

Spring 2018 Meeting  
of the ACCCI MESH Committee  
San Antonio, TX  
April 12 - 13, 2018

Name	Company	April 12 Breakfast/Meeting	April 12 Dinner	April 13 Breakfast/Meeting
Dean Bishop	ABC Coke (Tammy Bishop)	1	2	1
Jay Cornelius	ABC Coke	1	1	1
Jeff McCord	ABC Coke	1	1	1
Bill Osborn	ABC Coke	1	1	1
Taylor Owen	ABC Coke	1	1	1
Doug Harris	AK Steel - Mountain State Carbon	1	1	1
Katie Kistler	AK Steel			E
Brad Schneider	AK Steel (Samnatha Schneider)	1	2	1
Rich Zavoda	ArcelorMittal			E
Joe Clute	DTE-EES	1	1	1
Brenna Harden	DTE-EES	1	1	1
Terry Wagaman	DTE-EES	1	1	1
Charles Jones	ERP Compliant Coke (Mia Jones)	1	2	1
Larry Walker	SunCoke	1	1	1
Chuck Lauricella	Tonawanda Coke	1	1	1
Mike Dzurinko	USS (Kimberly Dzurinko)	1	2	1
Heath Huschak	Koppers	1	1	1
Kelsey Cameron	Lone Star Specialities	1	1	1
Al Dittenhoefer	Enviroplan (for Erie Coke)		1	1
David Ailor	ACCCI	1	1	1
Jeff Knight	PWSP (CAA Speaker)		1	1
	TOTALS	17	23	19

M: Participating via Cnf. Call in MESH Mnfg. Subcmte. Mtg.  
E: Participating via Cnf. Call in MESH Envr. Subcmte. Mtg.  
S: Participating via Cnf. Call in MESH S Subcmte. Mtg.

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AMERICAN COKE AND COAL CHEMICALS INSTITUTE

Spring 2018 Meeting of the ACCCI MESH Committee  
Thursday, April 12 - Friday, April 13, 2018  
HILTON PALACIO DEL RIO  
200 South Alamo Street  
San Antonio, TX 78205  
Tel.: 210-222-1400

**MEETING EVALUATION FORM**

*On a scale of 1 to 5, with 1 being "poor" and 5 being "excellent," please rate the meeting relative to the following:*

