Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 12/14/2018 9:12:39 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Compilation 12/14/2018

From: Agarwal, Ilena
Sent: Friday, December 14, 2018 2:12:11 PM (UTC-07:00) Mountain Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: Compilation 12/14/2018

Water

Think Progress: Trump's EPA promotes its clean water rollbacks with an article from outlet backed by GOP megadonor
The National Law Review: EPA and Army Corps Again Propose to Redefine Waters Regulated Under the Clean Water Act
The Daily Jeffersonian: Trump White House revises Obama-era water protection rules

Administration

Politico: Funding fight puts LWCF in the crosshairs
E&E News: Legislation aims to promote green infrastructure
The Guardian: Trump science adviser casts doubt on links between pollution and health problems
The Hill: Trump administration to unveil strategy for fighting lead exposure
The Hill: House Democrats call on Trump to act on climate change
The Ring of Fire: EPA Boasts About GOP Mega Donors' Joy When They Slash Life-Saving Regulations

Recycling

EHS: EPA Reaches Proposed Settlement with Tradebe Treatment and Recycling Northeast

Wetlands

The Star Democratic: EPA looks to roll back wetlands protections
NBC Chicago: Nearly 20 Dead Swans Found Around Indiana Lake Since October, Birdwatcher Says

Chemicals

Mother Jones: Retailers Have Vowed to Stop Selling These Deadly Paint Strippers. Why Hasn't the EPA Done Anything?
Bloomberg environment: Toy, Tire Makers Want Heads-Up on Chemicals EPA Will Screen

Clean Air Lawsuit

Washington Post: Alaska groups sue EPA to enforce clean air law in Fairbanks
Earth Justice: WITH NO RESPONSE FROM EPA, FAIRBANKS COMMUNITY GROUPS FILE SUIT TO FORCE EPA TO ADDRESS POLLUTION

Think Progress: Trump's EPA promotes its clean water rollbacks with an article from outlet backed by GOP megadonor

"There goes another one."
https://thinkprogress.org/epa-defends-work-by-citing-outlets-tied-to-climate-denial-gop-donor-cf07e809465c/
KYLA MANDEL- DEC 13, 2018, 5:14 PM

The Environmental Protection Agency (EPA) is currently promoting its recent environmental rollback using an op-ed published in a news outlet owned by a Republican megadonor.

The column, published by The Las Vegas Review-Journal Editorial Board with the headline "There goes another one," was sent around to journalists by the EPA press office on Thursday.

The editorial called this week's rollback of Obama-era clean water rules "another administrative success story in its battle against the overweening administrative state."

That opinion runs counter to that of many experts, who have warned the recent rule change would allow for greater pollution of critical waterways across the country.

Adelson also had a close relationship with the agency during former EPA administrator Scott Pruitt's tenure. As Politico reported in March, Pruitt met with Israeli company Water-Gen at the "request of Adelson." Shortly after, the agency signed a research agreement with the company.

EPA further strains relations with news media by referring reporters to Daily Caller
While Pruitt was head of the EPA, the agency was known for its antagonistic relationship with the press. It would frequently cite articles by the conservative Heartland Institute and the Daily Caller in attempts to promote the agency's controversial work.

It appears that, despite other efforts to thaw tensions, things haven't changed much under the leadership of acting administrator — and former coal lobbyist — Andrew Wheeler, who took over the top job after Pruitt resigned this past summer.

This is the second time in less than a month that an EPA press release has raised eyebrows. At the end of November, the EPA used a Daily Caller article in an effort to undermine the National Climate Assessment — a report mandated by Congress and authored by many government scientists.

In a news release sent on November 28 and labeled "Fact-Check," the agency cited the news outlet, which has long been associated with promoting climate science denial, quoting excerpts from its article to support Wheeler's false claims that the climate report was directed by the Obama administration to examine only the "worst case" scenario — a statement swiftly debunked by scientists at the time.

Politico: Funding fight puts LWCF in the crosshairs

https://www.politico.com/newsletters/morning-energy/2018/12/14/funding-fight-puts-lwcf-in-the-crosshairs-456095

By KELSEY TAMBORRINO (ktamborrino@politico.com; @kelseytam)12/14/2018 10:00 AM EST

With help from Eric Wolff, Annie Snider, Darius Dixon, Tim Starks and Anthony Adragna

FUNDING FIGHT PUTS LWCF IN THE CROSSHAIRS: Lawmakers headed home for the weekend without making any progress toward averting a partial government shutdown. "There is no discernible plan," said Sen. John Cornyn, the Senate's No. 2 Republican, on Thursday. "None that's been disclosed." Lawmakers face a Dec. 21 deadline to reach an agreement on government funding for several agencies, including Interior-EPA. And without agreement to move on those, there's no legislative vehicle for reauthorization of the Land and Water Conservation Fund.

Walled in: Six of the seven spending bills are ready to go next week, which would make up nearly $200 billion in total spending, POLITICO's Sarah Ferris, John Bresnahan and Anthony Adragna report. But Republican leaders in the House are refusing to put any spending package on the floor without money for President Donald Trump's border wall.

DOWN TO THE WIRE: The House won't be back in town until the night of Dec. 19 — leaving just 72 hours to reach a deal.

LWCF STRANDED: House Natural Resources Chairman Rob Bishop, ranking member Raúl Grijalva, and Senate Energy Chairman Lisa Murkowski and ranking member Maria Cantwell had a lengthy and productive meeting on a public lands package that includes the permanent reauthorization of the LWCF, Anthony reports. But they've agreed it wouldn't move unless Congress can agree on a year-end omnibus spending package, Murkowski said. "Every time we have a conversation we're closer to a final deal," she said, adding that "given the time frame we're dealing with" it would have to move with an omnibus appropriations bill.

Not so fast: Cantwell was less bullish on the public land package's chances. "While I continue to hope we can come to an agreement on a deal, I am concerned that last-minute overreach could jeopardize the entire package," she told ME in a statement.

What else? Murkowski also said Senate leadership is working on a nominees package to pass before the end of the year — welcome news for the seven Energy Department nominees and three Interior nominees awaiting confirmation.

IT'S FRIDAY! I'm your host, Kelsey Tamborrino. Bracewell's Frank Maisano was the first to correctly name the four countries entirely south of the Tropic of Capricorn: New Zealand, Lesotho, Uruguay and Swaziland. For today: Who holds the record for serving the shortest term as speaker of the House? Send

WORD FROM THE AGENCIES

THE ANSWER MY FRIEND, IS BLOWIN' IN THE WIND: The auction for three offshore leases for wind power developments blew through price records Thursday, but the bidding isn't over yet. The Bureau of Ocean Energy Management will resume the auction this morning, and bids have already reached an average of about $700 an acre, exceeding the 2016 record of $535 an acre for a lease in New York waters. Four companies out of 11 that started remain in the bidding, and since each company can only come away with one lease, the staring contest over who drops out next could be intense. The action resumes this morning at 9 a.m.

ON TAP TODAY: EPA's Office of Inspector General expects to release a report today on the agency's Water Infrastructure Finance and Innovation Act program.

