



# Federal Environmental Regulatory Quick Hits: Air, Water, and Waste

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**Question 1:** What are the most significant air, water, and waste developments companies should be watching?



# Air Developments

# EPA's Deregulatory Initiative

- EPA announced that it was going to roll back 31 regulations / policies across multiple industry sectors in March 2025
- Proposed rollbacks align with Trump Executive Orders on unleashing American energy, lowering consumer costs, and restoring cooperative federalism
- Most identified rollbacks are air regulations affecting the energy/power and manufacturing sectors



# GHG Endangerment Finding Recission

- EPA recently finalized a rule rescinding the 2009 greenhouse gas (GHG) Endangerment Finding under Clean Air Act Section 202(a)
- Rule only rescinds motor vehicle/engine Endangerment Finding—not the separate findings for GHG emissions from stationary sources (e.g., power plants) and aircraft engines



# Permitting Reform and Efficiency

- EPA's FY 2026-2030 Strategic Plan and FY 2027 budget focus on permitting reform
- EPA is seeking to streamline permitting process and improve efficiencies
- **Goals:** reduce delays; increase transparency; spur economic growth and cost savings





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# Water Developments

# Could NGOs Try to Weaponize *SF v. EPA*, 604 U.S. 334 (2025)?

It would be rather rude of them if they did, but...

mation it needs to make that determination. If the EPA does its work, our holding should have no adverse effect on water quality.



**NGOs:** EPA “does its work” by analyzing every last pollutant potentially in your effluent.



"[M]ak[ing] a permittee responsible for the quality of the water in the body of water into which the permittee discharges pollutants."



EPA "[d]etermining what steps a permittee must take to ensure that water quality standards are met."

# Rulemaking and Stormwater

- NGOs seeking to control rulemaking agenda:
  - **Waterkeeper Alliance v. EPA (9th Cir. 2025)**
    - Program Plans can be challenged in court
    - EPA has increased obligations to explain its reasoning for its decisions (not) to revise effluent limit guidelines
  - **Farmer v. EPA (DC. Cir.)** (currently being briefed):
    - Appellants want to compel EPA to issue regulations for toxics in biosolids
    - Adverse decision could potentially “infect” other parts of the statute
- Under the radar stormwater issue:
  - Residual designation of non-industrial facilities
  - NGO petition for designation in Massachusetts is pending
  - Trump Administration has not yet taken a position





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# Waste Developments

# EPA's Focus on Streamlined Permitting & Approvals

Facilities are waiting 6+ years for permit renewals



Discussion at EPA about modifying the renewal process – “renewal light”



RCRA Info module online portal for permit application submissions

# State Approvals

**February 24, 2026:** Wyoming is now the primary permitting authority for coal ash impoundments and landfills



EPA previously approved the following five state programs: Texas, North Dakota, Oklahoma, Alabama, Georgia

**April 2, 2026:** Ohio is now the primary permitting authority for all aspects of hazardous waste permits



Program now includes authorization for organic air emission standards and adding aerosol cans to universal waste regulations

# PFAS

- “In FY 2027, EPA will accelerate the pace of residential lead cleanups to deliver results to communities sooner and will move swiftly to support the cleanup of per- and polyfluoroalkyl substances (PFAS)”
- February 2026 Department of War PFAS Disposal Guidance Aligns with 2024 EPA Disposal Guidance
- Support for a “polluter pays” model aimed at protecting certain entities from PFAS-related cleanup liabilities





