Message

**From:** Environmental Law360 [news-q@law360.com]
**Sent:** 11/7/2016 9:34:55 AM
**To:** Smidinger, Betsy [Smidinger.Betsy@epa.gov]
**Subject:** DC Circ. Dumps Enviros' Challenge To Texas LNG Project

ENVIRONMENTAL

Law360's Election 2016 Hub

Check out our complete coverage of the runup and fallout of the 2016 election

Monday, November 7, 2016

## TOP NEWS

### DC Circ. Dumps Enviros' Challenge To Texas LNG Project

The D.C. Circuit on Friday nixed an environmental challenge to the Federal Energy Regulatory Commission's approval of Cheniere Energy Inc.'s Corpus Christi, Texas, liquefied natural gas export project, relying on earlier conclusions that the commission wasn't required to evaluate the indirect impacts of increased gas drilling and exports.

### Global Climate Deal Becomes International Law

The landmark global climate change agreement inked in Paris last year officially went into effect on Friday, just days before the start of the next round of global climate talks in Morocco that will focus on how to put the goals outlined in the Paris deal into action.

### Wis. Superfund Deal Passes Judge's 2nd Look

The federal judge overseeing the litigation surrounding a Wisconsin Superfund site has refused to rescind his approval of a deal letting paper maker Appvion Inc. and the federal government drop their claims against each other, saying the settlement doesn't need to explain its implications for other parties.

### Fla. High Court Won't Reopen Case On Solar Ballot Measure

A last-ditch effort to block voting on a Florida utility-backed solar power ballot measure has failed, as state justices on Friday unanimously denied requests filed by amendment opponents to void votes in light of a leaked tape confirming that the initiative uses pro-solar language actually intended to thwart consumer-owned solar power devices.

Analysis

### A Cheat Sheet For The Dakota Access Pipeline Battle

LAW FIRMS

BakerHostetler
Berwin Leighton
Bracewell
Chadbourne & Parke
Corrs Chambers
Cravath Swaine
Curtis Mallet-Prevost
Davis Graham
DeWitt Ross
Dentons
Earthjustice
Fredericks Peebles
GableGotwals
Greenberg Traurig
K&L Gates
Kilpatrick Townsend
King & Spalding
Lane Powell
Latham & Watkins
Lewis Rice
Linklaters
Marten Law
McGuireWoods
Michelman & Robinson

The standoff between developer Energy Transfer Partners and the Standing Rock Sioux over the Dakota Access Pipeline has turned into a flashpoint for a national debate about Native American rights and energy infrastructure projects since the tribe lost a round in court and the Obama administration stepped in back in September. Here, Law360 brings you up to speed on what's been happening.

## POLICY & REGULATION

### EPA Floats Rules To Help States Effect Clean Power Plan

The U.S. Environmental Protection Agency has submitted for review its proposed model trading rules that create an optional path forward for states to implement the Obama administration's Clean Power Plan, even though the plan itself has been put on hold by the U.S. Supreme Court.

### Reps In Pa. Press EPA For Fracking Wastewater Rule Clarity

A trio of Republican Pennsylvania lawmakers has asked the U.S. Environmental Protection Agency to ensure that a regulation forbidding wastewater discharges from fracking operations to municipal sewage treatment plants for disposal does not negatively impact conventional oil and gas production, according to a Thursday announcement.

## ENFORCEMENT

### Asarco Invokes CERCLA To Stop Superfund Cleanup Deal

Asarco LLC told an Oklahoma federal court Thursday that the proposed consent decree between two other mining companies and the U.S. for the cleanup of a Superfund site impacting in-state tribal lands should be halted for violating the Comprehensive Environmental Response, Compensation and Liability Act.

## LITIGATION

### Glencore Loses $21M Appeal In Virgin Islands Plant Cleanup

A $21 million and growing pollution cleanup liability in the Virgin Islands tentatively remained a burden of global resource giant Glencore Ltd. Friday after Delaware's Supreme Court declined to overturn a lower court decision rejecting the company's claim that it handed off the expense years earlier.

### Enviros Sue EPA Over Unregulated Ammonia Gas Pollution

Seven environmental groups sued the U.S. Environmental Protection Agency in D.C. federal court Friday, saying the agency has ignored their 2011 petition to protect public health by more strictly regulating ammonia, in a lawsuit that specifically called out livestock operations as the leading U.S. source of the gas.

### BLM Failed To Assess Power Line Impact, Tribe Tells 9th Circ.

A Nevada tribe told the Ninth Circuit on Thursday that the U.S. Bureau of Land Management illegally failed to assess the impact of constructing a power line for a gold and silver mining project through a sacred tribal site, urging reversal of a lower court ruling that let the agency off the hook.

