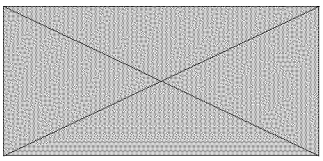
To: Bohan, Suzanne[bohan.suzanne@epa.gov]
From: Environmental Law360
Sent: Fri 12/16/2016 8:30:34 AM
Subject: DuPont To Pay $42M For Va. Mercury Pollution



ENVIRONMENTAL

Friday, December 16, 2016

TOP NEWS

DuPont To Pay $42M For Va. Mercury Pollution

DuPont has agreed to pay $42 million and assume cleanup costs for the release of mercury from a former Virginia plant that polluted more than 100 miles of the Shenandoah River watershed area, the U.S. Department of Justice announced Thursday.

Consultant Gets 17 Years In BP Oil Spill Fraud Case

Two consulting firm owners convicted this year of inflating the number of claimants for a $2.3 billion seafood compensation program in the BP PLC Deepwater Horizon litigation were both sentenced to prison Wednesday in Mississippi federal court, with one receiving more than 15 years.

Exxon's Discovery Put On Ice In NY, Mass. Climate Fight

A Texas federal judge on Thursday slammed the brakes on plans to let Exxon Mobil Corp. find out if the New York and Massachusetts attorneys general launched climate change investigations into the oil giant in bad faith, putting a stay on the discovery he had ordered until further notice.

EPA Defends New Greenhouse Gas Limits At DC Circ.

The U.S. Environmental Protection Agency urged the D.C. Circuit Wednesday to uphold a rule capping carbon emissions from new and modified power plants, saying the limits were reasonably determined and feasible.

Trump Picks Mont. Rep. Zinke For Interior Secretary

President-elect Donald Trump on Thursday officially said he planned to nominate Rep. Ryan Zinke, R-Mont., to serve as secretary of the U.S. Department of the Interior, saying the ex-U.S. Navy SEAL would help roll back regulations and spur resource development.

POLICY & REGULATION

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PHMSA Finalizes Underground Gas Storage Safety Rule

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration on Wednesday unveiled new rules for underground natural gas storage facilities developed in the wake of the natural gas leak at the Aliso Canyon facility in California, which the government estimates leaked 4.62 billion cubic feet of natural gas.

Texas AG Urges State High Court To Dispose Of City Bag Bans

Texas' attorney general on Wednesday urged the state's high court to take up an appeal launched by the city of Laredo over its proposed ordinance banning single-use plastic and paper bags in its retail stores, saying he wants a recent appellate court defeat of the bag ban to apply statewide.

States Send Trump Strategy To Dismantle Clean Power Plan

A 24-state coalition led by Texas and West Virginia's attorney generals on Wednesday urged President-elect Donald Trump and congressional leaders to withdraw the U.S. Environmental Protection Agency's Clean Power Plan, saying necessary steps need to be taken to ensure similar proposals never take form again.

ENFORCEMENT

EPA Says Syngenta Owes $4.9M Fine For Worker Safety Error

The U.S. Environmental Protection Agency on Wednesday slapped Syngenta Seeds LLC with a $4.9 million administrative suit accusing the company of directing workers out into a field too soon after a pesticide was applied at a crop research farm in Hawaii.

LITIGATION

EPA, Sierra Pacific Back 9th Circ. Biomass Ruling

The U.S. Environmental Protection Agency and Sierra Pacific Industries Inc. told the Ninth Circuit on Wednesday there's no reason to reconsider a panel ruling approving an EPA permit for a 31-megawatt, biomass-burning power plant at a Sierra Pacific lumber mill.

Tesla Investors' Stock Suit Nixed Too Soon, 9th Circ. Told

A group of investors asked the Ninth Circuit at a hearing Thursday to revive allegations that Tesla Motors Inc. exposed them to a $6.5 billion stock price drop, saying a lower court erred by killing the suit in spite of new evidence the company knew its electric cars' batteries were flammable.

Lubbock Nabs Win In Permit Battle Over Diverted Wastewater

A Texas appeals court on Thursday sided with the city of Lubbock and the Texas Commission on Environmental Quality in a water rights dispute with R.E. Janes Gravel

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Company over an amended permit the city received to convey treated wastewater to a diversion point, finding the permit didn't harm other rights holders.

Valero, Asphalt Co. Accused Of Contaminating City's Water

A Corpus Christi beauty salon and resident accused Valero Marketing and Supply Co. and Ergon Asphalt & Emulsions Inc. of contaminating the city's drinking water in Texas state court on Thursday, seeking $1 million in damages and asking for an order restraining the companies from destroying any evidence.

