Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 2/7/2019 8:27:20 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Daily News Clips, 2/7/19

From: Lynn, Tricia
Sent: Thursday, February 7, 2019 1:27:17 PM (UTC-07:00) Mountain Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: Daily News Clips, 2/7/19

Axios: Exclusive: Top EPA official leaves to start new advocacy group

Star Tribune (Minnesota): Former EPA lawyer challenges regulators on PolyMet water permit

Agri-Pulse: EPA pushing water quality trading to address nutrients

WJBF.com: The EPA's is working to rescind the Obama Administration 2015 Clean Water Rule

Mississippi Clarion Ledger: 7 years. Billions of gallons of sewage. Jackson is struggling to meet EPA terms.

Reuters: EPA wins new chance to argue against pesticide ban

Southeast Ag Net: EPA Acting Administrator Wheeler Promotes President Trump's State of the Union Address In GA

Newsday: EPA leader calls water contaminants a challenge 'of our generation'

Axios: Exclusive: Top EPA official leaves to start new advocacy group
https://www.axios.com/trump-epa-official-environmental-advocacy-group-97f27d27-2329-4f5e-9353-2aacadc35503.html
By Amy Harder, 2/7/19

Mandy Gunasekara, who has been instrumental in crafting President Trump's regulatory rollbacks on a range of air pollution standards, is leaving the Environmental Protection Agency to start a new political advocacy group defending those policies.

Driving the news: Gunasekara, deputy assistant administrator in EPA's air office, is sending her resignation letter to Trump Friday, according to a copy viewed by Axios.

What's next: In her letter to Trump, Gunasekara didn't get into details about her new organization other than to say it will defend "you and the many energy, regulatory and economic successes of your bold and pragmatic agenda." It's expected to be a nonprofit with a c(4) tax status, which means, among other things, that its donors can be anonymous.

The big picture: Gunasekara, who describes herself in the letter as a conservative Mississippian, is one of several Trump administration officials in the environmental space who used to work for Sen. James Inhofe (R.-Okla.). Inhofe has been one of the most outspoken lawmakers who does not acknowledge the scientific consensus that human activity is a main driver of global warming.

Star Tribune (Minnesota): Former EPA lawyer challenges regulators on PolyMet water permit
http://www.startribune.com/regulators-challenged-on-polymet-water-permit/505466782/
By Jennifer Bjorhus, FEBRUARY 6, 2019 — 11:18PM

A retired attorney with the U.S. Environmental Protection Agency (EPA) has requested an internal investigation into the agency's handling of a water-quality permit in Minnesota for PolyMet Mining, saying career staffers in the Chicago office may have been muzzled to clear the permit.

The EPA's Chicago office effectively cleared the Minnesota Pollution Control Agency (MPCA) to issue the permit in December, one of the final state regulatory hurdles for PolyMet's proposed $1 billion copper-nickel mine in northeastern Minnesota.

"There's enough smoke here that they ought to be seeing if there's a fire," the attorney, Jeffry Fowley, said in an interview.

In a letter to the EPA's inspector general, Fowley, a retired water attorney for agency's Boston office, said he had information from several sources that the head of the Region 5 office "suppressed" written comments from her staff about whether Minnesota was complying with basic federal requirements for the PolyMet permit. He said that "significant EPA concerns" about the permit were improperly discussed over the telephone, and so hidden from the public. As a result, he said, the EPA "failed to meet its basic oversight responsibilities."

Fowley's letter also asserts that last March, Cathy Stepp, head of the Region 5 office, directed her staff not to send written comments to Minnesota on the permit following a phone call from John Linc Stine, then head of the MPCA, in which Stine "complained about the planned comments."

Stepp, a Wisconsin businesswoman and cabinet official under Gov. Scott Walker, was named Region 5 administrator by the Trump administration in December 2017.

Untapped ore

Minnesota's Iron Range is home to one of the world's largest untapped reserves of copper- and nickel-bearing ore, which has sparked interest from several multinational mining concerns, including PolyMet Mining Corp. and Twin Metals Minnesota LLC.