ALSO ON THE HILL

SENATE DEMS WARY OF DOE CENTRUS PLANS: A trio of Senate Democrats are pressing Energy Secretary Rick Perry to nix agency plans to issue a $115 million no-bid contract to Centrus Corp. to demonstrate technology for enriching

uranium slightly above what's needed to run current nuclear power reactors. "We question the need for such an arrangement outside of congressional consideration for fiscal year 2019 and outside of normal government competitive procurement practices," Sen. Dianne Feinstein, the top Democrat on energy and water spending, wrote in a letter with Sens. Martin Heinrich and Tom Udall. Centrus was created after the 2014 bankruptcy of uranium enrichment firm USEC, and lawmakers are especially wary about continuing the special treatment the predecessor company received from powerful lawmakers and previous administrations.

DOC OF THE DAY: The Congressional Budget Office released its annual list of options for reducing the federal deficit over the next 10 years, which policymakers rely on in weighing budget decisions, Pro's Jennifer Scholtes reports. Inside the document: imposing a tax on greenhouse gases, which would increase federal revenues by $1.1 trillion over the next 10 years. See it here.

DEMS TO TRUMP: ACT ON CLIMATE REPORT: Close to 100 Democratic lawmakers want the president to heed the warnings of the second volume of the Fourth National Climate Assessment that was released in November. Democrats signed onto a letter requesting Trump "reconsider maintaining the nation's commitment to the Paris Agreement and fully implement and enforce the Clean Power Plan, fuel economy standards, methane emission controls, and safeguards for clean air and clean water," in order to stave off the worst effects of the climate report.

TO THE MATS: Democratic Sen. Tom Carper expressed concern over EPA's proposed reconsideration of the supplemental finding about Mercury and Air Toxics Standards, which provides standards for mercury and air toxics pollution from power plants. "I echo the call of health and environmental groups, states and the business community: Keep the entirety of the MATS rules in place," Carper wrote in a letter to the Office of Information and Regulatory Affairs.

STATE NEWS

RIOT ACT READ: Bureau of Reclamation Commissioner Brenda Burman held Arizona, California and Nevada's feet to the fire Thursday when she publicly set a Jan. 31 deadline for the Lower Colorado River Basin states to sign off on plans aimed at averting a worst-case scenario at Lake Mead — or face federal intervention that would be more sledgehammer than scalpel. "The drought on the Colorado River has been a top priority of the secretary since before I came to the department," Burman later told reporters at the Colorado River Water Users conference in Las Vegas Thursday.

But Trump won't like this: Burman acknowledged that if the states can't finalize their deal, Mexico likely won't share in the pain of preemptive cuts. "I think it would depend on the secretary's action, but in most cases I would say that the Drought Contingency Plans of the seven basin states are what would trigger Mexico's contribution," under a bilateral agreement signed between the neighbors in 2017, she said.

Keep your eye on this: Burman said there is general agreement that Congress will need to sign off in order for the state plans to fully go into effect. Don't forget, in recent years, even broadly-supported water sharing agreements have failed to pass Congress (See: Klamath River).

WASHINGTON BUDGET EYES SNAKE RIVER: Washington Gov. Jay Inslee released his budget proposal for the next two years that looks to increase spending on the environment, including efforts to help the state's orca population, the Associated Press reports. The budget also includes $750,000 "to facilitate a stakeholder process to inform a path moving forward should the Lower Snake River dams be removed" — a contentious issue in the state — that Washington Reps. Dan Newhouse and Cathy McMorris Rodgers were quick to slam. In a statement, the pair said Inslee "does not have the authority to breach our federal dams on the Lower Snake River, and allocating state taxpayers' funds to consider breaching them would be wasteful."

FOR YOUR RADAR: California could today become the first state to commit to an all-electric bus fleet. The California Air Resources Board is expected to vote on the Innovative Clean Transit measure, requiring transit agencies move toward 100 percent zero-emission buses by 2040 statewide.

ATLANTIC COAST PIPELINE WILL APPEAL: Atlantic Coast Pipeline will appeal the 4th Circuit Court of Appeals ruling Thursday that vacated the U.S. Forest Service's approval of the project, spokesman Aaron Ruby said. Ruby said the court's decision would "severely harm consumers and do great damage to our economy and energy security."

IT'S BACK: Colorado Rising, the liberal group that got the since-defeated measure on fracking limits, Proposition 112, on the ballot in November, announced Thursday it was forming an exploratory committee to start the process of running a ballot initiative in the 2020 election cycle.

MOVERS AND SHAKERS
Trump has appointed Brian Harrell as director of the Infrastructure Security Division of the newly established DHS Cybersecurity and Infrastructure Security Agency. Trump last month appointed Harrell as assistant secretary of infrastructure protection at CISA's predecessor, the National Protection and Programs Directorate.

E&E News: Legislation aims to promote green infrastructure

https://www.eenews.net/eedaily/stories/1060109609

Cecelia Smith-Schoenwalder- December 14, 2018

A bipartisan group of lawmakers this week introduced legislation aimed at getting EPA to promote what they call green infrastructure.

According to H.R. 7279 from Rep. Bob Gibbs (R-Ohio), green infrastructure is "the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters."

The bill would require EPA to promote the use of green infrastructure for planning purposes, research, technical assistance and funding guidance. It would amend the Federal Water Pollution Control Act to create an integrated planning process for contamination.

The integrated plan under the bill, titled the "Water Infrastructure Improvement Act," would address sewer overflow, stormwater discharge and municipal water releases. The plan could include implementation of projects for green infrastructure or for reclaiming, recycling or reusing water.

Co-sponsors include Reps. Grace Napolitano (D-Calif.), Marcia Fudge (D-Ohio), Bob Latta (R-Ohio), Cheri Bustos (D-Ill.) and Steve Chabot (R-Ohio).

The National Law Review: EPA and Army Corps Again Propose to Redefine Waters Regulated Under the Clean Water Act

https://www.natlawreview.com/article/epa-and-army-corps-again-propose-to-redefine-waters-regulated-under-clean-water-act

Friday, December 14, 2018

On December 11, 2018, the U.S. Environmental Protection Agency and Army Corps of Engineers (the "agencies") announced once again that they are proposing a new rule to redefine the scope of waters and wetlands subject to regulation under the federal Clean Water Act ("CWA"). Since taking office in January 2017, President Trump has made rolling back the Obama Administration's 2015 ruledefining "waters of the United States" ("WOTUS")—the CWA's jurisdictional touchstone—a top environmental priority. The new proposal would do just that by significantly reducing the categories of waters subject to federal jurisdiction under the CWA.

Comments will be due in mid-February, 2019, 60 days after the agencies notice the proposal in the Federal Register.

Proposed New WOTUS Definition

The new proposed WOTUS definition takes a significantly narrower view of CWA jurisdiction than the version currently in place and would institute a new test that focuses on flow for determining whether a feature qualifies as a jurisdictional water.

Under the proposal, the agencies attempt to simplify jurisdictional determinations by reducing and clarifying the categories of waters that qualify as WOTUS. Specifically, the agencies identify six categories of jurisdictional waters:

- Traditional navigable waters, including territorial seas;
- Tributaries to those navigable waters, including perennial (defined as "surface water flowing continuously year-round during a typical year) or intermittent (defined as water flowing continuously during certain times of a typical year, not merely in direct response to precipitation) rivers and streams that "contribute flow in a typical year";
- Ditches that are used for navigation, affected by the tide, or sited within otherwise jurisdictional waters;
- Lakes and ponds that are similar to traditional navigable waters or that provide perennial or intermittent flow in a "typical year" to a traditional navigable water or adjacent wetland;
- Impoundments of otherwise jurisdictional waters, such as check dams and perennial rivers that form lakes behind them; and
- Wetlands that abut (i.e., touch at either a point or side) or have a direct hydrologic surfaceconnection to other "waters of the United States."