**MEETING**

Poor -----> Excellent

Overall Meeting Format:           1     2     3     4     5

Overall Meeting Content:        1     2     3     4     5

Meeting Management:           1     2     3     4     5

Length of Meeting (circle one):   Too short     Ideal     Too long

Suggested Improvements: \_\_\_\_\_  
\_\_\_\_\_

**FACILITY**

Poor -----> Excellent

Hotel Accommodations:         1     2     3     4     5

Hotel Location:                1     2     3     4     5

Food Quality and Selection:    1     2     3     4     5

Hotel Personnel:               1     2     3     4     5

Suggested Improvements: \_\_\_\_\_  
\_\_\_\_\_

**GENERAL COMMENTS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OPTIONAL**

Name: \_\_\_\_\_ Company: \_\_\_\_\_

**Please return this form to Dave Ailor at ACCCI Headquarters:  
866-422-7794 (eFax) or dailor@accsi.org**

## ANTITRUST REMINDER

1. It is the policy of the American Coke and Coal Chemicals Institute (“ACCCI” or the “Institute”) and its members to strictly comply with all applicable antitrust laws. As part of ACCCI’s antitrust compliance, this Antitrust Reminder is read aloud at the beginning of appropriate meetings of the Institute. The Antitrust Reminder is also recorded in the agenda and the minutes, to emphasize ACCCI’s antitrust compliance as a protection for the Institute and the members.
2. Because ACCCI provides an opportunity for members who may be competitors to communicate on issues that concern them, the Institute and members must be sensitive to the antitrust laws. ACCCI brings significant pro-competitive benefit to its members and the industry, and this is encouraged under the antitrust laws.
3. At the same time, ACCCI and members must ensure the association is not misused as a vehicle for anticompetitive agreements on commercial matters including, prices or other terms or conditions of sale, production volumes, the supply of specific customers and territories, the boycott or exclusion of other firms, or other unlawful activities. In addition, ACCCI and its members must avoid even the appearance of these activities. For these reasons, the following topics may not be discussed without prior review and approval by counsel: (a) current or future prices, or any other terms related to price including discounts, credit and payment terms, or delivery charges; (b) who will serve specific customers, markets or geographical areas; (c) whether or not to deal with a competitor, customer or supplier; (d) non-public marketing, product or service plans; or (e) non-public information concerning costs, profits, customers, booked business, etc.
4. The meeting will follow the approved agenda, and topics not on the approved agenda should not be discussed inside the meeting or in hallway discussions outside the meeting. In addition, minutes will be maintained of the meeting. The use of an agenda and minutes are part of ACCCI’s antitrust compliance policy, and they provide a record of the Institute’s legal compliance. In addition, legal counsel or association staff who have access to legal counsel will be present and will monitor the meeting for antitrust compliance. Please direct any questions regarding antitrust compliance to them, or after the meeting to the legal counsel for ACCCI.

## Regulatory-Focused Coalitions in Which ACCCI Participates

### Employee Safety Coalitions

- **Coalition for Workplace Safety (CWS)**: CWS, which is led by the U.S. Chamber of Commerce, is comprised of a group of associations and employers who believe in improving workplace safety through cooperation, assistance, transparency, clarity and accountability. It advocates for fair and balanced legislative and regulatory policies that impact employee safety.

### Environmental Coalitions

- **American Alliance for Innovation (AAI)**: AAI, which is led by the American Chemistry Council (ACC), is advocating with EPA Capitol Hill for fair and balanced policies in the first reform of the Toxic Substances Control Act (TSCA) in a generation.
- **Boiler MACT Reconsideration Litigation Coalition**:\* This coalition has intervened in NGO litigation over EPA's Boiler MACT Reconsideration Rule.
- **Business Network for Environmental Justice (BNEJ)**: The BNEJ, which is based at the National Association of Manufacturers, was formed in 1995. It is a voluntary organization of businesses, corporations, industry trade associations, industry service providers and business groups interested in environmental justice issues. The BNEJ believes that all people should be treated fairly under all laws, including environmental laws, without discrimination based on race, color or national origin. BNEJ supports open and informed dialogue with citizens about environmental decisions that affect local communities. It also supports continued systematic, objective scientific research into factors affecting human health and the environment, and the use of scientifically sound risk assessments in evaluating and prioritizing health and environmental risks.
- **Chemical Security Coalition (CSC)**: CSC, which is led by the American Petroleum Institute (API), tracks and addresses chemical security legislation being considered on Capitol Hill.
- **CAA Section 112(c)(6) Coalition**:\* ACCCI joined this coalition to participate in an amicus brief in litigation filed by the Sierra Club in July 2015 relative to EPA's June 2015 Clean Air Act (CAA) Section 112(c)(6) completion determination.
- **Clean Power Plan (CPP) Litigation Coalition**:\* The CPP Litigation Coalition, which is led by the National Association of Manufacturers (NAM) of which ACCCI is a member and the U.S. Chamber of Commerce, is challenging the Obama Administration's Clean Power Plan final rules.
- **Clean Power Plan (CPP) Repeal Rule Coalition**:\* On October 16, 2017, EPA proposed to repeal the stayed Obama EPA's Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as the Clean Power Plan (CPP), as promulgated on October 23, 2015 (82 Fed. Reg. 48035). During November 2017, ACCCI joined the CPP Repeal Rule Coalition, which is led by the National Association of Manufacturers (NAM) of which ACCCI is a member and the U.S. Chamber of Commerce, in commenting on the proposed CPP Repeal Rule. The deadline for commenting is April 26, 2018.
- **Clean Power Plan (CPP) Replacement Rule Coalition**:\* On December 28, 2017, EPA issued an Advanced Notice of Proposed Rulemaking (ANPRM) seeking comment on the "next steps" to replace the CPP (82 Fed. Reg. 61507). The ANPRM is a separate, but related, action to the October 16, 2017, proposal to repeal the CPP. EPA has proposed to determine that the CPP exceeds EPA's statutory authority under the Clean Air Act (CAA). In the ANPRM, EPA

specifically solicited information on systems of emission reduction that are applicable to or at an EGU facility, information on compliance measures, and information on state-planning requirements under CAA Section 111(d). Comments were due on February 26, 2018, and ACCCI joined a coalition led by the National Association of Manufacturers (NAM) of which ACCCI is a member and the U.S. Chamber of Commerce, in commenting on it.

