

Making Sense of Change at the Federal Level and the Ripple Effects

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REGFORM Hazardous Waste Seminar, April 3, 2025

Agenda

- Key Executive Orders
- Administrator Zeldin's Five Pillars & Proposed Deregulatory Actions
- Changes in EPA Staffing and Budget
- Changes in Enforcement
- What Else May Be Coming?
- Limits on the Trump/Zeldin Agenda
- Best Practices
- Questions

Key Executive Orders

- *Ending Radical and Wasteful Government DEI Programs and Preferencing*, EO 14151, Jan. 20, 2025
- *Unleashing American Energy*, EO 14154, Jan. 20, 2025
- *Declaring a National Energy Emergency*, EO 14156, Jan. 20, 2025
- *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, EO 14173, Jan. 21, 2025
- *Unleashing Prosperity Through Deregulation*, EO 14192, Jan. 31, 2025

Key Executive Orders

- *Commencing the Reduction of the Federal Bureaucracy*, EO 13217, Feb. 19, 2025
- *Implementing The President's "Department of Government Efficiency" Workforce Optimization Initiative*, EO 14210, Feb. 11, 2025
- *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative*, EO 14219, Feb. 19, 2025
- *Implementing the President's "Department of Government Efficiency" Cost Efficiency Initiative*, EO 14222, Feb. 26, 2025
- OMB Guidance on Agency RIF and Reorganization Plans, Feb. 26, 2025

Administrator Zeldin's Five Pillars

1. Clean Air, Land, and Water for Every American
2. Restore American Energy Dominance
3. Permitting Reform, Cooperative Federalism and Cross-Agency Partnership
4. Make the United States the Artificial Intelligence Capital of the World
5. Protecting and Bringing Back American Auto Jobs

EPA Launches the “Biggest Deregulatory Action in U.S. History”

- On March 12, Administrator Zeldin announced EPA will undertake 31 actions to reduce regulatory burdens, promote domestic energy production and shift decision-making authority back to the states
- No immediate changes to or rescission of EPA regulations
- Will take time to play out

How are Rules Rolled-Back?

- EPA must follow the process set forth in the Administrative Procedure Act to rescind existing rules:
 - Propose a rule
 - Solicit and consider public comment
 - Respond to public comments
 - Issue a final rule
 - (And then survive litigation)
- **Caveat:** The Congressional Review Act gives Congress 60-days to review and issue a joint resolution of disapproval of “major” rules

Waste-Related Rules Under Scrutiny

- Risk Management Program Rule for oil and natural gas refineries and chemical facilities
- Expediting state permit reviews under the coal ash program and updating EPA's coal ash regulations
- No waste-related CRA Resolutions

Other Issues to Think About

- Technical Corrections to Hazardous Waste Generator Improvements Rule, the Pharmaceutical Rule, and the Definition of Solid Waste Rule proposed by the Biden Administration **took effect March 21, 2025**
- PFAS – TBD
 - SDWA & CERCLA – litigation is stayed
 - Extended comment period on Biosolids Risk Assessment and Draft Water Quality Criteria
 - RCRA

Staffing Reductions & Budget Cuts

- EOs 13217, 14210 & OMB Guidance
 - April 14, 2025, deadline to provide Phase 2 Memo
- Elimination of Environmental Justice offices and positions
- Proposal to eliminate EPA's Office of Research and Development (ORD)
 - What does this mean for IRIS?
- Grant funding
- Impact on state funding?

Enforcement

- Project 2025 suggests eliminating the Office of Enforcement and Compliance Assistance (OECA)
 - Return the enforcement and compliance function to the media offices (air, water, land, emergency management, etc.) by moving non-attorney program staff to their relevant program offices
 - Move OECA attorneys into the Office of General Counsel
 - Establish a new Deputy General Counsel for Enforcement
- EPA has not publicly-confirmed any plan to dismantle OECA

Biden's NECIs

- **FY2024-2027** National Enforcement and Compliance Initiatives announced August 17, 2023:
 1. Mitigating Climate Change (new)
 2. Addressing Exposure to PFAS (new)
 3. Protecting Communities from Coal Ash (new)
 4. Reducing Air Toxics in Overburdened Communities (modified)
 5. Increasing Compliance with Drinking Water Standards (continued)
 6. Chemical Accident Risk Reduction (continued)

Enforcement

- **Mar. 12, 2025, Memo:** “Implementing National Enforcement and Compliance Initiatives Consistently with Executive Orders and Agency Priorities”
 - Deemphasize climate change and environmental justice
 - Ease enforcement against energy-sector facilities
 - **Coal Ash:** Do not consider environmental justice. Focus only on “imminent threats to human health.” Requires advance approval for any action that would “unduly burden or significantly disrupt power generation.”
- What does this mean for MDNR?

What May Be Coming?

- Reforms to the Office of Land and Emergency Management (OLEM)
 - The office's main function is to oversee the execution of cleanups under CERCLA and RCRA
 - Focus on project management more than policy creation
 - Determine scope of work based on an actual reduction in exposure to chemicals as opposed to the elimination of theoretical potential exposures

What May Be Coming: RCRA

- Create a RCRA post-closure permit that is tailored only to post-closure obligations
- Modify regulations that impede resource efficiency, recycling and reuse
- Change the e-manifest regulations to a 100% electronic system
- Reassign regulation and enforcement of air emission standards to Office of Air & Radiation

Potential Limits on Proposed EPA Actions

- Administrative Procedure Act
- Citizen demands
- Litigation
- Other stakeholders, namely state and local governments, the public, and non-governmental organizations

Best Practices During the Transition

• Regulated Community

- Stay focused on what you can control (compliance)
- Keep up with changes at the state-level and develop relationships
- There will be patchwork approaches across the country from state to state

• States

- Renewed emphasis on “cooperative federalism”
- Closely watch how EPA handles state and tribal grants
- Advocate for more budget?



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