These new proposed categories of jurisdictional waters make clear that the Trump Administration has a far more conservative view of CWA jurisdiction than both the Obama Administration and the George W. Bush Administration, the latter of which was responsible for developing a regulatory strategy for responding to the U.S. Supreme Court's muddled 2006 non-decision on the scope of federal jurisdiction in Rapanos v. United States. In particular, the new proposal would expressly exclude numerous categories of waters from CWA jurisdiction: any features not specifically enumerated above; groundwater; diffuse stormwater runoff; all ditches other than those identified above; all ephemeral waters; artificially irrigated areas; artificial lakes and ponds constructed in uplands that do not qualify as jurisdictional lakes/ponds or impoundments above; water-filled depressions in uplands resulting from mining or construction activities; pits excavated in uplands for purposes of obtaining fill or sand/gravel; stormwater control features created in uplands; wastewater recycling structures (e.g., detention and infiltration ponds); and those wetlands not directly

connected by surface waters to another jurisdictional feature. Additionally, the proposal would retain the longstanding regulatory exclusions for prior converted cropland and waste treatment systems.

To help the regulated community determine whether a particular feature falls within the new categories of jurisdictional waters, the proposal identifies new standards that focus on hydrologic flow and surface connections. For tributaries to be considered a WOTUS, they must exhibit regular surface flow (not in direct response to precipitation) and "contribute flow in a typical year" to navigable waters. The proposal defines the "typical year" as the average hydrologic contribution of that feature over a 30-year period. Similarly, for wetlands to be jurisdictional, they must either touch or have a direct surface connection to another WOTUS.

Conclusions and Implications

If finalized as proposed, the new WOTUS rule would accomplish the Trump Administration's goal of significantly scaling back the scope of federal jurisdiction under the agencies' CWA regulations. To accomplish that, the proposal would abandon the Obama Administration's exclusive reliance on Justice Kennedy's "significant nexus" test from Rapanos and adopt key elements from the far narrower Scalia test. While that change almost certainly would bring greater clarity to federal CWA jurisdiction, it also would bring legal challenges because only four Justices in Rapanos endorsed the Scalia test.

In the meantime, inconsistency and confusion will continue over regulation of waters of the U.S. As a result of numerous challenges across the country to the 2015 Obama-era WOTUS rule, that rule is the law of the land in 22 states while the previous regulations remain in effect everywhere else.

The Guardian: Trump science adviser casts doubt on links between pollution and health problems

Comments by science review board chairman add weight to fears that Trump administration is aiming to discredit research to justify scrapping regulations

https://www.theguardian.com/environment/2018/dec/14/epa-adviser-casts-doubt-on-science-linking-pollution-to-health-problems

Emily Holden- Fri 14 Dec 2018 06.00 EST Last modified on Fri 14 Dec 2018 08.36 EST

A conservative science adviser to the Trump administration is casting doubt on longstanding research linking fossil fuel pollution to early deaths and health problems, worrying environmental experts.

At a meeting to review air pollution science compiled by staffers at the Environmental Protection Agency this week the advisory board chairman, Tony Cox – a consultant and statistician who has worked for the industry and criticized EPA standards – questioned whether soot from coal plants and cars can be directly blamed for asthma and cardiopulmonary problems.

Cox pushed staffers to specify what percentage of health problems are directly caused by the pollution or are just associated with it, a figure that the US government has not required in order to restrict pollutants that are known to harm people.

His comments appeared to confirm the fears of scientists who say the US government is now aiming to discredit research to bolster rollbacks of climate change and health regulations. The Trump administration is working to rescind rules for power plants, cars and oil and gas drillers.

"It's really all a facade at this point," said Christopher Frey, a scientist and professor at North Carolina State University who was chairman of the committee under the Obama administration from 2012 to 2015. "Almost everything that could have been changed to weaken the process has been changed, including how members have been appointed and the timeline."

Trump administration to strip pollution protections, harming vital wildlife

The EPA's acting administrator, Andrew Wheeler, has appointed representatives from state-level agencies and industry to the science review committee, called the Clean Air Scientific Advisory Committee. EPA political leaders also disbanded two panels of experts on soot and smog.

EPA leaders have said the changes are meant to provide more balance in the advisory groups and to ensure regulations are not overly burdensome. The agency is also moving to restrict what kind of science it can consider in writing regulations for industry, excluding studies that cannot share the health information of participants or be reproduced.

The advisory committee was meeting as part of a regular review of the science behind clean air standards.

The process for updating air standards would normally take about three years, Frey said, but the EPA wants to shorten that to one year. Where there were 42 experts examining the science on air pollution and specifically on particulate pollution and smog, there are now seven, he noted.

A group of former members of the panel focused on soot wrote a 134-page letter to Cox this week documenting their many concerns that his committee does not have the expertise or time to adequately assess the science.

The Hill: Trump administration to unveil strategy for fighting lead exposure

https://thehill.com/policy/energy-environment/421406-trump-administration-to-unveil-strategy-for-fighting-lead-exposure

BY TIMOTHY CAMA - 12/14/18 11:51 AM EST 31

The Trump administration is planning next week to roll out a formal, multi-agency strategy to fight exposure to lead.

Acting Environmental Protection Agency (EPA) chief Andrew Wheeler told The Hill Friday that he will unveil the strategy Wednesday alongside Housing and Urban Development Secretary Ben Carson.

Wheeler didn't divulge details about the plan, but it is expected to be a general strategy, not a regulatory proposal itself. It is the result of nearly a year of work by the EPA, Department of Health and Human Services and 15 other federal agencies.

"This is going to be, I think, a very welcomed report that we have to show what the federal government is going to be doing on lead," he said. "And I think it is going to be received very well. I'm hopeful."

Wheeler said he had planned to have the plan out by October, but the inter-agency review process took longer than he expected.

As part of the EPA's contribution toward the administration-wide effort, the agency has been working on a regulation to potentially crack down on lead in drinking water pipes. It also proposed in June to crack down on lead content in the dust from old paints after a federal court admonished the agency for not taking action on clear scientific concerns.

The Lead and Copper Rule, the EPA's regulation dictating how water utilities must work to reduce corrosion, was written in 1991 and has not be significantly revised since then.

If the lead strategy lays out plans for new regulations, it would go against the EPA's trend under the Trump administration of repealing or easing rules instead of adding them.

In early 2018, former EPA Administrator Scott Pruitt started speaking of a "war on lead," which includes the drinking water rule. He convened a task force of leaders from across the government, though the group did not hold meetings open to the public.

Lead is highly poisonous when consumed or inhaled. Its effects are strongest among children, where it can inhibit brain and neurological development throughout a child's life.

Lead exposure has taken center stage in recent years due to the Flint, Mich., drinking water crisis, in which improper water treatment caused the city's lead pipes to corrode, putting lead into the water.

