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From: InsideEPA.com
Sent: Mon 7/3/2017 2:28:54 PM
Subject: InsideEPA.com's The Week Ahead

July 3, 2017

THE WEEK AHEAD

EPA Weighs Comments On Stay Of Obama-era Power Plant Effluent Rule, TSCA Identifiers

EPA is taking input on a series of regulatory proposals this week, including its stay of an Obama-era utility Clean Water Act (CWA) effluent rule and the Trump EPA's proposal for how to identify chemicals deemed confidential under the new Toxic Substances Control Act (TSCA), among others.

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Inside EPA's [Week Ahead](#) is published every Monday to help you stay ahead of the news curve on the major environmental policy changes happening at EPA and the federal level.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 11/16/2017 7:50:14 PM
Subject: EPA seeks delay on WOTUS in case Supreme Court lifts stay

By Alex Guillén

11/16/2017 02:48 PM EDT

EPA and the Army Corps of Engineers today proposed delaying the effective date for the Obama-era Waters of the U.S. regulation as insurance against the upcoming Supreme Court decision on the proper venue for litigation.

The rule, also known as the Clean Water Rule, was originally to take effect on Aug. 28, 2015, although it was stayed by the 6th Circuit Court of Appeals in October 2015. That stay, however, could be dissolved soon by the Supreme Court, which is expected to rule in the coming months on whether WOTUS-related legal challenges must first go through district courts or should jump straight to the appellate level.

In the event the justices choose a district-first scheme, the 6th Circuit's nationwide stay would end. Thirteen states would still be covered by a stay issued by another federal judge in North Dakota, but WOTUS theoretically would apply to the other 37 states.

"This step will allow us to minimize confusion" as the agency works on the repeal and rewrite, EPA Administrator Scott Pruitt said in a statement.

It is unclear when EPA plans to finalize its repeal of the WOTUS rule, though officials have indicated it could be before the end of the year. The rewritten version is not expected to be proposed until next year.

The proposal would move WOTUS' effective date until two years after the proposal is finalized, which would place it sometime in 2020, almost five years after the original August 2015 start.

WHAT'S NEXT: EPA will take public comment for just 21 days once the proposal is published in the Federal Register.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/epa-proposes-changing-wotus-effective-date-as-supreme-court-weighs-venue-101101>

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Subject: CL: EPA Head Addresses Energy Issues

IN CASE YOU MISSED IT

EPA Head Addresses Energy Issues

Anna Wolfe
October 13, 2017

<http://www.clarionledger.com/story/news/local/2017/10/13/epa-water-energy-mississippi/757533001/>

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Mississippi Thursday to discuss proposed changes to the Waters of the United States rule, just days after announcing the repeal of the Clean Power Plan.

The water rule sought to control pollution under the Clean Water Act of 1972 and had extended the federal government's authority over small waterways. Republicans and industry groups argue that it required costly and unnecessary permitting. The rule was also the subject of litigation.

Pruitt said he's meeting with government agencies and stakeholders across the country to get input on how to best craft the new definition of U.S. waters. The definition implemented in 2015, Pruitt argues, "has created substantial confusion."

"The whole focus that they said at the time was 'we're doing this to ensure certainty.' If that was their certainty, they failed miserably. Because truly, land use positions, jurisdictional determination, about where federal jurisdiction begins and ends, has never been more confusing."

Gov. Phil Bryant was among many governors who initiated a challenge to the Waters of the United States rule.

"Regulatory uncertainty has been the greatest impediment to economic growth over the last several years, and it's not just in the energy and environmental space. It's in finance. It's in health care. It's across a full spectrum of agency actions in Washington D.C.," Pruitt told The Clarion-Ledger. "But this WOTUS rule is one that I believe of the greatest example of uncertainty that was created because people literally quit using their land or they were concerned about using the land because of the potential for fines and penalties."

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