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## **Daily Environment Report**

October 06, 2017 - Number 193

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### Leading the News

#### *Climate Regulation*

##### Trump Administration Set to Argue Clean Power Plan Rule Violates Law

The Trump administration will formally propose repealing former President Barack Obama's sweeping plan for curbing greenhouse gas emissions from power plants by arguing it went beyond the bounds of federal law, according to documents obtained by Bloomberg News.

#### **EPA**

##### Trump Taps Former Inhofe Staffer For EPA's No. 2 Slot

Another former member of Oklahoma Sen. James Inhofe's (R-Okla.) team could soon be joining the EPA's leadership.

#### *Endangered Species*

##### Interior Sets Stage for Revisiting Sage Grouse Protections

The Interior Department will not go ahead with a proposal to block new mining claims in 10 millions acres of prime habitat for greater sage grouse.

#### *Water Pollution*

##### Sewer Spills into Niagara River After Storm Draw Probe

The millions of gallons of raw sewage and stormwater that a treatment plant spilled into the Niagara River after a recent storm was "wholly unacceptable," according to New York officials probing violations of state water quality standards.

### News

#### *Air Pollution*

##### China's Steel Curbs for Pollution Risk Too Bullish Outlook

Moves by China to limit air pollution over winter by curbing steel to aluminum production threaten to create a distorted impression of true demand as market seasonality becomes more intense, according to Australia's government.

#### ***Air Pollution***

##### **EPA Could Do More to Address Delaware's Ozone Concerns: Judge**

Federal regulators have not done enough to address Delaware's concern that giving the areas surrounding Philadelphia more time to clean up their air pollution will burden the state, a federal appeals court judge says.

#### ***Biotechnology***

##### **Monsanto Doubles Down on Soy Seeds After Herbicide Crop Loss**

As unhappy farmers lodge complaints about crop damage associated with a new generation of soybean seeds being sown in the U.S., Monsanto Co. is ramping up its marketing push for the genetically altered product by offering growers more training and incentives, including some free equipment.

#### ***Chemicals***

##### **Bayer-Monsanto Merger Review Delayed as EU Hunts for Deal Data**

Bayer AG's takeover of Monsanto Co. risks further delays as European Union regulators stopped the clock on their probe to hunt for more information on how it will affect competition for key products used by farmers.

#### ***Chemicals***

##### **Chemours Knew N.C. Discharges Toxic, Landowner Charges in Suit**

DuPont Co. and the Chemours Co. knew they were discharging toxic substances into the water at their Fayetteville, N.C., facility, a North Carolina property owner alleges.

#### ***Chemicals***

##### **Rhode Island Joins States to Ban Flame Retardants in Furniture**

Furniture suppliers have two years to stop delivering products to Rhode Island that contain flame retardants banned by a new state law.

#### ***Climate Change***

##### **Dutch Regulator Tasks Banks and Insurers on Climate-Change Risk**

Banks, insurers, and other financial institutions must do more to take into account the risks posed by climate change to their business, a Dutch Central Bank study said.

#### ***Energy***

##### **Eighty-Two-Year-Old Glassmaker Eyes Future in Next-Gen Batteries**

Ohara Inc. sees batteries playing a bigger role in its future.

#### ***Energy***

##### **Energy East Death Pins Oil Sands Hopes on Two Troubled Pipelines**

TransCanada Corp.'s cancellation of the Energy East pipeline leaves Canadian oil producers more dependent than ever on the Keystone XL and Trans Mountain proposals, two projects facing ardent opposition in their own right.

#### ***Energy***

##### **Federal Regulators Criticize Energy Rule for Distorting Markets**

Two of the three members of the Federal Energy Regulatory Commission have publicly criticized an Energy Department proposal that aims to subsidize nuclear and coal plants in the wholesale markets, suggesting it could "destroy" the markets.

### ***Energy***

#### **How Energy-Rich Australia Ended Up With World's Priciest Power**

A bungled transition from coal to clean energy has left resource-rich Australia with an unwanted crown: the highest power prices in the world.

### ***Energy***

#### **Obama's Energy Chief Sees Hard Path Ahead for Perry's Coal Plan**

Former U.S. Energy Secretary Ernest Moniz doubted whether the nation's top energy regulator will be able to satisfy a government request to craft new rules to prop up struggling coal and nuclear power generators.