Since then, lead has been found in elevated levels in water elsewhere, including Newark, N.J.

The Hill: House Democrats call on Trump to act on climate change

https://thehill.com/policy/energy-environment/421410-house-democrats-call-on-trump-to-act-on-climate-change
BY MIRANDA GREEN - 12/14/18 12:05 PM EST 203

Nearly 100 Democratic lawmakers called on President Trump to back federal climate change initiatives.

In a letter, 96 House members urged Trump to heed warnings included in his administration's national climate assessment released last month which spoke of the harsh economic repercussions climate change would reap on the U.S.

"We write to convey our grave concern that time is running out for the United States to work to reverse and mitigate the worst effects of a warming climate," the lawmakers wrote.

"Rather than ignoring the important findings of the NCA, we request that you reconsider maintaining the nation's commitment to the Paris Agreement and fully implement and enforce the Clean Power Plan, fuel economy standards, methane emission controls, and safeguards for clean air and clean water."

The lawmakers were lead by Reps. Suzanne Bonamici (D-Ore.) and Don Beyer (D-Va.), ranking member and vice ranking member of the House Science, Space, and Technology Committee's subcommittee on the environment respectively.

The members wrote the President that he and his cabinet members should be pushing the use of renewable energy and encourage states to reduce their carbon emissions.

The 96 lawmakers specifically pointed to a number of recent Environmental Protection Agency (EPA) roll-backs that include a weakening of the national vehicle emissions standards and rules for methane leak monitoring from power plants.

"These proposals once again demonstrate that the Administration is putting special interests ahead of safeguarding public health and access to clean air and water," they wrote.

The Trump administration this week indicated it plans to stick to its previous decision to pull the United States out of the Paris Climate agreement.

Speaking at the United Nations' COP24 conference in Ukraine this week, Judith Garber, the principal deputy assistant secretary of the Bureau of Oceans and International Environmental and Scientific Affairs, said the U.S. would pull out of the agreement "absent the identification of terms that are more favorable to the American people."

Trump has previously said that he disagrees with the findings of his administration's own climate report, telling reporters at the White House earlier this month "I don't believe it."

EHS: EPA Reaches Proposed Settlement with Tradebe Treatment and Recycling Northeast

Company allegedly violated Resource Conservation and Recovery Act (RCRA) and the Clean Air Act (CAA).

https://www.ehstoday.com/environment/epa-reaches-proposed-settlement-tradebe-treatment-and-recycling-northeast

EHS Today Staff | Dec 14, 2018

Three years after an initial investigation, the U.S. Environmental Protection Agency (EPA) has proposed a settlement with Tradebe Treatment and Recycling Northeast LLC.

According to the agency, the waste reclamation and recycling solutions violated the Resource Conservation and Recovery Act (RCRA) and the Clean Air Act (CAA) at the company's hazardous waste treatment, storage and disposal facilities in Meriden and Bridgeport, Conn.

"Today's proposed settlement means cleaner air for communities in Meriden and Bridgeport as a result of pollution control equipment that will be installed at Tradebe's facilities in those places," said EPA New England Regional Administrator Alexandra Dunn, in a statement. "Hazardous air pollution poses serious public health impacts, so that's why EPA is committed to improving compliance with the laws that regulate them."

Under the proposed settlement, Tradebe will install at both facilities equipment to control the emissions of certain types of hazardous waste air pollutants and volatile organic compounds (VOC), which can pose a range of short- and long-term adverse health effects.

The company will replace its current air controls, which use carbon to absorb hazardous waste emissions, with new equipment that will burn up and destroy the emissions. Tradebe will also purchase new emissions leak detection equipment for both facilities.

The proposed settlement requires Tradebe to maintain full compliance with their RCRA permits and applicable hazardous waste laws, including RCRA air pollution control regulations. Both facilities will also install new air emission control systems to permanently replace their current control systems. The company will also maintain compliance with the facilities' air permits.

EPA estimates that Tradebe will spend at least $920,000 to comply with the compliance and pollution control system installation requirements of today's proposed settlement. The company will also pay a $525,000 civil penalty.

Tradebe has already addressed and corrected the alleged RCRA violations that EPA and the state of Connecticut identified during their inspections of the company's two facilities. Tradebe also obtained new air permits at the facilities for CAA compliance.

In 2015, EPA conducted a RCRA inspection of the Meriden facility and conducted CAA inspections of both facilities. Also in 2015, the Connecticut Department of Energy and Environmental Protection conducted a RCRA inspection of the Bridgeport facility and issued a state RCRA notice of violation after identifying potential violations there. EPA subsequently issued a RCRA notice of potential violation to the Meriden facility and issued a CAA notice of violation to both facilities. Tradebe's cooperation resulted in reaching the proposed settlement.

This proposed settlement is part of EPA's National Compliance Initiative for addressing hazardous air pollutants at hazardous waste facilities.

NBC Chicago: Nearly 20 Dead Swans Found Around Indiana Lake Since October, Birdwatcher Says

Soil samples from the area earlier this year showed lead contamination in yards in both Hammond and Whiting

https://www.nbcchicago.com/news/local/Nearly-20-Dead-Swans-Found-Around-Indiana-Lake-Since-October-Birdwatcher-Says-502787431.html

Published 6 minutes ago

Nearly 20 Dead Swans Found Around Indiana Lake Since October, Birdwatcher Says

With more than a dozen swans found dead around an Indiana lake in recent weeks, authorities said test results showed several carcasses had elevated lead levels.

Local birdwatcher John Madeka, of Hammond, said he has personally discovered at least 18 dead mute swans since October around George Lake.

“I am concerned about these beautiful birds and the people who live next to them in Hammond and Whiting,” he told NBC 5 via email.

Madeka reported the deaths to the Humane Indiana Wildlife, which in turn helped deliver carcasses to the Indiana Department of Natural Resources lab at Purdue University for testing.

J&J Reportedly Knew for Years About Asbestos in Baby Powder

In the weeks following, an official with the Department of Natural Resources sent an email to Humane Indiana Wildlife saying the six carcasses tested had “elevated lead levels in the kidneys, some to toxic levels.”

“Results from additional tests, including those for avian influenza, botulism, and other toxicants were negative,” the email, which was then sent to Madeka, read.

The DNR has not responded to requests for comment, however.

Bacteria in Kitchen Towels May Lead to Food Poisoning: Study

Soil samples from the area earlier this year showed lead contamination in yards in both Hammond and Whiting.

Tests in May found 25 yards with soil lead levels exceeding the federal cleanup standard of 400 parts per million, according to the Environmental Protection Agency. One home's soil tested as high as 2,760 parts per million of lead.

The EPA set aside $1.7 million in taxpayer funds to remove contaminated soil around 20 homes where there were young children or pregnant women. Officials expected to find more contaminated homes as the investigation expanded.

Repeat Outbreaks Pressure Produce Industry to Step Up Safety

The area is located near the former Federated Metals property, an abandoned smelter that put lead, arsenic and other heavy metals in the air from 1937 to 1983. Some hazardous waste dumped on the property wasn't removed until the mid-2000s.

Other lead-processing companies have operated at the site since Federated Metals closed.

The EPA is also working to clean up lead contamination at a Superfund site in nearby East Chicago, where more than 1,000 low-income residents were forced to evacuate a housing complex last year.