The resulting water permit has been challenged by a Minnesota advocacy group, WaterLegacy, over its lack of stringent, federally enforceable limits on nearly two dozen pollutants that are regulated by the Clean Water Act.

Officials in the EPA's Chicago office declined to discuss the permit specifically, but a spokeswoman issued a statement saying agency staff thoroughly reviewed the PolyMet project in several meetings and conversations with Minnesota regulators and decided not to issue formal written comments because their concerns were addressed along the way.

"EPA leadership in no way limited EPA staff's ability to openly share all questions and/or concerns with their counterparts at MPCA," the statement said. "All significant concerns, observations or questions … regarding the PolyMet permit were communicated to MPCA."

In Minnesota, Shannon Lotthammer, the MPCA's assistant commissioner for water policy, said in a statement that EPA's comments were delivered in multiple phone calls and meetings, including an in-person meeting in St. Paul. Minnesota staff, she said, made changes to the permit based on those comments.

"The Minnesota Pollution Control Agency did not, at any time, ask EPA to suppress or withhold comments on the PolyMet [water] permit," Lotthammer said.

An MPCA spokesman said the agency is confident it addressed all the EPA's comments before the permit was issued. "This is supported by the fact EPA did not comment on the proposed permit during their final review period," said spokesman Dave Verhasselt.

In an interview, former MPCA Commissioner Stine said he and the head of Region 5 spoke on the phone about PolyMet several times but that he never complained about planned comments. Stine said he has "no idea" why the EPA never filed formal written comments on the permit. The lack of written comments is "pretty routine," he said.

McCollum steps in

WaterLegacy, in addition to challenging the content of the PolyMet water permit, has raised concerns about transparency at the EPA. In a Jan. 15 letter to Rep. Betty McCollum, and two other members of Congress, the group's advocacy director, Paula Maccabee, said she was unable to get the written comments from EPA's Chicago office through a Freedom of Information Act request and asked for lawmakers' help.

"We have reason to believe that EPA Region 5 staff prepared final written comments on the draft ... permit, but that they were directed by someone within the Agency not to provide those comments to Minnesota regulators in a written form accessible to the public," Maccabee wrote.

The Star Tribune has also filed a Freedom of Information Act request with the EPA.

E-mails and meeting notes taken by MPCA staffers, obtained by Maccabee and the Star Tribune, show the EPA staff repeatedly expressing concern that the PolyMet permit lacked stringent federal pollution limits, known as water quality-based effluent limits, or WQBELs.

A handwritten note by one of the Minnesota regulators, dated Oct. 22, shows that the EPA planned to do a final review of the permit and that "EPA will focus review on proposed language re: WQBELs."

An MPCA e-mail dated Dec. 17, says: "We did not get any feedback from EPA on the PolyMet permit."

On Tuesday, a spokeswoman for McCollum said the Minnesota Democrat is asking the EPA to release any PolyMet-related comments drafted by its staff.

"The PolyMet copper-nickel mine project has the potential to significantly damage water quality affecting surrounding communities, the Fond du Lac Tribal Nation, and the Lake Superior watershed," McCollum said in a statement responding to Maccabee's letter. "It is remarkable that the EPA did not comment before the issuance of water pollution permits by the State of Minnesota."

'Radio silence'

PolyMet's proposed mine would use a taconite site formerly operated by LTV Steel Corp. near Hoyt Lakes, upstream from the Fond du Lac Reservation, whose officials have followed the permitting process closely. Nancy Schuldt, the tribe's water projects coordinator, declined to comment on concerns about the EPA staff comments.

However, Schuldt said the tribe has written to EPA Region 5 twice since October requesting due process under the federal Clean Water Act and been met with "radio silence." They are writing a third request, she said.

The controversy has also drawn the attention of the Environmental Integrity Project, a nonprofit watchdog in Washington, D.C., because of the size of the PolyMet project and the importance of rigorous EPA permitting, said the group's director, Eric Schaeffer, a former EPA official.

