

To: Jackson, Ryan[jackson.ryan@epa.gov]
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Subject: The Morning Headlines from InsideEPA.com -- September 28, 2017

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

September 28, 2017

Latest News

D.C. Circuit Rejects Stay Of Coal Ash Rule Challenge But Delays Argument

The U.S. Court of Appeals for the District of Columbia Circuit has rejected EPA's push to indefinitely stay litigation over the 2015 coal ash disposal rule while the agency reconsiders the regulation, but is delaying Oct. 17 oral argument in the case until Nov. 20 for briefing on how states' bid for ash permitting authority might affect the case.

EPA Weighs Coal Ash Permitting Applications From Georgia, Oklahoma

EPA regions are assisting Georgia and Oklahoma on their applications for delegated Resource Conservation & Recovery Act (RCRA) authority to permit coal ash disposal -- believed to be the first two filed so far -- but officials in both states say they are still awaiting a decision on whether their filings are "complete" and eligible for approval.

Industry, Environmentalists Likely To Seek Rehearing Of Solid Waste Case

Industry and environmental groups will likely seek rehearing of a federal appeals court ruling that vacated part of the Obama EPA's definition of solid waste (DSW) rule, but if those appeals fail, EPA will likely write a direct, final rule that closely adheres to the July decision, says a Chicago-based environmental attorney

Vehicle GHG Rules Become Major Flashpoint For Climate Damages Fight

The Trump administration's review of vehicle greenhouse gas and fuel economy rules is becoming a major flashpoint over the White House's efforts to diminish the role of monetized climate benefits in regulatory cost-benefit analysis, with environmentalists essentially threatening litigation over any failure to account for increased GHGs due to weakening the vehicle standards.

Citing Deference, Judge Upholds Corps' Regional CWA Wetlands Policies

A federal district court has upheld the Army Corps of Engineers' practice of using regional "supplements" to update its 30-year-old manual for categorizing wetlands under the Clean Water Act (CWA), deferring to the Corps' position that a policy rider

in the Corps' fiscal year 1993 funding law seen as barring the practice expired with that year's budget.

Environmentalists Urge 9th Circuit To Hear All Suits Over EPA TSCA Rules

Environmentalists are urging the U.S. Court of Appeals for the 9th Circuit to consolidate and hear lawsuits filed in several circuits challenging EPA's initial rules for implementing the revised Toxic Substances Control Act (TSCA), after avoiding filing any cases in the D.C. Circuit out of concern the court might be more sympathetic to EPA.

RFS Data Notice Prompts Questions Over Possible Cuts To Biofuels Goals

EPA's release of a notice of data availability (NODA) on possible further cuts to advanced biofuel and biodiesel blending targets under the renewable fuel standard (RFS) is prompting questions about whether the notice might spur last-minute changes to EPA's looming 2018 RFS and how it might influence the pending 2019 RFS.

Daily Feed

Appellate court sets briefing in challenge to RMP delay

The case is expected to test EPA's authority to delay rules under the Clean Air Act.

EPA offers assurances EJ focus will continue in policy office

"The EJ program that you have known in the past is the EJ program that you will still know today and in days coming," a top official says.

Democratic AGs vow success on climate push

The state officials also praised the recent formation of a center at New York University to help coordinate their efforts to combat Trump administration deregulatory moves.

Quote-unquote: states' CAA deference and the coming CPP replacement

Plus: CWA jurisdiction rule, a new effort to reduced regulatory burdens and one Republican's take on climate.

Environmentalists file suit over EPA stormwater permit stay

The challenge to EPA's delay of a Massachusetts stormwater permit provides a new test of the agency's ability to halt implementation of Obama-era rules.

Ewire: Will California start a 'regulatory mutiny' over auto GHGs?

In today's Ewire: Is California about to stage a “regulatory mutiny” over clean car rules, or is it getting ready to deal with the Trump administration?

[API defends EPA's 'exceptional events' air rule](#)

In a new legal filing, the American Petroleum Institute backs EPA's position that some man-made emissions can be classified as “natural” events exempt from Clean Air Act compliance.

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