

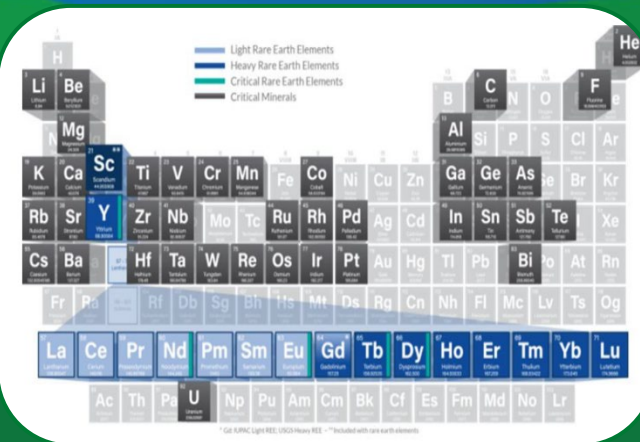


U.S. DEPARTMENT OF
ENERGY

Fossil Energy and
Carbon Management

Introduction to FACA and Review of the USE IT Act Duties

First meeting of the CCUS Permitting Task Forces
May 21, 2024



Agenda

- Part 1: FACA
 - FACA Overview & Guiding Principles of the Task Forces
 - Legal considerations
 - DOE/Member responsibilities
 - Conflicts of Interest
- Part 2: Formation of the Task Forces and review of USE IT Act Duties
 - Charters
 - Appointments
 - Duties



Federal Advisory Committee Act

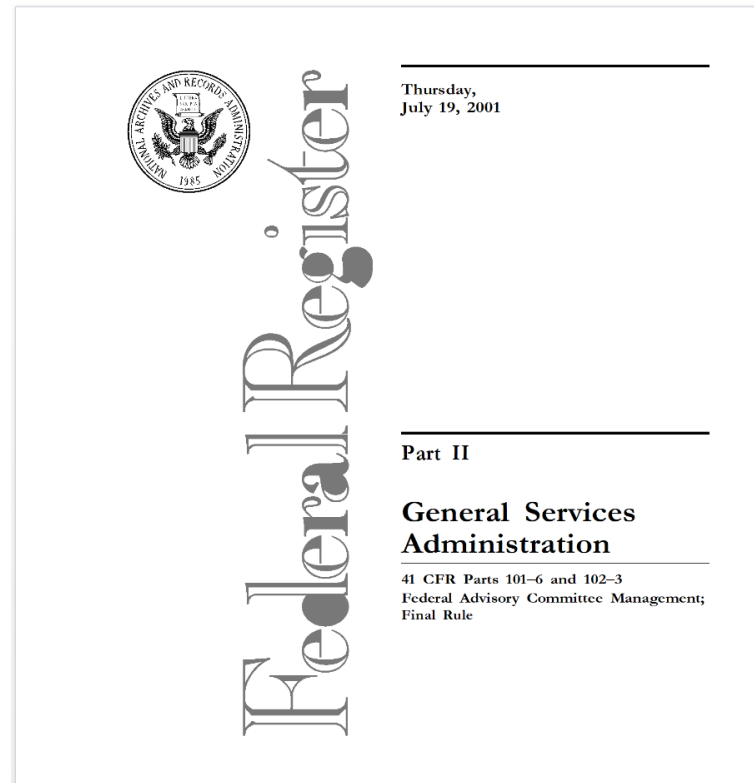
- Purpose of FACA
 - Ensure that advice by advisory committees/task forces is objective and accessible to the public
 - Formalize process for establishing, operating, overseeing and terminating advisory boards
 - Create the Committee Management Secretariat
 - Require that boards advise and recommend, not decide and implement
- Benefits of FACA
 - Transparency and participation improves citizens' trust in government
 - FACA requirements lend credibility to the boards' advice



Basic Legal Requirements of FACA

- Requires a charter
- Allow for open access to committee meetings and operations
- Maintain a “fairly balanced” membership
- Provide an opportunity for Public Comment