Schaeffer said he's seen Fowley's request for an internal investigation. The situation "seems weird," he said, and justifies an inquiry by the EPA inspector general.

"There are some things that can only come from interviewing staff," Schaeffer said. "There is definite cause for concern if the permit doesn't meet federal standards."

Agri-Pulse: EPA pushing water quality trading to address nutrients
https://www.agri-pulse.com/articles/11880-epa-pushes-water-quality-trading-to-address-nutrients
02/06/19 4:50 PM By Steve Davies

The Environmental Protection Agency is encouraging states to develop water quality trading programs to tackle nutrient pollution, which has become an increasingly visible issue in farm country.

In a memorandum to EPA regional administrators, Assistant Administrator for Water David Ross said the agency wants to move toward more market-based solutions to address excess nitrogen and phosphorus in the nation's waters. The memo follows up on a December letter to states from Ross and USDA Undersecretary for Farm Production and Conservation Bill Northey seeking input on water quality solutions, and a Memorandum of Understanding released last week between EPA and the Water Research Foundation on affordable technologies to recycle nutrients from livestock manure.

In the letter to states, Ross and Northey said "nutrient pollution continues to be widespread, particularly in the Mississippi River Basin."

In the past, Ross' memo noted EPA has urged states to develop numeric water quality criteria and Total Maximum Daily Loads (TMDLs) for receiving waters. Those tools are still available, he said, but "EPA believes that market-based programs, including water quality trading, as well as incentive- and community-based programs can be used more effectively than they have to date to achieve water quality improvements."

In an interview with Agri-Pulse, Ross said state regulators and other interested parties outside the agency have told him they wanted EPA to update its 2003 water quality trading policy, which has not succeeded in bringing about widespread adoption of water quality trading programs.

"They want it be more flexible," Ross said. One example: The memo says "demanding too much precision in measuring or predicting pollutant reductions from certain types of discharges, e.g., point source stormwater and nonpoint source runoff, can be an impediment to market-based programs."

Being forced to verify water quality improvements with absolute precision could kill such programs, he said. In the past, "the agency would require precision — almost molecule for molecule — in offsets."

Ross said modeling has improved considerably since the 2003 policy was released.

TMDLs can still be part of the solution, he added, but are not the "be all, end all."

"TMDLs are an amazing tool but they take too long to set up," said Ross, who represented the American Farm Bureau Federation when it sued EPA over the Chesapeake Bay TMDL.

On Wednesday he called that TMDL a "great program," but added a qualifier: "Can we replicate that? It took years and tens of millions of dollars to develop."

Ross said he'd like to see wetland mitigation bankers get into new areas, such as nutrient and sediment reduction, and more landscape-scale projects.

Don Parrish, senior regulatory affairs director at the American Farm Bureau Federation, said AFBF welcomed the news. “This is another tool in the toolbox,” such as farm bill programs like the Environmental Quality Incentives Program, Conservation Stewardship Program, and Conservation Reserve Program.

He added, however, “It’s not a silver bullet, it’s not a brass ring, it’s a tool.”

Mark Patrick McGuire, an environmental program manager at the Association of Clean Water Administrators, also had kind words for EPA’s effort. “Many of our members have incorporated trading into their programs,” he said, echoing Parrish’s sentiment about the trading being another way to tackle nutrient pollution.

Asked why states and tribes might want to participate, McGuire said “it’s going to be different for every state, every watershed; it’s really going to depend on the jurisdiction.”

McGuire also said, responding to the memo’s flexible approach to water quality monitoring, “it is key for the states that nonpoint source best management practices be measurable.”

WJBF.com: The EPA's is working to rescind the Obama Administration 2015 Clean Water Rule
https://www.wjbf.com/news/csra-news/the-epa-s-is-working-to-rescind-the-obama-administration-2015-clean-water-rule/1761039284
By Devin Johnson, Feb 06, 2019 11:31 PM EST

DEARING, Ga (WJBF) - The Clean Water Rule was put into place in 2015 by the Obama Administration. It was meant to clarify the 1972 Clean Water Act.

