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## **Daily Environment Report**

June 29, 2017 - Number 124

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### Leading the News

#### *Enforcement*

##### Justice Department Environment Pick Downplays BP Defense Work

Past work defending BP PLC after the Deepwater Horizon oil spill and personal opposition to the EPA's climate change efforts would have no bearing on running the Justice Department's environmental office, President Donald Trump's nominee said.

#### *Oil & Gas*

##### Discoveries Boost Hopes for Alaska Oil Output

Oil discoveries on the North Slope of Alaska during the past few years have increased hopes for the economy of the region and the state.

#### *Radioactive Waste*

##### House Strikes Compromise on Yucca, Interim Nuclear Storage

A bipartisan measure to pressure a long-awaited decision on permanent nuclear waste storage, while also paving the way for private interim facilities, will move to the House floor following the Energy and Commerce Committee's approval June 28.

### News

#### *Agriculture*

##### China to Treat More Animal Waste to Help Clear Rural Pollution

China, the world's top pork producer, plans to treat more waste from livestock breeding to improve its rural environment and reduce agriculture pollution.

#### *Agriculture*

##### Democratic Appropriators Criticize Cuts to Farm Programs

Democrats on the House agriculture appropriations subcommittee are raising concerns about cuts to programs in the fiscal year 2018 agriculture spending bill that was approved by voice vote June 28.

#### ***Asbestos***

##### Take-Home Asbestos Suit Against Pasadena Ruled Untimely

The daughter of a mechanic who worked for the city of Pasadena waited too long to file claims that she developed mesothelioma from exposure to asbestos on her father's work clothes, a California appeals court ruled (*City of Pasadena v. Superior Court of Los Angeles Cty.*, 2017 BL 219050, Cal. Ct. App., 2d Dist., B280805, 6/26/17).

#### ***Brownfields***

##### \$200 Million Brownfields Bill Easily Clears House Panel

The House Energy and Commerce Committee approved a popular brownfields bill working its way to the House floor.

#### ***Chemicals***

##### EU Chemicals Agency Hopes to Increase Imports' Scrutiny

Updated guidance on the notification obligations of companies that import goods containing hazardous chemicals into the European Union could lead to more compliance checks on imports, the European Chemicals Agency told Bloomberg BNA.

#### ***Coal Mining***

##### Looking for a Coal Job? Better Work on Those Playstation Skills

While on the campaign trail in West Virginia last year, Donald Trump donned a hardhat and pantomimed digging coal with a shovel. The coal miners in the audience would soon be back to work, he promised: "Get ready, because you are going to be working your asses off."

#### ***Coal-Fired Power Plants***

##### Southern Stops Work on the Coal Part of 'Clean Coal' Power Plant

U.S. utility owner Southern Co. has dropped the coal part of what was planned to be a first-of-its-kind "clean coal" plant.

#### ***Delaware Law***

##### Spectra Energy Can't Shake Investor Suit Over Pipeline Deals

A Spectra Energy Partners LP investor can move forward with a lawsuit challenging a pipeline transaction between the master limited partnership and its parent, the Delaware Chancery Court ruled June 27 (*Morris v. Spectra Energy Partners (DE) GP LP*, 2017 BL 221004, Del. Ch., No. 12110-VCG, 6/27/17).

#### ***Drinking Water***

##### Michigan Sues to Keep Flint on Detroit Water System

Michigan's Department of Environmental Quality sued the Flint City Council over the local government's decision against a long-term deal to purchase water from a Detroit-area water authority.

#### ***Emissions Trading***

##### California Supreme Court Declines Review of Carbon Auction Case

California business groups lost their last chance to convince a court that the state's carbon cap-and-trade allowance auction is an illegal tax.

#### ***Energy***

##### China Is About to Bury Elon Musk in Batteries

As Elon Musk races to finish building the world's biggest battery factory in the Nevada desert, China is poised to leave him in the dust.

### ***Energy***

#### **House Panel's Spending Bill Cuts Energy Research Program**

Rep. Mike Simpson (R-Idaho) said that while he likes the Energy Department's ARPA-E program, which provides early stage investment in innovative energy technologies, his Energy and Water Subcommittee's fiscal 2018 appropriations bill would cut it "because of limited resources."

### ***Energy***

#### **Trump Said to Announce Nuclear Review, Coal Exports to Ukraine**

President Donald Trump will announce a broad review of U.S. nuclear regulations and the start of coal exports to Ukraine in a speech June 29.

### ***Environmental Reviews***

#### **PennEast Gas Line Hits Snag as New Jersey Closes Application**

The PennEast pipeline, a \$1 billion project that would link America's biggest shale gas basin to major eastern markets, suffered a setback in New Jersey when the state halted a key environmental review.