**Question 2: What is the current state of major air, water, and waste rules?**

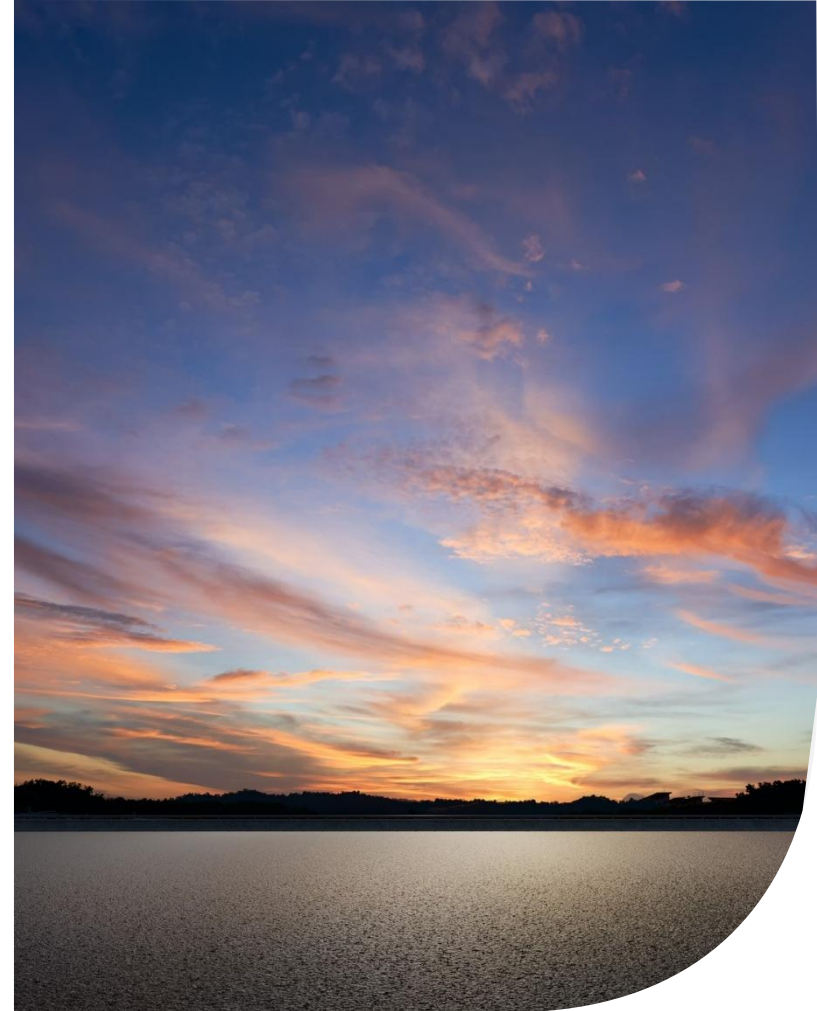


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# Air Rules

# HON Reconsideration

- **Timing:** Proposed reconsideration rule currently anticipated in Fall 2026
- **Considerations:** How far-reaching will the rollback be; what will EPA say regarding the ethylene oxide IRIS value?
- **Clean Air Act Presidential / National Security Compliance Exemptions:** A second round of submissions is underway; There is ongoing litigation surrounding the first set of exemptions



# GHG Emission Standards

## Vehicles/Engines

February 2026 final rule repeals all GHG standards and associated compliance requirements for light-, medium-, and heavy-duty motor vehicles/engines

## Power Plants

June 2025 proposed rule would rescind GHG standards for fossil fuel-fired power plants; would also determine power plant GHG emissions do not contribute significantly to dangerous air pollution

## Oil & Gas

No clear indication yet; potential challenge to full rollback given prior Congressional statements on the sector's methane emissions (e.g., 2021 Congressional Review Act action, Inflation Reduction Act)

# Risk Management Program (RMP)

- EPA recently proposed RMP program changes to avoid duplicative requirements, realign RMP with OSHA PSM, and eliminate unnecessary burdens
- **Proposed changes include:** rescinding/modifying most 2024 accident prevention program changes (e.g., safer technologies and alternatives analysis, third-party audits, employee participation), and rescinding most public information availability requirements
- ***EPA is accepting comments through May 11***





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# Water Rules

# The Ping-Pong Rules

## WOTUS – NPRM (11/20/2025)

- Define continuous surface connection
- So long, interstate waters!
- Better definition of tributaries

## 401 Certifications (1/15/2026)

- Conditions only on discharge
- Limits on water quality standards that can be enforced?



# How Do We Get A More Durable 401 Rule?

- **Problem:** PUD No. 1 of *Jefferson County v. Washington* DOE held that 401 certifications are not limited to controlling a project's discharge
- **(Potential) Solution:** Subsequent case law has undermined Jefferson County
  - San Francisco: “limitations” has a defined meaning
  - See also *Loper Bright and National Ass'n of Mfrs. v. DOD*

(C) not later than July 1, 1977, **any more stringent limitation**, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, established pursuant to any State law or regulations (under authority preserved by section 1370 of this title) or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to this chapter.