It covers the streams and wetlands that are under the EPA's authority.

The acting EPA administrator stopped in the Peach State. He talked about the new "Waters of The U.S.," or WOTUS rule.

The most recent water rule has only been on the books since 2015. So why the push to change it just a few years later?

The EPA's acting director Andrew Wheeler says the old rule wasn't benefiting business people who depend on America's waterways, including farmers.

"It's great to hear what their issues and problems are," said Wheeler. "What we are doing today on the nutrient policy, is hearing from the farmers about what didn't work in past."

Wheeler says the new rule will speed up the process when it comes to getting a permit to use a body of water.

"We want to speed that up so people can identify for themselves whether or not they need a permit, and start that process," explained Wheeler. "At the the other end of the process, we want to try to reach decisions on permits much faster."

One local business owner says the new WOTUS rule will benefit his company.

"The Waters of United States rule that was proposed in 2015, in my view overreached," said Skeetter McCorkle. "It will regulate things such as they irrigation drain ditches that we have."

Mccorkle told NewsChannel 6 reporter Devin Johnson, he is glad the EPA is listening to local farmers who are hurting to get a permit to do business.

"It's very encourgaing to hear on the news and to see some of the things that we have seen in the last couple of years with regulations; that makes it more and more difficult for small business people to be successful," said McCorkle.

Wheeler says the government also wants to make it easier to define what bodies of water are actually "Waters of The United States."

"We are following the act, and we are following the supreme court decisions," explained McCorkle. "We are hopefully defining it once and for all, so everyone knows, what is a water of the U.S. and what is not."

The administrator adds the WOTUS Rule will be clear cut. Most farm practices will not be Waters of The United States.

Mississippi Clarion Ledger: 7 years. Billions of gallons of sewage. Jackson is struggling to meet EPA terms.
https://www.clarionledger.com/story/news/2019/02/07/sewage-pearl-river-jackson-struggling-meet-epa-decree-ms/2584698002/
Justin Vicory, Published 5:00 a.m. CT Feb. 7, 2019

The city of Jackson has been under the thumb of the Environmental Protection Agency since 2012, but that hasn't slowed sewage overflow from the city's aging infrastructure.

And both the city and the EPA — scheduled to meet soon over terms of a federal consent decree — know it.

EPA records, based on quarterly reports submitted by the city, reveal Jackson's main water treatment facility, the Savanna Wastewater Treatment Plant, released nearly 3 billion gallons of minimally treated sewage — enough to fill about 4,000 Olympic-sized swimming pools — into the Pearl River over a six-month period last year.

The prohibited "bypass" between January and June totaled 2.65 billion gallons. Another 4.5 million gallons of sewage flowed out of manholes or collapsed sewer lines from January through September, eventually making its way to Jackson waterways that flow into the Pearl River.

The amounts are among the highest the city has recorded in that time frame since the city was put under a consent decree in late 2012. The total amount of sewage overflow in 2018, about 3.4 billion gallons, also nears that of the close to 3.9 billion gallons released into the river in 2013, raising concerns from environmentalists who monitor the Pearl River.

The EPA has been watching Jackson closely, including its City Council meetings, and will consider the city's proposal to renegotiate the consent decree's terms during a meeting either late this month or in March. A scheduled meeting in January was canceled due to the extended government shutdown.

Abby Braman, a member of Pearl Riverkeeper, a nonprofit focused on monitoring and cleaning up the Pearl River, also has been closely watching Jackson. She suspects the numbers won't be any better in the city's next quarterly report to the EPA.

"I'm worried that Jackson is stepping backward on the consent decree and that the result will cause more problems for the city in the long run," Braman said.

Public Works Director Bob Miller, since taking the job in October 2017, has put the renegotiation of the consent decree at the top of a long list of city infrastructure priorities. He has hired an outside firm, Burns & McDonnell Engineering Inc., to help with that task and has put together a list of corrective actions, ranging from a fats, oils and grease (FOG)

reduction program to sewer line replacement. Last year, the Jackson City Council approved hiring the Galardi Rothstein Group, who with the Kilpatrick Townsend and Stockton law firm, to assist with negotiations.

