

ACEC Environment & Energy Committee
Winter Meeting
ACEC Headquarters
1015 15th Street, N.W., Washington, DC
February 26th & 27th, 2018
p. 202-347-7474
www.acec.org

Agenda

Context

This EEC 2018 Winter meeting takes place in an atmosphere of global economic optimism and an expectation of more domestic infrastructure investment.

The existing continuing resolution (CR) ends midnight, March 23, 2018. With the “caps” removed, debt limit increased, the arrival of the Administration’s \$1.5T [Infrastructure Plan](#) and FY 2019 budget recommendations, appropriators are busy about completion of FY 2018 followed by FY 2019 appropriations. New funding mechanisms have been proposed for Superfund and Brownfield clean-ups as well as water infrastructure investments (supply, treatment, and storm). Infrastructure permitting principles have been proposed to eliminate process delays under NEPA, CWA, CAA, and NHPA.

The world appears flush with “private” capital (including sovereign wealth). And the Administration is looking to leverage it. Energy infrastructure appears to be attracting more foreign direct investment, e.g., West Virginia (Marcellus), Alaska. Energy infrastructure investment is also driving regulatory reforms that invite political/social pushback.

The Administration struggles with Senate confirmations. Still, major regulatory changes have been made. Congress used the Congressional Review Act to repeal many of the previous Administration’s major rules. Other major rules have been repealed and are in process of replacement, i.e., [Clean Power Plan](#), and [Waters of the United States](#). Executive Orders have initiated reviews of permitting processes e.g., [EO 13783](#), and [EO 13807](#).

Under FERC Order No. 829 issued July 21, 2016, NERC proposed Supply Chain Cyber Security Standards dated September 26, 2017. FERC after months operating without a quorum on January 18, 2018 [proposed to adopt the NERC standards](#) and direct additional actions for NERC consideration.

Within existing authorities, FERC is under pressure to resolve a long-standing conflict within its jurisdictional markets between capital intensive central-station power and distributed generation (including energy efficiency, and demand-response). Though FERC deflected (to its jurisdictional patchwork of organized markets) the DOE proposal on baseload compensation, the growing market interventions (state or federal) of rewarding “attributes” v. market prices, remain. [Transmission](#) languishes for failure to have the proper interstate authorities in place comparable to interstate natural gas pipelines. Nuclear technology in the U.S., long constrained by regulation, has lost its domestic [commercial footing](#), suggesting ominous consequences for

US business leadership in global markets and national security ([non-proliferation](#)). New York in conflict with FERC, [obstructs](#) natural gas pipelines under the CWA to the detriment of New England and resulting in high price [imports of Russian LNG to Boston](#). Finally, a [voice](#) from Boston pushes back.

Congress has initiated an effort to modernize DOE management of nuclear security; technology development programs covering nuclear, fossil, renewable energy, energy efficiency, and cyber security; and science across 17 associated national laboratories. Simply supporting the DOE loan program (stop rescission of appropriations of \$200M to \$300M would allow \$41B of energy infrastructure to go forward (\$12B advanced nuclear; \$8.5B advanced fossil; \$4.5B renewable/efficiency; and transportation) [DOE reorg hearing House E&C 01.019.18 loan program dialog](#)).

How should the Congressional efforts (authorizations, appropriations/tax, nominations) be influenced to directly fund, or reduce risk to private capital investments in, infrastructure (energy/water)?

What are the key regulatory initiatives for the ACEC EEC to monitor or engage?

<i>Monday, February 26, 2018</i>

8:00 a.m. **Breakfast**

8:15 a.m. **Opening Remarks, Introductions & Announcements**

Clint Robinson, Chairman, ACEC Water, Environment & Energy Committee
Black & Veatch

[Lynn Schloesser](#), Director, ACEC Water, Environmental & Energy Programs

8:30 a.m. **Governmental Affairs - Federal Overview: Executive, Legislative, Regulatory, Judicial**

[Steve Hall](#) Vice President Government Affairs, ACEC, and Lynn Schloesser

9:15 a.m. **Water Infrastructure:** Waste/supply/storm water - integrated planning and permitting, consent decrees, and finance. Developments in legislation/regulation. [Brookings Report](#) – [Joseph Kane](#), Senior Research Analyst and Associate Fellow, Metropolitan Policy Program, Brookings Institution, Washington D.C.

10:15 a.m. **Break**

10:30 a.m. **Supply Chain Cyber Security:** Under FERC Order No. 829, NERC submitted proposed standards for FERC approval on September 26, 2017. On January 18, 2018 FERC issued a [NOPR](#) accepting the NERC proposal, but found that significant cyber security risks remain because the proposed standards exclude

Electronic Access Control and Monitoring Systems (EACMS), Physical Access Controls (PACs) and Protected Cyber Assets (PCAs). FERC proposes to direct NERC ([NERC Statement](#)) to include EACMS associated with medium- and high-impact bulk electric system cyber systems within the scope of the supply chain risk management Reliability Standards as well as to evaluate the risks presented by PACs and PCAs as part of a study already proposed by the NERC Board. Comments on the NOPR are due 60 days after publication in the Federal Register. Just what does this mean for ACEC firms? What are the related Congressional or DOE initiatives? [Howard Gugel](#), Senior Director, Standards and Education, North American Electric Reliability Corporation.

12:00 Noon **Lunch**

12:30 p.m. **Congressional Initiatives:**

- **Energy:** DOE reorganization (modernization) hearings ([January 9](#) ; [January 30](#) ; [February 6](#)) in the House have been supported by Peter Spencer, Energy and Commerce Committee who will share insights on the committee efforts to modernize DOE.
- **Water:** SRF WIN Act [S. 2364](#) S. 2364 Joe Brown (office of Senator Boozman, R-AR)) who will explain House and Senate action to expand SRF programs with WIFIA funds.