[FACA Final Rule 2001 | GSA](#)



Task Force Structure & Roles

Designated Federal Officer

- Provides task force administration and management and FACA compliance
- Prepares detailed agendas, invites speakers, and provides appropriate meeting notice
- Provides preparatory materials
- Tracks members' conflicts of interest
- Maintains subcommittee membership lists

Chairperson and Vice Chair

- Provides effective leadership
- Facilitates committee meetings
- With approval of agency, can direct the creation of a subcommittee
- Ensures timely progress on work of subcommittees

A subcommittee

- Carries out the work described in the charter
- Prepares report(s) & draft recommendation(s) for consideration by full committee

Member Responsibilities

- Attend regular meetings
- Provide recommendations at the request of DOE / statute
- Work collaboratively and respectfully with other members
- Avoid techniques such as “bargaining” and acquiescence simply to avoid conflict and reach agreement
- Avoid responding directly to public comments
- Do not use your title or represent the Task Force outside of a meeting
- Report if an outside entity is attempting to influence your decisions
- Notify the DFO of any potential or perceived conflict of interest

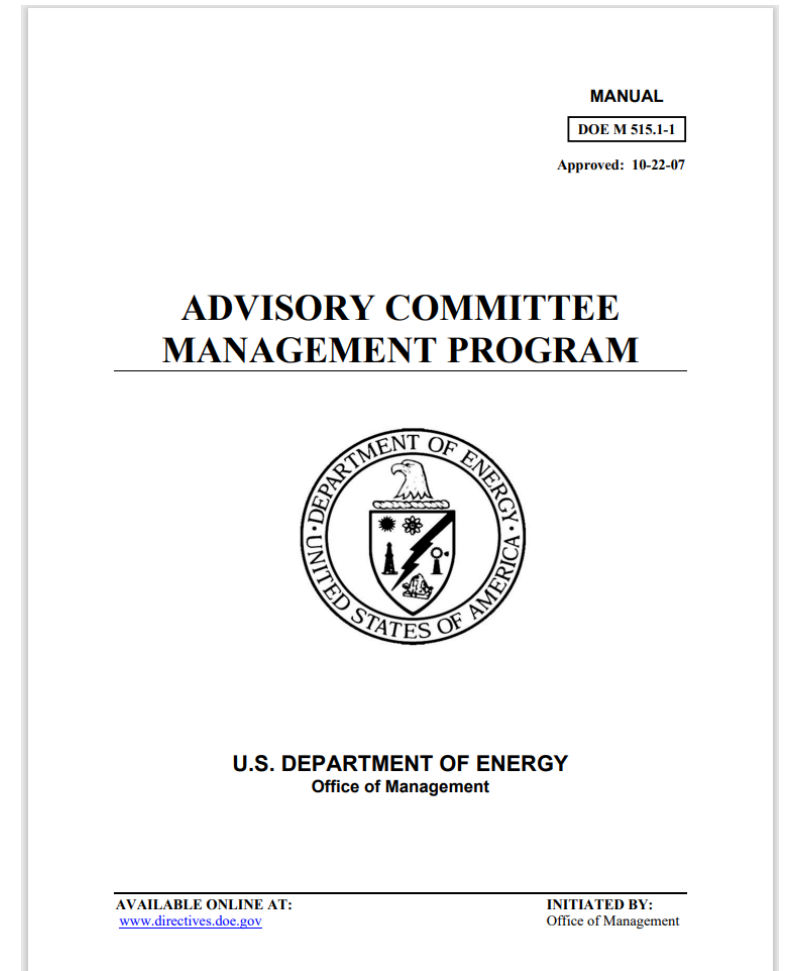
Conflicts of Interest

- Federal employees and Special Government Employees are subject to federal ethics regulations
- Representative members are not subject to the same; however -
 - As a matter of policy, DOE asks that you:
 - Refrain from any use of your membership, which is, or gives the appearance of being, motivated by the desire for private, professional, or financial gain;
 - Recuse yourself from decisions and discussions related to real or perceived conflicts of interest, act impartially, and avoid the appearance of impropriety; and
 - Seek immediate guidance, beginning with the DFO, if you are offered anything of value such as a gift, gratuity, loan, or favor in connection with task force service



