



Special Update: Priorities for a New Congress

On Jan. 6, members of the 114th session of Congress gavelled in to start a new session. With the most recent election, party control of the U.S. Senate switched from Democrat to Republican, giving Republicans control of both chambers of Congress. NCSL staff has highlighted a few areas in the environment policy realm that will likely be addressed by the 114th Congress.

- **The Environmental Protection Agency (EPA) Regulations:** Rules limiting carbon dioxide emissions from new and existing power plants are set to be finalized this year. Congress will likely act on legislation to either limit or halt such rules, or at least hold hearings on the issues in the appropriate committees. There are also pending rules to define which waters fall under the Clean Water Act and rules on ozone standards that Congress will focus on in some capacity.
- **Toxic Substances Control Act (TSCA):** Reforming how the federal government controls toxic substances was a hotly-debated issue toward the end of the previous Congress and those efforts are likely to continue this year. NCSL will work with congressional staff to eliminate any language that preempts state laws.
- **Renewable Fuel Standards:** The Republican-controlled Congress will likely explore modifying or limiting EPA's renewable fuel standards and the recent decision by EPA to delay mandates for 2014.
- **Public Land Issues:** Representative Rob Bishop (R-Utah) is the new chairman of the House Natural Resources Committee and represents a rural area of Utah that has millions of acres of public land. In the past he has been active in protecting public lands and advocating for the federal government to cede public land back to the state of Utah. He is also interested in exploring more oil and gas leases on public land. Additionally, before assuming chairmanship of the full committee, Representative Bishop was chairman of the public lands subcommittee.

Top Stories

1/7/2014—The Environmental Protection Agency (EPA) [announced](#) it will delay finalizing the clean power plan—regulations on carbon dioxide emissions from existing power plants—until mid-summer 2015. The agency will also finalize standards for new and modified power plants at the same time, as part of a “suite of regulations” affecting carbon emission from power plants. Along with the delayed finalization notice, EPA announced it will develop a federal implementation model for the regulations that states can look to as they finalize their implementation plans. For more details see [NCSL's Info Alert](#).

12/19/2014—The EPA issued its final regulations for disposing coal combustion residuals, the by-product of burning coal by electric utilities. The regulations would designate coal ash as a non-hazardous substance and power plants would have to meet certain requirements for landfills and disposal ponds, including monitoring leaks and inspecting impoundment sites regularly. However, much of the enforcement and oversight of the regulations would be in the hands of the states. See [NCSL's Info Alert](#) for more details.

12/13/2014—Congress passed a budget, the Consolidated and Further Continuing Appropriations Act of 2015 (H.R. 83), which

funds a majority of the federal government for the remainder of the fiscal year (until the end of September 2015). The last-minute agreement passed the House and Senate by bipartisan votes of 219-206 and 56-40, respectively, and the President signed it into law on Dec. 16. Overall, the bill provides \$8.1 billion for the EPA, \$60 million below FY 2014 levels. Spending for the Clean Water and Drinking Water State Revolving Funds remained the same as last year. The budget provides \$10.7 billion for the Department of Interior, with \$3.5 billion of that dedicated to wildfire fighting and prevention. [See NCSL's budget overview for more details on funds for state-federal programs.](#)

From the Administration

12/18/2014—The White House's Council on Environmental Quality (CEQ) [released](#) a proposal that would require government agencies to incorporate climate reviews for any planned project that would release carbon emissions of at least 25,000 metric tons.

12/15/2014—The White House [released](#) a best practices guide aimed at the health care industry to deal with health issues resulting from climate change consequences such as Superstorm Sandy. The guide focuses on risks to health care facilities and concentrates on collecting data collection on climate-related hazards as well as infrastructure improvements to resist climate impacts.



12/3/2014—The White House Office of Science and Technology [announced](#) the "Climate Education and Literacy Initiative" aimed at increasing climate education for all ages. The initiative includes climate fellowships, free online courses, exhibitions in zoos and museums, and extra training for teachers.

From the Environmental Protection Agency (EPA)

12/18/2014—EPA [found](#) 14 areas in six states that were out of compliance with its fine particulate matter standards, triggering pollution control plans under the Clean Air Act. The areas in California, Idaho, Indiana, Kentucky, Ohio and Pennsylvania were found to have persistent air quality problems. These states will be required to come up with plans on how to lower particle pollution levels to within the allowed standard. The designations will be final after 90 days of public comment.

12/18/2014—EPA [proposed](#) new standards to reduce hazardous air emissions from brick and clay ceramic industries. The proposal would require brick and clay ceramics factories to install controls that meet emission caps for mercury, other metals and acid gases. According to EPA, the proposal would reduce 440 tons of toxic air pollution per year. The proposal will be open for comment until Feb. 17.

12/10/2014—EPA [released](#) a final rule revising the handling of solid waste by recycling centers, reversing exemptions for hazardous materials that were granted under the Bush administration. Recycling facilities must now obtain permits that confirm they have the equipment and personnel necessary to manage the material.

12/8/2014—EPA [launched](#) a new online tool aimed at helping homeowners achieve energy efficiency. The Energy Star Home Advisor acts as a virtual home energy audit, customized to the homeowner's specific dimensions and energy- and money-saving priorities. The tool then provides suggestions for home improvements that could increase energy efficiency and help reduce bills.

