



Top Stories

8/8/17 – The U.S. Court of Appeals for the District of Columbia Circuit [issued](#) an order holding Clean Power Plan litigation in abeyance for an additional 60 days. In April, the court granted a 60-day stay of the proceedings and asked parties to weigh in on the future of the litigation; no action has been taken since. The administration sent a draft rollback plan to the White House for interagency review in June; no further steps have been taken.

8/15/17 – President Donald Trump issued an Executive Order titled, “[Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure](#),” which seeks to shorten the time for environmental reviews for infrastructure projects. The order also undoes the previous administration’s [EO 13690](#), which was aimed at requiring certain infrastructure projects funded in part by federal funds to withstand a 500-year storm, an increase from the previous requirement of withstanding a 100-year storm.

8/11/17 – Secretary of the Interior Ryan Zinke [announced](#) the release of a report from the Department of the Interior (DOI) Sage-Grouse Review Team regarding possible plan and policy modifications to complement state efforts to improve Greater Sage-Grouse conservation and economic development on public lands. The report was required by Secretarial Order 3353 “Greater Sage-Grouse Conservation and Cooperation with Western States.”

8/2/17 – The National Oceanic and Atmospheric Administration (NOAA) [measured](#) the largest ‘dead zone’ in the Gulf of Mexico ever recorded, covering 8,776 square miles. A dead zone is an area of low oxygen that can kill fish and marine life, caused in

this instance, by Mississippi River nutrient runoff from agricultural and developed lands.

8/2/17 – The U.S. Court of Appeals for the D.C. Circuit announced that state officials will be allowed to defend EPA’s 2015 ozone standard in lawsuits challenging the rule. Previously, six states and the District of Columbia had filed a “friend of the court” brief supporting the rule, but had also requested intervenor status, which would allow them to actively defend the rule. For additional information on the 2015 ozone rule, please see [NCSL’s Info Alert](#).

8/1/17 – The Department of Homeland Security (DHS) [waived](#) environmental and other regulatory requirements in order to expedite construction of barriers along the border between California and Mexico. Specifically, the waiver exempts construction activities from requirements under the National Environmental Policy Act, Endangered Species Act, Clean Water Act, Migratory Bird Treaty Act, Solid Waste Disposal Act, Resource Conservation and Recovery Act, Wild and Scenic Rivers Act and other environmental statutes.

7/31/17 – In a 9-2 decision, the D.C. Circuit Court of Appeals [ordered](#) the Environmental Protection Agency (EPA) to resume enforcing its methane remissions rule for new oil and gas wells. The rule is currently in the midst of an EPA [proposal](#) for a two-year stay of the rule. For more information on the specifics of the final rule, please see [NCSL’s Info Alert](#) from May 2016.

From Congress

7/27/17 – The House Energy and Commerce Committee approved [amendments](#) to the Safe Drinking Water Act that would require water utilities to monitor for “emerging

contaminants” so long as funding and laboratory capacity is available. The amendments would also require water systems to develop emergency response plans addressing their vulnerability to natural disasters and terrorism, and creates an EPA grant program to help utilities improve their resiliency.

7/24/17 – The Senate approved David Bernhardt, [53-43](#), as Deputy Secretary of DOI. Bernhardt has served many roles at the department, including solicitor general and chief legal officer.

From the Administration

8/21/17 – U.S. Department of Agriculture Secretary Sonny Perdue [announced](#) Tony Tooke as the new chief of the U.S. Forest Service. Tooke has worked for the Forest Service since he was 18, and currently serves as the Regional Forester for the Southern Region.

8/18/17 – The administration [disbanded](#) the Advisory Committee for the Sustained National Climate Assessment, a group aimed at helping policymakers and private-sector officials incorporate the government’s climate analysis into long-term planning. The move follows [the leaking](#) of the National Climate Assessment, a mandated quadrennial report which warns of rising temperatures.

8/17/17 – Deputy Secretary of the Interior David Bernhardt [announced](#) the distribution of an additional \$21 million in historic preservation grants to all 50 states, the District of Columbia, U.S. territories, and partnering nations. Bernhardt also announced \$4.6 million in historic preservation grants to 169 tribal historic preservation offices.

8/8/17 – The Bureau of Ocean Energy Management (BOEM) [announced](#) the release of its final programmatic environmental impact statement (PEIS) concerning the impact of geological and geophysical survey technologies on the habitats in the Gulf. The statement declared seismic testing safe, as its environmental review shows minimal harm to the ecosystem.

8/8/17 – The Army Corps of Engineers [released](#) its plan to prevent Asian carp from reaching the Great Lakes. The draft plan studied six different options for halting the spread of the invasive species and recommended using measures like noise, electric barriers and water jets at a key lock south of Chicago to keep the fish from migrating from the Mississippi River toward Lake Michigan.

8/7/17 – EPA [completed](#) reviewing the safety of more than 600 backlogged chemicals under the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which provided the first update to the Toxic Substances Control Act in 40 years.

8/1/17 – EPA [concurred](#) with the State of Michigan’s plans to forgive \$20.7 million in past Drinking Water State Revolving Fund debt owed by the city of Flint. Taking this step is in line with the May 2017 Consolidated Appropriations Act signed by Trump.

Courts

8/10/17 – The U.S. Court of Appeals for the District of Columbia Circuit [issued](#) an order holding litigation surrounding carbon pollution standards for new, modified, or reconstructed, power plants in abeyance pending further action from the court, EPA is required to file status reports at 90-day intervals.

8/8/17 – The U.S. Court of Appeals for the D.C. Circuit [ruled](#) that U.S. EPA exceeded its authority under the Clean Air Act with a 2015 rule that eliminated some uses for hydrofluorocarbons (HFCs)—which were previously accepted as alternatives to ozone-depleting substances—and approved certain replacements.

8/1/17 - The U.S. Court of Appeals for the District of Columbia Circuit [upheld](#) a lower court decision that vacated a 2011 rule lifting federal protections from wolves in the Great Lakes region. The court concluded that while the Fish and Wildlife Service (FWS) has that authority, it found "major shortcomings" in the agency's analysis backing the Great Lakes delisting rule. FWS has classified wolves into different populations under the Endangered Species Act starting in 1978, when the agency

listed wolves in Minnesota as threatened and separate from other wolves in the country.

7/28/17 – The U.S. Court of Appeals for the D.C. Circuit [rejected](#) EPA's justification for reducing renewable fuel standards (RFS) in 2016, ruling that the agency wrongly relied on its "inadequate domestic supply" waiver authority to lower the nation's renewable fuel targets. In its rule setting out biofuels targets for 2014-2016, EPA for the first time relied on its authority to waive the overall renewable fuel target for 2016 based on "inadequate domestic supply." Although the court noted that EPA "acted reasonably" in setting the 2014 and 2015 targets at the actual volume of biofuel that was produced and used those years, it criticized EPA for folding demand constraints into its analysis of "inadequate domestic supply" when it came to the 2016 targets.