33 U.S.C. § 1311(b)(1)(C).

Any certification provided under this section shall set forth **any effluent limitations and other limitations**, and monitoring requirements necessary to assure that any applicant for a Federal license or permit will comply with any applicable effluent limitations and other limita-

33 U.S.C. § 1341(d)

# More Rulemaking to Come!

EPA/OMS	Proposed Rule Stage	Revisions to the EPA's Privacy Act Regulations for Systems of Records Notices	<a href="#">2025-AA43</a>
EPA/OMS	Proposed Rule Stage	Confidentiality of Business Information Regulation Update	<a href="#">2030-AB04</a>
EPA/OW	Proposed Rule Stage	Clean Water Act Effluent Limitations Guidelines and Standards for PFAS Manufacturers Under the Organic Chemicals, Plastics and Synthetic Fibers Point Source Category	<a href="#">2040-AG10</a>
EPA/OW	Proposed Rule Stage	PFAS Requirements in NPDES Permit Applications	<a href="#">2040-AG34</a>
EPA/OW	Proposed Rule Stage	Steam Electric Effluent Limitations Guideline Reconsideration Rule	<a href="#">2040-AG41</a>
EPA/OW	Proposed Rule Stage	Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Category (40 CFR 435 Subpart E)	<a href="#">2040-AG42</a>
EPA/OW	Proposed Rule Stage	Final Clarifying Definition of "Waters of the United States"	<a href="#">2040-AG44</a>
EPA/OW	Proposed Rule Stage	Withdrawal of Federal Water Quality Criteria Applicable to Washington	<a href="#">2040-AG45</a>
EPA/OW	Proposed Rule Stage	Clean Water Act Section 401 Water Quality Certification Improvement Rule	<a href="#">2040-AG47</a>



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# Waste Rules

# Waste Rules

## Proposed Rule: Paper Manifest Sunset Rule; Modification of the Hazardous Waste Manifest Regulations

- Comments due May 4, 2026

## E-Manifest Enforcement Activity

- **Nationwide Waste Management Company Stipulation (January 2025)**
- U.S. Attorney's Office, Southern District of New York
- **\$9.5M penalty**
- No injunctive relief
- EPA relied on e-manifest data to develop violations for alleged failure to return manifests to generators and timely submission of manifests to EPA

# Waste Rules

## **Proposed Rule: Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy/CCRMU Amendments**

- Comments due 60 days after publication

## **EPA will Continue to Focus on Coal Ash and Cooperative Federalism**

- Actions will closely support President's Executive Orders on coal
- Administrator Zeldin's Op-Ed in the Washington Reporter on 3/13/2026 highlighted approval of North Dakota and Wyoming's coal ash permit program

# More Rules to Come!

Listing of Specific PFAS as Hazardous Constituents

**Improving Recycling and Management of Renewable Energy Wastes:** Universal Waste Regulations for Solar Panels and Lithium Batteries





