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Administrator

Regan Speaks To Residents Of Louisiana's "Cancer Alley."

The **Washington Post** (11/28, Fears) reports EPA Administrator Michael Regan listened to residents of Louisiana's "Cancer Alley" talk about their living conditions as his 550-mile Journey to Justice tour made its way from Mississippi to Texas. In turn, Regan spoke about fence-line pollution, and said, "I've talked to the president more than once about his commitment to environmental justice and equity, and I know the president is committed."

SFGate (CA) (11/28, Fears), **Arkansas Democrat Gazette** (11/29) and **Northwest Arkansas Democrat-Gazette** (11/29) also carry the story.

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Air

EPA Intends To Revise Or Scrap Animal Farm Air Exemptions.

Inside EPA (11/24) reports, "EPA intends to revise or scrap entirely the Trump administration's rule exempting thousands of intensive animal-rearing farms from air emissions reporting under community

right-to-know law, asking a court to remand the regulation without vacatur during a coming reconsideration, as environmentalists raise pressure to curb emissions from the sector. In a Nov. 23 filing with the U.S. District Court for the District of Columbia in Rural Empowerment Association for Community Help, et al. v. EPA , the agency announces its intent."

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Brownfields/Superfund/Other Cleanups + Redevelopment

EPA Reroutes CERCLA Release Reports To HQ.

Inside EPA (11/24) reports, "EPA is now requiring industrial facilities to file reports of continuous releases of Superfund hazardous substances to a specific headquarters (HQ) office, rather than regional offices, potentially making it easier for the agency or citizen groups to review reports and identify violations. The agency earlier this month proposed and immediately promulgated a final rule making minor, technical changes to requirements for submitting continuous release reports under section 103 of the Comprehensive Environmental Response, Compensation & Recovery Act (CERCLA) to EPA."

20-Year VT Copper Mine Cleanup Exceeds Budget By Four Times.

The **AP** (11/27) reports the Superfund cleanup of the 250-acre Elizabeth copper mine in Strafford, VT, begun in 2002, cost four times the original estimate, at $103 million. EPA Elizabeth Mine Project Manager Ed Hathaway said, "We're not building a house. We essentially are unwrapping the site as we clean it up. ... As we excavate and as we do work, we uncover more of the challenges."

ATT Pac Bell To Pay For Removal Of Abandoned Cable In Lake Tahoe.

Newsweek (11/24, Davis) reports AT&T's Pac Bell agreed to place the $1.5 million in an account to pay for the removal of eight miles of telephone cable from the bed of Lake Tahoe after a suit was filed by the California Sportfishing Protection Alliance in January. The cables contain 65 tons of lead and were abandoned in the 1980s.

The **San Francisco Chronicle** (11/25, Sonner) also reports.

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Budget/Recovery Act

Build Back Better Bill Would Provide Major Boost To Biden Administration's Climate Efforts.

NBC News (11/28, Chow, Bush) reports that "the $1 trillion bipartisan infrastructure bill passed by Congress this month already commits historic levels of funding for climate projects," but experts "say the U.S. won't reach its climate goals or restore its international credibility" unless the Biden Administration can pass its $2 trillion Build Back Better bill. That legislation, which "includes $555 billion to fight climate change," calls for major investments in clean energy. NBC adds, "The sizable dollar figures offer a sense of the scale of the challenge the U.S. faces in rolling back its emissions, undoing some environmental damage and preparing for more climate-related natural disasters."

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Climate Change

Ethanol Price Spike Contributing To Higher Gasoline Prices, Raising Questions About Renewable Fuel Standard.

The **Wall Street Journal** (*Request Article*) (11/24, Matthews) reported that ethanol prices have spiked recently, contributing to skyrocketing US gasoline prices as oil refiners spend more on the biofuel they are required to blend under the Renewable Fuel Standard. The price increase is heightening the ongoing political debate over the ethanol blending mandate.

Airplane Manufacturers Work On Battery-Powered Aircraft.