### ***Forests***

#### **Satellite Used to See Atlantic Forest for the Trees in Brazil**

The Rio de Janeiro State Environment Secretariat is using satellite images to detect illegal deforestation in the Atlantic Forest, Brazil's most degraded and endangered biome before sending out field teams to verify findings and arrest or fine violators.

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

#### **Pipeline Pinch Adds to Oil-Sands Woes as Keystone Wait Drags**

Call it the pipeline pinch, or maybe the Keystone quagmire.

### ***Pesticides***

#### **Pesticide Registration Bill May Cover Three Years, Not Six**

Lawmakers are seeking to shorten a pesticide registration bill lifespan by half.

### ***Pipeline Safety***

#### **Industry, Safety Advocates Building Pipeline Data System**

The Pipeline and Hazardous Materials Safety Administration is drawing on industry and state expertise to build a shared information system that will help prevent pipeline accidents.

### ***Regulatory Policy***

#### **Senate Takes Up Nomination of Rao, Trump's Regulatory Chief**

The Senate formally began considering the nomination of Neomi Rao to be President Donald Trump's chief regulatory officer but delayed a final vote until June 29.

### ***Renewable Energy***

#### **China State Grid Chairman Says Clean Energy Will Create Jobs**

Thousands of renewable energy plants will create jobs as the world switches to clean power from coal, according to the chairman of the State Grid Corp. of China.

### ***Renewable Energy***

#### **Connecticut's Renewable Efforts Get Court Approval**

A Connecticut effort to contract for renewable energy does not violate federal law, a federal

judge ruled Wednesday.

### ***Renewable Energy***

#### **Green Energy Investing Meets Crowd Funding in African Venture**

Gullspang Invest led a group of investors providing 6 million euros (\$6.8 million) to Trine Finance Ltd., a company that spurs off-grid solar power in emerging markets including Africa by tapping crowd funding in the U.K. and other advanced economies.

### ***Shareholder Activism***

#### **Activist Corvex Ups Pressure on Energen to Explore Oil Deals**

Activist investor Corvex Management increased its stake in oil explorer Energen Corp. and said it may push for a “meaningful path” to give shareholders more say, after the company elected to stick to its current business plan rather than pursue a sale.

### ***Toxic Chemicals***

#### **Worker Gets Second Shot at Industrial Asthma Case**

A California worker's claims of industrial asthma from exposures to a hospital disinfectant shouldn't have been summarily dismissed, a California court of appeals ruled June 27 (Maldonado v. Medivators, Inc., 2017 BL 221442, Cal. Ct. App., 4th Dist., No. G052489, unpublished 6/27/17).

### ***Toxic Substances***

#### **North Carolina Slashes Blood Lead-Level Thresholds**

North Carolina lowered its thresholds for blood lead levels in children to match federal recommendations and extended those protections to pregnant women in its newly enacted budget.

### ***Transportation***

#### **Delay of Transportation Emissions Data Rule Stirs Democrats' Ire**

Two top transportation Democrats in the House and Senate criticized the Transportation Department's move to indefinitely delay a requirement that states track greenhouse gas emissions from the nation's highways.

### ***Unfair Practices***

#### **Japan to Take 'Strict Action' Against LNG Antitrust Violations**

Japan's Fair Trade Commission said existing liquefied natural gas contracts that include resale restrictions may violate antitrust laws and sellers shouldn't include the clauses in new deals.

### ***Vehicle Fuels***

#### **California Weighs Making Electric Cars Cheaper Right Off the Lot**

The federal tax credit for electric car purchases has an end in sight, but California doesn't want demand for the zero-emissions vehicles to meet the same fate.

### ***Vehicle Fuels***

#### **Germany Counters Diesel's Dirty Image with National Task Force**

Germany is seeking to counter concerns over the harmful emissions from diesel vehicles by bringing together government and auto-industry experts to devise ways to clean up the technology, which supports thousands of jobs in the country.

### ***Water Infrastructure***

#### **Water Infrastructure Cuts Could Hit Commerce, Senators Fear**

Proposed cuts to water infrastructure spending could hamper imports, exports, and inland

commerce, Senate appropriators from both parties said June 28.

#### ***Water Pollution***

##### **Groups Sue Hawaiian Dairy to Halt Illegal Manure Discharges**

Groups in Hawaii want a federal court to order a large dairy in Hilo to stop discharging waste into streams and ocean waters.

## **Practitioner Insights**

#### ***Chemicals***

##### **Practitioner Insights: New Chemical Bias Worse Than Ever**

Since the early 1990s until Congress finally amended the Toxic Substances Control Act (TSCA) in June 2016, the statute's most frequent criticism was that it gave EPA inadequate authority to ban dangerous substances that were already in commerce and "grandfathered" when TSCA was passed in 1976 (so called "existing chemicals").

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