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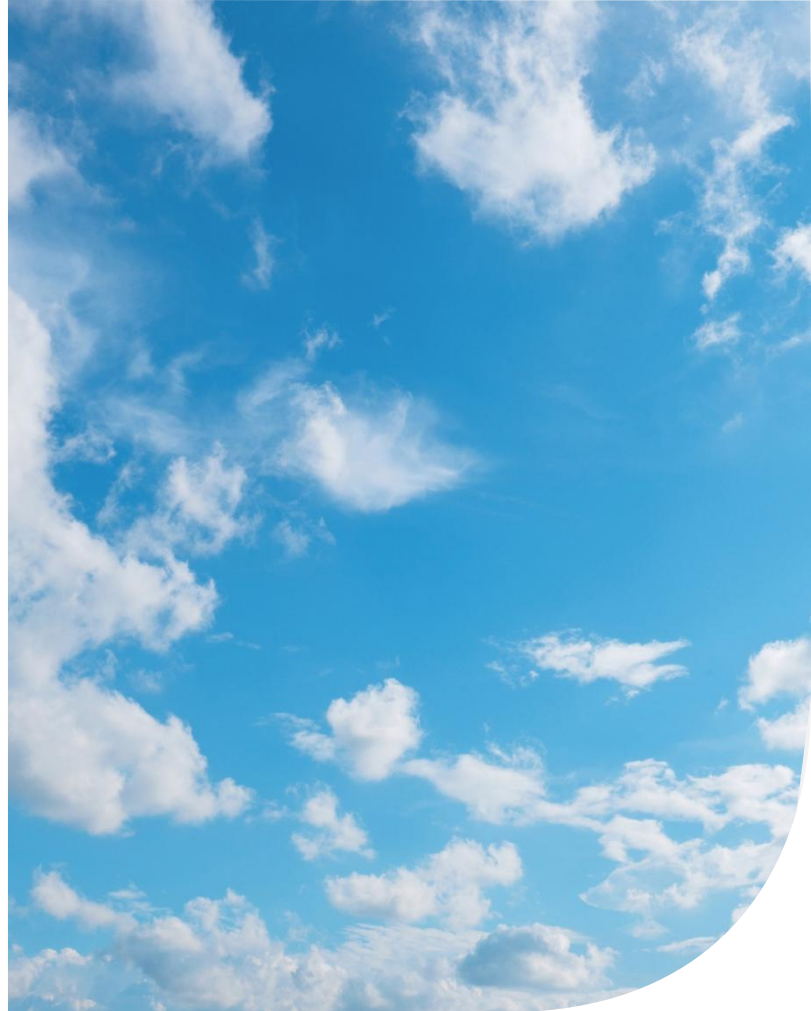
**Question 3:** What should companies be doing now based on EPA's priorities and regulatory outlook?



# EPA Air Priorities

# Advocate for / Take Advantage of Permitting Reform Rules / Policies

- **Construction:** EPA issued guidance on its interpretation of “begin actual construction” for New Source Review (NSR) permitting in September 2025. Would allow activities that are not related to air emissions (e.g., installing cement pads) to start before obtaining an NSR permit. EPA sent proposed rule to OMB on March 19.
- **Project Emissions Accounting:** Permit applicants can currently count emissions decreases (as well as increases) during Step 1 of the NSR major modification applicability test, to determine if more in-depth permit review is required. This is currently being litigated in the DC Circuit.



