

In Mississippi, similar concerns led lawmakers to approve a resolution condemning the carbon rule, rather than a law giving them power to block its implementation.

For Entergy Mississippi, the legislative-approval bill threatened to limit the state's flexibility, spokesman Joey Lee said. Southern Co.'s Mississippi Power took no position on the bill and supported the anti-EPA resolution, spokesman Bill Snyder said.

Center Agreed to Resolution. The Mississippi Center for Public Policy, a small-government advocacy group that backed the legislative approval measure, eventually agreed to the resolution instead, Forest Thigpen, its president, said.

"The way the EPA rules are written, if the state delays, they would not have time to adjust, and the cost would fall on the power companies," Thigpen said.

"It throws the whole process into uncertainty," he said. "Utilities like certainty."

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Air Pollution

States, Industry Offer Support for EPA Proposal to Retain Lead Standards

State environmental agencies and several companies involved in the recycling of lead batteries have endorsed the Environmental Protection Agency's proposal to retain current national air standards for lead.

The National Association of Clean Air Agencies (NACAA), the Texas Commission on Environmental Quality and the Association of Battery Recyclers were among the organizations that submitted comments in support of the EPA's proposed decision that the current national ambient air quality standards for lead of 0.15 microgram per cubic meter shouldn't be revised based on a review of available data. The lead standards were revised in 2008 for the first time since the standards were established in 1978.

RSR Corp., which operates three secondary lead recycling facilities in the U.S., submitted one of the few comments in opposition to the EPA proposal, urging the agency to follow the lead of Southern California regulators that established a more stringent lead standard for battery recycling plants operating in Los Angeles County.

Quemetco Inc., a subsidiary of RSR, operates a facility that is subject to the more stringent regulations set by the California South Coast Air Quality Management District.

EPA Administrator Gina McCarthy in December proposed to retain the current lead standards (RIN 2060-AQ44), a decision that would be consistent with recommendations from EPA staff and independent science advisers (246 DEN A-1, 12/23/14).

The EPA received just 12 comments on its proposal on the lead standards. Ambient levels of lead in the U.S. have fallen by more than 90 percent since 1980, largely due to the removal of lead from gasoline used by motor vehicles.

The EPA's regulatory tracker projects the final decision on the lead standards will be made by April 2016.

States Endorse Advisory Recommendations. NACAA, which represents 41 state air agencies and 116 metropolitan air agencies, said in comments that it supports the EPA lead proposal based on a review of the science by the Clean Air Scientific Advisory Committee.

The advisory panel concluded that new literature incorporated into the EPA review of the lead standard doesn't "significantly reduce data gaps and uncertainties" on various issues, including the sources that contribute to blood lead levels and the relationship between lead exposure and childhood neurocognitive function.

NACAA said it agreed with the advisory committee's recommendation that additional research should be conducted to address those uncertainties, which would help inform future reviews of the lead standards. The Clean Air Act requires the EPA to review and, if appropriate, revise its national ambient air quality standards every five years.

Texas Agency Agrees With EPA. The Texas Commission on Environmental Quality agreed with the EPA's proposed decision that the current lead standards provide the requisite protection of human health and welfare with an adequate margin of safety.

The commission in comments said that lead is one of the more challenging criteria pollutants regulated under national ambient air quality standards due to a lack of data from people who have been exposed to current levels of lead pollution.

The Association of Battery Recyclers, which represents operators of battery manufacturing facilities, secondary lead smelters and lead chemical manufacturers, said in comments that McCarthy's proposed decision is appropriate given "little to no" information that would support a conclusion that revised standards are needed.

The association noted that blood lead levels in young children and ambient levels of lead in the U.S. have both continued to decline since the last review of the lead standards concluded in 2008.

The Battery Council International, which represents companies that account for more than 98 percent of domestic lead battery production and more than 97 percent of secondary lead smelting, submitted a comment letter endorsing the Association of Battery Recyclers' technical comments.

RSR Pushes for Revision. While most of the lead smelting industry endorsed the EPA proposal, RSR Corp. said that proposed decision would be insufficient to protect children's health.

RSR said in comments that evidence linking low levels of lead exposure to adverse health effects in children "has become even more compelling" since the last periodic review in 2008.

The EPA failed to take into account recent scientific studies on children's health and the technological ability of industry to achieve meaningful reductions of lead emissions, RSR said.

