



Top Stories

12/20/18 – The Bureau of Land Management (BLM) [published](#) a draft environmental impact statement (EIS) concerning oil and gas operations in the Arctic National Wildlife Refuge. The EIS highlights that drilling would be limited to the 1.5-million-acre coastal plain and lays out four options for exploring the area which note stipulations on surface occupancy and timing restrictions on activity. The possibility of oil and gas operations is the result of Congress directing the Department of Interior (DOI) to hold at least two lease sales each for 400,000 acres or more in the Tax Cut and Jobs Act of 2017. BLM plans to begin holding those sales in 2019.

12/19/18 – The Environmental Protection Agency (EPA) released its [Federal Action Plan to Reduce Childhood Lead Exposure](#) that aims to serve as a blueprint for reducing lead exposure and associated harms by working with a range of stakeholders, including states, tribes and local communities, along with businesses, property owners and parents. The four goals of the action plan are to reduce children's exposure to lead sources, identify lead-exposed children and improve their health outcomes, communicate more effectively with stakeholders, and support and conduct critical research to inform efforts to reduce lead exposures and related health risks. "The first and most fundamental responsibility of government is to protect the people, especially the most vulnerable among us," said Andrew Wheeler, EPA acting administrator. "Lead exposure is a threat that disproportionately harms children in low-income communities. All Americans, regardless of their age, race, income or home address, deserve an opportunity to live in safe and healthy environments." However, the plan clearly states that it "is not a budget document and does not imply approval for any specific action" by the White House Office of Management and Budget and Office of Information

and Regulatory Affairs, and that it "will inform future federal budget and regulatory development processes within the context of the goals articulated in the President's Budget." In fiscal year 2018, the Trump administration proposed eliminating the Lead Risk Reduction Program, which works to reduce the number of children with blood lead levels of 5 micrograms per deciliter or higher.

12/15/18 – President Donald Trump [announced](#) that Department of Interior (DOI) Secretary Ryan Zinke is leaving the department by the end of 2018.

12/15/18 – At the United Nations COP24 Summit, roughly 200 governments agreed on a rulebook to implement the [2015 Paris Climate Agreement](#). Developing nations agreed on common reporting requirements to track countries' emissions reduction efforts, and wealthier nations agreed to contribute monetary assistance to aid less-wealthy nations dealing with the impact of global warming, and to give developing nations more leeway in meeting the rules on reducing their emissions.

12/13/18 – DOI [announced](#) the completion of the nation's eighth and highest grossing competitive lease sale for renewable energy in federal waters. The lease sale offered approximately 390,000 acres offshore of Massachusetts for potential wind energy development and drew competitive winning bids from three companies totaling approximately \$405 million. If fully developed, the areas could support approximately 4.1 gigawatts of commercial wind generation, enough electricity to power nearly 1.5 million homes.

12/11/18 – EPA and the U.S. Army Corps of Engineers (Corps) [released a new proposed](#) "Waters of the United States"

definitional rule, more commonly referred to as WOTUS, consistent with the February 2017 [executive order 13778](#), "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The action is the second step in a two-step process to repeal and replace the 2015 WOTUS final rule promulgated by the previous administration to clarify federal authority under the Clean Water Act. It outlines [six clear categories](#) of waters that would be considered WOTUS, and identifies waters not regulated as WOTUS. The acting administrator also stated that the proposal "recognizes and respects" the primary responsibilities and rights of states and tribes to regulate and manage their land and water resources, while protecting the nation's navigable waters. For more information, and for a regulatory timeline of WOTUS, read NCSL's [Info Alert](#) and timeline [here](#).

12/10/18 – The President's National Infrastructure Advisory Council [offered](#) seven recommendations in a report on the potential fallout of a power failure lasting weeks and at a "magnitude beyond modern experience, exceeding prior events in severity, scale, duration, and consequence." It warned the nation is unprepared to adequately respond to a catastrophic power outage.

