



## ABRA Update #300 – January 21, 2021

### Issue Highlights . . .

- President Biden appoints new FERC Chair
- Biden orders review of Trump actions on methane regulation
- White House orders freeze on issuance and implementation of new rules
- New Environment Secretary chosen in West Virginia
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### President Biden appoints new FERC Chair

President Biden has named Richard Glick to serve as Chair of the Federal Energy Regulatory Commission (FERC). The action was announced on the morning of the President's first full-day in office, January 21. Glick, a Democrat, has been a FERC Commissioner since 2017 and has supported positions advocated by ABRA and its member organizations. The Commission for now remains composed of 3 Republicans (former Chair Neil Chatterjee, most recent Chair James Danley and new Commissioner Mark Christie) and 2 Democrats (Glick and new Commissioner Allison Clements). Commissioner Chatterjee's term expires June 30, 2021 and he is expected to be replaced by a Democrat.

### Biden orders review of Trump actions on methane regulation

The rollback of the Obama-era rule designed to reduce climate-warming methane emissions that former President Trump ordered in 2020 is a candidate for revocation under an Executive Order issued January 20 by President Biden. The President's "[Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis](#)" directs the head of the Environmental Protection Agency to "consider suspending, revising, or rescinding" the [regulation it adopted September 15, 2020 that sets new emissions standards for methane](#).

In a related development, both the U.S. Chamber of Commerce and the American Petroleum Institute (API) this week announced support for regulatory actions to limit methane emissions, a departure from previously held policy positions of both associations. The Chamber posted on its website on January 20 the following statement:

The Chamber supports the continued reductions of methane emissions, both voluntarily and by direct regulation under the Clean Air Act. Such regulation must be smart and follow the appropriate process under the Clean Air Act for regulating methane as a pollutant and not be duplicative of existing regulations while preserving state regulatory programs. Additionally, regulations must encourage innovative solutions by not prescribing technologies and be solely focused on the detection and reduction of emissions in the U.S.

In a January 21 blog, API President Mike Sommers said:

Any discussion of addressing the risks of climate change should include a focus on reducing methane emissions from natural gas and oil production. While affordable, reliable energy provided by natural gas and oil is essential to our modern economy and Americans' everyday lives, lowering methane emissions from that production also is essential.

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## **White House orders freeze on issuance and implementation of new rules**

White House Chief of Staff Ron Klain issued January 20 a memorandum to the heads of all federal executive departments and agencies directing that new pending rules be held up until the President's appointees or designees "have the opportunity to review them." The [January 20 memorandum](#) directs that rules that have been sent to the Office of the Federal Register not be published. For rules that have been published in the Federal Register but not yet taken effect, Mr. Klain asks the department and agency heads to "consider postponing the rules' effective dates for 60 days (March 26). Independent agencies, such as the Federal Energy Regulatory Commission, would not be affected.

## **New Environment Secretary chosen in West Virginia**

West Virginia Governor Jim Justice (R) announced January 20 the appointment of Harold Ward as Secretary of the Virginia Department of Environmental Protection. He replaces Austin Caperton, who resigned in December. Ward has most recently been Deputy Secretary of Operations for the Department, where he has been employed since 1989.

## ***In the News:***

### **Regional Issues**

#### **In a rare rebuke, FERC fails to approve Mountain Valley Pipeline's proposal**

- The Roanoke Times – 1/19/20

[https://roanoke.com/business/local/in-a-rare-rebuke-ferc-fails-to-approve-mountain-valley-pipelines-proposal/article\\_a56b47aa-5aab-11eb-98f2-130f01d71a26.html](https://roanoke.com/business/local/in-a-rare-rebuke-ferc-fails-to-approve-mountain-valley-pipelines-proposal/article_a56b47aa-5aab-11eb-98f2-130f01d71a26.html)

The Federal Energy Regulatory Commission deadlocked 2-2 on Mountain Valley's request to bore under streams and wetlands along the pipeline's first 77 miles in West Virginia.

Related:

- <https://www.naturalgasintel.com/ferc-dems-criticize-piecemeal-mvp-construction-possibly-stalling-future-authorizations/>

#### **Forest Service approves MVP crossing through Jefferson National Forest, triggering lawsuit and frustration from environmentalists**

- Charleston Gazette-Mail – 1/12/21

[https://www.wvgazettemail.com/news/energy\\_and\\_environment/forest-service-approves-mvp-crossing-through-jefferson-national-forest-triggering-lawsuit-and-frustration-from-environmentalists/article\\_836ccee6-3510-54fa-b12a-1f12c70dcd63.html](https://www.wvgazettemail.com/news/energy_and_environment/forest-service-approves-mvp-crossing-through-jefferson-national-forest-triggering-lawsuit-and-frustration-from-environmentalists/article_836ccee6-3510-54fa-b12a-1f12c70dcd63.html)

The decision from James Hubbard, undersecretary of natural resources and the environment for the U.S. Department of Agriculture, changes standards in the land and resource management plan for the national forest to accommodate construction of the pipeline.