Miller estimates the cost of meeting the terms of the current consent decree would actually cost Jackson close to double the $400 million originally proposed.

Many reasons for wastewater overflow

In an annual report prepared for the city, Burns & McDonnell acknowledged the increase in wastewater overflow. There are many reasons for it, the report concluded.

"The number of prohibited bypasses increased in the period March 2017 through February 2018 from the previous 12 months because of hydraulic limitations of piping, storm cells, influent pumping station and other process areas, wastewater cannot always be recovered from the storm cells and must be discharged."

Another factor hasn't helped. Jackson in 2018 saw the second highest amount of rainfall in more than 100 years, behind the 92.75 inches the city experienced in 1979, the year of the Easter flood, according to the National Weather Service.

Under the initial 2012 agreement, Jackson was given 17½ years to make an estimated $400 million in upgrades with the majority of the work to be completed within 11 years. The decree found at the time the system was overwhelmed by the amount of material it could treat. It concluded sewage was being bypassed one out of every eight days. Even the treated sewage from the Savanna plant was still above the parameters for harmful pathogens such as nitrogen and ammonia, authorities found.

In recent years, the EPA has determined the plant is in "significant noncompliance" with the Clean Water Act, where the "treated" sewage still has high amounts of dissolved oxygen, nitrogen, ammonia and solids that can cause environmental damage to the Pearl River. In one reporting period, there was a more than 160 percent increase in the allowable levels of nitrogen.

Miller, in a recent interview, cited several factors when looking at Jackson's water and sewage woes, including limited financial resources, a close to 50 percent shortage of staff in the water and sewer departments, equipment infrastructure issues, and most significantly, a shortfall of tens of millions of dollars in water billing revenue.

"The first part is to let them know that we take this very seriously," Miller said of talks with the EPA. "We've got to figure out what elements are affordable. We can't address all of them, so we have to determine where we get the most value for the price.

"Then, there's the issue of time," he said. "We want the most out of what we can accomplish in the time frame."

Depending on the quarterly report, about half of all sanitary system overflows are the result of fats, oils and greases. As a result, the city has embarked on a FOG campaign to alert residents and business owners of the problem to reduce the buildup. The City Council recently passed an ordinance addressing FOGs, which includes an inspection program and potential fines.

The city's One Percent Commission has stepped in to help with some of the city's many collapsed sewer lines, but with an estimated $2.5 billion infrastructure deficit, according to Mayor Chokwe Antar Lumumba, the city often finds itself forced to perform maintenance instead of more long-term fixes.

What happens in Jackson doesn't stay in Jackson

Federal officials are also monitoring what happens in City Council chambers.

Miller said the agency's concerns center on how serious the council, which controls the purse strings for the city, takes compliance.

For example, the EPA took note when some council members first opposed an emergency request June 19 for $10 million in funding to repair about 90 collapsed sewer lines across the city. The collapsed lines were a clear violation of the Clean Water Act. Ultimately, the council relented and approved the funding.

"They've told me that their biggest concern is a political one, that the City Council might use this as a political football," Miller said of EPA officials. "To them, this decision could show the city isn't serious about this matter."

Council President Melvin Priester Jr. said he believes his colleagues on the council take the consent decree seriously. He emphasized the importance of increasing water billing revenue, which would reduce the need for the city to draw on its general fund to cover shortfalls in the city's water and sewer departments.

"Everything, not just the consent decree, relies on that water billing revenue and right now, we're not seeing what we need to see. We should be seeing about $6 million a month and we're at about $3 million," he said.

Priester added there's a concern among some council members about who gets water and sewer infrastructure repair contracts, whether they remain in-house or go to contractors based outside Jackson city limits.

With such a dire shortage of employees in the departments, Miller has left open the possibility of bringing in outside help to bolster those departments.