Holding a Meeting

- Meeting = Any interaction among a quorum of the members of an advisory committee.
- Quorum = A majority (one more than one half) of a committee's authorized membership
- Chairperson may make a motion, such as:
 - To form a subcommittee
 - Call for votes on a recommendation
- DFO records motions

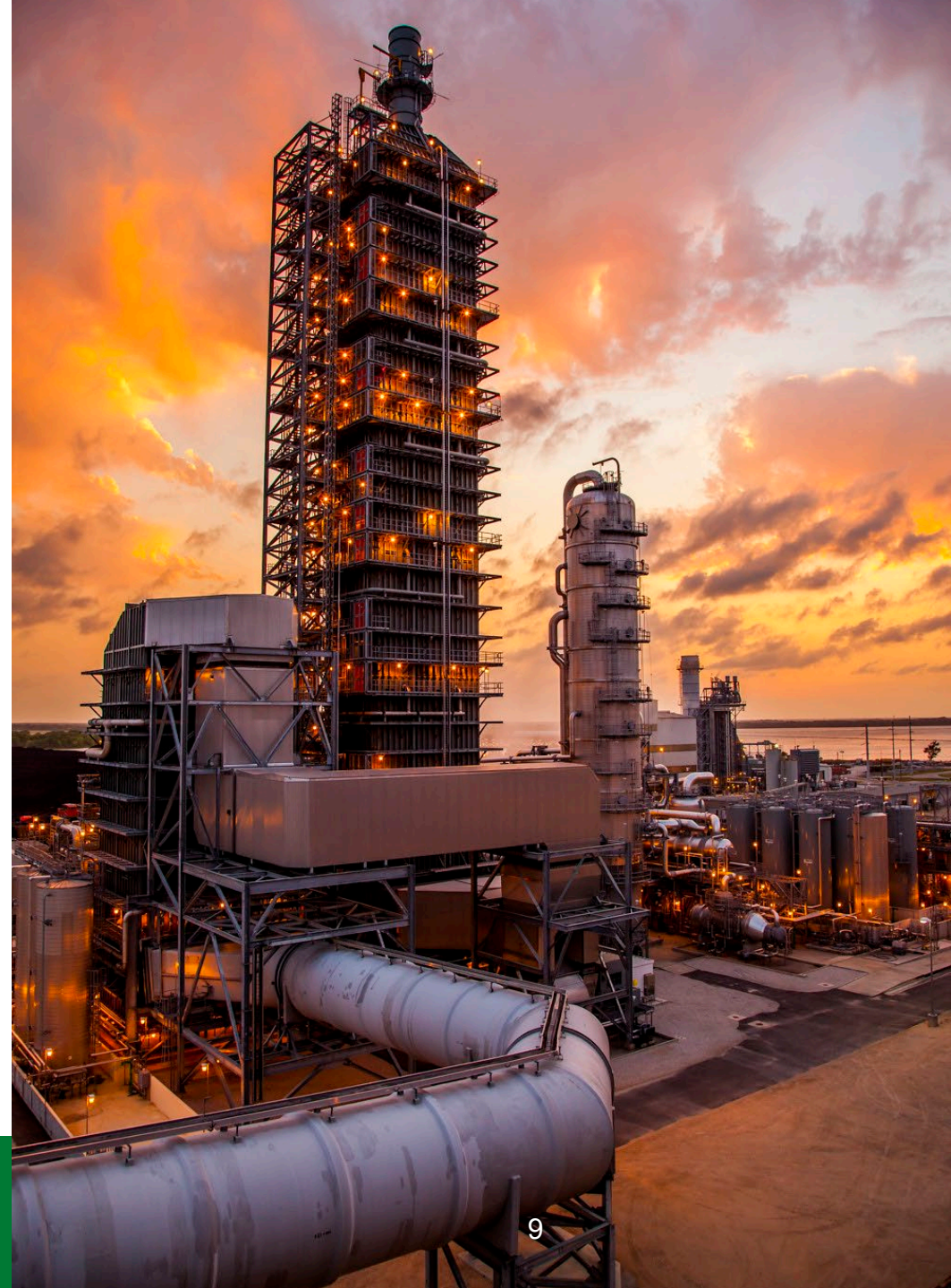


Part 2: CCUS Task Forces