EPA officials told the Northwest Indiana Times the DNR will be taking the lead in investigating the death of swans in the area.

Mother Jones: Retailers Have Vowed to Stop Selling These Deadly Paint Strippers. Why Hasn't the EPA Done Anything?

Methylene chloride fumes can lead to asphyxiation or trigger heart attacks.

https://www.motherjones.com/environment/2018/12/retailers-have-vowed-to-stop-selling-these-deadly-paint-strippers-why-hasnt-the-epa-done-anything/

JAMIE SMITH HOPKINSDECEMBER 14, 2018 6:00 AM

About a dozen retailers have pledged to stop selling paint-removal products that can kill their customers, but formal restrictions promised by a federal agency have yet to materialize.

The U.S. Environmental Protection Agency said in May that it would "shortly" finish its proposed rule about certain widely available paint strippers—those containing a chemical called methylene chloride—and send it to the White House office that must sign off before new regulation is enacted.

Now, seven months later, the EPA won't say when it anticipates taking that step or if it is still contemplating a ban on retail sales. The agency would only say that it is "currently evaluating the proposal…to determine the appropriate regulation."

Since a ban was first proposed on methylene chloride paint removers in January 2017, at least four people have died using the products to strip paint or other coatings. In enclosed areas such as bathrooms, the fumes build up, putting workers and consumers at risk of death by asphyxiation. The chemical can also trigger heart attacks.

For Hartley, 21, death came while stripping a bathtub in Tennessee to refinish it.
A 2015 investigation by the Center for Public Integrity, cited by the EPA in its proposed rule, found at least 56 deaths in the United States since 1980 that were linked to methylene chloride.

"This should be an easy decision," said Liz Hitchcock, director of Safer Chemicals, Healthy Families, an advocacy group that has called on the EPA and retailers to act. "People died using the product, and we know that there are alternatives…Why not take it off the market?"

Paint strippers with the chemical are easy to buy, but that's changing. Pressed by relatives of men who died in 2017 and 2018, major chains—including Lowe's, The Home Depot, Walmart, and Amazon—say they will phase out sales of these products, in many cases by the end of this year. The retailers also promised to stop selling paint removers with an ingredient, often known as NMP, that research suggests could reduce fertility and endanger unborn children.

Still, some businesses, including a few large hardware-store chains, aren't taking the methylene chloride products off the shelves. That's motivated families of three recent victims—Kevin Hartley, Drew Wynne and Joshua Atkins—to continue pressing the EPA to enact a ban. The mothers of Hartley and Atkins, along with advocacy groups, notified the EPA in October that they intend to sue the agency.

Paint strippers, many containing methylene chloride, line the shelves at an Ace Hardware store in Maryland. Several Ace stores in Vermont are among the retailers nationwide that have pledged to do so. Jamie Smith Hopkins / The Center for Public Integrity
"Further delay will unnecessarily leave users of paint removal products at serious risk and could result in additional deaths," they wrote in their notice.

For Hartley, 21, death came while stripping a bathtub in Tennessee to refinish it. Wynne, 31, was removing paint from the walk-in-freezer in his South Carolina cold-brew coffee business. Atkins, 31, was refinishing part of his bicycle at the Pennsylvania home of his mother, whom he was visiting.

The EPA proposed the ban in the final days of the Obama administration, before any of the three men died. The Trump administration indicated as recently as last spring that it intended to sit on the rule indefinitely—amid broader efforts to gut regulations—but pressure from grieving relatives and members of Congress this year seemed to change officials' minds. In May, the EPA announced its plans to finalize the rule.

Brian Wynne, one of Drew Wynne's brothers, said he's hopeful the agency will ultimately follow through. He spoke last week to Mick Mulvaney, director of the Office of Management and Budget, which must review any paint-remover rule before it is enacted. Wynne got off the call with the impression that the EPA might forward the rule there before the end of the year. One reason: President Donald Trump has said he will nominate EPA's acting administrator, Andrew Wheeler, to run the agency on a permanent basis. That means a nomination hearing—presumably soon—before the Senate Committee on Environment and Public Works. Wheeler faced pointed questions from that committee about the status of the rule at a hearing in August, as did another EPA official at a nomination hearing in November.

Multiple members of Congress have called for the EPA to act, including Republican Sens. Lindsey Graham and Tim Scott, both of South Carolina.

Chemical manufacturers, pressing the EPA not to restrict sales, have said that nothing works as well as fast-acting methylene chloride, also known as dichloromethane. Some of those companies later introduced alternative products as the voluntary phase-outs by retailers began to mount. Wynne said the speed those new products hit the shelves suggests there was no reason to expose customers—including his brother—to methylene chloride.

"It just makes what happened to these young men all the more tragic," said Wynne, who lives in North Carolina.

Some products, meanwhile, took out methylene chloride—which among other health risks is considered a likely cancer-causing agent—only to put in toluene and methanol, both linked to birth defects.
Some newly released alternatives pose different hazards. They're flammable—that was one of the arguments that industry groups made in favor of methylene chloride, which is not (though it is frequently mixed with flammable solvents in paint strippers).

Some products, meanwhile, took out methylene chloride—which among other health risks is considered a likely cancer-causing agent—only to put in toluene and methanol, both linked to birth defects. A 2015 report on ingredients that could be used in place of methylene chloride, released by a safer-chemical organization called BizNGO, classified toluene and methanol as "high concern" and important to avoid.

A new formulation that avoids those chemicals was developed by the Toxics Use Reduction Institute, a state agency located at the University of Massachusetts Lowell. The institute launched a project in 2015 to develop a safer paint stripper that would work as effectively. Older methylene chloride alternatives on the market are slower to cut through coatings. The BizNGO report called two solvents the institute ultimately used lower risk, on par with safer alternatives to methylene chloride. Greg Morose, research manager at the Toxics Use Reduction Institute, said the paint stripper his team created did not catch fire in flammability tests because the formulation tamps down on vapor evaporation.

A Canadian company has begun manufacturing the institute's formulation under the name "Super Remover New Generation," but so far only Canadian retailers have opted to carry it. "I hope we'll be in the U.S. eventually," said Sébastien Plourde, president of Super Remover, which is phasing out its methylene chloride paint strippers.

There's a long history of regrettable substitution in the United States—one dangerous chemical swapped for another. An EPA ban, if it comes, won't address that.

But starting Jan. 1, California will require that firms selling paint strippers with methylene chloride in the state investigate alternatives. If the new options are problematic, California's Department of Toxic Substances Control can require the companies to keep looking.

That step is "the way to make sure we don't get in trouble on the back end," said Meredith Williams, who heads the agency's Safer Consumer Products program.

The Star Democratic: EPA looks to roll back wetlands protections

https://www.stardem.com/spotlight/epa-looks-to-roll-back-wetlands-protections/article_fa674133-c0e8-5178-9067-318e44c65b39.html

By Timothy B. Wheeler Bay Journal News Service 8 hrs ago 0

The Trump administration announced plans Tuesday to severely restrict the types of streams, wetlands and other waterways that would be protected by federal regulation from development or disturbance.

Though welcomed by farmers and developers, the announcement drew intense criticism from environmentalists.