- **Ad Hoc Coalition on DOT-FHWA October 5, 2017, GHG Proposal:** On October 5, 2017, DOT's Federal Highway Administration (FHWA) proposed to repeal an Obama Administration regulation requiring state transportation planners to track on-road greenhouse gas (GHG) emissions and set "locally appropriate" emissions targets on national highway (82 Fed. Reg. 46427). On November 6, 2017, ACCCI joined 37 other associations on a letter to FHWA on the proposal. The comments, which were developed by the American Highway Users Alliance (AHUA), urged FHWA to finalize the proposed repeal as soon as possible after the close of the comment period and opposed any extension of the comment period. In February 2017, ACCCI joined 39 other associations on a letter to DOT developed by the American Road & Transportation Builders Association (ARTBA) expressing concern over the inclusion of GHG monitoring requirements. FHWA subsequently withdrew the GHG provision from the performance measure in May 2017.
- **Coalition for Emissions Accuracy:\*** The Coalition is an industry organization that is working with EPA towards the development and maintenance of accurate air quality emissions factors.
- **Corrosivity Characteristic Coalition:\*** The Coalition is focused on a petition filed by Public Employees for Environmental Responsibility (PEER) seeking to compel EPA to lower the upper limit of the RCRA Corrosivity Characteristic from pH 12.5 to pH 11.5, a 10-fold reduction. The Coalition is arguing that "a rule that met the petitioners' requests needlessly would subject an enormous quantity of materials, many of which currently are safely used for productive purposes, to RCRA hazardous waste requirements with no corresponding benefit in the form of improved worker, public, or environmental safety. In fact, amending the corrosivity characteristic as requested would result in classifying as 'hazardous' millions of tons more material than could be accommodated in currently available Subtitle C landfills."
- **Council of Great Lakes Industries (CGLI):\*** CGLI is an organization of Canadian and US companies and industry associations committed to sustainable development in the Great Lakes region. For 25 years, CGLI has worked to ensure that industry is a substantive partner in the development of the Great Lakes regional environmental, natural resource, and other public policy.

ACCCI first joined CGLI in the 1990s to make certain that our "... industry interests [were] heard and addressed in Great Lakes policy discussions ..." involving the other stakeholders in CGLI - EPA, Environment Canada and ENGOs. Sometime after 2005, ACCCI held a joint, "shared cost" membership in CGLI with another organization of which ACCCI is a member which is pushing back aggressively against legislation banning use of coal tar-based sealants that has been enacted or is being considered in various states/localities (e.g., NY, MI, MN, IL, ME, Chicago) – the Pavement Coatings Technology Council (PCTC) – whose mission is to "... [work] with regulatory bodies to develop appropriate resolutions of [pavement coating] issues" pertaining to coal-tar based sealers.

The ACCCI-PCTC joint membership in CGLI lapsed several years ago, but PCTC expressed an interest in rejoining CGLI on a joint, "shared cost" basis with ACCCI, with the two associations splitting equally the \$5,000/year membership fee. In late 2017, ACCCI's Coal Chemicals Environmental and MESH Environmental subcommittees decided that ACCCI would rejoin CGLI, on a "shared cost" basis, with PCTC.

- **Federal Recycling and Remediation Coalition (FRRC):\*** On April 5, 2010, ACCCI was a party to a multi-association comment letter to EPA on a January 6, 2010, EPA Advance Notice of Proposed Rulemaking (ANPRM) identifying additional classes of facilities, including coal products

manufacturing, for development of financial responsibility requirements under Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA's decision on the additional classes of facilities for development of financial responsibility requirements was based on an analysis of Toxic Release Inventory data and knowledge of chemicals found at Superfund sites.