Feds could take over

If Jackson doesn't live up to its commitments, there are a "spectrum" of possible consequences from the EPA and the Mississippi Department of Environmental Quality, Miller said.

The city could be fined from $500 to $2,000 a day for violations of the Clean Water Act, which could quickly run into the hundreds of thousands and even millions of dollars, Miller said.

The worst-case scenario would be the EPA going to court to put the city in receivership, a situation in which the federal agency takes over management of a city's water and sewer department and makes all financial decisions, including the awarding of contracts and the setting of water and sewer rates.

"That would be the regulatory equivalent of the city declaring bankruptcy," Miller said.

Braman fears the bypass from the Savanna plant is having environmental consequences on the Pearl River and could lead to "dead zones" where excessive pollution affects marine and plant life. If left unattended, the pollution could threaten the economies of municipalities downstream that rely on the river for commerce.

The state environmental agency MDEQ has conducted its own studies of the effect the sewage is having on the river. It's determined a large stretch of the river running through Jackson hasn't attained its "designated use" of aquatic life support or for recreation.

The agency has determined this area of the river "impaired," or as having failed to meet one or more water quality standards, but has left the designation off its official list of impaired bodies since a water quality improvement plan from the city has been submitted.

Braman said she has faith in Miller to turn the system around. Her biggest concern is whether city officials will listen.

"It seems to me the public works director is the one that is trying to provide the right information on what we have to do. This consent decree is really an investment in the future, too, so I feel like the rest of the city should be on board.

"My biggest fear is that they aren't and what's happening now will have long-term consequences," she said. "And it's not just affecting the residents of Jackson, it's affecting the entire Pearl River."

Reuters: EPA wins new chance to argue against pesticide ban
https://www.reuters.com/article/us-usa-epa-pestocide/epa-wins-new-chance-to-argue-against-pesticide-ban-idUSKCN1PW20B
Jonathan Stempel, 2/7/19

The Trump administration has persuaded a U.S. appeals court to reconsider its recent decision ordering the Environmental Protection Agency to ban the widely-used pesticide chlorpyrifos, which critics say can harm children and farmers.

The U.S. Environmental Protection Agency (EPA) sign is seen on the podium at EPA headquarters in Washington, U.S., July 11, 2018. REUTERS/Ting Shen/File Photo
In an order on Wednesday, the 9th U.S. Circuit Court of Appeals said it will again review former EPA administrator Scott Pruitt's March 2017 refusal to ban chlorpyrifos for use on food crops such as fruits, vegetables and nuts.

Pruitt's ruling reversed a 2015 Obama administration plan to extend a 2000 ban on the pesticide that had covered most household settings.

The appeals court had, in a 2-1 decision last Aug. 9, directed the EPA to ban chlorpyrifos within 60 days.

It cited the agency's failure to consider, or debunk, "scientific evidence" associating the pesticide with low birth rates, impaired mental development, attention and behavior problems, and other damage to children.

Wednesday's order means an 11-judge appeals court panel will reconsider the case.

Chlorpyrifos, developed as a nerve gas in World War Two, has been used commercially in the United States since 1965.

Groups that challenged Pruitt's ruling included the Natural Resources Defense Council and the United Farm Workers.

"EPA's own scientists have said for more than two years that chlorpyrifos is harmful, particularly to children," said Patti Goldman, a lawyer for Earthjustice representing the groups, in a statement. "Any delay to ban this toxic chemical is a tragedy."

If the 9th Circuit upholds Pruitt's original ruling, it will be a win for President Donald Trump, who along with other Republicans has long criticized what is widely viewed as one of the more liberal federal appeals courts.

In seeking a rehearing, the EPA said the appeals court lacked jurisdiction to review Pruitt's ruling, and otherwise should have simply directed him to reconsider the evidence rather than order a ban.

The EPA is now overseen by acting administrator Andrew Wheeler.

A spokeswoman said the agency is pleased the case will be reheard, and that federal rules allowing the pesticide's use "can continue, as permitted by state law," during the appeals process.