ABC News (11/25, Stone) reported that with US airlines promising at the United Nations Climate Summit in Glasgow to have net zero carbon emissions, electric aircraft are becoming a more attractive option. Several airplane manufacturers, "from small startups to giants in the industry, are working on designing and building battery-powered commercial airplanes that could be reliable and at a price point that would be attractable to airlines."

CA Carbon Allowances Sell For Record Price.

Bloomberg (11/24, Baker) reported the California Air Resources Board said Wednesday that allowances to emit one metric ton of carbon dioxide sold for a record $28.26 during the state's most recent quarterly cap-and-trade auction. In the "previous quarterly auction, allowances to be used this year sold for $23.30, a record at the time."

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Editorial/Op Ed/ Commentary/Letters

Opinion: EPA Provides Cover For State Decisions.

In an op-ed in the **Grand Junction (CO) Daily Sentinel** (11/26), Natural Resources Group President Greg Walcher says state and local agencies regulate Americans' lives more than nay federal agencies,

even the ones most closely associated with the concept of overregulation. But "the angrier people become about regulations, the more state regulators want someone else to take that blame." That was the case recently when the Michigan Department of Environment, Great Lakes, and Energy approved an air permit for an asphalt plant outside Flint. The applicant "met all legal requirements, so the agency had little discretion," even though the plant will be located in "a minority neighborhood said to be 'in social and economic distress.'" The decision met determined resistance. EGLE Director Liesl Clark "officially asked EPA to hold a 'national summit' to provide guidance" to states as they "deal with public opposition." It is ironic that "elevating environmental justice as a national priority has created yet another entirely new mission for the EPA – providing political cover for state regulators."

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Energy Issues

Some Environmentalists Back Biden's Oil Reserve, Others Oppose.

The **AP** (11/24, Daly) reported, "Democrats and climate activists generally supported President Joe Biden's decision to release a record 50 million barrels of oil from America's strategic reserve, even as the move appeared to contradict his long-term vision of combating climate change." However, some leading climate hawks "said they were not concerned by the move because they see it as a short-term fix to meet a specific problem." Sen. Ed Markey (D-MA) said Biden was "taking effective action to protect Americans from oil price gouging" even as the Biden Administration moves to boost renewable and reduce dependence on fossil fuels.

Federal Regulators Approve Plan To Construct South Fork Wind Farm Off Rhode Island Coast.

CNN (11/24, Wallace) reports, "Federal officials are green-lighting plans for a wind farm off the Rhode Island coast as the Biden administration aims to grow renewable energy capacity." The Wednesday "approval out of the Interior and Commerce Departments brings the South Fork wind farm closer to providing enough power for 70,000 homes to Long Island, New York, along an underwater cable." Officials "said the developers are still on the hook for other documents including a design report." The project "will be smaller than originally conceived – 12 rather than 15 turbines – and has been adjusted to avoid 'high value fishing areas' and shipping lanes." Officials reason that not approving the offshore wind farm "would lead energy developers to construct new power generation in the area that 'might be fueled by natural gas, oil, or coal, which would emit more air pollutants and produce greater impacts on air quality in the region in comparison.'"

Louisiana Oil Workers Helped Construct Five-turbine Block Island Wind Farm.

The **New Orleans Times-Picayune** (11/24, Baurick) reports how Louisiana oil workers constructed the five-turbine Block Island Wind Farm with its towering steel posts, each twice as tall as the Statue of Liberty, that were made in Spain. The "450-ton generator units atop the posts are from France." And "the

hollow blades — big enough that Wilson has wandered inside them — were shipped over from Denmark." Six Louisiana companies, "all of which grew out of the offshore oil and gas industry, supplied a small army of specialists — from designers and engineers to ship operators and marine welders — that planned and executed a large share of the $290 million project." Louisiana's "roots in offshore oil production have given it an edge in projects much larger than the Block Island Wind Farm," including offshore wind farms, "some with 12 times as many turbines," that are taking shape in six East Coast states.

Climate Change Poses Challenges For US Power Grid.

