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From: InsideEPA.com
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Subject: The Morning Headlines from InsideEPA.com -- July 10, 2017

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

July 10, 2017

Latest News

Former EPA Risk Assessor Said To Be Top Contender For Toxics Chief

Michael Dourson, a former EPA risk assessor and founder of a leading risk assessment consulting group, is the leading contender for the appointment to head EPA's Office of Chemical Safety and Pollution Prevention (OCSPP), which is responsible for implementing the Toxic Substances Control Act (TSCA) reform law that President Obama enacted last summer.

Citing Industry Risk, EPA Asks Court To Recall Methane NSPS Vacatur

EPA is urging the federal appellate court panel that vacated its administrative stay of Obama-era methane standards for new oil and gas sources to recall its mandate for the agency to immediately lift the stay, particularly as EPA is evaluating options for appeal, suggesting the immediate nature of the court's mandate places industry at risk.

Court Vacatur Of EPA Methane NSPS Stay Leaves Oil & Gas Sector In Limbo

The recent federal appellate court ruling vacating EPA's 90-day administrative stay of Obama-era methane standards for new oil and gas sources is leaving the industry in regulatory limbo and vulnerable to citizen suits, with the rule's compliance deadlines restarting even as EPA advances what some see as a legally risky proposal to delay the regulation by an additional two years.

EPA Expected To Cite '112 Exclusion' In CPP Repeal To Exempt Coal Plants

The draft EPA proposal to repeal the Clean Power Plan (CPP) currently under review by the White House is thought to include as one justification for rolling back the Obama-era rule the argument that EPA is barred from regulating coal plants' greenhouse gases under section 111(d) of the Clean Air Act because it already regulates their air toxics under section 112.

Appeals Court Reinstates Bush-Era DSW Third-Party Recycler Exclusion

In a 2-1 decision, a federal appeals court has partially sided with industry in vacating

most of the verified recycler exclusion contained in the Obama EPA's definition of solid waste (DSW) rule, instead reinstating a more relaxed Bush-era exclusion for third-party recyclers of hazardous secondary material that allows them to avoid stringent regulation as solid waste.

Seeking Flexibilities, POTWs, Regulators Pause CWA Enforcement Talks

Federal regulators and several municipalities are pausing consent decree negotiations over longstanding combined sewer overflow (CSOs) noncompliance issues, hoping that Trump administration enforcement nominees will agree to provide flexible enforcement approaches as they wait for Congress to act on pending bipartisan legislation that could ease requirements.

Municipalities Raise Concerns About CWA 'Integrated Planning' Legislation

Some municipalities are raising concerns that pending legislation to codify EPA's 2012 Clean Water Act (CWA) integrated planning guidance could have the unintended consequence of limiting the compliance flexibility approach only to actions intended to improve water quality, closing the door to addressing other issues connected to water treatment such as energy recovery, drinking water and others.

Daily Feed

States seek to intervene in defense of 2015 ozone NAAQS

Democrat-led states say the Trump EPA's hostility to the 2015 ozone rule requires them to intervene in order to take up defending the policy.

Senate Democrats seek GAO review of EPA's advisory panels

"To be effective, these advisory committees must be -- and, just as importantly, be perceived as being -- independent and balanced," the senators wrote in their letter to GAO.

EPA dam study shows need to maintain Chesapeake funds, lawmaker says

Concerns about nutrient-laden sediment prompt a Virginia Democrat to call for full funding of EPA's Chesapeake Bay cleanup effort.

States warn CRA suit could revive stream protection rule

Several GOP states say a successful suit overturning the Congressional Review Act could revive a host of Obama-era policies they oppose, including a stream protection policy.

Quote-Unquote: Talking about budgets and science

This week's quotes address the continuing debate over EPA's fiscal year 2018

budget request and controversy over TSCA's definition of "best available science."

Several states seek to back suit over chlorpyrifos ban reversal

Six Democratic attorneys general are seeking a role in environmentalists' suit challenging EPA's decision to reverse an Obama-era plan to prohibit the use of chlorpyrifos on food.

Ewire: House appropriates chair under pressure to boost EPA funds

EPA's FY18 budget may be a factor in Rep. Rodney Frelinghuysen's (R-NJ) re-election bid next year.

States challenge methane rule delay

The states' challenge to BLM's methane rule delay may be buoyed by recent rulings backing challenges to Trump EPA rule delays.

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