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Subject: The Morning Headlines from InsideEPA.com -- May 31, 2017

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

May 31, 2017

Latest News

Legal Attack On CWA Guide May Complicate EPA Jurisdiction Rule Repeal

Plaintiffs in a closely-watched Clean Water Act (CWA) jurisdiction suit are raising new claims that EPA is illegally applying George W. Bush-era guidance on the water law's scope as a rule, potentially complicating the Trump EPA's plan to formally revive the guidance while it works on repealing the Obama EPA's CWA jurisdiction rule.

Attorneys Reject Claim That Staying In Paris Deal Creates Legal Risk For Trump

Environmental attorneys are dismissing warnings from GOP senators and state officials opposed to the Paris Agreement that continued United States participation in the global climate deal creates a risk that the Trump EPA could ultimately be forced to regulate greenhouse gases through an economy-wide framework under section 115 of the air act.

D.C. Circuit Rejects Environmentalists' FOIA Suit Seeking Utility ELG Data

The U.S. Court of Appeals for the District of Columbia Circuit has rejected environmentalists' suit aiming to force release of data EPA gathered for its Clean Water Act (CWA) utility effluent rule, saying a Freedom of Information Act (FOIA) exemption against releasing "confidential" data overrides a CWA mandate on disclosing the data.

Hudson Cleanup Review May Test Pruitt's Plan For Superfund Cleanups

EPA Administrator Scott Pruitt's promise to streamline and speed Superfund cleanups may be put to the test in the coming days as the agency decides whether to expand the scope of cleanup at the massive Hudson River, NY, site -- as sought by New York state and area lawmakers -- or to declare the sediment cleanup conducted so far to be sufficient.

Legal Fight Could Set Precedent For Expanding Citizens' Say In Cleanups

Legal advocacy groups for citizens around a high-profile Superfund site in Indiana are

asking a federal district court to set aside a magistrate judge's order rejecting their attempt to intervene in a cost recovery cleanup settlement there, with the groups seeking a ruling that could set precedent in boosting citizens' say in such cleanup accords.

Industry Argues EPA's Draft TSCA Bans Do Not Meet Law's Requirements

Chemical industry groups are arguing that the Obama EPA's proposed restrictions on certain uses of the solvent trichloroethylene (TCE) and two paint stripping chemicals do not meet legal requirements of the Toxic Substances Control Act (TSCA) and should be withdrawn, while environmentalists are urging the Trump administration to finalize the rules.

Industry Cautions EPA Against OSHA Overlap In Chemical Reporting Rule

A petrochemical industry official serving on a panel convened to inform a future EPA Toxic Substances Control Act (TSCA) rule limiting reporting requirements on certain substances is urging the agency not to encroach on the Occupational Safety and Health Administration's (OSHA) authority to protect workers and suggesting reduced reporting for substances with no consumer exposure.

Daily Feed

EPA may soon seek inter-agency review for CPP repeal

EPA's court-required status report on the review of the Clean Power Plan says the agency "may be prepared to begin the interagency review process of a resulting proposed regulatory action in the near future."

9th Circuit vacates EPA conditional registration of nano-pesticide

A federal appeals court panel has vacated EPA's conditional registration of a pesticide containing nanosilver, saying the agency failed to show the product would reduce pollution or is in the public interest.

Home builders join suits over New Hampshire stormwater permit

The National Association of Home Builders' suit increases the likelihood that the U.S. Court of Appeals for the District of Columbia Circuit will hear consolidated challenges to the permit.

California's Brown blasts vehicle GHG 'harmonization' bill

"This measure of so-called harmonization is, more than anything else, perfume to cover the odorous maneuver on which they've now embarked," Brown said of the newly introduced bill.

Our most read: Mostly about the ins and outs of EPA's FY18 budget plan

Three of the top five involve the FY18 budget, as proposed by the Trump administration and declared a non-starter by at least one key Republican.

Ewire: A daily news roundup

The White House seeks to limit Pruitt's profile on Paris withdrawal ahead of Trump's decision. Plus, TSCA backlog and EPA's budget.

Coal firms say EPA plan for 'jobs' reviews undermines appeal

Companies suing to force EPA to study employment impacts of Obama-era air rules are citing a top administration official's comments to *Inside EPA* to support their case on appeal.

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