republican Bruce Lundeen with just over 8 percent. Hayden’s victory means that another special election will need to be held in order to fill his open House seat.

Since Democrats retained control of both seats, there is no change in the makeup of the Minnesota Senate—Republicans remain in control of the Senate by a margin of 37–30.

DOE: It's speeding part of CapX2020

The Department of Energy (DOE) says it and several other federal agencies are expediting regulatory approvals for at least one segment of the CapX2020 transmission project running from Hampton and Rochester to La Crosse, Wisconsin.

The approximately 125-mile project is to include a single-circuit 345-kilovolt line crossing the Mississippi River into Wisconsin at Alma and proceeding to a new substation at the Village of Holmen, north of La Crosse.

Two routes have been proposed for the Wisconsin leg of the project, one following the river and the other heading inland and spanning a greater distance. Application for regulatory approval was filed with the Wisconsin Public Service Commission in January.

Last month, the DOE issued a press release saying it was "announcing job-creating grid modernization pilot projects" and listing Hampton-Rochester-La Crosse as one of seven projects nationwide on which the administration would "accelerate permitting and construction."

"The projects will serve as pilot demonstrations of streamlined federal permitting and increased cooperation at the federal, state, and tribal levels," the DOE said.

"Adding necessary transmission infrastructure will integrate renewable electricity sources into the grid, accommodate the growing number of electric vehicles on America's roads, help avoid blackouts, restore power more quickly when outages occur, and reduce the need for new power plants," the DOE said.

Regulatory hearings on the Wisconsin portion of the project are to be held early in 2012, with a decision by June 4.

Rail rates under scrutiny

The U.S. Surface Transportation Board (STB) has launched an inquiry into the 2010 purchase of the Burlington Northern Santa Fe Railway (BNSF) by Warren Buffett's Berkshire Hathaway, following allegations that railroad customers are being improperly charged for costs associated with the acquisition.

Ruling at the end of September on a petition by the Western Coal Traffic League, the STB announced it is soliciting public comment to open a proceeding that will determine whether a multi-billion dollar premium paid in acquiring the railroad company can appropriately be factored in as a component of rates charged to shippers.

National Rural Electric Cooperative Association CEO Glenn English, who chairs the railroad reform group CURE (Customers United for Rail Equity), said BNSF has been "attempting to exploit loopholes" by building the premium cost into its rate calculations. NRECA and CURE have filed comments in support of the Western Coal Traffic League's (WCTL) petition.

WCTL contends that Berkshire Hathaway paid a \$7.6 billion premium in acquiring BNSF and that including the amount in the company's net investment base for Uniform Rail Costing System purposes effectively establishes a higher rate floor. The result, according to WCTL, is twofold: It raises the rate threshold that could trigger the STB granting relief to shippers and reduces the number of shippers who would have some prospect of success in seeking STB review.

EIA forecasts rise in energy use, CO₂ emissions

Over the next quarter-century, worldwide energy use is expected to grow more than half and carbon dioxide emissions will keep rising because of continued reliance on fossil fuels, according to a report this fall from the Energy Information Administration (EIA).

This growth of usage—53 percent projected by 2035—and emissions comes on top of a 45-percent rise in worldwide CO₂ emissions from 1990 through 2010, according to another report released this fall, this one from the European Commission Joint Research Centre. It said between 2009 and 2010 China's emissions increased 10 percent, India's 9 percent, and U.S. emissions 4 percent.

The European report called CO₂ emissions "the main cause of global warming." However in 2010, Professor Phil Jones, previously head of the University of East Anglia Climatic Research Unit, told the BBC there had been no "statistically significant" warming in the preceding 15 years.

The EIA study said renewables will be the fastest-growing energy source over the next 25 years but predicted that fossil fuels will remain dominant.

Job market

Safety and Loss Control Instructor—Michigan Electric Cooperative Association (MECA) seeks highly motivated individual to join fast-paced, professional work environment. Safety and loss control instructor will be responsible for implementation of safety programs to enhance safety awareness and minimize injury, lost-time accidents, and property damage. Requires either bachelor's degree in occupational industrial health or related discipline or equivalent combination of experience and education obtained through industry-appropriate apprentice and training programs. Also requires valid Michigan driver's license; extensive experience in industrial safety with experience as a lineperson, supervisor, or foreman preferred; knowledge of MIOSHA, OSHA, other safety standards applicable to electric industry; proficiency in using Microsoft Office products; and public speaking skills. Position is part of two-person team providing training to electric cooperatives, municipalities, other utilities throughout Michigan. Requires extensive travel throughout Michigan's Upper Peninsula and northern portion of Lower Peninsula. Company vehicle and administrative support are provided. Submit letter of application, salary expectations, and three professional references to dsnitgen@meca.coop by Nov. 11, 2011. MECA is an equal opportunity employer.

Cooperative Network Capsule

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Cooperative Network

400 Selby Ave., Suite Y
St. Paul, MN 55102-0213
(651) 228-0213

www.cooperativenetwork.coop