



Nor'wester newsletter

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Draft Reconciliation Bill Released

On July 27, Senate Majority Leader Chuck Schumer (D-NY) and Senator Joe Manchin (D-WV) rolled out the draft [Inflation Reduction Act](#) of 2022. This budget reconciliation bill would fund various climate and health programs, federal budget deficit reduction, and include some key provisions for ports and the regulatory agencies. The bill is a somewhat scaled back version of the previously released Build Back Better package and includes \$3 billion in grant programs spread over 5 years to incentivize port electrification. The bill also contains tax credits for various renewable energy sources including offshore wind and clean hydrogen.

The legislation still needs to clear the Senate Parliamentarian to determine if the bill has policies extraneous to the budget process which would make it ineligible for a simple majority vote under the reconciliation process and require a vote of 60 Senators. Once the legislation passes muster with the Senate Parliamentarian, it must pass both the Senate and the House of Representatives before becoming law.

PNWA is pleased to see many provisions to assist ports with emissions reduction and permit processing and will advocate for passage of the bill with our Congressional delegation.

The draft bill includes the following provisions for emissions reduction:

Section 60102 – Grants to Reduce Air Pollution at Ports

- Includes \$2.25 billion for award rebates and grants on a competitive basis to port authorities, State, regional, local or Tribal agencies with jurisdiction over a port authority, air pollution control agencies, or a private entity or non-profit that partners with these entities to purchase or install zero-emission port equipment or technology for use at one or more ports, for planning or permitting to purchase or install of zero-emission port equipment or technology, and to develop qualified climate action plans.
- Specifically for non-attainment areas, it includes \$750 million to award rebates and grants to the eligible entities, like ports, to carry out those activities listed above.
- The zero-emission port equipment or technology is defined to mean human-operated equipment or human-maintained technology that produces zero

emissions so fully automated equipment would not qualify for funding.

Section 60104 – Diesel Emissions Reductions

\$60 million to the Environmental Protection Agency for grants, rebates, and loans to identify and reduce diesel emissions resulting from goods movement facilities and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address community health impacts from emissions.

Section 60101 – Clean Heavy-Duty Vehicles

This section funds two grant and rebate programs by amending the Clean Air Act - a \$400 million program specific to non-attainment areas and a \$600 million program for all other areas, to support:

- the incremental costs of replacing Class 6 or Class 7 heavy-duty vehicles with zero-emission vehicles
- costs for infrastructure needed to charge, fuel, or maintain zero-emission vehicles
- workforce development and training
- planning and technical activities

The bill also contains the following provisions related to regulatory capacity:

Section 40003 – NOAA Efficient and Effective Reviews

\$20 million to National Oceanic and Atmospheric Administration (NOAA) “to conduct more efficient, accurate, and timely reviews for planning, permitting and approval processes through the hiring and training of personnel, and the purchase of technical and scientific services and new equipment, and to improve agency transparency, accountability, and public engagement.”

Section 60115 – Environmental Protection Agency (EPA) Efficient, Accurate, and Timely Reviews

\$40 million to the EPA “to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.”

Section 60402 – Council on Environmental Quality (CEQ) Efficient and Effective Environmental Reviews

\$30 million over five years to the Chair of CEQ to carry out agency functions and “for the purposes of training personnel, developing programmatic environmental documents, and developing tools, guidance, and techniques to improve stakeholder and community engagement.”

Section 60505 – Environmental Review Implementation

\$100 million to the Administrator of Federal Highways Administration for surface transportation projects requiring an environmental review process. The funds are intended for development and review of documents including “guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects, including any

administrative expenses of the Federal Highway Administration to conduct such activities.” Eligible entities can utilize these funds for activities such as:

- Scope and study area definition
- Identification of impacts, mitigation, and reasonable alternatives
- Preparing planning and environmental studies or other documents
- Public engagement
- Other necessary activities and expenses

The Federal cost share is 80 percent and the non-Federal cost share can be provided under other Federal, State, or local grants including grants made available through this title or U.S. Department of Transportation administered programs.

Section 70007 – Federal Permitting Improvement Steering Council Environmental Review Improvement Fund Mandatory Funding

\$70 million for the Environmental Review Improvement Fund that was created in the FAST Act.

PNWA is also glad to see increased commitment to understanding the effects of climate change on ocean conditions which in turn affects endangered species. The bill contains the following provision:

Section 40004 – Oceanic and Atmospheric Research and Forecasting for Weather and Climate

\$50 million to NOAA for research grants and scientific information products and services for competitive grants “to fund climate research as it relates to weather, ocean, coastal, and atmospheric processes and conditions, and impacts to marine species and coastal habitat, and for related administrative expenses.”

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