

EPA Announces Expansive Deregulatory Plan

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Pittsburgh, PA and Washington, DC

GO-WV

(by Gary Steinbauer, Jessica Deyoe and Ethan Johnson)

On March 12, 2025, U.S. Environmental Protection Agency Administrator Lee Zeldin **announced** a sweeping plan to “undertake 31 historic actions in the most consequential day of deregulation in U.S. history.” The announcement states that the deregulatory plan is intended to “advance President Trump’s Day One executive orders and Power the Great American Comeback.” EPA states that these actions “will roll back trillions in regulatory costs and hidden ‘taxes’ on U.S. families,” making it “more affordable to purchase a car, heat homes, and operate a business.”

The ambitious plan identifies numerous past EPA regulations or actions that will be reconsidered or reviewed. The regulations identified in the deregulatory plan, which were promulgated under the Clean Air Act, Clean Water Act, and the Resource Conservation and Recovery Act, apply to a wide range of industrial sectors and regulated parties. Although described as “31 actions,” the EPA’s primary announcement lists 22 different items, with some mentioning more than one regulation or past action set to be reconsidered or otherwise addressed as part of the plan. EPA’s list is also separated by headings that appear to correspond to separate Day One executive actions by President Trump. For each of the planned deregulatory actions, EPA issued an accompanying press release providing additional information, including, in a few cases, anticipated timelines for completing the deregulatory actions and planned interim actions.

The Babst Calland team has summarized the identified deregulatory actions and information provided by EPA in the table below:

| EPA’s Description | Key Points from EPA Press Release | EPA’s Target Timeline |
|---|--|-----------------------|
| Unleashing American Energy | | |
| EPA Announces Reconsideration of Clean Power Plan 2.0 | <ul style="list-style-type: none">Reconsidering the “Clean Power Plan 2.0” based on the Biden administration’s rule requiring “unlawful fuel-shifting” and “overreaching”Citing U.S. Supreme Court’s stay of the Clean Power Plan and subsequent decision overturning it in <i>West Virginia v. EPA</i> | No stated timeline |
| EPA Announces Reconsideration of OOOO b/c | <ul style="list-style-type: none">Reconsidering regulations for the oil and gas industry under Clean Air Act (CAA) § 111 (40 CFR Part 60, Subparts OOOOb/c) and revisions to 40 CFR Part 98, Subpart W of the Greenhouse Gas Reporting Program as “ideologically driven regulations” that prevent U.S. “energy dominance”Referring to “major recent Supreme Court precedent” related to federal agencies’ interpretation and implementation of governing statutes | No stated timeline |

**EPA Announces
Reconsideration of
Mercury and Air Toxics
Standards (MATS)**

- Reconsidering the MATS rule based on noted costs for compliance, past mercury emissions reductions, and significant regulatory uncertainty for coal plants in several states, including Pennsylvania and West Virginia
- Considering 2-year compliance exemption via CAA § 112(i)(4) for affected power plants during EPA's rulemaking process

No stated timeline for completing reconsideration

EPA is considering 2-year compliance exemption

**EPA Announces
Reconsideration of
Greenhouse Gas
Reporting Program**

- Reconsidering the mandatory Greenhouse Gas Reporting Program based on noted costs of calculating and submitting annual emissions reports
- Noting that mandatory GHGRP is “not directly related to” developing regulations and could be better used to drive improvements at reporting facilities

No stated timeline

**EPA Announces it Will
Reconsider 2024 Water
Pollution Limits for Coal
Power Plants (ELG:
Steam Electric)**

- Revising 2024 wastewater regulations for coal burning power plants on flue gas desulfurization wastewater, bottom ash transport water, combustion residual leachate and legacy wastewater
- Reconsidering technology-based ELGs and evaluating immediate relief from leachate requirements
- Stating that EPA will consider how it might provide “immediate relief from some of the existing leachate requirements,” and “in a series of related actions,” EPA will provide clarifying updates on leachate requirements and reevaluate availability and cost of membrane technology

No stated timeline

**EPA Will Revise
Wastewater
Regulations for Oil and
Gas Extraction**

- Modernizing regulations on wastewater discharges for oil and gas extraction facilities to “provide regulatory flexibility” and support environmentally sustainable water reuse with “modern technologies and management strategies”
- Reviewing and evaluating technologies and strategies for produced water to be treated for beneficial reuse, including for AI and data center cooling, rangeland irrigation, fire control, power generation, and ecological needs
- Considering expanding the geographic scope of where treated wastewater can be used and discharged in the U.S.

