

APRIL 2019

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VIRGINIA IS ONE STEP CLOSER TO STATE REGULATION OF CARBON EMISSIONS

BY: LIZ WILLIAMSON

In January of 2018, the Virginia State Air Pollution Control Board (“Air Board”) published a proposed rule to establish a CO₂ emissions cap and trade program in Virginia (the “Original Proposal”). The regulations set an initial state-wide target for CO₂ emissions from electric generating facilities, allocated emission allowances to those facilities and required those allowances to be consigned to the Regional Greenhouse Gas Initiative (“RGGI”) for auction. After receiving comments on the Original Proposal, the Virginia Department of Environmental Quality (“DEQ”) reconsidered the rule in light of those comments and new information received from RGGI and an outside consultant.

In February 2019, the Air Board re-proposed the CO₂ emissions cap and trade program (the “Re-proposal”). The Re-proposal substantively changes the Original Proposal. Most notably, the Re-proposal lowers Virginia’s state-wide CO₂ emissions tonnage cap from 33/34 million tons per year to 28 million tons per year. The annual allowance budget in the Re-Proposal declines by 3% per year from the 28 million tons of allowances through 2030.

The Re-proposal narrows the industrial exemption in several ways, all of which will have significant,

negative repercussions for existing manufacturers and for future manufacturers that are considering Virginia for a site. The Original Proposal excluded from regulation any facility that uses fossil-fuel to generate electricity and heat primarily for use at the facility.

The Re-proposal also amends the definition of “fossil fuel-fired” such that a source that combusts more than 5% (as opposed to 10%) fossil fuel annually is deemed to be “fossil fuel-fired.” This change places units that combust primarily non-fossil fuel in danger of losing the exemption by combusting just a small amount of fossil fuel. Significantly, the Re-proposal limits application of the exemption only to facilities existing prior to January 1, 2019. New facilities, including those constructed by industry new to Virginia, will be subject to the CO₂ cap and trade program.

The change in the definition of “fossil fuel-fired” and grandfathering only existing facilities will force a subset of industrial sources to comply with the rule without being allocated allowances to offset CO₂ emissions. These sources must purchase all necessary allowances from the RGGI market, as opposed to utility sources which will be allocated almost all necessary allowances.

Potential cost impacts of the Re-proposal are the subject of substantial disagreement. The cost analysis adopted by DEQ predicts no rate increases. In contrast, a cost analysis performed by the State Corporation Commission (“SCC”) concludes that the total cost to Dominion Energy from 2020 to 2030 will be \$5.9 billion if Virginia joins as a member of RGGI. These costs equate to an increase in residential

rates of \$7 to \$12 a month. The varying assumptions in the two cost analyses cause the differences in the estimates. For example, renewables will not necessarily offset generation from Virginia fossil fuel units. Renewables and fossil fuel units are two different types of generation and are not interchangeable when used in the assumptions. DEQ assumes that natural gas prices will decrease below the very low current prices, something that may not happen. Finally, the analyses are based on estimates of Virginia's future electricity demand, and those estimates may not be accurate.

Democratic Governor Northam has repeatedly shown a commitment to reduction of CO₂ emissions in the Commonwealth through trading. On March 14, 2019, the Governor vetoed House Bill 2611, which would have prohibited the Commonwealth from entering into a regional program to reduce carbon dioxide air pollution. In a press release, the Governor stated that “allowing energy producers to comply with regulation through credit trading would lessen costs to producers and consumers while generating revenue that could be spent to make Virginia more resilient to extreme weather events, sea level rise, and flooding.”

Comments on the Re-proposal were due on March 6, 2019. DEQ will release a summary of the comments submitted on the Re-proposal in the coming weeks. The Air Board is expected to meet in April to consider a final rule. If the Re-Proposal is promulgated as a final rule, Virginia would be linked with RGGI in 2020.

[Re-proposed Regulation for Emissions Trading Programs \(Rev. C17\), 35 Va. Reg. 1404 \(Feb. 4, 2019\).](#)
[Governor Northam Vetoes Legislation Limiting Commonwealth's Ability to Combat Power Plant Pollution.](#)
[Press Release from Governor's Office, March 14, 2019.](#)



WHAT'S ALL THE PFAS ABOUT?