The U.S. Environmental Protection Agency and the Army Corps of Engineers jointly unveiled a proposed new definition of "waters of the United States" that would withdraw federal oversight of streams that only flow after it rains and of wetlands that are not physically connected to waterways. Acting EPA Administrator Andrew Wheeler said the proposal would take the place of a more expansive definition of federally protected waters, adopted by the Obama administration in 2015, which has drawn the ire of landowners wishing to develop or farm their property. He said the new definition "puts an end to the previous administration's power grab."

"For the first time, we are clearly defining the difference between federally protected waterways and state protected waterways," Wheeler said in a statement. "Our simpler and clearer definition would help landowners understand whether a project on their property will require a federal permit or not without spending thousands of dollars on engineering and legal professionals."

The proposal is the first step of a lengthy rule-making process and, if the rule is finalized, it would likely be challenged in court.

The new definition would provide federal protection for six types of waterways, including navigable rivers and their tributaries, lakes and ponds, as well as wetlands that are clearly connected to flowing water. It would cover streams that dry up at times, as long as they flow at some point in a typical year.

But it specifically exempts 11 other categories, including "ephemeral" streams, which only flow when it rains or snow melts. Also withdrawn from federal oversight would be freshwater wetlands that are isolated from other bodies of water.

Wheeler said the proposal would have no impact on federal regulations intended to ensure safe drinking water, nor would it affect ongoing restoration efforts in the Chesapeake Bay and other watersheds around the nation.

The Ecological Society of America, a nonprofit organization of more than 9,000 professional ecologists, responded to the announcement with a statement stressing that wetlands, streams and adjacent waters are "intrinsically connected" to the chemical, physical and biological integrity of navigable and interstate waters.

The society said that the rule the EPA seeks to replace was developed using the best available science, technical experts and more than 1,000 peer-reviewed scientific studies.

"Today's action by the EPA undermines the use of the best available science showing strong benefits of protecting wetlands and upland watersheds," said Laura Huenneke, president of the society.

Environmental groups and Democratic lawmakers also blasted the move, threatening legal challenges, as well as disputed the EPA administrator's assurances that the Bay would not be affected.

The Environmental Integrity Project criticized the proposed rule and issued a report citing data from the University of Maryland that suggests 54 square miles of wetlands on Eastern Shore farmland could be left with little or no protection. Known as "Delmarva potholes," these nontidal wetlands are found in low-lying areas of Delaware, Maryland and Virginia and are usually not connected to the surface waters of nearby rivers or streams.

Still, researchers say they play an important role in filtering polluted runoff, providing amphibian habitat and reducing the risk of local flooding. According to the report, Maryland regulations could protect the Delmarva potholes in certain cases. Virginia's likely would not: The state is prohibited by law from enacting wetland rules that are more restrictive than federal regulations.

Sen. Ben Cardin, D-MD, said that wetlands are critically important as water-quality filters in the Chesapeake region, adding that those in upstream areas are in jeopardy of losing legal protection. Many people's drinking water comes from headwaters, he noted, and they may also be left vulnerable to disturbance by the change.

What exactly qualifies as "waters of the United States" under the federal Clean Water Act has been a fraught subject for years, with conflicting legal rulings and even the Supreme Court not speaking with one voice. The Obama administration relied on scientific studies in seeking to clarify the issue, but sparked opposition from farmers and home builders, among others, who contended its definition vastly expanded the reach of federal regulations.

Courts have rendered a split decision on the Obama-era definition, blocking its use in 28 states while allowing it to be applied in 22 others. Wheeler said that "regulatory patchwork" was another reason to pull back to a narrower definition.

Trump administration officials said that states are free to protect waters left out by the proposal, and some, like California, have stronger rules than the federal ones.

But Lisa Feldt, vice president of the Chesapeake Bay Foundation, noted that in the six-state Bay watershed, the new definition would "remove federal protections from certain waters and wetlands that aren't otherwise protected by state law."

"In the Chesapeake Bay watershed," Feldt said, "this includes waters in Delaware and West Virginia, as well as the District of Columbia, which are governed by federal law."

While Maryland has longstanding state laws protecting its wetlands and waterways, the state could still be affected by the federal pullback if protections in neighboring upstream states are weakened.

"Maryland is well-positioned to continue protecting our wetlands and waterways," said Ben Grumbles, the state's environment secretary, "but we are in a larger watershed where the loss of safeguards for small streams and wetlands matters.

"We're concerned about the initial proposal," added Grumbles, a former EPA water administrator, "and look forward to working with them to maintain federal backstops and increase funding support for state wetland programs.''

Wheeler said the administration would publish its proposal soon in the Federal Register, with plans to take comments for 60 days and hold public meetings on it in different locations around the country.

Bloomberg environment Toy, Tire Makers Want Heads-Up on Chemicals EPA Will Screen

https://news.bloombergenvironment.com/environment-and-energy/toy-tire-makers-want-heads-up-on-chemicals-epa-will-screen

Pat Rizzuto- Dec. 14, 2018, 7:21 AM

- Companies want predictable schedules of upcoming EPA chemical analyses
- EPA has until March 31 to list at least 40 chemicals it will sort through in 2019

LEGO, Mattel, Goodyear, Michelin, and other companies that use chemicals to make consumer products want the EPA to let them know which chemicals it will sort through in 2019 and beyond.

"It's important for EPA to provide a schedule of what chemicals will be reviewed and when," Sarah Amick, vice president for environment, health, safety, and sustainability at the U.S. Tire Manufacturers Association, told Bloomberg Environment.

Tire and toy companies want that information to schedule time and budget resources to gather information that the agency may need for its ongoing analysis under a federal chemicals law that could lead to additional regulation.

Companies also want to prepare for customers' questions, said Amick and Alan P. Kaufman, a senior vice president of the Toy Association.

Brand-name companies are the "face" of chemicals to customers, Kaufman told Bloomberg Environment.

"It is these companies, not the chemical manufacturers, that may be required to reformulate their products if risk is determined or may be contacted by the consumer with questions and concerns," Amick, Kaufman, and officials representing paper, plastics, and motor equipment manufacturers told the Environmental Protection Agency in comments last month.

The agency hasn't released the names of the 40 chemicals it will start sorting in 2019, but it released plans in October that described a pool of 73 chemicals under consideration.

Amick, Kaufman, and other industry representatives Bloomberg Environment spoke with were pleased those plans also included a longer-term scheduling strategy.

Sorting 40 Chemicals in 2019

The EPA is expected to start releasing any day—by no later than March 31 under the law—the names of at least 40 chemicals for 2019.

The agency will consider two general types of information. It will look analyze the 40 chemicals' potential to cause cancer, birth defects, and other health problems, and it will review worker, consumer, community, and wildlife exposures to chemicals.

Based on such information, the EPA must decide which chemicals warrant a closer analysis.

The 2016 Toxic Substances Control Act amendments require the EPA to decide by Dec. 22, 2019, which 20 chemicals may present an unreasonable risk of injuring people or the environment.

The agency must immediately begin to examine those 20 "high priority" chemicals to see if they actually pose an unreasonable risk. The agency is then required to control unreasonable risks—through warning requirements, use or disposal restrictions, or a ban.

By Dec. 22, 2019, the agency also must classify 20 chemicals as low priorities, meaning there's nothing about them that prompts an immediate need to review them.

