



Top Stories

1/21/2016—The U.S. Court of Appeals for the District of Columbia [denied](#) a consolidated motion by a group of states and industry groups to stay implementation of the U.S. Environmental Protection Agency’s (EPA) Clean Power Plan. The case against the carbon dioxide regulations will move forward with oral arguments to take place June 2, 2016. With this ruling, the requirement for states to submit a compliance plan or initial plan with a request for an extension by Sept. 6, 2016, will remain in place, even as the legality of the rule continues to play out in the courts. On Jan. 27, the same group of states [petitioned](#) the U.S. Supreme Court to overturn the lower court’s denial of a stay. See [NCSL’s Info Alert](#) for more information.



1/4/2016—The Department of Justice (DOJ), on behalf of EPA, [filed](#) a civil complaint against Volkswagen for violations of the Clean Air Act. The complaint alleges that Volkswagen intentionally installed software in its vehicles that allowed the vehicles to perform differently during federal testing in order to pass emission limit tests. Volkswagen could face civil penalties of up to \$37,500 per vehicle for each violation.

From the Administration

1/22/2016—EPA’s Office of the Inspector General announced plans to [investigate](#) the agency’s response and oversight of the contaminated water systems in Flint, Michigan EPA’s Region 5

office is being investigated to determine if it had previous knowledge of lead contamination in the water systems. The Region 5 Administrator Susan Hedman has since resigned.

1/20/2016— DOJ filed a [brief](#) with the U.S. Supreme Court defending the 64,000 square mile federal cleanup plan of the Chesapeake Bay. The brief comes in response to a request filed by the American Farm Bureau Federation for the Supreme Court to review the lower court’s decision upholding the federal plan.

1/19/2016—President Barack Obama [vetoed](#) S.J. Resolution 22, which disapproved of the EPA’s Waters of the United States rule. Under the Congressional Review Act, the resolution would have nullified EPA’s rule to define which water bodies are regulated by the Clean Water Act. On Jan. 24, the U.S. Senate [voted](#) to overturn the presidential veto but failed to garner the necessary 60 votes.

1/19/2016—The Department of Housing and Urban Development [awarded](#) a total of \$1 billion from the National Disaster Resilience Competition to 13 states and communities to boost climate resiliency. The largest [award](#), \$176 million, was given to New York City to build a new storm protection system around Lower Manhattan.

1/19/2016—The Pentagon [issued](#) a directorate mandating the Department of Defense (DOD) assess and manage defense risks associated with climate change. The directorate also calls for the agency to engage in preparation and coordinated planning to improve climate preparedness and resilience. The

directive is to be obeyed by DOD, all military branches, the Joint Chiefs of Staff and most other entities operating under the Pentagon umbrella.

1/13/2016—EPA [released](#) the Clean Watershed Needs Survey, a collaboration between the agency, states, the District of Columbia and Puerto Rico that looks at specific water infrastructure problems and project costs associated with solutions. The survey showed that \$271 billion is needed to improve the nation's wastewater infrastructure for projects within five years.

1/6/2016—EPA [proposed](#) changes to regulations on small municipal separate storm sewer system (MS4) permits in response to an order from the U.S. Court of Appeals for the Ninth Circuit. The court determined that the current MS4 permitting regulations did not provide adequate public notice and opportunity to request a hearing.

From the 114th Congress

1/19/2016—Attorneys general from 12 states sent a joint [letter](#) to the U.S. Congress on current efforts to reform the Toxic Substances Control Act (TSCA). Separate TSCA reform bills have passed each chamber and the two bodies are working to reconcile the differences for a final bill to be released sometime this year. The attorneys general letter focuses on the state pre-emption sections of both bills and recommends that state regulation should not be pre-empted, until the EPA takes final action on a chemical that it has selected for risk assessment. This is in line with NCSL's position on TSCA reform.

Additional News

1/21/2016—The New York State Public Service Commission [approved](#) a 10-year, \$5 billion Clean Energy Fund to advance New York's clean energy economy including investments in solar energy, wind energy, energy efficiency and clean tech industries. The fund will be administered by the New York State Energy Research and Development Authority and will utilize private-public partnerships focused on reducing greenhouse gas emissions.

1/20/2016—The National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration [announced](#) that 2015 was the warmest year on record since 1880 when the data was first recorded. The average land and water temperature was 1.62 degrees above the 20th Century average.

1/14/2016—The New Mexico Environment Department [announced](#) that it intends to sue EPA, the state of Colorado, and the owners of the Gold King and Sunnyside mines for the environmental impacts of the Gold King Mine spill in August. The state environmental department is required to give EPA 90 days notice before filing a lawsuit. However, the New Mexico department said it will not pursue the lawsuit if EPA takes meaningful measures to clean up the affected areas and agree to a long-term research and monitoring plan of the effects of the toxic spill.

1/4/2016—The attorney general of Texas filed a [petition](#) for review with the U.S. Court of Appeals for the District of Columbia regarding EPA's ambient air quality standard for ozone. The attorney general stated that the newly adopted standard of 70 parts per billion "is not supported by scientific data" and will harm state economies. Eight other states have either filed suit or are seeking to intervene in the litigation challenging the standards.

NCSL Resources

NCSL held a webinar on implementation of EPA's Clean Power Plan in early January. The webinar discussed the federal, state and judicial sides of the issue. [View the recording of the webinar.](#)