



Top Stories

11/30/217 – The Environmental Protection Agency (EPA) [finalized](#) volume requirements for renewable fuels for 2018 and biomass-based diesel for 2019. Specifically, next year's volume requirement for conventional biofuels is set at 15 billion gallons, the maximum set out under the Renewable Fuel Standard, while advanced biofuels must total 4.29 billion gallons, including 288 million gallons of cellulosic ethanol. EPA raised the final 2018 cellulosic ethanol volume mandate by 50 million gallons from its previous proposal earlier this year.

11/27/17 – The Supreme Court [declined](#) a case regarding tribal groundwater rights leaving in place a [ruling](#) from the 9th U.S. Circuit Court of Appeals that concluded Native Americans are entitled to the rights to the groundwater beneath their reservations. The ruling was based on the Winters doctrine, a 1908 Supreme Court ruling that concluded the federal government reserved water rights in creating tribal lands.

11/22/17 –The Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) [proposed](#) delaying the effective date by two years for the 2015 final rule concerning Waters of the United States (WOTUS). The proposal seeks to remedy a potential problem where a series of court rulings could leave the final rule in effect for a portion of the country. Specifically, although the final rule went into effect on Aug. 28, 2015, a full nationwide stay was instituted by the 6th U.S. Circuit Court of Appeals in October 2015. That stay, however, could be dissolved if the Supreme Court rules that a separate case brought before a U.S. District Court judge in North Dakota must come first. If the circuit court's nationwide stay were undone by the Supreme Court, 13 states would be covered by a stay issued in this case, resulting in WOTUS still applying to the other 37 states. Comments are due by Dec. 13.

11/16/17 – The House passed the [Tax Cuts and Jobs Act, 227-205](#). The bill would retroactively reduce the value of the production tax credits, while also adding new requirements for qualifying for the investment tax credit. It would also phase out a solar energy tax break after 2027 and eliminate a \$7,500 tax break for purchases of electric vehicles. It includes an extension of the nuclear production tax credit. However, many of these changes are not included in the current version so any potential bill approved by Congress is likely to look different.

11/9/17 – The D.C. Circuit Court of Appeals [held](#) litigation for an additional 60 days, until Jan. 8, surrounding EPA's Clean Power Plan (CPP) final rule, pushing back on the administration's [request](#) to indefinitely suspend the litigation. The move follows EPA's proposal to [repeal](#) the CPP, for which comments are due by Dec. 15.

11/6/17 - EPA [issued](#) final designations for the 2015 National Ambient Air Quality Standards (NAAQS) for ozone, designating 85 percent of U.S. counties as in attainment of, or meeting, the standard. However, the agency did not officially designate the remainder as failing to meet the standard, avoiding any requirements for these counties to act. EPA stated that while "it is not extending the time provided under section 107 of the Clean Air Act (CAA) it is not yet prepared to issue designations. In the spirit of cooperative federalism, EPA stated that it will continue to work with states and the public to help areas with underlying technical issues, disputed designations, and/or insufficient information" and will address noncompliant areas "in a separate future action." Any area determined not to meet the standard will have to act to reduce smog-forming emissions.

11/3/17 – A [report](#) mandated by the [Global Change Research Act of 1990](#) concluded that human activity is the primary driver of climate change. The report reiterates findings that human activity is "extremely likely" to be the reason that global temperatures are the highest in the history of modern civilization, and found that annual global average temperatures are expected to rise by 2.5 degrees Fahrenheit by 2050 despite the decline in growth of global carbon dioxide emissions.

11/3/17 - EPA [announced](#) it is considering longer phase-in periods for key requirements under the [2016 methane emissions rule for new oil and gas wells](#), rather than implementing a stay. EPA will take public comment for 30 days. Previously, the D.C. Circuit Court of Appeals struck down EPA's temporary stay of the rule, saying the action violated the Administrative Procedure Act by not taking public comment first. The rule has remained in effect since.

10/31/17 - EPA Administrator Scott Pruitt [announced](#) that scientists who receive agency grants will be barred from serving on EPA advisory boards—a decision aimed at ensuring that "any advisors serving on an EPA Federal Advisory Committee (FAC) are independent and free from any real, apparent, or potential interference with their ability to objectively serve as a committee member." In the last three years, members of the Science Advisory Board (SAB), Clean Air Scientific Advisory Committee (CASAC) and the Board of Scientific Counselors (BOSC) received \$77 million in direct EPA grant funding while concurrently serving on these committees.