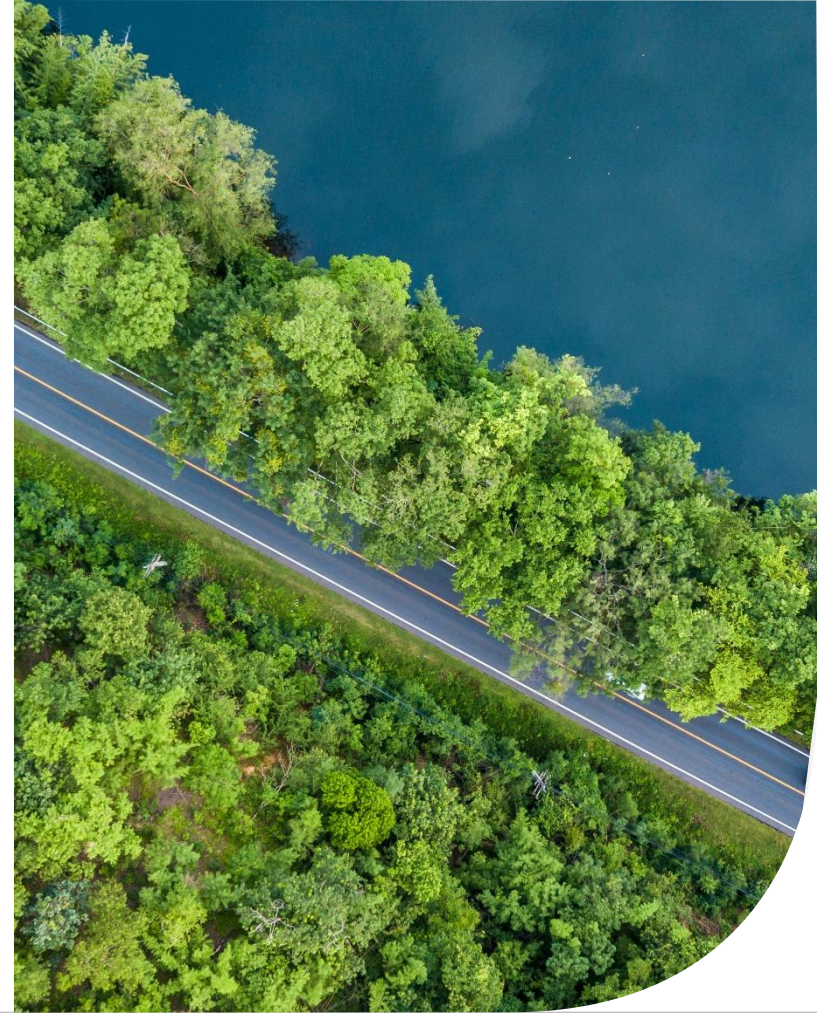
# Opportunities for EPA Engagement

Encourage EPA to timely finalize the regulatory rollbacks it has promised under its deregulatory initiative

Comment on the forthcoming reconsideration/rollback rules (e.g., HON, RMP, oil and gas NSPS, etc.) and support litigation (either directly or through trade associations) surrounding rollbacks

# Opportunities for EPA Engagement

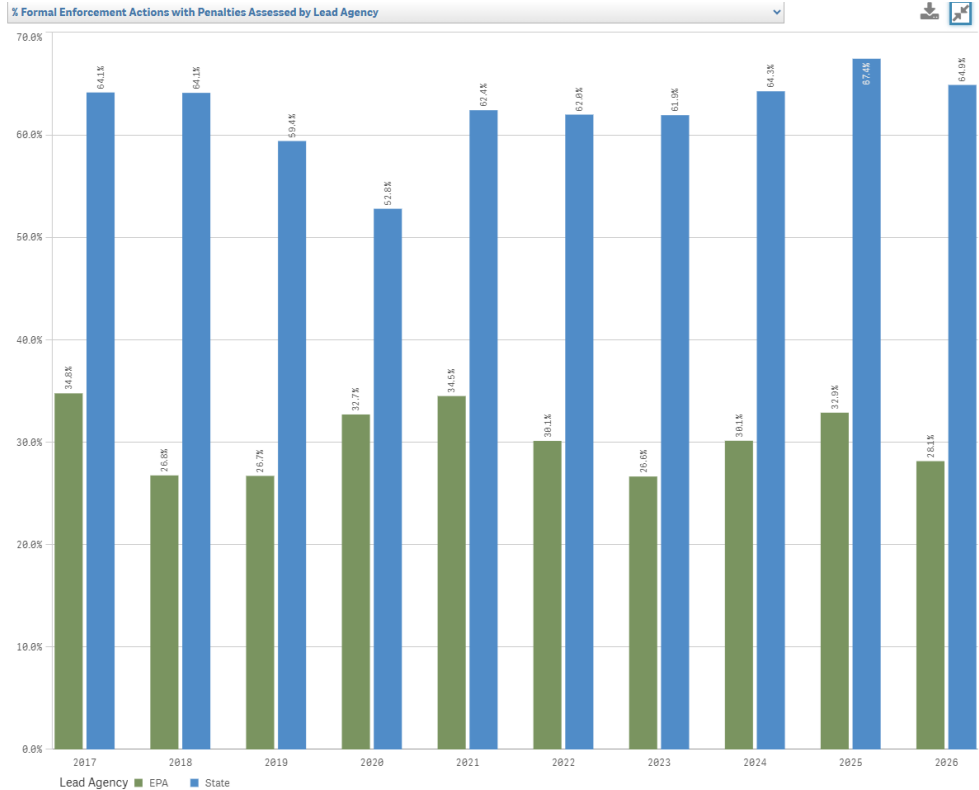
- Policy changes/new guidance—while not as durable as rule revisions—may be easier to effect and realize some near-term benefits
- Continue to push back on enforcement, especially if your facility is part of (or supports) administration priority sectors—i.e., energy development/power production, manufacturing, AI; Consider if potential resolutions during the current administration could be on more favorable/limited terms