BY: CHANNING J. MARTIN

Per- and polyfluoroalkyl substances (PFAS) are a group of over 4,000 synthetic chemicals that have been in use world-wide since the 1940s. They are found in a wide array of consumer and industrial products, including firefighting foam; stain and water-resistant coatings, clothing and carpet; cookware; and waxes and cleaners. Products containing PFAS are found in almost every U.S. home and business.

According to EPA, “Due to their wide-spread use and persistence in the environment, most people of the United States have been exposed to PFAS. There is evidence that continued exposure above specific levels to certain PFAS may lead to adverse health effects.” These effects can occur at extremely low concentrations, in the parts per trillion (‘ppt’).

For reference purposes, 1 ppt is 1 part per 1,000,000,000,000. It's equivalent to six inches in the 93 million-mile journey to the sun, or about three seconds in 100,000 years.

PFAS are highly mobile in the environment, which means they can migrate easily through groundwater to public and private water supplies. In addition, because they are resistant to heat, water and oil, they are highly resistant to natural biodegradation and very difficult to treat with most remedial technologies.

PFAS were phased out by the mid-2000s, but are only now coming to the forefront. Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) are two of the most prevalent PFAS. Unfortunately, they have been found in many public and private drinking water supplies around the country. PFOA and PFOS are not yet subject to

national primary drinking water regulation, but EPA issued a Drinking Water Health Advisory in 2016 for these two chemicals at a combined concentration (PFOA+PFOS) of 70 ppt. Not content to wait, at least eight states – Vermont, Massachusetts, New Jersey, Minnesota, California, Colorado, Michigan and Washington – have adopted their own limit for drinking water, with some limits as low as 13 ppt. At least eleven other states are in the process of adopting limits. Litigation? You bet. A number of municipal governments – many in the Northeast – have sued PFAS manufacturers and owners of properties contaminated with PFAS for the costs of remediating and treating their municipal water supplies (most often treating the water using activated carbon absorption, ion exchange resins, and/or high-pressure membranes).

Significant PFOA and PFOS contamination can be found at current and former military installations where fire-fighting foam was used in training and to fight fires. The Department of Defense is grappling with how to address these chemicals in soil and groundwater, with the Air Force and Navy taking a more proactive stance to date than the Army.

As one can imagine, the pressure on EPA to “do something” has been intense. In an Action Plan released on February 14, 2019, EPA announced it is in process of promulgating a Maximum Contaminant Level (“MCL”) for PFOA and PFOS under the Safe Drinking Water Act and listing these chemicals as “hazardous substances” under CERCLA. For most PFAS, there is limited or no toxicity information.

In addition, while validated EPA drinking water measurement methods are available for 18 PFAS today, including PFOA and PFOS, EPA lacks validated analytical methods for national measurements for hundreds of other PFAS. Accordingly, the Action Plan indicates that EPA will develop more toxicity information for PFAS, develop new tools to characterize it, and evaluate cleanup approaches.

If EPA adopts an MCL for these chemicals in drinking water, it will be the first time it has adopted a new MCL in two decades. Of course, the key issue is what is the “safe” limit. That’s something over which there is great debate, with limits discussed ranging from single digit ppt all the way up to 400 ppt. If EPA lists PFOA and PFOS as CERCLA “hazardous substances,” the landscape will change considerably because governments and private parties will be able to take response action under CERCLA to address the contamination and then sue those who released the chemicals to recover the costs. When will this happen? Not any time soon. Even if EPA moves quickly, there will be lawsuits challenging both actions by environmental and industry groups alike before anything becomes final.

This is a significant problem, and one that will cost huge amounts of money to address for many years to come. Litigation is likely to be ubiquitous. Now you know what’s all the PFAS about.

[Lifetime Health Advisories and Health Effects Support Document for PFOA and PFOS, 81 Fed. Reg. 33250 \(EPA May 25, 2016\).](#)

[EPA’s Per- and Polyfluoroalkyl Substances Action Plan \(Feb. 14, 2019\).](#)

EPA POISED TO ABANDON NSR ENFORCEMENT INITIATIVE

BY: JOHN M. “JAY” HOLLOWAY III

On November 1, 1999, EPA Administrator Carol Browner and Attorney General Janet Reno jointly announced “an unprecedented action” to kick off their New Source Review (“NSR”) enforcement





initiative. On that day, EPA and DOJ filed civil enforcement actions against seven electric utilities alleging violations of EPA's NSR regulations. An administrative compliance order also was issued to fellow federal agency Tennessee Valley Authority.