On January 11, 2017, EPA proposed requirements in its CERCLA Financial Assurance Rule for the Hard Rock Mining Sector for demonstrating financial responsibility within the hardrock mining industry. The proposed rule could be costly: EPA estimates the costs imposed by the rule to the hardrock mining industry will exceed \$7 billion. EPA announced in the proposed rule that it has decided to propose similar rules for the chemical manufacturing, petroleum and coal products manufacturing, and electric power generation, transmission and distribution industries. FRRC plans to comment, and ACCCI is participating in FRRC to that end.

- **Federal Water Quality Coalition (FWQC):\*** The FWQC is a coalition of industrial companies, municipal entities, property owners, and trade associations that are directly affected, or have members that are directly affected, by regulatory and policy decisions made pursuant to the Federal Water Pollution Control Act (the Clean Water Act). It advocates for its members on said regulatory and policy decisions.

In early February 2018, ACCCI joined an "ad hoc" coalition of the FWQC focused on litigation in Maine that pertains to EPA decisions regarding the issuance of human health water quality standards. FWQC counsel recommended that this coalition "... file an amicus brief, to ensure that the court understands the concerns of the regulated community about EPA's positions, and to point out the potential national implications of the issues being raised in the Maine case." On February 28, 2018, with the blessing of ACCCI's Coal Chemicals Environmental and MESH Environmental subcommittees, ACCCI joined the "ad hoc" coalition filing an amicus brief. Counsel filed the coalition's brief on March 2, 2018.

- **H2S Coalition:\*** The H2S Coalition tracks and addresses regulatory, product stewardship, research, and related matters pertinent to H2S uses and manufacturing applications.
- **Metals Industries Recycling Coalition:\*** In the interest of preserving legal options/leverage, MIRC has filed a protective Motion to Intervene on EPA's "Definition of Solid Waste" (DSW) Final Rule because environmental groups filed Petitions challenging the rule as insufficiently restrictive.
- **NAAQS Implementation Coalition (NIC):\*** NIC, which is comprised of trade associations, companies, and other entities who confront challenges in the permitting of new or expanded facilities under new and increasingly stringent NAAQS, advocates against outdated EPA policies and models that contribute to these challenges.
- **New Source Review (NSR) Reform Coalition:** On October 25, 2017, EPA issued a report entitled "Final Report on Review of Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources under Executive Order 13783." With respect to air quality issues, the report indicated that EPA would establish task forces to review the New Source Review (NSR) program and ozone NAAQS implementation issues. Insofar as the upcoming review of the NSR program, a multi-association coalition formed to engage EPA during the review, and ACCCI has been a participant in this coalition.

On March 13, 2018, EPA Administrator Scott Pruitt issued a memorandum reinterpreting EPA regulations that determine when a project triggers NSR. Among other things, the memorandum allows companies and regulators to consider emissions increases and decreases when determining whether a project would cause a significant emissions increase for NSR purposes. In the recent past, the evaluation of emissions decreases largely was limited to determining whether a project that may cause a significant emission increase would cause a significant *net* emissions increase after taking into consideration contemporaneous increases and decreases.

The U.S. Chamber of Commerce is "... relatively certain that opponents will file legal challenges to the memorandum and the Chamber is evaluating participation if that litigation occurs." As of April 2018, the Chamber is exploring a coalition geared toward providing additional legal support for the memorandum in the courts.

- **Ozone NAAQS Coalition:**\* The Ozone NAAQS Coalition, which is managed by the same counsel who manages the NAAQS Implementation Coalition (NIC) of which ACCCI is also a member (Joe Stanko (Hunton & Williams)), has a different mission from NIC and is "separate and apart" from it. NIC, which is comprised of trade associations, companies, and other entities who confront challenges in the permitting of new or expanded facilities under new and increasingly stringent NAAQS, advocates for its members against outdated EPA policies and models that contribute to these challenges. The Ozone NAAQS Coalition, on the other hand, which is comprised of most/all of the same trade associations, companies, and other entities as NIC, advocates for its members on the stringency of NAAQS.

The current focus of the Coalition, which is the only industry coalition in Washington, D.C. advocating on the stringency of NAAQS, is the Ozone NAAQS. However, its focus will shift to the PM NAAQS as EPA shifts its attention to the stringency of that NAAQS.