12/7/18 – EPA released an [final rule](#) determining that the 2016 Cross State Air Pollution Rule (CSAPR) update satisfies "good neighbor" obligations for the 2008 national ambient air quality standards (NAAQS) for ground-level ozone. The latest EPA air quality data and modeling predict that, by 2023, there will be no remaining nonattainment or maintenance areas for the 2008 Ozone NAAQS in the CSAPR Update region (which encompasses most of the eastern United States). Further, EPA estimates that once the 2016 CSAPR update is fully implemented, upwind states in this region are not expected to contribute significantly to nonattainment or interfere with the maintenance of the 2008 ozone standards in any downwind state. As such, the agency and these 20 states have no obligation to establish additional requirements for sources to further reduce transported ozone pollution to satisfy "good neighbor" obligations under the 2008 ozone NAAQS. A number of downwind states released statements of disagreement with the rule's determination.

12/7/18 – EPA [proposed](#) to revise the New Source Performance Standards (NSPS) for greenhouse gas emissions from new, modified and reconstructed fossil fuel-fired power plants. The agency is proposing, under the Clean Air Act (CAA) section 111(b), to revise its determination of the best system of emission reduction (BSER) for these plants. This determination would replace EPA's 2015 determination that partial carbon capture and storage (CCS) technology was the BSER for new coal units. Specifically, the proposal would raise the power plant emissions limit to 1,900 pounds of CO₂ per megawatt-hour of output. Smaller units would be subject to a higher rate of 2,000 lb/MWh. EPA also said it plans to create separate standards for any new plants that burn coal refuse, the lower-quality waste leftover from mining coal seams. Such plants could emit up to 2,200 lb/MWh. The changes in allowable rates are increases from 2015, when the final rule limited emissions to 1,400 lb/MWh. In addition, the proposed rule also includes a series of questions concerning a previous EPA conclusion that electrical generating units (power plants) "significantly contribute" to rising carbon dioxide levels in the atmosphere. The Clean Air Act requires EPA to determine whether power plants or other broad source categories "cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare."

12/6/18 – EPA [issued a final rule setting requirements](#) for the 22 states deemed in nonattainment with the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone of 70 parts per billion (ppb). The final rule establishes the state implementation plan (SIP) Requirements Rule for implementing the standard. These requirements apply to states and tribes with nonattainment areas as well as the 13 northeastern states that currently comprise the Ozone Transport Region (the OTR includes: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Virginia). The Clean Air Act (CAA) requires EPA to set NAAQS for pollutants common in outdoor air, that are considered harmful to public health and the environment, and that come from numerous and diverse sources. EPA most recently revised the standards for ozone on Oct. 1, 2015 from 75 parts per billion (ppb) to 70 ppb to ensure the protection of public health and welfare. When EPA establishes a new NAAQS or revises

an existing NAAQS, it sets in motion two major actions aimed at ensuring that air quality throughout the country meets those standards. First, EPA must designate areas as meeting (attainment) or not meeting (nonattainment) the standard (EPA completed those designations for the 2015 ozone standard this past summer). Then, the CAA requires states to develop SIPs, which are a general plan to attain and maintain the NAAQS in all areas of the country, and a specific plan to attain the standards for each area designated nonattainment for a NAAQS.

12/4/18 – The U.S. Air Force was found to be in [violation](#) of state water quality requirements by the New Mexico Environmental Department in reference to the presence of per- and polyfluoroalkyl substances otherwise known as PFOS, chemicals associated with firefighting foam once used at Cannon Air Force Base, which have been detected in groundwater on and near the military installation. The violation could result in fines of \$15,000 per day if the Air Force does not comply.

11/30/18 – EPA announced the 2019 [final requirements](#) for the Renewable Fuel Standard. The agency will require 19.92 billion gallons of biofuel to be blended into the nation's fuel system that maintains a conventional ethanol volume at 15 billion gallons, but increases the advanced biofuel volumes to 4.92 billion gallons. It also increases cellulosic biofuel requirements to 418 million gallons, up from 288 million gallons this year and an increase over the 381 million gallons over the June proposal. The final rule increases the 2020 requirement for biodiesel to 2.43 billion gallons, up 330 million gallons from the 2.1 billion gallons required this year and in 2019. Biodiesel volumes are set a year in advance of the other biofuels. Most importantly, the 2019 final numbers trigger a clause enacted in 2007, which states that EPA must redo the biofuels blending mandates if they miss the targets set by Congress by 20 percent for two years in a row. The 19.92 billion gallons included in the final rule is well below the 28-billion-gallon mark that Congress included in the 2007 law.