Some 20 years later, EPA and DOJ filed NSR cases against dozens of utilities and industry sources, costing utilities and industry billions of dollars. With a few exceptions, the NSR enforcement initiative yielded limited litigation wins. In almost all cases, utility litigation ended in either settlement or an adverse result for the government. Settlements largely required compliance with the utilities' existing Clean Air Act (CAA) compliance plans. Actions against industry sources also generally ended with very favorable settlements for industry. As a result, NSR enforcement cases are now primarily filed by environmental groups.

EPA and DOJ's NSR enforcement initiative seems to be at an end. EPA's proposed new National Compliance Initiatives ("NCIs") for Fiscal Years 2020-2023 indicate that EPA intends to move the NSR enforcement initiative from the high priority NCIs to its "core" or standard enforcement program. As justification for this action, EPA claims that these enforcement efforts against utility sources "have largely achieved their goals" and resulted in a 90% reduction in sulfur dioxide emissions and an 83% reduction in nitrogen oxide emissions since 1997. For industry sources, EPA states that it required controls or commenced investigations at 91%, 96% and 90% of facilities, respectively, in the glass, cement and acid manufacturing sectors. Again, any emissions reductions from the initiative, were almost

all a result of compliance with other CAA programs. Capitalizing on reductions from other compliance obligations, EPA plans to de-emphasize the initiative and monitor settlement compliance.

Given the de-emphasis of NSR enforcement, should companies still perform NSR analyses of planned projects? The answer is yes, since EPA's proposed action can be reversed at any time in the future.

[84 Fed. Reg. 2848 \(February 8, 2019\).](#)

EPA PLACES RENEWED EMPHASIS ON AUDIT POLICY

BY: RYAN W. TRAIL AND BENJAMIN C. MOWCZAN

There are many benefits of corporate environmental auditing programs for companies large and small, not the least of which is the potential mitigation of civil penalties for violations of environmental laws discovered during an audit. For nearly 25 years, EPA has implemented a policy titled, "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations." Also known as the "Audit Policy," it provides incentives to regulated entities who voluntarily discover, self-report and correct suspected violations of federal environmental laws and regulations. Part of EPA's FY 2018-2022 Strategic Plan is a renewed emphasis on encouraging regulated entities to take advantage of the Audit Policy.

Companies considering a voluntary disclosure to EPA should first consider the incentives provided by the Audit Policy, its limitations, and the detailed

criteria required to receive the Policy's incentives. The Audit Policy has nine conditions. For a voluntary disclosure meeting all nine conditions of the Audit Policy, EPA will eliminate 100% of gravity-based civil penalties that the company would otherwise face for the disclosed noncompliance. With statutory maximum civil penalties for violations of major federal environmental laws reaching upwards of \$50,000 to \$70,000 per violation, this penalty mitigation incentive is not insignificant. In addition, EPA has discretion to waive economic benefit penalties if it determines that the economic benefit from noncompliance is insignificant. If the violation was not discovered during a systematic auditing process, but the disclosure meets all other criteria of the Audit Policy, the disclosing company may still receive a 75% reduction in gravity-based penalties. For facilities that satisfy at least conditions two through nine, EPA will not recommend criminal prosecution of the facility and will not request routine audit reports by the facility because of the voluntary disclosure.

The nine conditions for eligibility for penalty reduction under the Audit Policy are:

1. Systematic discovery of the violation through an environmental audit or compliance management system;
2. Discovery of the violation must be voluntary and not through a mandatory monitoring or auditing procedure required by law;
3. Prompt disclosure to EPA after discovering a violation occurred or may have occurred;
4. Discovery of the violation is independent of a government or third party plaintiff investigation;
5. Prompt correction and remediation of the violation;
6. Steps are taken to prevent recurrence of the violation after it has been disclosed;
7. The disclosed violation is not a repeat or closely-related violation from the same facility within the past three years;
8. The disclosed violation is not an excluded violation. Excluded violations include violations that result in serious harm to the environment or human health and safety; and
9. The entity cooperates with EPA's investigation of the violation.

