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## **TRUMP'S EPA: Agency at a crossroads -- Complete coverage**

August 31, 2017

### **Latest News**

#### **9th Circuit Avoids Deference Fight In Ruling Backing CWA 'Adjacency' Rule**

A federal appeals court has rejected a lawsuit claiming the Corps lacked discretion for what petitioners argued was a too-narrow application of a Clean Water Act (CWA) rule exempting some wetlands from the law's jurisdiction, teeing up a potential Supreme Court fight over agency deference even though the ruling avoids that dispute entirely.

#### **Court Rejects Environmentalists' Call To Stay RMP Delay Pending Review**

Federal appellate judges have denied environmental and labor groups' request to stay or vacate the Trump EPA's final rule delaying an Obama-era overhaul of the agency's facility accident prevention program, saying groups have failed to meet "stringent standards" for a stay, though the court also rejected EPA's request to slow briefing.

#### **EPA Broadens Harvey Fuel Waivers, Providing Limited Support For E15 Call**

EPA has expanded the scope of its emergency clean fuel waivers to address the impacts of Hurricane Harvey by temporarily waiving requirements for reformulated and low volatility gasoline in the southeast and Mid-Atlantic, a move the renewable fuel sector says grants in part its request for a broader waiver that would allow for the sale of higher-volume ethanol blends.

#### **Small Fuel Retailers' Lawsuit Seeks To Change EPA RFS 'Obligation' Point**

Small fuel retailers are suing EPA in a bid to force a change to the renewable fuel standard's (RFS) "point of obligation" compliance duty from refiners and fuel importers to blenders or others, ahead of the agency's expected rejection of petitions seeking the change -- a decision said to have spurred presidential adviser Carl Icahn to quit that position.

#### **EPA Approval Of State's CWA List May Signal Weaker Controls On Minerals**

EPA's approval of Arkansas' delayed Clean Water Act (CWA) list of impaired waters

could signal that the agency is preparing to allow states to weaken controls on waters with high mineral content, sources say, seeing it as part of a broader switch to taking a more hands-off approach to states' decisions on environmental regulation.

### Environmentalists Defend Court's Order For EPA To Craft Conductivity Plans

Environmentalists are urging a federal appeals court to uphold a district judge's finding that West Virginia has unlawfully abandoned any effort to craft Clean Water Act (CWA) cleanup plans for a host of waters across the state, including many with high conductivity from mining, saying the state will not advance those plans unless ordered to.

### EPA Fights 'Speculative' Bid To Vacate Ozone NAAQS Designations Delay

EPA is fighting several states' request for a federal appeals court to vacate the agency's since-withdrawn notice delaying by one year designations for which areas are attaining the 2015 ozone air standard, saying it is "speculative" for the states to say the delay was unlawful and that EPA should be prevented from trying it again.

### **Daily Feed**

#### Industry urges high court to reject suit over flooding damages

Industry urges the justices to decline to hear a damages case that charges that drilling in Louisiana damaged the coastal ecosystem and made it more vulnerable to flooding from hurricanes and other storm events.

#### FOIA suit targets industry role in EPA's TSCA rules

Environmental and government watchdog groups are investigating whether the chemical industry influenced changes EPA made to Toxic Substances Control Act rules before finalizing them.

#### Quote-Unquote: Hurricane Harvey, climate change, ozone NAAQS and NSR

Featuring some beginning assessments of whether climate change was a contributor to the severity of Hurricane Harvey.

#### Ewire: Harvey's pollution effects start to be seen

By Aug. 29, "74 incidents of excess air pollution have been reported since the hurricane hit, totaling more than one million pounds of emissions."

#### EPA sends final utility ELG delay rule for OMB review

The rule is likely to face challenges as environmentalists are already suing over a related preliminary action that had the same effect of delaying the underlying rule.

EPA finalizes CWA testing methods rule update

EPA has finalized a Clean Water Act effluent test methods update rule after the Trump administration held it up for additional review earlier this year.

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