### ***Energy***

#### **Utilities Rebuke Theresa May's Plan to Cap Power Tariffs**

Britain's utilities hit back at Prime Minister Theresa May's vow to cap energy costs, saying the measures would unsettle the industry at a time when government is seeking investment to replace aging power plants.

### ***Food***

#### **Whiskey Fungus Claims Against Kentucky Distiller Revived**

A Kentucky distiller can't rely on the Clean Air Act to dismiss state-law tort claims that its bourbon-aging plant fouled a neighbor's property with fungus, the Kentucky Supreme Court ruled (*Brown-Forman Corp. v. Miller, Ky.*, No. 2014-SC-000717-DG, 9/28/17).

### ***Insurance***

#### **Trump's Bid to Slash Flood Insurance Debt Faces Conservative Opposition**

Conservative public policy groups and some congressional Republicans are objecting to the Trump administration's proposal to forgive \$16 billion of debt estimated to be incurred by the National Flood Insurance Program as a result of recent hurricanes.

### ***Oil & Gas***

#### **Norway Takes Hard Look at Climate Risk for Oil, Gas Riches**

What is 47 billion barrels in oil and gas really worth in an age where renewable sources are increasingly filling the world's energy needs?

### ***Oil & Gas***

#### **Oil Drillers May See Big U.S. Tax Cut—If Deductions Survive**

U.S. oil explorers could see a multibillion-dollar benefit from a move to slash the U.S. corporate tax rate but some of the industry's biggest tax breaks could also be under fire.

### ***Oil & Gas***

#### **TransCanada Ends Pipeline Project, Sees \$801 Million Charge**

TransCanada Corp. has scrapped its Energy East Pipeline and Eastern Mainline projects, oil and natural gas conduits that have faced regulatory hurdles in Canada and stiff opposition from environmental groups.

### ***Oil & Gas***

#### **Trump Administration Illegally Delayed Methane Rule: Court**

A federal court ruled the Trump administration illegally froze Obama-era requirements aimed at reducing the amount of natural gas from federal land wasted through venting, flaring, and leaking.

### ***Regulatory Policy***

### **20 Chemicals Added to Washington Kids' List Reporting**

Manufacturers of children's products sold in Washington state will have to report the presence of 20 more compounds, many of them flame retardants linked to cancer that are used in furniture, baby carriers and car seats.

### ***Regulatory Policy***

#### **Energy Department, Pipeline Nominees Sail Through Senate**

The Energy Department's reliability office will get new leadership as Secretary Rick Perry pushes a plan to reward power plants—particularly coal and nuclear—that keep 90 days' worth of fuel on site.

### ***Renewable Energy***

#### **U.K. Power Grid Trials Real-Time Data to Deal with Renewables**

National Grid Plc for the first time measured the stability of the U.K.'s power network in real time, allowing it to more confidently manage the system as intermittent renewable energy generation jumps.

### ***Renewable Energy***

#### **U.K. Seeks Brexit Boost for Renewables, but Onshore Wind Taboo**

Britain wants a slice of the \$30 trillion needed to clean up the world's energy supply—so long as those funds don't go into wind farms in the countryside.

### ***Renewable Energy***

#### **U.S. Trade Dispute Scaring Companies From Buying Solar Power**

A trade dispute over solar imports has stalled clean-energy projects across the U.S.

### ***Renewable Energy***

#### **Wind in Land of Oil Prompts Surprise Boost in Renewable Spending**

Seven giant wind-power projects, including one in the oil-rich U.S. state of Oklahoma, prompted a surprise investment increase for renewable energy in the third quarter.

### ***Solid Waste***

#### **Local Control of Garbage Handling Trashed in North Carolina**

Local governments in North Carolina will have limited ability to manage the flow of garbage in their communities thanks to a new state law enacted over the governor's veto.

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## **Daily Environment Report**

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### Leading the News

#### *Emissions Trading*

##### Carbon Allowance Prices Jump as Cap to Tighten in Northeast

Power companies saw a 72 percent jump in the price of greenhouse gas emissions allowances in the first auction after the Northeast's trading program announced plans to ratchet down the emissions cap.

#### *Emissions Trading*

##### New Jersey Eyes Rejoining Northeast's Carbon Trading Program

New Jersey is on the cusp of rejoining the Northeastern greenhouse gas trading program it spurned in 2011, which could be a boon for power companies such as Consolidated Edison Inc. and Public Service Enterprise Group Inc. that have utilities across the region.

