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Environmental Update: The Big Unwind - Year Three

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41st Annual Corporate Counsel Institute

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AGENDA

- The Big Unwind
- Enforcement Update
- Rise of “Non-Standard” Enforcement Actions
- On the Horizon

The Big Unwind

- Unwinding of Obama era regulations started in January 2017
- Across the federal government ~1600 regulatory actions withdrawn/delayed/inactive
- Legal Principle: What was issued by regulation or guidance can be undone
- Final rules: Stays/extensions, abeyance of litigation, repeal/revise/replace
- Pending rules: Dropped, revised

The Big Unwind – Deregulatory Actions

- As of May 2019, EPA lists 40 deregulatory actions in process and 39 deregulatory actions completed
- Focus on moving from proposal stage to final rules
- Key rules include:
 - Waters of the United States (WOTUS)
 - Clean Power Plan (CPP)
 - New Source Review (NSR)
 - Renewable Fuel Standard (RFS)
 - Risk Management Program (RMP)

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Topical Updates and Surprises In the Coming Year

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