12/2/2014—EPA [announced](#) that it will reconsider several aspects of its maximum achievable control technology (MACT) standards for boilers. The agency will be accepting public comment on five issues for its standards that would affect nearly 183,000 boilers across the country that burn coal, oil and biomass. It will also review three issues related to standards for

major-source boilers, affecting about 14,000 boilers across the country.

12/1/2014—EPA is [requesting comments](#) from stakeholders on transitioning from paper-based reporting for the National Pollutant Discharge Elimination System (NPDES) to a new electronic reporting tool originally proposed in July 2013. Comments will be taken until Jan. 30, 2015.

From the United States Department of Interior (DOI)

1/6/2015—DOI Secretary Sally Jewell [issued](#) a Secretarial Order calling for a comprehensive strategy to protect and restore sagebrush lands that have been threatened by wildfire, particularly those in California Idaho, Nevada, Oregon and Utah. The strategy, which will include reducing the size and cost of rangeland fires, addressing the spread of cheat grass and better positioning wild land fire management resources, is slated to be implemented during the 2015 fire season.

1/2/2015—Secretary Jewell spoke on a local radio show, [stating](#) that localities should not take it upon themselves to regulate hydraulic fracturing, as it creates confusion for the industry. Jewell noted that it would “be very difficult for industry to figure out what the rules are if different counties have different rules.”



12/30/2014—DOI [announced](#) that total contributions to the Cobell Education Scholarship fund for 2014 surpassed \$4 million. The scholarship is funded in part by the Land Buy-Back Program for Tribal Nations and provides financial assistance to American Indian and Alaska Native students.

12/22/2014—The Office of Surface Mining Reclamation and Enforcement (OSM) [announced](#) it is amending its stream buffer zone regulation, per court order, and reverting back to the original regulation from 1983. The federal appeals court ruled

last year that the 2008 stream buffer zone rule, which regulates how close to streams coal companies may operate, violated the Endangered Species Act and had to be vacated. In the White House’s agenda of upcoming regulations, a new notice of proposed rulemaking for a stream buffer zone rule is noted to be issued in April, though the date is not certain.

12/18/2014—DOI’s regional Climate Science Centers, in conjunction with the U.S. Geological Survey National Climate Change Science Center, is [awarding](#) \$6 million to universities and partners for 50 new research projects. According to Secretary Jewell, the projects are designed to “help address regional concerns associated with climate change” and provide a pathway to enhance resilience. See [the list](#) of all 50 projects.

12/3/2014—The U.S. Fish and Wildlife Service (FWS) [released](#) its yearly status report of plants and animals that are candidates for Endangered Species Act protection. Twenty-three species were added to the list, mostly from Hawaii, and one species was removed. There are now 146 species recognized by FWS as candidates for protection.

From the Courts



1/6/2015—The 9th U.S. Circuit Court of Appeals rejected a bid from a group of environmentalists to stop a U.S. Forest Service and U.S. Fish and Wildlife Service joint forest-thinning project in Idaho’s Nez Perce National Forest. The panel of judges found that the federal agencies had satisfied their obligations under the National Environmental Policy Act and the Endangered Species Act before they began implementing the project, which is aimed at improving long-term habitat and health of the forest.

Additional Resources and Reports of Interest

1/7/2015—Senators Dianne Feinstein (D-Calif.) and Lindsey Graham (R-S.C.) introduced a [bipartisan bill](#) that would

prosecute wildlife trafficking under federal racketeering and money laundering statutes. It would increase the penalties for criminals convicted of violating bans on the shipment and sale of endangered species and products made from them.

1/6/2014—After closing [public comments](#) on a request for proposals to hire an outside firm to transform and rebrand itself, the U.S. Forest Service has decided to abandon the proposal. The project would have been a \$10 million effort and would focus on “strategic organizational transformation, identity clarification and social purpose branding” of USFS.

12/30/2014—The New York State Energy Research and Development Agency [announced](#) \$14.5 million will be awarded to projects that reduce greenhouse gas emissions from power plants. Up to \$2 million will be available per project, and all projects must be replicable in order to promote similar efforts throughout the state.

12/16/2014—The U.S. Department of Energy (DOE) [announced](#) it will award \$60 million to fund 22 projects in nine states to reduce methane emissions and improve energy efficiency in heating and cooling systems.

12/16/2014—The National Oceanic and Atmospheric Administration (NOAA) [reported](#) that globally, September and November 2014 were the hottest fall months on record. Overall, NOAA believes 2014 is on track to break the annual heat record of 2010.

12/16/2014—The Bipartisan Policy Center (BPC) [issued](#) a set of 40 recommendations on how to reform the federal renewable fuel standard (RFS) while still promoting biofuels. The recommendations include urging EPA to quantify the value of biofuel through rural development benefits and greenhouse gas cutting benefits, instead of just energy density.

12/9/2014—The Federal Energy Regulatory Commission (FERC) [announced](#) it will hold a series of technical conferences to discuss the potential effects on the reliability of the power grid resulting the EPA's regulations on greenhouse gas emissions from existing power plants. FERC will first hold a national overview technical conference on Feb. 19 at its

headquarters in Washington, D.C., and then three regional conferences in Washington D.C., St. Louis and Denver.

NCSL Resources

NCSL successfully concluded its 2014 Forum in Washington, D.C Dec. 9-12. [Click here](#) to find resources from the meeting including session presentations, information, videos, and more!

Ever wonder what the NCSL Natural Resources and Infrastructure Committee is up to? Check out our one-stop-shop for all NRI Committee resources on our [Committee Resources Page](#).

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