In late 2017, ACCCI's Coal Chemicals Environmental and MESH Environmental subcommittees decided that ACCCI would join the Coalition on a "shared cost" basis, with ACCCI's annual dues (\$5,000/year) coming from ACCCI's annual budget.

- **Ozone NAAQS Litigation Coalition:**\* ACCCI is partnering with eight other associations in a multi-industry Ozone Litigation Coalition that is challenging EPA's October 2015 Ozone NAAQS final rule. The final rule lowers the current 2008 standard of 75 parts per billion ("ppb") down to a level of 70 ppb for both the primary and secondary standards.
- **Partnership for a Better Energy Future (PBEF):** The PBEF, which is led by NAM, is a coalition of business organizations representing over 80 percent of the U.S. economy. Its fundamental mission is to promote an "all-of-the-above" energy strategy that ensures the continued availability of reliable and affordable energy for American families and businesses.
- **Pavement Coatings Technology Council (PCTC):**\* A number of states and localities have enacted or are considering bills to ban refined tar-based pavement sealants. PCTC, to which ACCCI and several member companies belong, tracks and interacts with those advocating ban bills by rebutting false claims and presenting technical and scientific studies to support the industry's opposition to such legislation.
- **Residual Risk Coalition (R2C):**\* The R2C is an ad-hoc group comprised of the American Chemistry Council, the American Coke and Coal Chemicals Institute, the American Forest & Paper Association, the American Fuel & Petrochemical Manufacturers, the American Iron and Steel Institute, the American Petroleum Institute, the National Oilseed Processors Association, and the Rubber Manufacturers Association. Each R2C organization has members that are subject to "MACT" standards that have been (or will be) subject to residual risk and technology review ("RTR") pursuant to § 112. The R2C is dedicated to working constructively with the Environmental Protection Agency ("EPA") to develop a practical and environmentally responsible approach to satisfying EPA's technology review requirements under § 112(d)(6) and its residual risk review obligations under § 112(f).
- **Social Cost of Carbon (SCC) Coalition:** The SCC Coalition is challenging DOE's use of specific SCC estimates in the Agency's cost-benefit analysis for proposed energy efficiency standards for a number of consumer products. The Obama Administration is using these SCC estimates to justify numerous proposed greenhouse gas (GHG) rules. The Coalition is advocating for SCC estimates that are based on transparent processes, accurate information,

rational assumptions, and within the reach of the current scientific understanding and impact models.

- **SSM Coalition**:\* The SSM Coalition is commenting on various EPA rulemakings that are re-shaping the way emission standards under Clean Air Act (CAA) sections 112 and 129 will apply during startup, shutdown and malfunction (SSM) events.
- **SSM Litigation Coalition**:\* The SSM Litigation Coalition has filed litigation for judicial review on EPA's June 12, 2015, SSM SIP Call rule. The Rule issues "State Implementation Plan" (SIP) calls to 36 states, declaring those states' SIPs "substantially inadequate to attain or maintain" ambient standards, mitigate interstate transport, or "otherwise comply with any requirement of" the CAA, under CAA § 110(k)(5)."
- **TSCA Inventory Update Intervention Group**:\* This coalition, which is being led by the American Chemistry Council (ACC), is intervening in ENGO TSCA litigation in support of EPA and the Agency's TSCA Inventory Reset final rule. ACCCI joined this coalition in September 2017 when it was being formed.
- **TSCA Prioritization and Risk Evaluation Intervention Group**:\* This coalition, which is being led by the American Chemistry Council (ACC), is intervening in ENGO TSCA litigation in support of EPA and the Agency's TSCA Prioritization and Risk Evaluation final rules. ACCCI joined this coalition in September 2017 when it was being formed.
- **United Drone Network**: UDN is a diverse coalition of trade associations representing a broad spectrum of industries who both manufacture Unmanned Aircraft Systems (UAS)/drones as well as depend on them in regular business operations. UDN supports the safe and responsible use of drones; however, drones can also pose challenging safety and security risks. There is no doubt that drone technology is advancing rapidly and drones have a bright future as long as they are used appropriately.

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\* Shared-Cost Coalition