Use Available Data

Trade associations are worried that the law's 2019 deadlines won't give them much time to submit information.

They urged the agency to use the growing amount of information that its Office of Research and Development has compiled. Canada and the European Union, which have been examining chemicals in commerce for several years, have also made some of that information available.

"There's a lot of reasonably available information," Sarah Brozena, senior director of regulatory and technical affairs at the American Chemistry Council, told Bloomberg Environment.

There's also no requirement that the EPA have complete information to prioritize chemicals, said Mike Walls, the council's vice president for regulatory and technical affairs.

Long-Term Strategy

The chemistry council is among many industry associations that support the EPA's longer-term strategy to sort through the chemicals.

The EPA proposes to use computer software to search for information for about 38,000 chemicals in commerce. The agency would then place those chemicals into various "bins," taking into account cancer-causing potential, likelihood of exposure, and persistence in the environment.

The agency is set to detail this approach in an upcoming paper but scheduled a release date or a related public meeting.

The binning process could provide companies and the trade groups with details and predictable scheduling they need to gather information for the agency, said Kaufman, from the Toy Association.

No Binning!

But environmental, health, and labor groups oppose the EPA's binning strategy, as do a group of 18 scientists.

The EPA's prioritizing plans seem aimed at using "very, very limited information" to put chemicals aside by calling them "low priorities," Bob Sussman, an attorney representing Safer Chemicals, Healthy Families, told Bloomberg Environment.

That's an "end run" around the process the law required the agency to use, said Sussman, whose organization represents hundreds of environmental, health, and labor groups.

The binning strategy will take resources that the agency can't afford to waste on a task neither required by TSCA nor needed to implement it, he said.

"EPA's job under the new law is to select high priority chemicals and devote resources to those," Sussman said.

Bloomberg Environment contacted the Goodyear Tire & Rubber Co., LEGO Systems Inc., Mattel Inc., and Michelin North America Inc. They either referred Bloomberg Environment to their trade associations or didn't reply.\

The Ring of Fire: EPA Boasts About GOP Mega Donors' Joy When They Slash Life-Saving Regulations

https://trofire.com/2018/12/14/epa-boasts-about-gop-mega-donors-joy-when-they-slash-life-saving-regulations/

By Farron Cousins - December 14, 2018

The EPA is squarely in the pockets of GOP donors and industry elites, and their actions this week prove it. The EPA promoted an article this week from a right-leaning newspaper owned by casino billionaire Sheldon Adelson, where the paper was bragging about yet another regulation being destroyed by the Republican Party. These regulations save lives and boost the economy, and Republicans cheer when they are repealed. Ring of Fire's Farron Cousins discusses this.

The EPA under the leadership of Andrew Wheeler, the former coal lobbyists, is out there right now actually bragging about the fact that they've got right wing mega donors boasting about the repeal of regulations from within the EPA. Here's what's happened over the last few days, we all know the EPA has rolled back and actually changed the definition of the phrase waters of the United States so that smaller bodies of water can be heavily polluted and the EPA doesn't have to regulate those. Those are basically corporate toxin dumping ground, so right now, so the Las Vegas Review Journal on their editorial page, their editorial board wrote an op-ed saying there goes another one. That was the headline. There goes another one and they talked about how awesome it is that we are repealing regulations left and right and just letting corporations do whatever the hell they want to hear in the United States. Now, in case you didn't know this, the Las Vegas Review Journal is also owned by Republican mega donor, billionaire Sheldon Adelson, who together with his wife according to ThinkProgress, donated $55 million dollars to Republican causes and candidates this past year trying to hang onto the house and Senate Adelson's wife has also recently awarded the Presidential Medal of freedom by Donald Trump himself.

Here's the bigger picture though. The EPA is sharing this article from the Las Vegas Review Journal with other journalists with the press here in the United States. They're sharing it saying, look how good we are. Look what this paper wrote. You should write something like this as well. They're bragging because a billionaire owning a newspaper wrote something good about them, which he would have done regardless because he's a hardcore Republican and he has a financial stake in you, but to brag about the fact that you're going to poison more American citizens, because let's call it what it is, and this is the poisoning of America. That is what you are doing. Every time you repeal these regulations. Some of them may not have even gone into effect yet, but you're not even going to give him a chance because you hate Obama so much and apparently you hate the American public so much because those are the people who are going to suffer.

Obama's going to be fine. You're not trashing his legacy. People see you for what you are, but we're also going to be the ones who suffer because those smaller waters that you're deregulating allowing corporations to dump whatever they want to win there. Those are the same waters that feed our aquifers. Those are the same waters that feed our water tables that we use to water our lawns that our kids go outside and play in. We use them to fill up swimming pools across the country. That's what you're poisoning. We are the ones who are being poisoned and if a billionaire like Sheldon Adelson needs to take out a whole page in his paper to brag about that fact, then you know you've done something wrong. But right now we have a federal government that only works for millionaires and billionaires. If you do not fall into one of those categories, they do not give a damn about you and they are perfectly fine with you living your entire life surrounded by corporate toxic waste because that is exactly what they are trying to make happen right now.

The Daily Jeffersonian: Trump White House revises Obama-era water protection rules

https://www.daily-jeff.com/news/20181214/trump-white-house-revises-obama-era-water-protection-rules
Posted Dec 14, 2018 at 12:01 AM

WASHINGTON D.C. (AP) — The U.S. Environmental Protection Agency on Tuesday announced a plan to scale back Obama-era water pollution regulations that critics, including the state of Ohio and President Donald Trump, had attacked as overly broad.

Ohio and 17 other states sued the federal government in 2015 over the Obama administration's "Waters of the United States" rule. Their lawsuit contended the rule would improperly extend Clean Water Act jurisdiction to small tributaries "and even adjacent dry land and dry creek beds, with little limit on federal jurisdiction."

The proposed rule unveiled Tuesday respects the Clean Water Act's limits, said EPA Acting Administrator Andrew Wheeler. He said it would give states and landowners the certainty they need to manage their natural resources and boost their economies.

"For the first time, we are clearly defining the difference between federally protected waterways and state protected waterways," said Wheeler. "Our simpler and clearer definition would help landowners understand whether a project on their property will require a federal permit or not, without spending thousands of dollars on engineering and legal professionals."

Fans of the Obama-era rule criticized the update. The top Democrat on the Senate Committee on Environment and Public Works, Tom Carper of Delaware, said the it "protects fewer waters from pollution and poses serious threats to the health of the public, the environment and our economy."

Environmental groups like the Natural Resources Defense Council said the new plan would "gut clean water protections" to benefit industrial polluters. Public Citizen noted it would let golf course owners like President Trump "pollute the nation's water with pesticides and fertilizers."

But agricultural and business organizations said the rule would keep farmers and businesses from having to negotiate a regulatory maze.

"We wanted clear rules and clean water and we think this ruling does it for us," said American Farm Bureau President Zippy Duvall.

West Virginia Attorney General Patrick Morrissey said the old rule infringed on state's rights and defied common sense. Morrissey, whose state sued to overturn the law in 2015, said the new proposal would fix many of its legal defects.

"You can't regulate a backyard ditch the way you regulate the Potomac," said Morrissey.