Ariz. Highway Foes Tell 9th Circ. To Undo Gov't Win

Environmental, community and tribal advocates implored the Ninth Circuit to overturn a ruling that federal and state agencies took no shortcuts on environmental reviews when approving a Phoenix-area highway project, maintaining Wednesday that the agencies flouted the National Environmental Policy Act.

Army's Horse Removal Must Stop, Animal Rights Group Says

A group aimed at protecting a wild horse-inhabited area around Fort Polk asked a Louisiana federal court on Wednesday to halt the U.S. Army's horse removal plan, claiming it didn't properly consider the impact of its actions or potential alternatives.

Alcoa Loses Bid To Escape Liability In NJ Enviro Suit

A New Jersey federal judge Wednesday rejected Alcoa Inc.'s bid to dodge liability in litigation over environmental contamination caused by the removal of materials from a formerly company-owned site, saying Alcoa may be in default of payment obligations related to the property sale and thus could be held responsible.

Solar Panel Importer Can't Dodge Dumping Duty: Fed. Circ.

In a precedential decision Thursday, the Federal Circuit found a solar panel importer can't dodge a duty on solar cells from Taiwan because they were assembled into panels in Mexico.

CORRECTED: 10th Circ. Snuffs Residents' Bid To Block NM Bus Plan

The Tenth Circuit on Tuesday refused to derail a $120 million bus rapid transit project in Albuquerque, New Mexico, saying a district court properly determined there were zero grounds for an injunction in a suit from local businesses and residents challenging the project's environmental review.

PEOPLE

Environmental MVP: Nossaman's Robert Thornton

Nossaman LLP's Robert Thornton spent the past year successfully defending a $1.8 billion highway project in Phoenix that's been in the works since 1983, helping the city of Bakersfield, California, defeat challenges to two major highway projects, and fending off

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opponents of the nation's largest groundwater banking project, earning him a spot on Law360's list of Environmental MVPs.

EXPERT ANALYSIS

What To Know About The New FWS Mitigation Policy

The goal of the U.S. Fish and Wildlife Service's recently published mitigation policy is to create flexibility for application across a wide range of geographic scales. The flip side of this flexibility is that the service can choose the geographic scale at which to apply the policy within the context of a given project, say Stephanie Clark and Sue Meyer of Nossaman LLP.

LEGAL INDUSTRY

How To Use Social Media And Blogs To Bring In Clients

Half of lawyers surveyed who use social media for professional purposes and more than 70 percent who blog do so to round up business, but success rates are low, the American Bar Association has found. Here's how lawyers can make more fruitful use of social networking.

Nearly Half Of Lawyers Unclear On Tech Duties: ABA Report

Nearly half of lawyers either don't think they're ethically required to stay up on legal technology developments or don't know what the rules are, according to the latest tech survey from the American Bar Association.

Chicago Boutique Sharing Profits In Bonuses For Best Attys

Chicago litigation boutique Eimer Stahl is keeping with the trend of smaller firms trouncing BigLaw on year-end bonuses, announcing Thursday that its associates will at minimum be seeing a bonus that matches the scale set by Cravath Swaine & Moore LLP, but many will also see a share of firm profits.

Law360's Weekly Verdict: Legal Lions & Lambs

Morgan Lewis & Bockius LLP and Patterson Belknap Webb & Tyler LLP stormed onto this week's legal lions list by nabbing a midtrial dismissal of product liability claims against Johnson & Johnson over the antipsychotic drug Risperdal, while an attorney for a one-time GoPro distributor landed on the legal lambs list for a brutal benchslap in which a judge said he did "just about everything wrong."

Trump Taps Kasowitz Bankruptcy Atty For Israel Ambassador

President-elect Donald Trump has nominated longtime adviser and bankruptcy litigation pro David Friedman of Kasowitz Benson Torres & Friedman LLP to serve as U.S. ambassador to Israel, his transition team announced Thursday.

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GOVERNMENT AGENCIES
U.S. Environmental Protection Agency

U.S. Department of Justice

Arizona Department of Transportation

Federal Highway Administration

Texas Commission on Environmental Quality

U.S. Army

U.S. Department of Energy

U.S. Department of the Interior

U.S. House of Representatives

U.S. Supreme Court

Army Corps of Engineers

Bureau of Indian Affairs

Bureau of Land Management

Bureau of Reclamation

Federal Transit Administration

Fish and Wildlife Service

Gila River Indian Community

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