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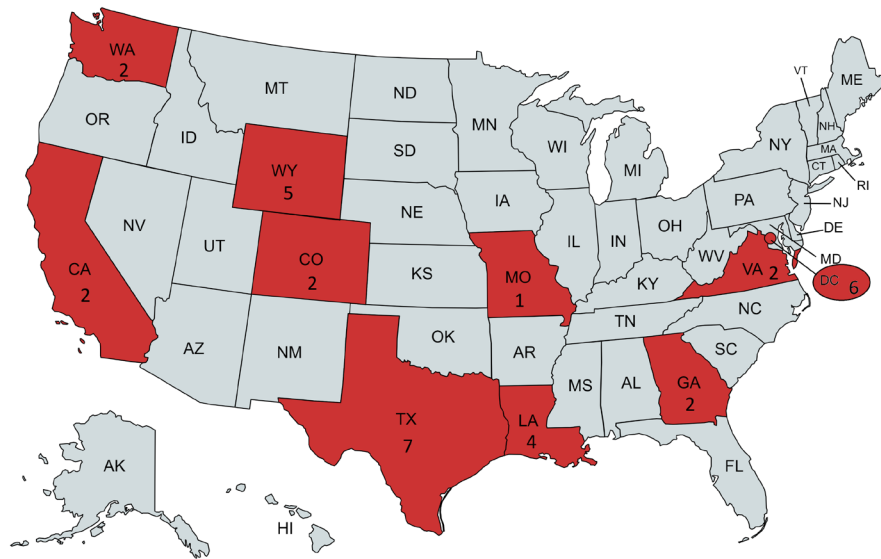


Milestones of the Permitting Task Forces

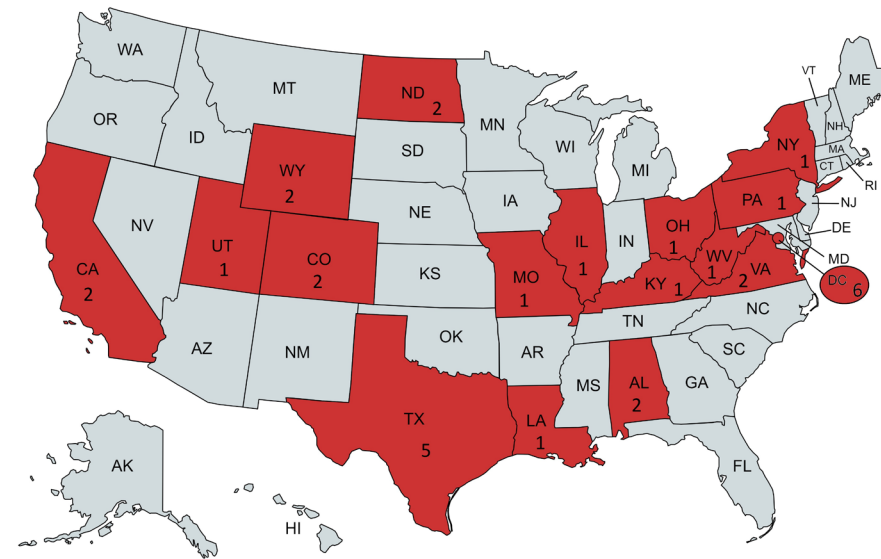
- MOU
 - CEQ and DOE signed October 31, 2023
- Establishment
 - Pursuant to USE IT Act, in accordance with FACA
 - Charter filed April 10, 2024
- Membership
 - Appointment letters April 11, 2024
- First meeting (joint)
 - May 21-22, 2024
 - USGS National Center Auditorium in Reston, Virginia