### Ariz. Highway Foes Press 9th Circ. To Stop Work Amid Appeal

Norton Rose Fulbright
Nossaman LLP
Osborn Maledon
Proskauer Rose
Reed Smith
Richards Layton
Robins Kaplan
Sanford Heisler
Schiff Hardin
Sidley Austin
Wachtell Lipton
Western Environmental Law Center
White & Case
Wiley Rein
Wolf Greenfield
Young Conaway

COMPANIES

ALPS Corp.
Adobe Systems Incorporated
Alcoa Inc.
Allied Security Trust
American Bar Association
American International Group Inc.
Ames & Gough
BTI Consulting Group Inc.
CPA Global
Carlyle Group LP
Center for Biological Diversity Inc.
Cheniere Energy
Cisco Systems Inc.
Dominion Resources, Inc.
Duke Energy Corporation
Energy Transfer Partners, L.P.
Facebook
Florida Bar Association
Florida Power & Light Co.
Ford Motor Company
Georgia-Pacific LLC
Glatfelter
Google Inc.
HBR Consulting LLC
Honda Motor Co. Ltd.
Humane Society of the United States
Hyundai Motor
Immersion Corporation

A coalition of environmental and community groups urged the Ninth Circuit on Thursday to stop work on a Phoenix-area highway project while they challenge a ruling that federal and state agencies took no shortcuts on environmental reviews when giving the project the go-ahead.

### Enviros Refused Fees After Dropping Marine Species Dispute

A D.C. federal judge refused to award attorneys' fees to an environmental group that sued the federal government over petitions to get marine species listed as threatened or endangered, ruling Thursday that the group cannot get reimbursement after voluntarily dismissing the case.

### Energy Group Wants Enviros Kept Out Of BLM Auction Suit

An oil and gas industry group is urging a New Mexico federal judge to keep nine environmental groups out of its lawsuit accusing the Bureau of Land Management of illegally failing to hold oil and gas lease auctions.

## EXPERT ANALYSIS

### Task Force Report Sees Changes For Natural Gas Storage

The Interagency Task Force on Natural Gas Storage Safety — formed in response to the leak at California's Aliso Canyon natural gas storage facility — recently issued its final report. Prudent operators should heed the report's call for rigorous evaluations of existing facilities and improved planning for leaks and service disruptions, say Cynthia Stroman, James Bowe, Jr., and William Rice of King & Spalding LLP.

### The Role Of Litigation Analytics In Your Case

Lawyers often use analytics in the course of an e-discovery review for production, where these tools help them assign documents into buckets such as "relevant" or "privileged." Increasingly, lawyers are using analytics to see if there is anything unusual within the collection and if there are stories the documents can tell, say Thomas Gricks, Bayu Hardi and Mark Noel of Catalyst Repository Systems.

## LEGAL INDUSTRY

### Chadbourne Says Female Attys In Pay Row Didn't Pull Weight

Chadbourne & Parke LLP on Thursday hit back at a $100 million proposed class action accusing it of discriminating against female partners, alleging the attorneys bringing the suit are only suing to divert attention away from their own professional shortcomings.

### BigLaw Cuts More Checks To Head Off Malpractice Claims

BigLaw is getting more comfortable writing checks to quickly mollify aggrieved clients, according to a recent survey, with experts blaming rising malpractice defense bills and trigger-happy claimants who are pushing overall costs past six figures for a growing number of suits.

### Legal Sector Sees Another Month Of Job Stagnation

For yet another month, legal services jobs have failed to get a kick-start, with the total number of jobs in the sector holding steady for the fourth month in a row in October, according to data released by the Bureau of Labor Statistics on Friday.

### Legal Tech Download: Robot Judges, AI Ethics, Chatbots

Kroll Ontrack
LexisNexis Group
Lockheed Martin
McKesson Corporation
Microsoft Corporation
NCR Corporation
NL Industries Inc.
Reed Elsevier
SAP AG
Siemens AG
Sierra Club
Southern California Gas Co.
Verizon Communications
eBay Inc.

GOVERNMENT AGENCIES

Advisory Council on Historic Preservation
Arizona Department of Transportation
Army Corps of Engineers
Bureau of Labor Statistics
Bureau of Land Management
Cheyenne River Sioux Tribe
Department of Commerce
Executive Office of the President
Federal Energy Regulatory Commission
Federal Highway Administration
Federal Trade Commission
Gila River Indian Community
Internal Revenue Service
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Security Council
Pipeline and Hazardous Materials Safety Administration
Securities and Exchange Commission
Standing Rock Sioux Tribe
Te-Moak Tribe
U.S. Army
U.S. Department of Agriculture
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of the Interior

The world of legal technology is quickly evolving as new products aimed at aiding lawyers are created and launched in rapid succession. Here, Law360 takes a look at 10 of the biggest legal tech-related news developments over the past two weeks.

### GC Cheat Sheet: The Hottest Corporate News Of The Week

International antitrust guidelines get an update for the global economy, and the defensive patent-purchasing marketplace launched by Google, Microsoft and Ford shows strong early interest. Those stories top the corporate legal news you may have missed this past week.

### Fla. Attys Get The Buzz On Entering Cannabis Law Field

Lawyers eyeing the opportunities that could follow Florida's possible expansion of its medical marijuana program need to think about education, marketing and the ethics entering what is still an illegal industry under federal law, experts said at a conference Friday.

### In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

### Rainmaker Q&A: Schiff Hardin's Imron Aly

Being helpful doesn't always mean legal work, but often means helping clients make connections or bounce off other ideas because my curiosity sparked some of a client's as well, says Imron Aly, co-leader of Schiff Hardin LLP's intellectual property group.

### Rainmaker Q&A: Michelman & Robinson's Sanford Michelman

Diligence is the most important skill that an attorney can bring to bear when engaging with and serving a client. One must be diligent in learning the legal issues facing potential clients, as well as understanding their underlying business objectives and where they sit within the industry in which they operate, says Sanford Michelman, co-founder of Michelman & Robinson LLP.


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