11/28/18 – A bipartisan group of House members including Representatives Ted Deutch (D-Fla.) Francis Rooney (R-Fla.), John Delaney (D-Md.), Brian Fitzpatrick (R-Pa.) and Charlie

Crist (D-Fla.) introduced the [“Energy Innovation and Carbon Dividend Act”](#) which would put a \$15-per-metric-ton fee on carbon, rising by \$10 per year, with all of the money given back to households as a rebate. Additionally, the bill would exempt agricultural fuels and nix certain EPA greenhouse gas regulations for stationary sources, though it would leave vehicle fuel efficiency standards and methane regulations in place.

From Congress

12/20/18 – The Senate unanimously approved [S.2200](#) that reauthorizes the [National Integrated Drought Information System \(NIDIS\) Program](#) as well as federal research programs focused on algae blooms. The NIDIS program has an interagency mandate to coordinate and integrate drought research, building upon existing federal, tribal, state, and local partnerships in support of creating a national drought early warning information system. Its goal is to improve the nation's capacity to manage drought-related risks by providing the best available information and tools to assess the potential impacts of drought, and to prepare for and mitigate the effects of drought. The bill is now headed to the House and is expected to be considered before the end of the year.

12/19/18 – The House approved [H.R. 7279](#), which is aimed at helping local governments comply with multiple court-mandated upgrades to wastewater, stormwater and other water infrastructure. Specifically, the bill would give local governments more flexibility in complying with required updates by allowing them to be implemented over longer periods of time. It would also create a municipal ombudsman at EPA tasked with making sure community leaders know about the tools and flexibility available to them.

12/13/18 – A bipartisan group of 23 senators sent a [letter](#) to the director of the Centers for Disease Control and Prevention (CDC), and the director for the Agency for Toxic Substances and Disease Registry at the CDC calling for increased attention to the health implications firefighters face as a result of exposure to PFAS.

12/12/18 – The Congressional Budget Office (CBO) [published](#) its annual guidance on ways to reduce the annual federal deficit, which includes details both on reducing expenditures and increasing revenue. It suggests reducing funding for energy technology development, taxing greenhouse gas emissions and changing the National Flood Insurance Program.

12/11/18 – Senator Joe Manchin (D-W.Va.) was named the ranking member on the Energy and Natural Resources Committee for the 116th Congress. The change is due to current ranking member Maria Cantwell's (D-Wash.) decision to take the ranking member position on Commerce Committee, which has jurisdiction over drones and autonomous vehicles.

12/7/18 – A bipartisan group of more than 90 members of Congress sent a [letter](#) to DOI Secretary Ryan Zinke and Commerce Secretary Wilbur Ross requesting that seismic testing in the Atlantic not be approved. "Offshore oil and gas exploration and development, the first step of which is seismic airgun testing, puts at risk coastal economies based on fishing, tourism and recreation," and "our constituents would be left taking on significant risk without being involved in future development decisions," the letter states.

12/7/18 – Senate Minority Leader Chuck Schumer released an [op-ed](#) outlining a requirement that any future infrastructure plan address climate change. In the next Congress, he stated, infrastructure could be an area of compromise between the two parties, but he added that addressing climate change must be part of the calculation.

From the Administration

12/14/18 – The Bureau of Reclamation [notified](#) Arizona, California and Nevada of a Jan. 31, 2019, deadline for the Lower Colorado River Basin states to sign off on drought contingency plans aimed at averting a worst-case scenario at Lake Mead, or face federal intervention.

12/5/18 – The U.S. Department of Agriculture (USDA) was [sued](#) by various environmental advocates and local organizations for exempting medium-sized concentrated animal

feeding operations (CAFOs) from the usual environmental analysis and community notification requirements under federal environmental rules prior to receiving loans or guarantees from the agency. A "medium" operation is one that confines fewer than 700 dairy cows, or 1,000 cattle; 2,500 pigs; 55,000 turkeys; or 125,000 chickens—a significant increase from exemption limitations prior to 2016. The groups argued that these industrial operations contribute to climate change and damage local air and water quality.