NPR (11/24, Acovino) reported the US power grid "is aging and already struggling to meet current demand." It faces "a future with more people – people who drive more electric cars and heat homes with more electric furnaces." Council on Foreign Relations energy and environment expert Alice Hill said, "Everything that we've built, including the electric grid, assumed a stable climate. ... It looked to the extremes of the past – how high the seas got, how high the winds got, the heat." Hill added, "It's a little like we're building the plane as we're flying because the climate is changing right now, and it's picking up speed as it changes."

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Environmental Justice

States Question EPA Authority To Include Civil Rights In Environmental Decision Making.

Inside EPA (11/24) reports, "A host of states are questioning EPA's authority to bolster civil rights considerations in environmental decision-making in comments filed on the agency's draft strategic plan for fiscal years 2022-2026, which includes for the first time a discrete goal addressing environmental justice (EJ) and non-discrimination requirements under civil rights law. EPA issued the draft plan Oct. 1, where the EJ and civil rights goals won high praise from advocates."

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HQ Amplification

Andrew Wheeler Joins VA Gov-Elect Youngkin's Transition Team.

Bloomberg BNA (11/26, Lee) reports Trump-era EPA administrator Andrew Wheeler has joined the transition team of VA Gov.-elect Glenn Youngkin (R). Wheler will join the six-member resources advisory team headed by state Sen. Richard Stuart (R). Wheeler is also a visiting fellow at the Heritage Foundation.

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Rules/Regulations/Policy

Biden Administration Launches Office Of Science And Technology Policy Energy Division.

The **Washington Post** (11/24, Joselow) reported White House officials announced Wednesday that the Biden Administration has "launched a new energy division of its Office of Science and Technology Policy (OSTP) and appointed Sally Benson, a well-known energy expert at Stanford University, to a high-level position to contribute to climate change policy." Benson "will serve as deputy director for energy and chief strategist for the energy transition at OSTP." In an interview, Benson "said that one of her top priorities is ensuring that the swift transition to a clean energy economy benefits all Americans, rather than leaving behind some workers in the oil and gas sector and other polluting industries." Benson said, "We have a 120-year-old energy system that was built over a long time period, and we're talking about very quickly changing that to a new system. ... And this is a huge opportunity for American industry, for American workers, to lead."

The Hill (11/24, Budryk) also reports.

RMP "Yo-Yoing" Could Lead To Court Challenges.

Inside EPA (11/24) reports, "EPA's repeated changes to its Risk Management Plan (RMP) rule could boost court challenges to an expected tightening of the facility safety mandate, as challengers could argue that it is inherently 'arbitrary' for three consecutive administrations to overhaul the policy, an industry attorney says."

EPA Raising Fees For Chemical Manufacturers.

Bloomberg BNA (11/24, Rizzuto) reports chemical manufacturers will see a 18.9% hike in the fee they pay to the EPA to cover safety monitoring on Jan. 1. The new chemical request fee for medium and large manufacturers will increase to $19,020, for example. A second fee hike is expected to follow.

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Toxics

Environmentalists File Motion In Ohio To Stop DOD Incinerating PFAS-Containing Foam.

Inside EPA (11/24) reports, "Environmentalists are resuming their litigation seeking to block the Defense Department (DOD) from incinerating firefighting foam containing per- and polyfluoroalkyl substances

(PFAS), filing their opening brief in a federal court in Ohio after the litigation was moved there following a lengthy delay by a federal court in California. The plaintiffs filed a Nov. 19 motion for summary judgment, urging the U.S. District Court for the Northern District of Ohio to halt DOD task orders for incinerating the foam."

BOSC Says EPA Should Weigh Grouping PFAS By Health Exposures Rather Than Structure.

Inside EPA (11/24) reports, "Members of EPA's Board of Scientific Counselors (BOSC) say the agency should give more weight to data on human health exposures as it groups per- and polyfluoroalkyl substances (PFAS) for TSCA testing and potential regulation, in order to bolster its current approach that looks mostly for similarities in the chemicals' structures."

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Water

Appeals Court Considers Overturning CWA Citizens Suit Bar For "Diligent" States.

Inside EPA (11/24) reports, "The U.S. Court of Appeals for the 1st Circuit is weighing whether to overturn its 30-year-old precedent barring all Clean Water Act (CWA) citizen suits when a state is "diligently" taking an enforcement action after environmentalists and EPA argued the precedent is at odds with Supreme Court rulings. The 1st Circuit last month agreed to rehear en banc a ruling from a three-judge panel in The Blackstone Headwaters Coalition v. Gallo Builders, et al."

