

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
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Subject: Trump judge assigned challenge to EPA water rule delay

By Alex Guillén

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Environmentalists' lawsuit seeking to end EPA's delay of a regulation limiting power plants' toxic wastewater discharge has been assigned to a judge newly placed on the bench by President Donald Trump.

The suit was reassigned today from Judge Ketanji Brown Jackson, an Obama appointee, to Judge Dabney L. Friedrich, who was confirmed by the Senate last week by a vote of 97-3.

Green groups filed the lawsuit in May after EPA stayed certain requirements under the rule, known as the steam electric effluent limitations guidelines. But in September, EPA finalized a delay of certain implementation deadlines as it works to reconsider those parts of the rule, and the agency argues that means this lawsuit should be dismissed as moot since the stay was ended.

EPA and environmentalists have been trading briefs on the matter in the months since.

Friedrich was a former White House attorney under George W. Bush and was formerly an aide to Sen. Orrin Hatch. From 2006 to 2016, she served on the U.S. Sentencing Commission, which creates sentencing guidelines for federal courts.

WHAT'S NEXT: Friedrich will have to determine whether to dismiss the suit, but will likely need time to get up to speed on the case.

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