### News

#### *Chemicals*

##### Hurricane Irma's Chemical Fallout Could Be Worse Than Harvey's

Before flames and smoke leaped into the sky over the Arkema chemical plant in Crosby, Texas, last week, Jolyn Masters was hunkered down at home on a Hurricane Harvey-flooded street a mile away. Then came a knock. A National Guard evacuation boat was waiting because of what was expected at Arkema.

#### *Climate Policy*

##### Merkel Warned That Failure to Hit Climate Goal May Hurt Germany

Chancellor Angela Merkel's ambition to lead Europe's fight against global warming is at risk of backfiring and tarnishing Germany's climate credentials, according to researchers.

## **Congress**

### **EPA Bill Restoring Trump Cuts Nears House Passage**

The EPA would see its budget trimmed but avoid the deep 31 percent spending cut sought by President Donald Trump in fiscal year 2018 under a spending bill the House expects to wrap up the week of Sept. 11.

## **Dumping/Countervailing Duties**

### **Chinese Solar Products to Face Lowered Anti-Subsidy Duties**

Imports of solar products from China will, for the most part, face lower countervailing duties, the Court of International Trade affirmed Sept. 8 (Changzhou Trina Solar Energy Co. v. United States, Ct. Int'l Trade, No. 15-00068, 9/8/17).

## **EPA**

### **Air Office Nominee Could Help EPA Rewrite Obama Rules**

President Donald Trump's pick to lead the EPA's air office would bring a deep knowledge of the agency, which former Bush-era officials say could help advance the administration's efforts to rewrite Obama-era regulations.

## **EPA**

### **Trump Plans to Cut EPA Programs Could Hurt Post-Storm Rebuilding**

Residents of Florida and other states in the path of Hurricane Irma may have a rude awakening after the winds die down and the rain and storm surge stop.

## **Emergency Response**

### **U.K. Amec Sees Hurricane Changing Design of U.S. Chemical Plant**

Amec Foster Wheeler Plc, the U.K. company helping to build a \$604 million methanol plant for Yuhuang Chemical Inc. in Louisiana, expects the damage wrought by Hurricane Harvey to alter the planning and design of chemical facilities in regions at risk from natural catastrophes.

## **Energy**

### **Turf Battle Looms as House Energy Leaders Plan DOE Overhaul**

Plans by a key House Republican to retool the Energy Department's core functions are in for a turf battle.

## **Enforcement**

### **California Window Plant Sued for Illegal Stormwater Discharges**

Runoff from JELD-WEN's window and door manufacturing plant in Vista, Calif., is illegally polluting downstream creeks that empty into the Pacific Ocean, a San Diego environmental group said in a lawsuit.

## **Forests**

### **Forest Management Bills Wander Through Political Woods**

Wildfires scorching the West may put the heat on lawmakers to revamp management of federal forests and funding of wildfire suppression.

## **Hazardous Waste**

### **EPA Chief Pledges to Secure Toxic Sites in Irma's Storm Path**

The Trump administration is applying lessons from Hurricane Harvey's drenching of southeast Texas as it secures toxic waste sites in the path of Hurricane Irma, U.S. environmental chief Scott Pruitt said.

## **Oil & Gas**

**Montana Rule on Radioactive Oil Waste Disposal Criticized as Weak**

Oil and gas companies in the Bakken Formation of western North Dakota routinely truck their radioactive drilling waste to a disposal facility roughly three hours away in Montana.

***Pesticides***

**Monsanto Gets Home Court Advantage in Dicamba Lawsuit**

Monsanto won home court advantage in a lawsuit over damages caused by its weedkiller dicamba which was sent to St. Louis where the company is headquartered.

***Pesticides***

**Monsanto Seeks to Block Arkansas Pesticide Ban**

Monsanto Co. called on the Arkansas governor to reject a recommendation to curb spraying of the herbicide dicamba during a key part of crop-growing season, saying the proposal is backed by “unsubstantiated” theories.

***TCE***

**GE Wins Match in Golf Course Groundwater Contamination Claim**

General Electric Co. won't be required to conduct further investigation of contamination that is already the subject of a state cleanup agreement, the Northern District of Illinois ruled (Lajim, LLC v. Gen. Electric Co., 2017 BL 315015, N.D. Ill., No. 13-CV-50348, 9/7/17).

***Water Resources***

**Florida's Largest Lake Likely to Flood Over Dike From Irma**

Hurricane Irma could cause a dike holding back Florida's largest lake to spill over, spreading rock and debris from three construction sites at the site, a U.S. Army Corps of Engineers official said.

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