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Subject: The Morning Headlines from InsideEPA.com -- August 23, 2017

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

August 23, 2017

Latest News

D.C. Circuit Requires Downstream GHG Reviews In Gas Pipeline Cases

A split appellate court panel is requiring energy regulators to assess the downstream greenhouse gas (GHG) impacts of natural gas pipelines, bolstering environmentalists who are seeking to block the projects and undercutting Trump administration efforts to ease reviews of the projects under the National Environmental Policy Act (NEPA).

5th Circuit Grants EPA Bid To Split Utility ELG Suit Pending Review Of Rule

A federal appeals court has granted EPA's request to split litigation over the Obama-era utility effluent rule by severing out and staying power companies' challenge to various parts of the rule while the agency reconsiders them, but an environmentalist says the decision creates confusion about which aspects of the suit can still proceed.

EPA Urges 9th Circuit To Dismiss Suit Over Rejection Of Chlorpyrifos Ban

EPA is urging a federal appeals court to dismiss environmentalists' lawsuit challenging the agency's denial of a petition to ban the commonly used pesticide chlorpyrifos, arguing that considering the case now would be "premature and inappropriate" because the agency is still reviewing administrative objections to the denial.

Environmentalists Sidestep D.C. Circuit In First Suits Over EPA's TSCA Rules

Environmentalists that have brought the first legal challenges to new EPA rules issued under the recently revised Toxic Substances Control Act (TSCA) have filed separate suits that sidestep the U.S. Court of Appeals for the District of Columbia Circuit, likely due to concerns that the court, which hears most challenges to EPA rules, would be more receptive to agency arguments.

Industry Looks Beyond Stay To Urge EPA Focus On Methane NSPS Revision

Even as EPA develops proposals to delay Obama-era methane limits for new oil and gas drilling operations, industry groups are looking beyond the stay to the agency's later process to reconsider the rule's requirements, reiterating prior critiques that they

say justify not only a two-year delay but also substantial revision to or rescission of the rule.

CRA Opponents Argue 'Vague' Limits On New Rules Justify Scrapping Law

Environmentalists are amending their lawsuit challenging the Congressional Review Act (CRA) to add claims that it is unconstitutionally vague for the law to bar EPA and other agencies from crafting new rules that are “substantially the same” as those struck down through CRA disapproval resolutions.

Daily Feed

Sen. Schatz urges Pruitt to drop appointee from grant reviews

“I fail to understand the beneficial role a political appointee, without any meaningful scientific background, could have in the grant review process,” the senator said in a letter to Pruitt.

Former EPA transport chief criticizes autos' call for softer GHG rules

Margo Oge attributes automakers' push for greater regulatory flexibility to “the age-old conflict between short-term and long-term profits.”

EPA sends Oregon aluminum water criteria for OMB review

EPA is moving closer to proposing water quality criteria to protect aquatic life in Oregon from aluminum, as required by a consent decree with environmentalists.

D.C. Circuit agrees to continue stay of trailer GHG rule suit

The court also asked parties to file motions to govern future proceedings by Sept. 18.

Ewire: Drillers' study seeks to exempt marginal wells from methane NSPS

Energy industry launches study to exempt marginal wells from NSPS. Plus: environmentalists bolster VOC monitoring.

EPA opposes summary vacatur of landfill methane pause

EPA sidesteps the merits of environmentalists' arguments, charging instead that the petitioners lack standing and have not shown how the “fleeting” pause will harm them.

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