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COAL ASH MEETING HANDOUT                 Contact:  Don Canton or Kami Capener

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**DEVELOPING NEW TECHNOLOGIES TO SUPPORT TRADITIONAL ENERGY**

As a member of the Senate Energy Committee and Energy Appropriations Committee, Hoeven is working to ensure that the state’s coal and other fossil fuel industries have a viable future in the nation’s energy mix. He is working to reduce the regulatory burden and develop innovative technologies to create jobs and grow the nation’s economy.

• **CCS Research** - Earlier this year, Hoeven worked on the Appropriations Committee to [secure](https://www.hoeven.senate.gov/news/news-releases/hoeven-senate-passes-fy17-energy-and-water-appropriations-bill) $30 million in the Senate’s Fiscal Year (FY) 2017 **Energy and Water Appropriations** bill. The funding would support the development of commercially-viable CCS technology. Further, the senator helped to pass the **Energy Policy Modernization Act**, whichwould authorize $610 million annually for a new Coal Technology Program to advance large-scale CCS demonstration projects. The senator will work to secure these provisions in legislation in the next Congress, which begins in January.

• **Regulatory Primacy** - Hoeven [urged](https://www.hoeven.senate.gov/imo/media/doc/9.26.16%20-%20Letter%20to%20Administrator%20McCarthy%20regarding%20Class%20VI%20Well%20Prima....pdf) Environmental Protection Agency (EPA) Administrator Gina McCarthy to approve North Dakota’s application for regulatory primacy over Class VI injection wells, which are used for the geologic storage of carbon.

• **Tax Certainty** - Hoeven recently [introduced](https://www.hoeven.senate.gov/news/news-releases/hoeven-daines-introduce-legislation-to-encourage-carbon-sequestration) the **CO2 Regulatory Certainty Act of 2016** with Senator Steve Daines (R-Mont.), legislation that will ensure project developers are better able to claim the 45Q tax credit for CO2 sequestration projects.

**ENSURING A COST-EFFECTIVE REGULATORY ENVIRONMENT**

• **Waters of the U.S. (WOTUS)** – Hoeven [included](https://www.hoeven.senate.gov/news/news-releases/hoeven-interior-epa-appropriations-bill-includes-hoeven-language-to-stop-wotus-implementation) language in the Senate’s FY 2017 Interior and Environment funding bill to prevent the implementation of the EPA’s WOTUS rule. However, Hoeven said that with a new Congress and administration, the WOTUS rule [can now be rescinded permanently](https://www.hoeven.senate.gov/news/news-releases/hoeven-were-positioned-to-rescind-wotus-permanently). Hoeven said there are at least three paths to repealing the rule for good:

• The new Congress could rescind it legislatively next year.

• The new administration could work through the rule-making process to rescind it.

• The Sixth Circuit Court of Appeals, which is now considering the legality of the rule, could strike it down. If the new administration does not appeal the decision, which is likely, the case won’t go to the Supreme Court and the rule would be invalidated.

• **EPA’s Rules for New and Existing Power Plants** – Hoeven cosponsored and the Senate [passed](https://www.hoeven.senate.gov/news/news-releases/hoeven-statement-on-passage-of-two-resolutions-repealing-epas-final-rules-for-new-and-existing-power-plants) two resolutions to repeal the EPA’s costly power plan rules for existing plants and new coal generating plants, which President Obama subsequently vetoed. Separately, the senator helped [introduce](https://www.hoeven.senate.gov/news/news-releases/capito-hoeven-introduce-measure-to-ensure-reliable-affordable-energy-from-coal-power) the Affordable Reliable Energy Now Act, which would protect against the regulations. With a new administration, the senator believes coal will have a path forward.

• **Stream Buffer Rule** – The Administration is soon expected to finalize its Stream Buffer Rule, which threatens thousands of jobs in 22 states. The proposed rule is based primarily on mining practices used in the Appalachian region and does not properly take into account differences in mining techniques, land reclamation and geography throughout the country. Instead of working with states to allow flexibility based on the different mining practices used, the Administration has continued its one-size-fits all approach to the stream buffer rule. This will result in burdensome costs and job losses without any environmental benefits in states like North Dakota. The senator will work with the new administration to stop the final rule.

• **Water Heater Efficiency** – Congress [passed](https://www.hoeven.senate.gov/news/news-releases/hoeven-klobuchar-water-heater-efficiency-legislation-signed-into-law) Hoeven’s Water Heater Efficiency legislation in 2015, which enables rural electric power cooperatives and their members to continue using large, energy-efficient water heaters in “demand response” conservation programs.

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