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Boiler Blast News



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Energy - Over the last few weeks, we are beginning to hear feelings from users that the low price of Natural Gas cannot continue and the impact of COVID-19 and the resultant global oil glut will cut the drilling and exploration that will rapidly increase the price and decrease availability of the energy stocks we depend on to do anything. We will talk about this during the Virtual Energy Committee Meeting the morning of June 10th. People are still talking about long term contracts for natural gas at less than \$2.00/MMBtu. With No. 2 Oil at around the \$2.25 / Gallon range (around \$18.00/MMBtu), and for an 11,000 Btu coal delivered to a plant at \$50.00 per ton that is about \$2.25/MMBtu (not including any of the associated costs of using it), Natural Gas is still the fuel of choice and concern for those who understand the potential impacts of sole source energy dependence. While we at this point do not believe there is a problem with the cost and availability of natural gas unless

politically motivated, there is a threat from the public and Global Climate Change Community to secure Zero Net GHG emissions by 2050 or earlier.

< <https://futureearth.org/> >. In the minds of that community, eliminating the combustion of fossil fuels will do this. This war on fossil fuels and combustion cannot be waged in the technical grounds of reality and engineering. It will be waged in the world policy and politics under the new and improved name for Sustainability, ESG (Environment, Social and Governance). ESG is becoming the new Buzzword. Sustainability suggests businesses must be sustainable and can justify profits and return on investment. ESG does no such thing for businesses or institutions. However, the "S" (Social) opens the door to Environmental Justice and the impacts on at risk populations. Here energy and the cost thereof fit into the overall discussion. We will be looking at new ways to communicate and new avenues in

which to bring our message. Energy is important. And growing in greater importance as the credit rating firm S&P is launching a reporting system to score companies ESG performance. Many of our members are currently collecting data for financial analysis on an annual basis. Doing that is not as easy as one might think. The drive for industrial electrification on one of these and the ability to incorporate outside the box, green projects are all avenues to consider. Check out the Energy Committee Meeting on the Website.

Environmental - To Court, to court to get the result that you want. Today, if a position is not technically supportable or politically possible to achieve it is taken to the courts where the skillful interpretation of the words in the rules and laws win the arguments. Those arguments ultimately decided by judges – judges, with little if any technical knowledge (science and math) beyond high school algebra, making the final decisions. In this

environment the best technical arguments are moot. In a number of recent court rulings calls into question the deference given to EPA on technical matters or where an issue is not specifically addressed within the rule, law or even the Constitution. This is the new world we live in. Even flexibilities to operate because of the COVID-19 pandemic emergency are taken to court. The WOTUS rule Maui decision is overturned and puts countless companies and institutions at risk of having to get permits and the need mitigate any ground water discharges. The Northeast states are suing EPA because they allowed Pennsylvania to go forward with a RACT rule that allowed 5 coal plants to continue operating without having to meet unrealistic emission limits. Boiler MACT, Executive Orders 13891 on guidance documents and to get the country back up and running are all going to court. Lisa Jaeger one of the best environmental lawyers in the country, CIBO's Counsel, will cover all that is happening on that front during the virtual Environmental Committee Meeting in the afternoon of June 10th. With the disruptions caused by the COVID-19 emergency place, social distancing and retooling for Personal Protective Equipment (PPE), EPA indicated something to the effect that they would not enforce environmental reporting and record keeping requirements for those impacted by COVID-19. That is not a blanket safe harbor for everyone from March through the full return of operations. If data is missing, it could be prudent to note the reason within the daily activity log. We have asked EPA if someone could talk about this during our Environmental Committee Meeting in the afternoon of June 10th. There has been quite a bit of concern over the Executive Order 13891 that will codify any Executive branch agency or

department guidance that is in available into one database. If it is not there after July 23rd, it is no longer in existence. On May 19th, EPA proposed a rule to codify Executive Order 13891 where procedures to add guidance documents to the directory or remove guidance documents from the directory are spelled out. Last week CIBO sent out, via Lisa Jaeger and Bracewell Law, a link to the EPA Guidance documents of the ones that we know are up there and should be maintained or added to the list by the July 23rd date. As we have seen, many of the Guidance Documents are individual plant or facility determinations. If a facility based its permit on a specific determination (Interpretation/guidance) for anything and that guidance goes away, could a permit be at risk for challenge based on a different interpretation when it comes up for renewal? We will talk about this on the 10th. By then EPA has indicated they would be adding many and removing others leaving what we think might be the very close to what we will be left with on the 23rd. Do you know what plant specific determination were made, if any, for each of your permits?

Technical - The Virtual CIBO Joint IECT/BOMP Conference is almost ready for publication. It will be a total of 12 two hour sessions held in the afternoons over the course of seven days from July 14th to July 29th with a summary and follow up discussion for participants in August. We are waiting for confirmation of EPA and a few TBDs. We are expecting it to be released by the end of next week. From the looks of the agenda, this could very well be the way of the future. The Draft Agenda from the planning committee has been sent to our members for input and suggestions. If you did not get one and would like one contact the office. When you think

about the policy discussions above, operations, compliance and policy implementation with an eye for the future will be critical for those involved with doing it on the plant and operating floor.

From the President's Desk – Bob Bessette

“To market, to market to buy a fat pig, jiggery gig. Home again, home again, jiggery jog”. You can tell I am old! I think those old Aesop's Fables and these little children's songs have been eliminated from reading lists and education in today's world of political correctness and making sure no one feels bad. Our world has changed again. It took a while to remember the original little song as I was thinking, to court, to court to get what I want. Home again, home again happy as a lark. With a politically incapacitated legislature that can be and is circumvented by the Courts – in any case without legislation, the final decision lies with the courts. While COVID-19 has created much sorrow and heart ache for many, for many reasons, the actions and reactions at all levels have mitigated what could have been. In all of the troubles and uncertainty of the time, I think there is a silver lining in these dark clouds. Look at CIBO. We are learning better ways to communicate with and engage with the people who need the information. Like when we learned to wear our seat belts, we are remembering to wash our hands “often” and be mindful of our surroundings and the people around us. These are all good things. As you look around, **what can CIBO do for you?**