From Congress

11/28/17 – The Senate Budget Committee approved a measure to include in tax reform legislation that would allow for oil and gas operations in a section Arctic Natural Wilderness Refuge. The bill directs the Interior Department to offer two ANWR leases of at least 400,000 acres each within 10 years of the bill passing. The Congressional Budget Office estimated such operations would raise \$1 billion over 10 years. Additionally, the committee added an amendment offered by Senator Bill Cassidy (R-La.) that would increase the share of revenue

coastal states receive as part of revenue sharing with the federal government.

11/16/17 – The Senate [approved Brenda Burman](#) as commissioner of the Bureau of Reclamation. Burman is the first woman to ever officially lead the bureau, and previously served as Reclamation's deputy commissioner for external and intergovernmental affairs and the deputy assistant secretary.

11/16/17 – The House passed, [232-188](#), the [Resilient Federal Forests Act](#), which aims to encourage increased logging activity in national forests in the hopes of curtailing wildfires. Specifically, the bill would expand to 10,000 acres the amount of land that could be excluded from certain reviews under the National Environmental Policy Act for forest management projects. In some cases, such "categorical exclusions" could reach 30,000 acres so long as local officials are involved in the decision making.

From the Administration

11/21/17 – EPA officially [denied](#) the request of petitioners to initiate a rulemaking to change the point of obligation for compliance under the Renewable Fuel Standards program. The petition was brought by several refining companies. The agency will take comment on the proposed denials.

11/21/17 – The National Park Service (NPS) extended its public comment period for its [proposal](#) to increase peak-season entry fees at 17 national parks until Dec. 22. NPS has already received more than 65,000 comments.

11/21/17 – The U.S. Forest Service (USFS) [published](#) a notice of intent in the Federal Register, kicking off a 45-day public comment period regarding federal plans completed two years ago covering sage grouse management on national forests and grasslands in six Western states—Colorado, Idaho, Montana, Nevada, Utah and Wyoming. The Forest Service is following the Bureau of Land Management which previously reopened its federal plans finalized in 2015.

11/16/17 – Department of Interior Secretary Ryan Zinke appointed [Brian Steed](#), former chief of staff for U.S. Representative Chris Steward (R-Utah), as the acting director for program and policy (as of Nov. 27, his title has been changed back to deputy director for programs and policy, exercising authority of the director).

11/16/17 – EPA announced the appointment of [Alexandra Dunn](#) to Region 1 administrator. She will oversee federal environmental protection efforts in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. Dunn currently serves as executive director and general counsel for the Environmental Counsel of the States.

11/15/17 – The director of EPA's clean air markets division, Reid Harvey, told members of the Ozone Transport Commission that preliminary data of the [Cross-State Air Pollution Rule](#) shows a 21 percent drop in power plant emissions of nitrogen oxides in the summer ozone season—a 78,000 ton drop for the 22 states covered under the rule. The rule itself is currently facing 18 lawsuits, and EPA has submitted a request to the U.S. Court of Appeals for the District of Columbia Circuit to extend the deadline for the agency to file its brief.

11/9/17 – The Senate approved [William Wehrum](#) to be assistant administrator for air and radiation at EPA. Most recently an attorney at Hunton & Williams, Wehrum had previously served as the acting top air official under President George W. Bush.

11/9/17 – EPA [proposed](#) repealing part of the phase two emissions rule for heavy-duty trucks that classified "glider kits" as new vehicles or engines that are subject to more stringent requirements. Specifically, glider kits are new truck chassis with rebuilt engines and can cost significantly less than a new truck with a new engine. The proposal argues that EPA does not have the authority to regulate glider kits under the Clean Air Act (CAA).

11/2/17 – The U.S. [withdrew](#) as an implementing member of the Extractive Industries Transparency Initiative, a voluntary international program that sets standards for public reporting of

how much revenue governments receive from oil, gas and mineral extraction.

10/30/17 - EPA [issued](#) a memo to provide supplemental information to states and the regional offices supporting the development or review of State Implementation Plans (SIPs) that address the CAA's "good neighbor" provision, as it pertains to the 2008 ozone National Ambient Air Quality Standards (NAAQS). While this information can inform the development of these plans, the information is not a final determination regarding states' remaining obligations under the good neighbor provision. Any such determination would be made through notice-and-comment rulemaking.

10/27/17 - Almost four years after receiving the request, EPA [rejected](#) a proposal by Connecticut and eight other states to add all or part of another nine states as far west as Illinois to the Ozone Transport Region. The final rule follows a draft issued in January by the Obama administration, which concluded that there are more efficient ways to deal with ozone-forming emissions that add to compliance challenges in downwind states.