The Audit Policy is implemented through EPA's eDisclosure portal. To qualify for the Audit Policy's protections, a regulated entity must disclose the violation on the eDisclosure portal within 21 days of the entity's discovery that a violation occurred or may have occurred. This 21-day period applies to violations and potential violations alike. Therefore, to ensure eligibility for penalty reductions, an entity must disclose a potential violation within 21 days of discovery where an officer, director, employee or agent of the company has an objectively reasonable basis to believe a violation may have occurred, even if an actual violation has not yet been confirmed. Note that if, after timely disclosing a potential violation, an entity determines no violation actually occurred, it may withdraw its disclosure, although EPA will retain records of the disclosure.

Within 60 days of submitting the violation, the disclosing entity must submit a Compliance Certification through the eDisclosure portal. The Compliance Certification must identify the specific violations and certify that the violations have been corrected and the requisite Audit Policy conditions have been satisfied. With the exception of certain EPCRA violations for which no extension is available, entities can request an automatic 30-day extension for Compliance Certification on the eDisclosure portal. Entities may request an extension longer than 30 days to correct their violations, but any such request beyond the 30-day extension must be supported by justification. The Audit Policy requires expeditious correction of violations, so entities should be judicious in their requests for time extensions. EPA has indicated it will scrutinize extensions beyond 30 days and may ultimately determine a violation has not been promptly corrected if the entity cannot show adequate justification for its extended compliance deadline. Once the Compliance Certification has been submitted, EPA expects it will screen and resolve the disclosure within several months.

In addition to the Audit Policy, EPA offers a similar voluntary disclosure program to regulated entities with 100 or fewer employees ("Small Business Compliance Policy"). The Small Business Compliance Policy functions similarly to the Audit Policy, but with more relaxed deadlines for correcting the violation.

Entities considering the voluntary disclosure process should bear in mind several points. First, entities should take care not to disclose confidential business information or other private information on the eDisclosure portal as the system is not designed to screen such information. Any material submitted on the portal may have to be released in response to Freedom of Information Act (FOIA) requests. Therefore, an entity that needs to submit confidential business information in support of its disclosure or Compliance Certification must do so manually through the appropriate EPA procedures. Second, unresolved disclosures are not exempt from FOIA production, and current EPA policy places a presumption in favor of production. Therefore, a disclosing entity with an unresolved disclosure may face increased exposure to citizen suits unless EPA determines that a FOIA exemption applies. Lastly, the Audit Policy and Small Business Compliance Policy are discretionary tools that do not create enforceable rights for regulated entities. Therefore, even if a regulated entity fully complies with the voluntary disclosure process, penalty reductions are not guaranteed as a matter of law.

With civil penalties for violations of environmental laws on the rise, companies should consider instituting or enhancing internal auditing processes and systems. By voluntarily discovering, disclosing, and correcting the violations, the regulated community can mitigate the imposition of civil penalties and avoid costly litigation. When potential noncompliance is discovered, procedures should include a quick and thorough consideration of each of the nine criteria of the Audit Policy. The protections of the Audit Policy are valuable, but companies must remember that the standard for receiving them is high.



[Notice of eDisclosure Portal Launch: Modernizing Implementation of EPA's Self-Policing Incentives Policy 80 Fed. Reg. 76476–76481 \(Dec. 9, 2015\)](#)

[Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations 65 Fed. Reg. 19618—19627 \(Apr. 11, 2000\)](#)

[Small Business Compliance Policy 65 Fed. Reg. 19630–19634 \(Apr. 11, 2000\)](#)

[EPA Announces Renewed Emphasis on Self-Disclosed Violation Policies \(May 15, 2018\)](#)

PACK MORE THAN AN UMBRELLA: MINIMIZING STORM-RELATED ENVIRONMENTAL LIABILITY

BY: HENRY R. "SPEAKER" POLLARD, V

For many facilities and construction sites, the routine practical problems arising from wet weather go with the territory. However, if stormwater management is compromised or if flooding and coastal storm surges occur, a storm can cause damage and interruption of operations to even a well-designed and operated property. Depending on the configuration and

state of repair of a facility or construction site, storm conditions can lead to significant environmental risks and impacts, including discharges of pollutants, discharges of fill material to streams and wetlands, and larger-scale releases of hazardous materials. Where measures to minimize these underlying risks are not implemented or maintained, even greater damages and

environmental liabilities can result. Indeed, various potential storm-related environmental liabilities exist due to the complex framework of stormwater



management regulation and permitting at the federal, state and local levels. These liabilities are exacerbated by other regulatory programs (especially those pertaining to petroleum, chemical, and waste management), land use laws, and common law causes of action (such as negligence, trespass, nuisance and strict liability). Below are some strategic and complementary tactical steps that can help to mitigate storm-related environmental legal risks.