Membership - 61 individuals

Federal Lands: 32 members



Non-Federal Lands: 32 members



USE IT Act Task Forces - Purpose

The [USE IT Act](#) outlines the purpose of both task forces as follows:

- I) to identify permitting and other challenges and successes that permitting authorities and project developers and operators face in permitting projects in an efficient, orderly, and responsible manner; and
- II) to improve the performance of the permitting process and regional coordination for the purpose of promoting the efficient, orderly, and responsible development of CCUS projects and CO2 pipelines.

Purpose is same, but scope of each Task Force differs by geographical area and reflects different demographic, land use, or geological issues



Task Force Annual Report

- Each year, each task force shall prepare a report of any recommendations for:
 - improvements in efficient, orderly, and responsible issuance or administration of Federal permits and other Federal authorizations required for CCUS projects and pipelines
 - Any other nationally relevant information that the task force has collected in carrying out the duties

Definition

“efficient, orderly, and responsible” means, with respect to development or the permitting process for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, a process that promotes environmental, health, and safety protections while maintaining a process that is completed in an expeditious manner.

In carrying out the work of the Charters

- Consider and develop recommendations to address community concerns regarding environmental justice implications, including public health and safety, of CCUS.
- Consider and identify recommended mechanisms to ensure just treatment and meaningful involvement of impacted communities

Duties preview

I – CCUS projects and pipelines - permitting approaches, best practices, successful models

II – Pipelines - state pipeline regulation & oversight, develop a common model

III- Pipelines - state pipeline regulation, technical assistance to states in implementation of model developed in Duty II, and relevant regulatory requirements

IV – CO2 utilization

V – Priority pipelines

VI- Gaps in Fed/State regulatory frameworks, and data gaps

VII- Financing mechanisms available

VIII – CO2 Capture R&D

USE IT Act requires each Task Force to:

- I. inventory existing or potential Federal and state approaches to facilitate reviews associated with the deployment of CCUS projects and carbon dioxide pipelines, including best practices that—
 - aa. avoid duplicative reviews to the extent permitted by law;
 - bb. engage stakeholders early in the permitting process; and
 - cc. make the permitting process efficient, orderly, and responsible;
- II. develop common models for state-level carbon dioxide pipeline regulation and oversight guidelines that can be shared with states in the geographical area covered by the task force;
- III. provide technical assistance to states in the geographical area covered by the task force in implementing regulatory requirements and any models developed under subclause (II);

USE IT Act requires, continued:

IV. inventory current or emerging activities that transform captured CO₂ into a product of commercial value, or as an input to products of commercial value;

V. identify any priority CO₂ pipelines needed to enable efficient, orderly, and responsible development of CCUS projects at increased scale;

VI. identify gaps in the current Federal and State regulatory framework and in existing data for the deployment of CCUS projects and CO₂ pipelines;

VII. identify Federal and State financing mechanisms available to project developers; and



USE IT Act requires, cont:

VIII. develop recommendations for relevant Federal agencies on how to develop and research technologies that –

aa. can capture carbon dioxide; and

bb. would be able to be deployed within the region covered by the task force, including any projects that have received technical or financial assistance for research under paragraph (6) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)).



Charges to the Chairs

- Initial charges issued to each task force from DOE
- Charges align with the USE IT Act duties / charters
- Charges request formation of one subcommittee for each task force and a third joint subcommittee.
- Additional subcommittees may be formed to address charges if the need arises.
- Anticipate collaboration between task forces

DFO Contact Information

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