1:20 p.m. **Electricity Infrastructure – Nuclear Challenges/Opportunities:** Edward Davis, President, [Pegasus Group](#); Walter Howes, NIC [Nuclear Infrastructure Council](#); [Ashley Finan](#), Policy Director, NIA [Nuclear Innovation Alliance](#) will discuss the challenges and the opportunities for the civilian nuclear power industry. Among topics to be covered: decommissioning, waste handling and storage, DOE baseload compensation proposal to FERC, commercialization and NRC licensing of advanced technologies.

2:50 p.m. **Break**

3:00 p.m. **Fossil Energy Infrastructure - Marcellus Challenges/Opportunities:** [Martha Gilchrist Moore](#) , Senior Economist American Chemistry Council on its [study](#); Travis Cone (office of Senator Capito (R-WV) on related Congressional actions; [Toby Mack](#) President, Energy Equipment and Infrastructure Alliance on state/local barriers; [Barry Worthington](#) , Executive Director, US Energy Association, seeks input on agenda for USEA forum on reducing risk to energy infrastructure investment.

5:00 p.m. **Adjourn**

6:00 p.m. **Committee dinner for registered attendees: [Teddy and Bully Bar](#)**
Address: 1200 19th St NW, Washington, DC 20036
Phone: (202) 872-8700

<i>Tuesday, February 27, 2018</i>

8:15 a.m. **Breakfast**

9:00 a.m. **Regulatory Reform** – Implementation of Executive Orders 13783, 13807 and the administration’s associated energy/environmental infrastructure permitting principles - [Mario Loyola](#), CEQ Associate Director for Regulatory Reform

10:15 a.m. **Break**

10:30 a.m. **Materials (plastic pipe) Legislation** – Steve Cooper, Keith Christman, Kevin Koonce, Alan Olson, Randy Schumacher

11:00 a.m. **Lunch - Discussion**

Suggested Advocacy/Awareness/Education Action Items:

- Developments on WOTUS
- Developments on Clean Power Plan
- Administration’s [Infrastructure Plan](#)
- SRF WIN Act [S. 2364](#)
- Regulatory reform: NEPA, NHPA, CWA
- FERC/NERC [Supply Chain Cyber Security NOPR](#) (comments due March 26, 2018)
- Regional developments: Marcellus/Utica/Rogersville
- DOE: reorganization, nuclear, loan program
- ACEC Annual Meeting Session 4.16.18: Natural Disaster Resiliency Planning, Investment, Recovery; [FEMA draft National Mitigation Investment Strategy](#) (comments due March 11, 2018); new [\\$12 billion in mitigation funding](#) through HUD CDBGs
- Las Vegas fall conference session ideas: e.g., western grid developments; western drought/water issues e.g., Colorado River

Topics and Date for Committee Summer Meeting:

- Suggested date: August 22-23 (W-Th), 2018, location TBD,
- Engage membership at the Fall Conference (Las Vegas, NV) with messages on action items in development of topics.

1:00 p.m. **Adjourn** - EEC meeting ACEC convention, Tuesday April 17, 10:30 am.

End

Additional Bios

Steve Cooper – Steve Cooper is a Senior Regional Engineer for the Uni-Bell PVC Pipe Association and is based out of Louisville, Kentucky. He joined Uni-Bell in 2005 as part of an effort to build a regional engineer program. Most of his experience is in management of a large metropolitan water utility distribution system and implementation of an annual main replacement and rehabilitation program at Louisville Water Company. He also has experience as a consulting engineer for QK4, a regional engineering design firm. For over 30 years, Steve has served in various technical and professional associations including ASCE, NSPE, APWA and AWWA. Steve provides technical support to the United States and Canada. Steve holds a Masters Degree in Civil Engineering from the University of Louisville.

Keith Christman – Keith is Managing Director of Plastic Markets at the American Chemistry Council's Plastics Division where he oversees the council's Building and Construction, Automotive, Packaging and other market team advocacy. He is also Chairman of the industry's Global Action Team leading the implementation of the *Declaration of the Global Plastics Associations for Solutions on Marine Litter*. As part of the *Declaration*, over 260 projects addressing marine litter have been implemented since 2011 by over 70 plastic associations in more than 30 countries. Keith has a Master of Science in Economics from the University of Delaware.

Kevin Koonce – see <http://www.vinylinfo.org/vinyl-institute/staff/kevin-koonce>

Alan Olson – see <https://westlakescience.com/biography/>

Randy Schumacher – Randy is a founder and Chairman of Schumacher Partners International, LLC. He provides government and business relationship management services to corporate clients and trade groups. He has represented The Vinyl Institute for two decades. He has a long association with the chemical industry previously as an advocate and program director for the Chemical Manufacturers Association (now the American Chemistry Council), and earlier in technical and regulatory roles for Eastman Kodak Company. Randy holds graduate degrees in law and toxicology.

Peter Spencer – Peter is a senior professional staff member for the Committee on Energy and Commerce in the U.S. House of Representatives. A member of the Committee's energy and environment policy team, his responsibilities include Department of Energy mission and management authorizations and, on the environmental front, include Clean Air Act title I issues. Prior to this Congress, he also served on the oversight and investigations team for the Committee, with responsibility for programs across the Committee's jurisdiction, including energy, safety, security, and environmental issues and involving the Department of Energy, Nuclear Regulatory Commission, and the Environmental Protection Agency. He joined the majority staff of the Committee in 2001.