1. Assess Storm-Related Environmental Risks Strategically. Environmental risks posed by storm events can vary, but understanding the nature, extent and timeline of such risks for a property is essential to taking appropriate precautions against related legal liabilities. Some of this analysis is already required as part of stormwater discharge permitting and local land use review and site plan approvals. While these processes are helpful in assessing some of the risks, site owners and operators should evaluate more holistically the risks of reasonably foreseeable storm-related impacts to the property and site operations. A major issue in this regard is whether current facility or site design and operational practices adequately mitigate such risks and, by extension, related potential environmental liabilities. Note that what is deemed foreseeable changes over time, particularly with improving technical stormwater flow and flooding models and evolving applicable regulations and case law. Therefore, this strategic risk assessment should be refreshed

regularly, and related evolving potential liabilities should likewise be revisited and addressed.

2. Improve the Property's Overall Resilience to Flooding and Storm Surge. Having performed a strategic risk assessment of storm-related environmental risks and liabilities, the next step is to consider strategic means to offset these risks and liabilities in a cost-effective manner. For properties that are prone to (or will become prone to) flooding or storm surge, the facility owner and the property developer should consider engineered improvements and operational practices to make the property more resilient to significant storm events. Such measures may include defensive armoring of the perimeter of the facility or the construction site to deflect flood waters or storm surges, though such measures also need to allow accumulated stormwater to exit the property correctly and avoid damage to another's property. Instituting measures within the property itself may also be useful, such as (a) ensuring compliance with applicable stormwater control standards; (b) relocating command centers and power and communication systems to higher elevations; (c) securing hazardous material and waste storage and wastewater management systems against stormwater/flood impacts; and (d) remediating contaminated soil "hot spots" that could be scoured out by stormwater or flooding and increase pollutant loadings.

3. Maintain Stormwater Management Systems and E&S Controls. Industrial facilities often have permanent stormwater management systems and operational practices designed to minimize discharge of pollutants associated with that industrial activity. Construction sites normally need installation and upkeep of erosion and sediment control measures (“E&S Controls”) during land disturbing activity to reduce displacement of sediment on-site and discharges of sediment off-site. These sites also require prudent management of potential pollution sources such as stored fuel or solid wastes. Failure to implement or timely maintain stormwater management systems, practices or E&S Controls can undermine stormwater management and can lead to aggravated facility or site flooding, or even damage to neighboring properties by impounded water or excessive flows discharged downstream. These scenarios may also involve pollutants from contaminated soils, flood-compromised hazardous material storage, or scouring and release of sediments. When this happens, environmental liability for any damages and permit noncompliance becomes more likely. Therefore, implementation and timely maintenance of these systems, practices and E&S Controls, as well as their adaptation to evolving property conditions and flooding risk, are foundational to minimize the risk of potential storm-related environmental liabilities.



4. Secure Potential Sources of Pollutants. Many industrial facilities and even construction sites entail outdoor management of petroleum products, raw materials, chemicals, or

wastes. All of these activities are highly regulated at federal, state and local levels, often incorporating industry standards. For example, federal and state requirements for contingency planning address precautions against and responses to releases of petroleum, hazardous materials and wastes. There are also extensive regulatory standards for the location, design, and maintenance of storage tanks for these items. Likewise, state law and local floodplain ordinances and fire and building codes typically restrict hazardous materials and waste management in areas susceptible to flooding or storm surge. Compliance with these legal authorities, applicable industrial standards and required contingency plans is important to ward off environmental risks and liabilities associated with releases of hazardous materials and wastes that can result from severe storms and related flooding or storm surges. Regardless, outdoor storage tanks should be sufficiently moored in place and protected against

flooding, and other management of these substances may need to be removed to higher elevation locations to minimize the risk of a release. Finally, operators should ensure that stormwater flow or even flooding across the site will not impede the ability to respond to stored materials becoming unstable or to a release.

While these steps to minimize the practical problems associated with storm events can mitigate the potential legal liability risks arising from such events, these actions are not always easy to implement or even feasible due to site-specific conditions. In addition, they will not completely eliminate the risk of environmental liabilities caused by excessive stormwater or flooding during significant storms. However, timely attention

to storm-related environmental risks and liabilities clearly pays dividends. If thoughtfully pursued, these steps offer cost-effective and material protection from foreseeable storm impacts and, in turn, can reduce the risk of related environmental legal liabilities.