The installation of wet electrostatic precipitators in two lead smelting facilities has cut emissions by more than 95 percent during lead processing, RSR said.

RSR recommended that the EPA finalize a more stringent lead standard similar to January 2015 revised standards established by the South Coast Air Quality Management District in California.

Those revisions would effectively reduce the ambient lead standard in Los Angeles County from 0.15 microgram per cubic meter to 0.10 microgram per cubic meter by January 2017.

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All public comments on EPA's proposal to retain current air standards for lead are available at <http://www.regulations.gov/#!docketDetail;D=EPA-HQ-OAR-2010-0108>.

Renewable Energy

EIA Underestimating Growth of Renewables, Cantwell Says, Echoing Environmental Groups

The Energy Information Administration has been underestimating the contributions of renewable energy, the top Democrat on the Senate Energy and Natural Resources said April 16 in remarks mirroring concerns that have been voiced for years by environmental groups and other renewable energy proponents.

"Many organizations and associations have found that EIA's assumptions are lagging behind the real world when it comes to clean energy development," Sen. Maria Cantwell (D-Wash.), said during a committee hearing featuring EIA head Adam Sieminski on the EIA's annual energy outlook.

"These assumptions, if incorrect, drastically impact the projections of renewable energy and can paint a misleading picture about the power of renewables," Cantwell said.

The report by the EIA, which is the Energy Department's independent statistical and analytical arm, predicts renewables, including hydropower, will increase from 13 percent of electricity generation in 2013 to 18 percent in 2040 in the report's reference case and as high as 22 percent in its "High Oil Price" scenario.

The report also predicts natural gas will rise from 27 percent of generation in 2013 to 31 percent in 2040, and coal will decrease from 39 percent in 2013 to 34 percent in 2040.

Clean Power Plan Not Accounted For. Sieminski, in his testimony, noted the report doesn't incorporate the effects of the Environmental Protection Agency's clean power plan, which could promote future renewable energy generation.

The report also assumes that federal incentives, including tax credits such as the renewable energy production tax credit and the investment tax credit for solar, will be allowed to sunset as scheduled.

"If you look at our no sunset cases, they do a little bit better," Sieminski told the committee. "It's still very

hard for renewables to compete against coal, natural gas, some of the more established energy sources."

But environmental groups such as Takoma Park, Md.-based Sun Day Campaign and the Union of Concerned Scientists disagree.

'Ammunition' for Doubters. "Unrealistically low forecasts provide ammunition for those arguing that investments in renewable energy are not cost-effective and that new fossil fuel and nuclear construction is necessary because renewables cannot meet the nation's future energy needs," Ken Bossong, executive director of the Sun Day Campaign, said in a statement. "As such, EIA's projections can have multiple adverse impacts on the renewable energy industry as well as on the nation's environmental and energy future." The nonprofit group promotes the use of renewable energy.

The Cambridge, Mass.-based Union of Concerned Scientists said the EIA has failed to take note of the dramatic cost decreases in rooftop solar systems and wind turbines.

Costs for rooftop solar systems have dropped by half between 2009 and 2013 and by another 9 percent to 12 percent in 2014, and the cost of energy from wind turbines fell by nearly 60 percent from 2009 to 2014, UCS said in a blog post.

Group Concerned About Cost Estimates. "EIA consistently uses cost estimates that are way higher than real-world data show—including data from the government's own national laboratories," John Rogers, a senior energy analyst for the group, wrote.

Groups, including the World Wildlife Fund, the Northwest Hydroelectric Association, the Natural Resources Defense Council, the Environmental Law & Policy Center, and the Energy Future Coalition, asked the EIA to re-evaluate how the administration calculates its renewable energy forecasting in a 2013 letter that called the projections "unreasonably low" (176 DEN A-5, 9/11/13)

"There seems to be an internal disconnect at the Department of Energy because other offices at DOE are noting how much better these technologies are performing than forecasted, and yet EIA is predicting the same high-cost, low-growth scenarios," Cantwell said.

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Climate Change

BP Shareholders Show Unprecedented Support for Climate Risk Proposal

Ninety-eight percent of shareholders in British oil giant BP on April 16 supported a resolution asking for regular reporting on how the company is preparing for risks posed by climate change.

At BP's annual meeting in London, shareholders passed the resolution in a surprising move as recommended by the company's board.

BP Chairman Carl-Henric Svanberg said at the meeting the company is "pleased to support the resolution."