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## **Daily Environment Report**

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### Leading the News

#### *Environmental Reviews*

##### Environmental Laws Won't Be a Barrier to the Border Wall

President Donald Trump's vision of a border wall with Mexico in the San Diego area won't be impeded by lengthy environmental reviews.

#### *Oil & Gas*

##### EPA Methane Standards Take Effect as Court Mulls Challenges

Methane emissions limits for the oil and gas industry must take effect even as a federal appeals court mulls legal challenges to the rule, indicating a decision could come soon.

### News

#### *Benzene*

##### Exxon, Shell Benzene Cases Batted to State Court

Exxon Mobil Corp. and Shell Oil Co. must answer benzene exposure claims in state, not federal, court after the Eastern District of Louisiana ruled July 31 a revised complaint extinguished federal jurisdiction over the case (Thomas v. Exxon Mobil Corp., 2017 BL 265408, E.D. La., No. 16-cv-15750, 7/31/17).

#### *Climate Science*

##### Bison Returned From Brink Just in Time for Climate Change

Ted Turner owns more than 100,000 acres of pristine land in southwest Montana, complete with lush grassland and forested hills rolling with Douglas firs. There are populations of wolves, black and grizzly bears, deer, elk and pronghorn antelope ranging freely, some crossing from nearby Yellowstone Park. But the real stars of the Flying D Ranch are his thousands of bison, the American beast once hunted to the edge of extinction.

### ***Drinking Water***

#### **Feds Forgive Flint's \$20M Water Debt, Fund \$3.2M Lead Registry**

Flint, Mich., won more federal aid as the EPA announced it is forgiving \$20.7 million of the city's debt and the Department of Health and Human Services awarded funding for a registry of those exposed to the city's lead-contaminated water.

### ***Endangered Species***

#### **Court Reaffirms Protections for Wolves in Great Lakes Area**

Removal of the gray wolf population in Minnesota, Wisconsin, and the Upper Peninsula of Michigan from Endangered Species Act protections in 2011 was invalid, a federal appeals court ruled Aug. 1. The U.S. Fish and Wildlife Service determined the wolf population in the three states is thriving, but the U.S. Court of Appeals for the District of Columbia Circuit said the service failed to consider all ramifications of the determination as required by the act (Human Society of the U.S. v. ...)

### ***Energy***

#### **Democrats Prioritize Clean Energy Bid Ahead of Tax Talks**

A Democratic proposal to overhaul and simplify the energy tax code could play a major role in broader tax negotiations on Capitol Hill, so long as Republicans choose to seek bipartisan input, Senate Democrats told Bloomberg BNA.

### ***Energy***

#### **Ex-Justice Department Lawyer Tapped as Solicitor at Interior**

Ryan Nelson, a lawyer who served in the Justice Department's environmental division, was tapped to be the solicitor of the Interior Department.

### ***Energy***

#### **Fate of U.S. Nuclear Now Hinges on One Utility in Georgia**

With a multibillion-dollar nuclear project in South Carolina dead, the fate of America's nuclear renaissance now rests on one utility: Southern Co.

### ***Energy***

#### **Heller Continues Energy Nomination Block Over Yucca Concerns**

Deputy Energy Secretary nominee Dan Brouillette hasn't responded to questions about plans for permanent nuclear waste storage at Yucca Mountain, Sen. Dean Heller (R-Nev.) says, so he is keeping a hold on Brouillette's nomination.

### ***Motor Vehicles***

#### **Norway Boosts Hydrogen Cars With Refueling Station Subsidies**

Hydrogen refueling station operators in Norway are eligible for up to 1 million kroner (\$158,900) annually in subsidies after a plan to boost the industry was approved by European regulators.

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

#### **Billionaire Behind Dakota Access Defends New Natural Gas Line**

Billionaire pipeline magnate Kelcy Warren, who just months ago defeated environmentalists to finish his controversial Dakota Access oil pipeline, has stepped into the limelight once again—this time, to defend a natural gas line being built across the eastern U.S.

### ***Pesticides***

#### **Farmers Cry Foul as Pesticide Wreaks Havoc Across U.S. Crops**

Larry Martin in Illinois says he's never seen anything like it in his 35 years of farming.

Arkansas soybean grower Joe McLemore says he faces the loss of his life savings.

#### ***Pesticides***

##### **Monsanto Campaigned to Make Roundup Appear Safe: Lawsuit**

Attorneys in a high-profile lawsuit against Monsanto Co. released a trove of emails, text-message transcripts, and expert testimony early Aug. 1 that show the company went to great lengths to ensure its best-selling weedkiller was safe in the eyes of regulators and the general public.

#### ***Science Policy***

##### **EPA Runs Human Studies Well, but Room for Improvement: IG**

The EPA has done a good job improving the way it runs scientific studies that involve human subjects, but it has room for improvement, according to the agency's Office of Inspector General.

#### ***Texas***

##### **Fuel Broker On the Hook for Cleanup, Challenge Waived**

A fuel broker is on the hook for the cleanup of a contaminated site under Texas waste law because it failed to appeal an administrative order finding it liable, a Texas appeals court ruled (*Baxter Oil Serv., Ltd. v. Tex. Comm'n on Env'tl. Quality*, 2017 BL 266229, Tex. App., 3d Dist., No. 03-15-00446-CV, 7/31/17).

#### ***Vehicle Fuels***

##### **Refiners Argue EPA Can Cut Biofuel Quota Despite Court Loss**

Refiners told the Environmental Protection Agency to cut biofuel quotas for 2018, arguing that a federal court decision against the agency shouldn't prevent it from setting targets below levels enshrined in law.

#### ***Vehicle Fuels***

##### **Refiners' Biofuel Costs Add Urgency to Calls to Revise Mandate**

Higher costs underscore fuel refiners' urgency in seeking to change the government's biofuel mandate.

## **Practitioner Insights**

#### ***Chemicals***

##### **Practitioner Insights: Enhancing TSCA Reform Implementation**

By Lynn Bergeson, James V. Aidala, Jr., Charles M. Auer, Richard Engler, and Oscar Hernandez: The Frank R. Lautenberg Chemical Safety for the 21st Century Act significantly amended the Toxic Substances Control Act. The act, which has been in force for just over a year, made substantive changes to multiple sections of TSCA that are proving to be even more consequential than anticipated (new TSCA is identified as Pub. L. No. 114-182 and old TSCA was identified as Pub. L. No. 94-469).

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