STATES PUSH BACK ON EPA'S POSITION ON LANDFILL EMISSIONS

BY: JESSICA J. O. KING

Last year, we reported on EPA's decision to allow the expiration of a moratorium on the 2016 Obama Climate Action Plan rule and guidelines seeking to reduce landfill methane emissions ("Methane Rule and Guidelines"). Specifically, in early 2018, EPA informed industry that the agency would not go to court to try and maintain a stay on the Methane Rule and Guidelines despite a petition by industry to reconsider the more stringent requirements.

The regulatory actions at issue were: (1) a 2016 final rule updating the 1996 New Source Performance Standards (NSPS) for methane gas emissions from new, modified and reconstructed Municipal Solid Waste (MSW) Landfills; and (2) new guidelines aimed at reducing air emissions from existing MSW landfills. The Methane Rule and Guidelines meant lowering of the methane emissions threshold at which landfills must install control equipment and stricter requirements on capturing, monitoring and reporting of methane gas. EPA previously imposed a 90-day moratorium on the Methane Rule and Guidelines in response to an industry group petition to reconsider certain issues. During the moratorium, environmental groups sued EPA and asked the D.C. Circuit to invalidate the moratorium. However, the stay expired prior to the court taking action. In early 2018, EPA



informed the regulatory community not to worry about the expiration of the stay because: (1) EPA would not demand state implementation plans (SIPs) or prioritize review of SIPs containing the new rule or guideline provisions; and (2) EPA would not actively impose new compliance deadlines required by the Methane Rule and Guidelines.

This left industry wondering about which standards apply for methane emissions (1996 or 2016) and EPA's intentions moving forward. Certain states, including California, Pennsylvania and Illinois, sued EPA in a California federal court in May of 2018 alleging that EPA violated the Clean Air Act (CAA) by failing to impose the Methane Rule and Guidelines. In the fall of 2018, EPA asked the court to defer issuing any dispositive motions in the case considering EPA's recent issuance of a proposed

rule ("SIP Extension Rule"). That rule extended implementation of the Methane Rule by giving states until March 2023 to obtain EPA approval of revised SIPs and by continuing EPA's reconsideration of the Guidelines. Just before the holidays, the court denied the motion to stay the case.

To move the ball forward, a coalition of states led by California (the "Coalition") submitted comments to EPA in early January 2019 opposing the SIP Extension Rule. Among other things, the Coalition's comments contend:

1. the extension is improperly couched by EPA as a 'procedural change' with no environmental or health impacts;
2. the extension will allow emissions of up to 7.1 million metric tons of carbon dioxide per year that would have been avoided;
3. the expected benefits of implementing the Methane Rule and Guidelines far outweigh the costs;

4. the extension is arbitrary and capricious and violates the Clean Air Act;
5. the extension is unreasonable, unjustified and unjustifiable;
6. EPA failed to conduct a regulatory impact analysis;
7. EPA attached the extension provisions at the end of another proposed rule that does not on its face apply;
8. EPA failed to identify and address adverse effects on minority and low-income communities and consult American Tribal Governments; and
9. The extension is just another example of EPA illegally delaying final rules while it reconsiders them.

The Coalition members “strongly urge” EPA to withdraw the SIP Extension Rule and immediately implement the Methane Rule and Guidelines. While the regulatory community waits to see what EPA does, it is likely there will be further comments and legal filings relating to the SIP Extension Rule and the California lawsuit. In the meantime, MSW landfill owners and operators continue to watch to see when, if ever, they will have to increase monitoring and potentially install controls on landfill emissions.

[Coalition Comments on Proposed Rule, Adopting Subpart Ba Requirements in Emission Guidelines for Municipal Solid Waste Landfills \(Docket ID No. EPA-HQ-OAR-2018-0695, Jan. 3, 2019\)](#); [State of California et al. v. U.S. Environmental Protection Agency, No. 4:18-cv-03237 \(N.D. Cal. May 31, 2018\)](#); [81 Fed. Reg. 59,276 \(Aug. 29, 2016\)](#); [83 Fed. Reg. 54,527 \(Oct. 30, 2018\)](#)



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