#### **Virginia groups sue U.S. Forest Service over new environmental review standards**

- Virginia Mercury – 1/11/21

<https://www.virginiamercury.com/2021/01/11/virginia-groups-sue-u-s-forest-service-over-new-environmental-review-standards>

## **Bipartisan coalition looks to reform Virginia’s system of electric utility regulation**

- Virginia Mercury – 1/18/21

<https://www.virginiamercury.com/2021/01/18/bipartisan-coalition-looks-to-reform-virginias-system-of-electric-utility-regulation/>

A central aim: restoring authority to the State Corporation Commission, a body established by Virginia’s 1902 Constitution that oversees utility regulation.

## **AG Mark Herring Part of Lawsuit That Just Blocked Trump’s “Dirty Power” Rule That Violated the Clean Air Act**

- Blue Virginia – 1/19/21

<https://bluevirginia.us/2021/01/ag-mark-herring-part-of-lawsuit-that-just-blocked-trumps-dirty-power-rule-that-violated-the-clean-air-act>

This rule would have rolled back the Clean Power Plan limits and would have had virtually no impact on emissions from these kinds of power plants, prolonging the nation’s reliance on polluting, expensive coal power plants, and obstructing progress of states toward clean, renewable, and affordable electricity generation.

## **Electric resource plans suggest hotly contested path to WV’s energy future**

- Charleston Gazette-Mail – 1/16/21

[https://www.wvgazettemail.com/news/energy\\_and\\_environment/electric-resource-plans-suggest-hotly-contested-path-to-wvs-energy-future/article\\_e7fa2df7-ea8f-5971-8776-5a042c2af731.html](https://www.wvgazettemail.com/news/energy_and_environment/electric-resource-plans-suggest-hotly-contested-path-to-wvs-energy-future/article_e7fa2df7-ea8f-5971-8776-5a042c2af731.html)

## **Manchin on fracking, climate and a clean energy standard**

- E&E News – 1/15/21

<https://www.abralliance.org/wp-content/uploads/2021/01/Sen.-Manchin-interview-EE-News-1-15-21.pdf>

The senator who once put a bullet through the Waxman-Markey cap-and-trade bill for a campaign ad will become an even more important gatekeeper on climate change this year.

## **Appalachian coal mine reclamation bonding issues highlighted in new report**

- Charleston Gazette-Mail – 1/14/21

[https://www.wvgazettemail.com/news/energy\\_and\\_environment/appalachian-coal-mine-reclamation-bonding-issues-highlighted-in-new-report/article\\_8c4e607f-cbc-5788-8b85-3769b116c1cb.html](https://www.wvgazettemail.com/news/energy_and_environment/appalachian-coal-mine-reclamation-bonding-issues-highlighted-in-new-report/article_8c4e607f-cbc-5788-8b85-3769b116c1cb.html)

This issue of bonding and cleanup is particularly relevant, given the recent push for industrial-scale gold mining across central Virginia.

## **Big Picture:**

### **Biden Cancels Keystone XL Pipeline and Rejoins Paris Climate Agreement**

- The New York Times (Opinion) – 1/21/21

<https://www.nytimes.com/2021/01/20/climate/biden-paris-climate-agreement.html>

In a burst of climate orders, the president also ordered federal agencies to begin the process of reinstating environmental regulations reversed under the Trump administration.

### **Glick named FERC chair, promises 'significant progress' on energy transition**

- Utility Dive – 1/21/21

<https://www.utilitydive.com/news/glick-named-chair-of-ferc-promises-significant-progress-on-energy-transi/593721>

Glick opposed many of the actions FERC took under Chairmen Chatterjee and Danly, and his long list of dissents and public comments foreshadow a commission more bullish on its role in the power sector’s energy transition.

### **PHMSA staff concerned about agency-industry ties —IG**

- E&E Energywire – 1/19/21

<https://www.abralliance.org/wp-content/uploads/2021/01/PHMSA-staff-concerned-about-agency-industry-ties-EE-Energywire-1-19-21.pdf>

A significant portion of the staff at the Pipeline and Hazardous Materials Safety Administration thinks the federal agency is too close to industry, according to an audit that echoes long-standing criticism from safety advocates and some members of Congress.

Related:

- <https://www.naturalgasintel.com/new-phmsa-rule-to-ease-restrictions-on-natural-gas-pipeline-operators/>

### **A Thin Green Line with Global Impact**

- InvestigateWest – 1/18/21

<https://www.invw.org/2021/01/18/a-thin-green-line-with-global-impact/>

During a decade when Cascadia's governments flouted their carbon emissions goals, activists fighting fossil fuel exports exceeded their wildest expectations.

### **Energy Transition's Half-Trillion-Dollar Year Is Even Better Than It Looks**

- Bloomberg Green – 1/21/21

<https://www.bloomberg.com/news/articles/2021-01-21/what-does-500-billion-for-clean-energy-mean-for-climate-change>