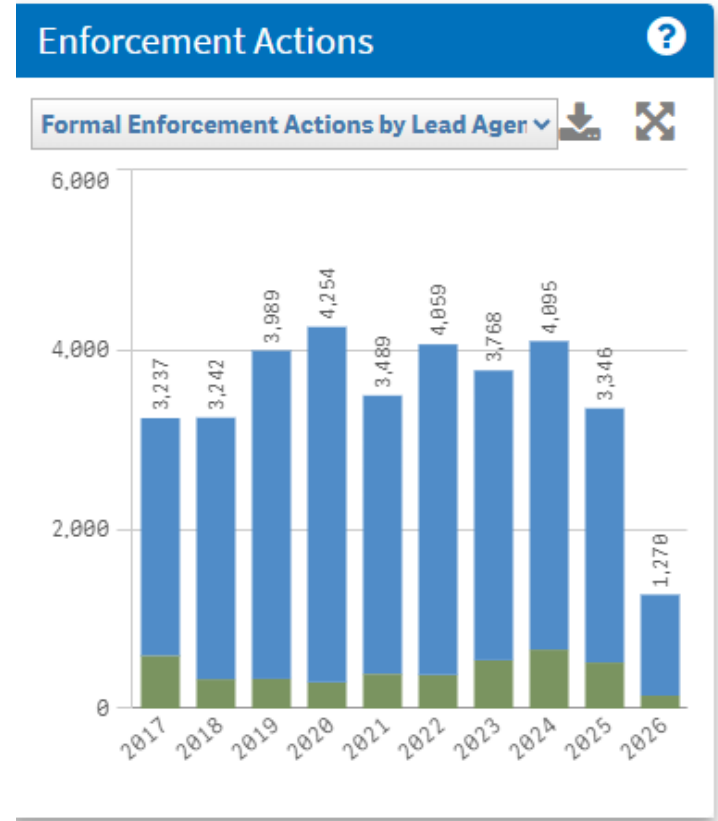


# EPA Water Priorities

# Plus ça change?\* - Enforcement



\*A tribute to the second of Texas' six flags



# Where Can We Make Headway?

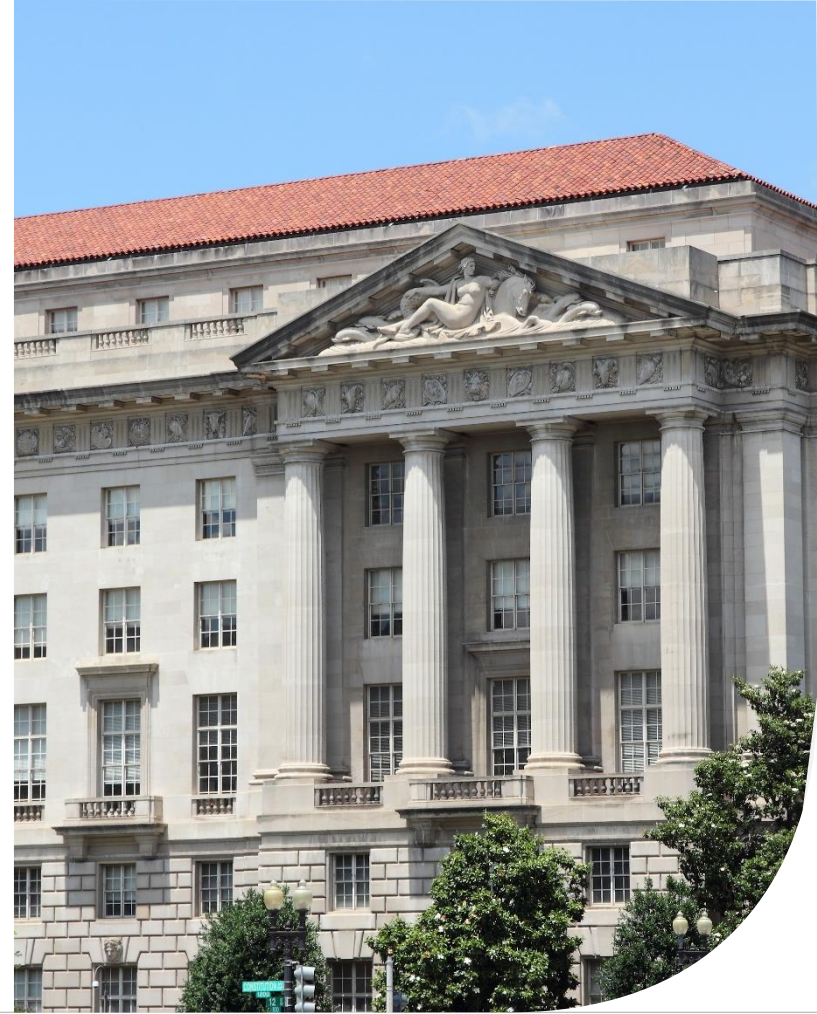
## PFAS (see proposed 2027 budget)