Congressman Bill Johnson (R-Marietta) released the following statement of support for the Environmental Protection Agency's (EPA) new proposed definition of "waters of the United States":

"When the Trump Administration announced in 2017 they were repealing the onerous Obama-era WOTUS rule, I had a simple request — that the EPA would go back to the drawing board, and write a rule that protects our water, while at the same time protecting small businesses (such as farms) and the rights of individual land owners. With today's announcement by the EPA, that has happened. The new proposal, completed with much consultation and input from key stakeholders, presents a commonsense approach that provides clarity for landowners, farmers, energy producers,

and more. Additionally, the new straightforward regulations make it much easier for the public to understand where the Clean Water Act applies and where it does not.

"States authorities already regulate waters within their borders. This proposal gives the states more clarity, and recognizes and respects their rights to regulate and manage their water resources. For instance, the Ohio EPA does a great job, because they live and work here in Ohio where they depend on the cleanliness of our water resources — they want to protect their families and neighbors, and they know the area best.

"The bottom line is that the people of Eastern and Southeastern Ohio, especially our farmers, don't need federal bureaucrats in Washington inspecting and regulating their puddles and ditches. President Trump, Administrator Wheeler, and Assistant Secretary James get that."

Washington Post: Alaska groups sue EPA to enforce clean air law in Fairbanks

https://www.washingtonpost.com/national/energy-environment/alaska-groups-sue-epa-to-enforce-clean-air-law-in-fairbanks/2018/12/14/7cb78076-ffe0-11e8-a17e-162b712e8fc2_story.html?utm_term=.79daa5c0158c

By Dan Joling | AP December 14 at 3:40 PM

ANCHORAGE, Alaska — Three Alaska groups are suing the Environmental Protection Agency for a fourth time, claiming the agency has not enforced federal clean air law around Alaska's second largest city.

The lawsuit filed Friday in Seattle by the Earthjustice group says Fairbanks winter air continues to be the worst in the country for particulate. It is the particles and droplets in smoke.

The lawsuit says the state of Alaska has failed to submit a serious plan to address Fairbanks air quality.

It asks EPA to set a deadline for a state plan or for EPA to impose a federal plan.

EPA spokeswoman Suzanne Skadowski said by email she could not immediately comment.

Fine particulate inhaled in lungs can cause premature death in people suffering heart and lung diseases.

Earth Justice: WITH NO RESPONSE FROM EPA, FAIRBANKS COMMUNITY GROUPS FILE SUIT TO FORCE EPA TO ADDRESS POLLUTION

The Fairbanks North Star Borough has the worst episodes of fine particulate matter air pollution in the nation, but EPA has yet to take adequate action

https://earthjustice.org/news/press/2018/with-no-response-from-epa-fairbanks-community-groups-file-suit-to-force-epa-to-address-pollution

Earthjustice Associate Attorney- DECEMBER 14, 2018

Fairbanks, AK — Today, Citizens for Clean Air, Alaska Community Action on Toxics, and the Sierra Club filed suit against the U.S. Environmental Protection Agency (EPA) for missing a fourth deadline in four years for addressing Fairbanks's air pollution problem. The EPA had failed to respond to a notice of intent to sue filed 60 days ago.

With no response at all from the EPA and an ongoing lack of action from the State of Alaska, the groups have filed suit to force the agency to meet its obligations under the law. The EPA should have required the Fairbanks North Star Borough to address its pollution controls after its repeated failure to meet basic clean air standards.
The Fairbanks North Star Borough has the worst fine particulate matter air pollution in the nation — with levels spiking far in excess of the next most-polluted area and over twice the recommended limit for unhealthy air. The air pollution problems have worsened since 2009, when state and municipal officials were first advised that soot and smoke levels in Fairbanks were unhealthy and dangerous.

The type of fine particulate matter pollution prevalent in Fairbanks — 2.5 micrometers or less in diameter — has been found to cause a wide range of serious health problems, including asthma attacks, chronic respiratory disease, reduction in lung function, hospitalizations and emergency room visits for cardiopulmonary diseases, cancer, and even premature death. Fine particulate matter air pollution is a particular danger to children, reducing lung development, causing asthma, and impairing the immune system. The elderly and those with chronic disease also face heightened risks.

Sources of PM-2.5 in Fairbanks include outdoor burning; wood- and coal-burning heating devices; automobiles and other vehicles; and coal-fired power plants and other industrial facilities.

This is the fourth lawsuit Citizens for Clean Air, ACAT, and the Sierra Club have brought against the EPA for its failure to require Fairbanks to achieve compliance with air quality standards within six years after receiving a nonattainment designation, as mandated by the Clean Air Act. Citizens for Clean Air is a coalition of local community groups and individuals that has been leading the fight to improve Fairbank's air quality.

In April 2014, the groups sued EPA for failing to move the state planning process for cleaning Fairbank's air forward as the state repeatedly missed deadlines under the act. This helped prompt the State of Alaska to submit an overdue plan to address air pollution to EPA at the end of January 2015.

In June of 2016, the groups sued EPA for its failure to approve or disapprove the state's plan by the statutory deadline. Later in 2016, the groups sued to compel the agency to perform its duty under the Clean Air Act to determine that the Fairbanks North Star Borough had failed to reach air quality standards and to reclassify the borough as seriously out of compliance and thus subject to stricter pollution controls. In response to this suit, EPA reclassified the Borough as a serious non-attainment area, triggering an obligation for the state to impose stricter pollution requirements. But the EPA has not taken the necessary steps to ensure that action is taken at any level to alleviate the pollution, and the state once more missed its deadline for developing a plan of action.

The groups now seek to compel EPA to perform its duty to find that Alaska has failed to submit a serious non-attainment area plan. This finding will set a deadline for the state to submit its plan. If the state fails to do so, the EPA could prepare a federal plan and must impose heightened permitting requirements for new pollution sources and other sanctions, and bring long overdue relief to the residents of Fairbanks.

Citizens for Clean Air, Alaska Community Action on Toxics, and the Sierra Club filed suit in the U.S. District Court for the Western District of Washington (home to EPA's regional headquarters). The groups are represented by Earthjustice, a non-profit environmental law firm with offices in Anchorage and Juneau.

The following are statements from the groups:

Patrice Lee, Citizens for Clean Air: "Citizens who are concerned about clean air and better health had hoped for a response from the EPA and the State regarding our 60-day notice of intent to file a lawsuit to enforce provisions of the Clean Air Act. That did not happen. We've been waiting for over ten years for action that results in cleaner air. The will and wisdom to do that have not prevailed. Our health remains on the line. Sadly, we have no choice but to once again proceed with a lawsuit to force the EPA and state to comply with the law and to keep the prospect of meaningful action to clean up our air alive."

Pamela Miller, Executive Director, Alaska Community Action on Toxics: "The people of Fairbanks have suffered the ill effects of dangerous levels of air pollution for far too long. It's time for the agencies to do their job and protect the health of the community. This problem can and must be solved."

Jeremy Lieb, Associate Attorney, Earthjustice: "The Clean Air Act sets clear deadlines for planning and achieving compliance with air quality standards. The EPA and the state have repeatedly missed these deadlines, showing disregard for the health consequences of continued serious air pollution. We will continue to take legal action necessary to hold the agencies to their obligations to clean up the air in Fairbanks."