Legal Experts See Proposed WOTUS As Likely To Remain Unchanged.

Bloomberg BNA (11/24, Magill) reports legal experts say the proposed WOTUS rule "is so legally and scientifically robust" that it may remain unchanged, if finalized. Obama-era EPA principal deputy general counsel and Alston & Bird LLP partner Kevin Minoli said, "The more you invest into building the scientific record to support this outcome, it becomes harder and less likely that there's going to be a completely different outcome that is going to be able to be supported by the science in the same way."

Maryland Sues Monsanto Over PCB Pollution.

The Hill (11/24, Vakil) reports Maryland Attorney General Brian Frosh filed a lawsuit against agrichemical company Monsanto on Tuesday for manufacturing PCBs that "it knew were harmful to the environment." The suit says, "Despite knowing as early as 1937 that PCBs were toxic to humans and animals and that PCBs could escape into and contaminate the environment, Monsanto manufactured and sold PCBs continuously until they were finally banned under federal law," in 1979. The suit continues, "According to water quality data from 2018, approximately 968 square miles of the State's estuarine waters are impaired by PCB contamination. In addition, approximately 262 miles of Maryland's rivers and streams, and approximately 3,147 acres of the State's lakes and reservoirs, are similarly impaired."

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ESG

EY Report Says Utilities Putting Financial Support Behind ESG Initiatives.

PV Magazine (11/25, Sylvia) reported Ernst & Young has "released a report detailing transactions in power and utilities (P&U) for Q3 2021, which shows that utilities are putting significant financial support behind their environmental, social and governance (ESG) initiatives." Investments in natural gas and electricity networks and the broader transition to renewable energy and energy services "accounted for $57.2 billion of the quarter's total of $72.8 billion in deal value." Gas utilities are also "increasingly betting on hydrogen to help them transition to clean energy companies."

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Limetree Bay Refinery

VI Governor Expresses Satisfaction With Limetree Bay Refinery Deal.

The **Virgin Islands Consortium (VIR)** (11/23) reports VI Gov. Albert Bryan said on Monday at his weekly press briefing, "I'm pretty happy that local people own it now. I know these guys who make up St. Croix Energy and I'm pretty proud about that fact. However, I am a little concerned I must say about the resources needed to get it up and in operations. ... We're going to be giving 190 percent of our effort to get this [restart of the refinery] move through the EPA safely." Bryan planned to meet with EPA Deputy Director Janet McCabe on Monday as well to discuss the refinery. He will meet with the owners of St. Croix Energy later this week.

VI Businessman David Johnson Behind St. Croix Energy.

The **Virgin Islands Consortium (VIR)** (11/24) reports local businessman David Johnson, co-owner of Cane Bay Partners VI, is the largest shareholder in St. Croix Energy, "according to multiple sources who spoke to the Consortium on the condition of anonymity." Johnson "is said to be worth tens of millions of dollars," and has operated MaxLend, a chain of payday lending programs through Native American tribes on the mainland US. An April 2020 lawsuit charged that the program "violated the Racketeer Influenced and Corrupt Organizations Act (RICO) as well as various states' usury laws and consumer protection statutes."

ArcLight Capital Partners Investment In Limetree Bay Refinery "A Bad Bet."

The **Sovereign Wealth Fund Institute** (11/29) reports behind a paywall, "Boston-based ArcLight Capital Partners, LLC is an energy infrastructure fund manager that took a bet on restarting operations at a refinery located at Limetree Bay, St. Croix, U.S. Virgin Islands. It was a bad bet."

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Southside Recycling

Environmental Activists Talk About Opposing General Iron.

South Side Weekly (11/26, Vaughn) profiles three activists opposing the opening of the General Iron recycling plant on Chicago's Southeast Side in a nearly 2,000-word article. Peggy Salazar, Vanessa Schwartz, and Amalia NietoGomez talk about their background and motivations in interviews.

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