SOTU: Trump plays to base despite bipartisan talk
Judge Jed Rakoff, who normally sits on the federal district court in Manhattan, wrote the Aug. 9 decision.

Circuit Judge Ferdinand Fernandez dissented, saying the court lacked jurisdiction.

The case is League of United Latin American Citizens et al v New York et al, 9th U.S. Circuit Court of Appeals, No. 17-71636.

Southeast Ag Net: EPA Acting Administrator Wheeler Promotes President Trump's State of the Union Address In GA
http://southeastagnet.com/2019/02/07/epa-wheeler-state-union-address-ga/
FEBRUARY 7, 2019

U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler visited Georgia to promote President Trump's successful State of the Union address. While meeting with local and state officials at McCorkle Nursery in Dearing, Georgia, Acting Administrator Wheeler discussed EPA's ongoing efforts to redefine the "Waters of the United States" rule as well as EPA's efforts to improve America's infrastructure through reforms in the Agency and direct funding through EPA's Water Infrastructure Financing and Innovation Act (WIFIA) program. Finally he unveiled EPA's new nutrient reduction policy.

Acting EPA Administrator Wheeler addresses Georgia and South Carolina farmers and foresters in Augusta.

"From proposing our new waters of the U.S. definition to accelerating permits to financing new water infrastructure, the people of Georgia are excited about the ways EPA is delivering on the bold agenda that President Trump presented in his State of the Union address," said EPA Acting Administrator Andrew Wheeler. "We also announced an important new strategy to promote market-based mechanisms to address excess nutrients in surface waters and improve our nation's water quality."

"With WOTUS and so many other reform initiatives, the Trump Administration approach to regulation is refreshing." said Georgia Agriculture Commissioner Gary W. Black. "Let's help people start a business. Let's help people stay in business. Let's help people stay in business with clear rules. Let's stop putting people out of business with dumb rules. This message resonates with the American people."

"An important part of improving our nation's water quality is leveraging the collective resources of the federal family and improving relationships with our partners on the ground," said EPA Assistant Administrator for Water David Ross. "Building on efforts already underway at the state, local and tribal level, EPA is taking a number of steps to help facilitate the use of a broad range of tools and technologies that will deliver critical water quality improvements at a lower cost."

"Our farmers work hard to protect the environment because their livelihood depends on it, and we greatly appreciate the chance to share that message with administrator Wheeler in person," said George Farm Bureau President Gerald Long. "We greatly appreciate the work EPA has done to scale back regulations, like the Waters of the United States rule, that cause undue burdens on our farmers. We look forward to working with the EPA to protect the environment while ensuring we can continue to work to feed the world."

Nutrient Policy

EPA Acting Administrator Wheeler meets with team members of McCorkle Nursery.
Earlier, EPA announced a new water quality trading policy memorandum that will help states, tribes, and stakeholders use market-, incentive-, and community-based programs to reduce excess nutrients and improve water quality in their communities.

EPA has supported the use of water quality trading, offsets and similar programs for achieving compliance with regulatory requirements of the Clean Water Act for many years. Today's memo reiterates the agency's support for water quality trading and other market-based programs to maximize pollutant reduction efforts and improve water quality and builds on the Trump Administration's efforts to demonstrate that support.

EPA's new trading memo identifies the following six Market Based Principles designed to encourage creativity and innovation in the development and implementation of programs that reduce pollutants in our Nation's waters:

- States, tribes and stakeholders should consider implementing water quality trading and other market-based programs on a watershed scale.

- EPA encourages the use of adaptive strategies for implementing market-based programs.
- Water quality credits and offsets may be banked for future use.
- EPA encourages simplicity and flexibility in implementing baseline concepts.
- A single project may generate credits for multiple markets.
- Financing opportunities exist to assist with deployment of nonpoint land use practices.

EPA's actions are part of a larger collaboration with stakeholders across the country to better coordinate and focus federal resources on some of the nation's most challenging water resource concerns, including addressing excess nutrients in waterways.

