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The critical environmental policy-making news you need as you begin your day

June 23, 2017

## Latest News

### **EPA Scales Back TSCA 'Framework' Rules, Drawing Threat Of Lawsuit**

EPA has released the three “framework” rules to implement statutory changes to address “existing” chemicals under the revised Toxic Substances Control Act (TSCA), though the agency scaled back the final versions of the rules, underscoring industry's influence while drawing sharp criticisms from environmentalists, who suggested they will sue.

### **Environmentalists, Unions Ask Court To Stay EPA's Delay Of RMP Rule**

Environmental and labor groups are asking a federal court to stay EPA's nearly two-year delay of an Obama-era rule strengthening the agency's facility accident prevention program, charging the delay is “plainly illegal” under the Clean Air Act and would irreparably harm their interests given past agency findings that chemical accidents continue to occur.

### **Utilities, Environmentalists At Odds Over Novel Joint NOx-SOx-PM NAAQS**

Electric utilities and environmentalists are at odds over whether EPA should pursue novel combined national ambient air quality standards (NAAQS) from nitrogen oxides (NOx), sulfur oxides (SOx) and particulate matter (PM) instead of the existing separate standards for each, posing a test for the Trump EPA's NAAQS policy.

### **New Calls For NSR 'Reform' Draw Some Early Skepticism, Revive Old Fights**

As the Trump administration prepares to release a report expected to endorse industry calls to overhaul EPA's new source review (NSR) program, veterans of earlier fights over the program question whether the Trump administration will have enough administrative bandwidth to tackle the issue given other priorities.

### **GOP States Urge EPA To Apply Scalia's Narrow Standard In New CWA Rule**

A group of GOP-led states is urging EPA to apply the late Justice Antonin Scalia's narrow test for defining Clean Water Act (CWA) jurisdiction in its pending rule to replace an Obama-era jurisdiction policy that used Justice Anthony Kennedy's

broader test, even though appellate courts have said that Scalia's test is not considered binding.

### **State Officials Avoid Suggesting Preferred Test For CWA Jurisdiction Rule**

Groups representing state officials and environmental regulators are avoiding suggesting which of two competing Supreme Court tests EPA should use as the basis for its upcoming Clean Water Act (CWA) jurisdiction rule, instead largely praising the Trump administration for involving them heavily in development of the regulation.

### **TRIAL REMINDER**

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### **Daily Feed**

#### **Court denies rehearing on Puerto Rico cities' coal ash bans**

The 1st Circuit let stand a decision that blocked local governments' ability to ban coal ash disposal after state regulators issue rules allowing the practice.

#### **D.C. Circuit sets argument in Trump '2-1' order lawsuit**

Judge Randolph Moss schedules Aug. 10 arguments in litigation over President Trump's order that requires EPA to repeal two rules for every new measure issued.

#### **EPA unveils highly anticipated TSCA framework rules**

EPA releases its TSCA framework rules for "existing" chemicals.

#### **Judge signals looming decision on CWA coal ash appeal timing**

A federal district court judge could soon decide whether a fight over Clean Water Act restrictions on coal ash disposal will move quickly to appellate court.

#### **Excess nutrient levels seen nationwide**

In today's Ewire: From the Gulf of Mexico, to the Chesapeake Bay and beyond, concerns are growing nationwide about excess nutrient levels -- though the issue appears to be on EPA's backburner.

#### **D.C. Circuit sets argument in ozone implementation rule suit**

The U.S. Court of Appeals for the District of Columbia Circuit will hear argument Sept. 14 in litigation over the Obama EPA's rule for implementing the 2008 ozone air standard.

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