- Effluent limit guidelines
- Recommended Water Quality Criteria

## Reforms to water quality regulations for NPDES permits

## Prevent abuse of stormwater residual designation

## Advocacy for a more durable 401 rule





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# EPA Waste Priorities



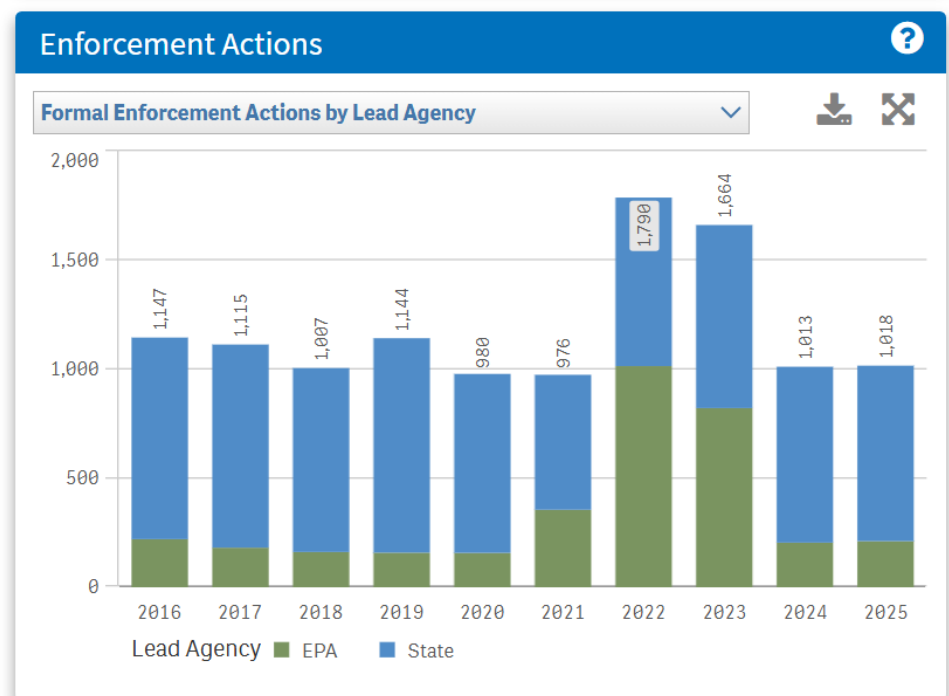
# FY2027 Budget Overview & Two-Year Agency Priority Goals

- **Advance Investment into America and Job Creation through Permitting Reform.** By September 30, 2027, streamline the permitting process and improve efficiencies.
- **Reduce PFAS Risks to the Public.** By September 30, 2027, strengthen the science, fulfill statutory obligations, enhance communication, and build partnerships.



# National Comparison: 10-Year Trends in Hazardous Waste State vs. EPA Formal Hazardous Waste Enforcement Actions

**Caveat: hazardous waste enforcement matters including generators, transporters, & TSDFs**  
**Source: [Analyze Trends: EPA/State Hazardous Waste Dashboard | ECHO | US EPA](#)**



# EPA's FY 2027 Budget Overview & Enforcement Outlook

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“The target for FY 2027 is **11,000** inspections and evaluations.”

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**Know your generator status and consistently evaluate facility compliance with basic housekeeping and regulatory requirements (e.g., personnel training, contingency plans)**

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**Inspections will likely be announced. Ensure your most knowledgeable employees on site-specific operations and corporate policies accompany federal/state inspectors**

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“In FY 27, Enforcement will prioritize substantial violations, accelerate case resolution, concentrate on direct implementation of non-delegable enforcement programs, and target egregious conduct.”