Infrastructure

As highlighted in President Trump's State of the Union address and in support of the President's Infrastructure Initiative, EPA has accelerated investment in the nation's aging water infrastructure. Over the past year, EPA has moved President Trump's infrastructure agenda forward by working to get the financing, tools, and resources EPA's state, local, tribal, and other partners need to modernize outdated water infrastructure, while improving local water quality, creating jobs, and better protecting public health.

EPA has also taken a leading role in the Administration's initiative to promote greater efficiencies in the infrastructure permitting process. These actions include working to provide a clear and predictable approach to identifying waters that are subject to federal authority through the Department of the Army's and EPA's proposed "Waters of the United States" (WOTUS) rulemaking. By clearly defining where federal jurisdiction begins and ends, the new proposed WOTUS definition will provide states and the private sector the regulatory certainty they need to develop and streamline projects that will modernize our nation's aging infrastructure.

EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program is EPA's newest water financing program which provides long-term, low-cost supplemental loans for regionally and nationally significant projects. In 2018, EPA issued seven WIFIA loans totaling nearly $2 billion to help finance over $4 billion for water infrastructure projects and create up to 6,000 jobs. In November 2018, EPA invited 39 additional projects in 16 states and Washington, D.C. to apply for a WIFIA loan. Together, these selected borrowers will receive WIFIA loans totaling approximately $5 billion to help finance over $10 billion in water infrastructure investments and create up to 155,000 jobs.

For more information about EPA's WIFIA program, visit https://www.epa.gov/wifia

Source: U.S. Environmental Protection Agency

Newsday: EPA leader calls water contaminants a challenge 'of our generation'
https://www.newsday.com/long-island/water/epa-director-emerging-contaminants-1.27015559
By David M. Schwartz, Updated February 7, 2019 2:10 PM

The U.S. Environmental Protection Agency's regional head told a Long Island business group Thursday that the agency is finalizing a report on emerging contaminants found in drinking water, but said he couldn't comment on whether the agency will set enforceable standards for the contaminants.

“My understanding is they are driving toward it,” Peter Lopez, the regional administrator, said at a Long Island Association breakfast in Melville.

In remarks where he emphasized a regulatory philosophy that weighs environmental protection with economic growth, he called the issue of emerging contaminants "one of the greatest challenges I feel of our generation."

The agency has been under fire from environmentalists and lawmakers over reports that the agency won’t set a drinking water standard for perfluorooctane sulfonic acid (PFOS), found in firefighting foams, and perfluorooctanoic acid (PFOA), which is used in manufacturing and water-resistant and stain-resistant materials. According to the EPA, exposure to PFOA and PFOS has been linked to health effects, including testicular and kidney cancers, liver damage and developmental effects to fetuses or breast-fed infants, such as low birth weight and accelerated puberty.

New York State Department of Health is considering setting maximum contaminant levels for both PFOA and PFOS, as well as 1,4-dioxane, a probable carcinogen, that has been found more widely across Long Island.

Lopez, a former Republican state Assemblyman from upstate New York, said while products such as nonstick pans and water-resistent fabrics had beneficial impacts, the chemicals "may haver persistent and damaging effects on us."

On Monday, Senate Minority Leader Chuck Schumer urged the EPA to set strict limits on a pair of toxic chemicals and threatened to hold up acting EPA Administrator Andrew Wheeler's nomination to become the agency's permanent chief.

Republican senators from Long Island on Wednesday called for the state to "immediately" set the standard for PFOA and PFOS.

Also, Lopez downplayed the chances of oil and gas drilling off Long Island's coast, telling LIA President and Chief Executive Officer Kevin Law that while the decision rests with the Department of the Interior, "My sense is there's some rethinking going on" because of local opposition on the East Coast.

Lopez said he believed the agency should work with businesses where possible on enforcement actions.

"Our goal is to find out what is it about regulatory environment that hinders the potential for our economic engine to run effectively," Lopez said. "Again, we're looking at the balancing act . . . What do we do to be protective, but also ensure there's enough room to be protective and make sure there's enough flexibility for entrepreneurs to engage."

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