To: Burneson, Eric[Burneson.Eric@epa.gov]
From: BNA Highlights
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Subject: Mar 10 -- BNA, Inc. Daily Environment Report - Latest Developments

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Latest Developments

White House Concludes Nearly Three-Year Review of Metal Mining TRI Rule

Posted March 10, 2014, 09:48 A.M. ET

The White House Office of Management and Budget concluded March 7 its nearly three-year review of an Environmental Protection Agency proposed rule that would clarify which metal mining releases must be reported under the Toxics Release Inventory.

The proposed rule would clarify the definitions of manufacturing and processing for metal mining activities.

The metal mining industry in recent years has led all industries in the volume of releases reported under the TRI, in large part due to the required reporting of waste rock that holds a lower percentage of metals and therefore is not economical to mine.

The National Mining Association told Bloomberg BNA in December that the rule is necessary to “promote accuracy and certainty in TRI reporting, address the unique circumstances the mining industry faces in TRI reporting and place in proper context the data that are reported by the industry.”

The EPA sent the proposed rule to the White House on May 13, 2011.

The Toxics Release Inventory includes information about toxic chemicals produced and used at industrial facilities and how they are managed.

Local Leaders Seek Climate Resilience in Disaster Recovery Programs

Posted March 10, 2014, 3:33 P.M. ET

A White House task force of state, local and tribal leaders is looking at ways to build climate change resilience into federal programs in order to better recover from natural disasters, an administration official who manages the task force said March 10.

Susan Ruffo, deputy associate director for climate change adaptation at the White House Council on Environmental Quality, said the task force is focusing in particular on improving the funding and recovery processes of the Federal Emergency Management Agency, the Department of Housing and Urban Development and other federal agencies.

The task force's work will build off lessons learned from recovery efforts after Hurricanes Sandy and Katrina, including "how to make sure that we're not building for the past but we're actually building for the future," she said at a conference of the National League of Cities.

The task force was created last November to give advice to the federal government on how to align policies and funding to meet local climate change resiliency needs. Disaster recovery and resiliency is one of several focus areas; the task force also is looking at built systems and infrastructure, natural and cultural resources, and community health and development.

State Officials Say Senators Need to Examine Existing Laws

Posted March 10, 2014, 2:24 P.M. ET

Sens. Barbara Boxer (D-Calif.), the chairwoman of the Senate Environment and Public Works Committee, David Vitter (R-La.), the committee's ranking member, and West Virginia Sens. John Rockefeller (D) and Joe Manchin (D) are urged to examine the regulatory gaps in existing environmental laws to address chemical spills before amending laws through legislation.

In a March 5 letter, state health, environmental, water and solid waste agencies said, "Until such an assessment is done, it is too early to determine which statute and/or program should be amended or enhanced, or whether the solution lies in enhancing the use of existing authorities."

The letter was sent in connection with the Jan. 9 chemical spill upstream of a drinking water treatment plant in the Elk River in West Virginia, and the Chemical Safety and Drinking Water Protection Act legislation (S. 1961) that the West Virginia senators crafted in response. The Senate Environment and Public Works Committee plans to mark up S. 1961 on April 2.

The legislation would set minimum construction standards and other requirements for chemical storage sites near sources of drinking water, require inspection of facilities every three to five years and require chemical facilities to share information with drinking water facilities.

The letter was written by the presidents of Environmental Council of the States, Association of Clean Water Administrators, Association of State and Territorial Solid Waste Management Officials, Association of Safe Drinking Water Administrators and Association of State and Territorial Health Officials.

Groups File Appeal to Push for Stricter Water Nutrient Criteria

Posted March 10, 2014, 3:51 P.M. ET

Environmental groups filed a notice of appeal in federal court as part of an ongoing battle to force the adoption of stricter water quality standards for Florida's waterways (Fla. Wildlife Fed'n v. McCarthy, N.D. Fla., No. 4:08-cv-00324, notice of appeal filed 03/06/14).

The notice was filed in the U.S. Court of Appeals for the Eleventh Circuit in Atlanta, where the plaintiffs, represented by Earthjustice, are seeking to overturn a Jan. 7 ruling in the U.S. District Court for the Northern District of Florida. The Jan. 7 order allowed the Environmental Protection Agency to modify a 2009 consent decree related to how Florida's water quality standards should be written and denied the plaintiffs' motion to enforce a 2009 consent decree.

At issue is whether the EPA must set numeric nutrient criteria on Florida's waterways or allow the Florida Department of Environmental Protection to continue operating under its own EPA-approved standards, some of which include narrative rather than numeric criteria.

The plaintiffs in the case include the Florida Wildlife Federation, the Conservancy of Southwest Florida, the Environmental Confederation of Southwest Florida, St. John's Riverkeeper and the Sierra Club. They seek to force the EPA to impose stricter standards in Florida, in keeping with the EPA's own 2009 consent decree. The EPA has contended that it has the authority to amend its consent decree and approve Florida's standards as meeting the goals of the Clean Water Act.

Coons, Reed to Participate in All-Night Climate Session Tonight

Posted March 10, 2014, 3:58 P.M. ET

Meaghan Smith, communication director for Sen. Brian Schatz (D-Hawaii), says Sens. Chris Coons (D-Del.) and Jack Reed (D-R.I.) also will speak tonight on climate change, bringing the total number of senators expected to participate to 30.

The top four members of Senate leadership Majority Leader Harry Reid (Nev.), Majority Whip Dick Durbin (Ill.), Vice Chairman of the Democratic Conference Chuck Schumer (N.Y.) and Secretary of the Conference Patty Murray (Wash.) also are expected to participate.

A spokesman for Minority Leader Mitch McConnell (R-Ky.) says the senator plans to address the all-night session later this afternoon.

Daily Environment Report

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