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“EPA will ensure a level playing field by monitoring compliance, pursuing enforcement to correct violations and remove any economic benefit violators gained from noncompliance.”

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**Given the high statutory max penalties associated with violations, request transparent discussion about how any penalties were calculated – especially economic benefit**

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# EPA Enforcement: Trends in Nationwide Alleged Violations

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## Common Nationwide RCRA Violations (2026)

Failure to store HW in a closed container

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Failure to perform weekly inspections of container storage areas

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Failure to label containers with the accumulation start date

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Failure to ensure personnel completed hazardous waste training and position descriptions

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Failure to complete a contingency plan or provide the plan to emergency responders

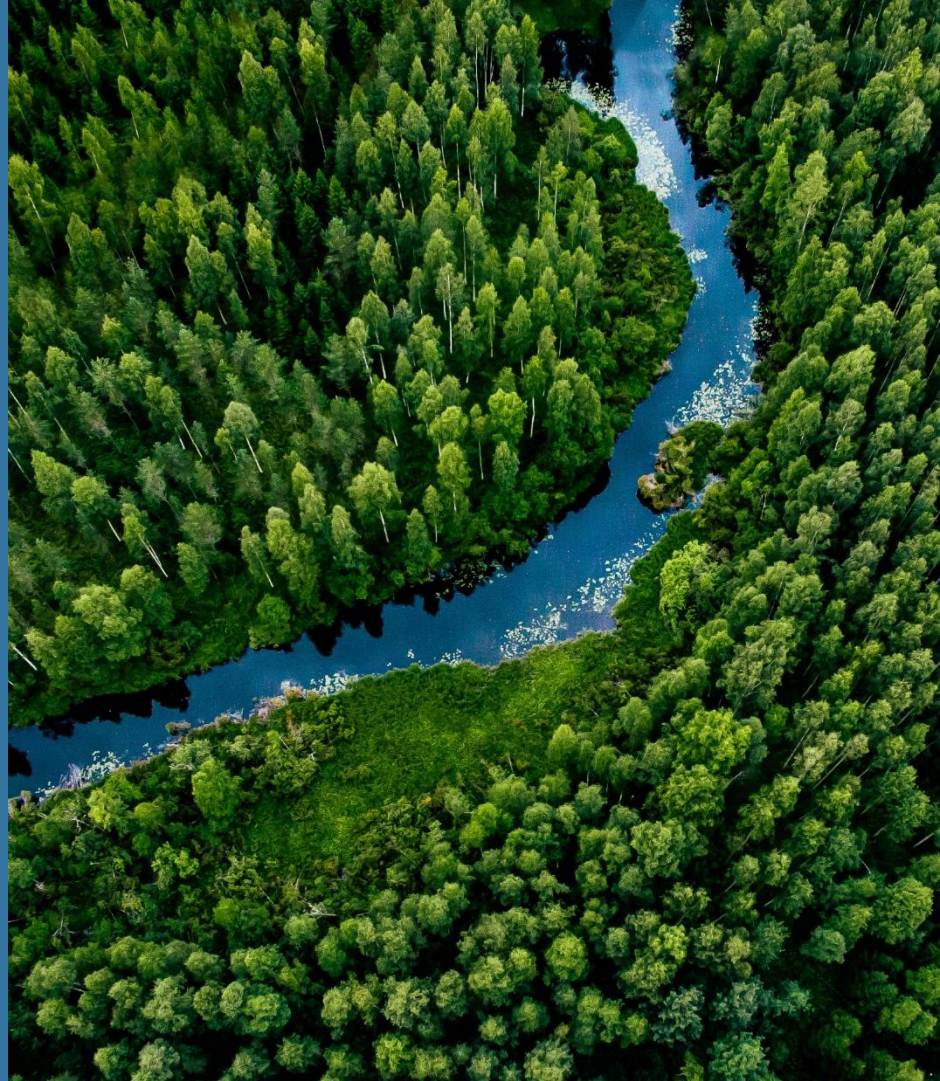
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# Questions?

Thank you!



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