No stated timeline

**EPA Announces
Reconsideration of the
Risk Management Plan**

- Reconsidering 2024 Risk Management Plan (RMP) rule due to “significant concerns relating to national security and the value of the prescriptive requirements within the rule”
- Stating that the 2024 RMP rule makes oil and natural gas refineries and chemical facilities less safe and less competitive

No stated timeline

Lowering The Cost of Living for American Families

EPA Announces Action to Implement POTUS's Termination of Biden-Harris Electric Vehicle Mandate

- Reconsidering Model Year 2027, Later Light-Duty, Medium-Duty, and Heavy-Duty Vehicle regulations based on noted regulatory and compliance costs and effort to bring back American auto jobs
 - Reevaluating Biden administration's "Clean Trucks Plan" and "2022 Heavy-Duty Nitrous Oxide (NOx) rule"
- No stated timeline

EPA Kicks Off Formal Reconsideration of 2009 Greenhouse Gas Endangerment Finding with Agency Partners

- Reconsidering the 2009 Greenhouse Gas Endangerment Finding in collaboration with Office of Management and Budget and other agencies based on costs of regulations that flow from the finding
 - Reconsidering all of EPA's prior regulations and actions that rely on the 2009 Endangerment Finding
 - Stating that "EPA will follow the Administrative Procedure Act and Clean Air Act, as applicable, in a transparent way for the betterment of the American people and fulfillment of the rule of law"
 - Stating in a separate **one-page document** that "EPA does not prejudge the outcome" of the reconsideration
- No stated timeline

EPA Announces Reconsideration of the Technology Transition Rule

- Reconsidering the technology transition rule based on noted costs of refrigerant systems required under rule
 - Stating that the rule harms semiconductor manufacturing and raises the cost of food at grocery stores
- No stated timeline

EPA Announces Path Forward on NAAQS for PM2.5 to Aid Manufacturing, Small Business

- Reconsidering the PM2.5 National Ambient Air Quality Standards (NAAQS) based on "serious concerns" from states and the standards serving "as a major obstacle to permitting"
 - Releasing guidance "soon" to increase flexibility on NAAQS implementation, reforms to New Source Review, and direction on permitting obligations
- No stated timeline for completing reconsideration
- Guidance to be released "soon"

EPA Announces Reconsideration of Air Rules Regulating American Energy, Manufacturing, Chemical Sectors (NESHAPS)

- Reconsidering initially the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for integrated iron and steel manufacturing, rubber tire manufacturing, synthetic organic chemical manufacturing industry, commercial sterilizers for medical device and spices, lime manufacturing, coke ovens, copper smelting, and taconite ore processing
 - Considering a 2-year compliance exemption via CAA § 112(i)(4) for affected facilities during EPA's rulemaking process
 - Evaluating other NESHAPS and New Source Performance Standards to determine whether they should be reconsidered
- No stated timeline

Administrator Zeldin Begins Restructuring Regional Haze Program

- Reconsidering implementation of program based on noted significant costs to power plants in the past
 - Reviewing Regional Haze Program regulations “to ensure that it fulfills Congressional intent, is based on current scientific information, and reflects recent improvements in air quality”
- No stated timeline

EPA Announces Action to Address Costly Obama, Biden “Climate” Measurements (Social Cost of Carbon)

- Revisiting Biden administration’s “social cost of carbon” based on “significant regulatory costs”
- Executive Order requires guidance issued within 60 days of order

Administrator Zeldin Directs Enforcement Resources to Align with Executive Orders and EPA’s Core Mission

- Immediately revising National Enforcement and Compliance Initiatives “to ensure that enforcement does not discriminate based on race or socioeconomic status” or “shut down energy production”
 - Stating that enforcement discretion will provide predictability “as EPA considers changes to regulations” and “cost savings”
- EPA states it “will immediately revise” initiatives

EPA Terminates Biden’s Environmental Justice, DEI Arms of Agency

- Terminating DEI and Environmental Justice arms of EPA
- No stated timeline

Advancing Cooperative Federalism

EPA Announces Plan to Work with States on SIPs and Reconsider “Good Neighbor Plan”

- Tackling “troubled” “Good Neighbor Plan” to advance cooperative federalism and work with states on Statement Implementation Plans to improve air quality
- No stated timeline

Administrator Zeldin Takes Action to Prioritize Cooperative Federalism, Improve Air Quality Faster

- Announcing commitment to address backlog of State/Tribal Implementation Plans
 - Noting EPA will assist states to ensure air quality is protected while growing economy
 - Referencing states’ concerns “related to being punished for emissions” outside of their control and “air quality monitors not being located in most logical locations”
 - Specifically mentioning development of semiconductor manufacturing and artificial intelligence
- EPA’s goal to clear backlog “as soon as possible”

Administrator Zeldin Takes Action to Decrease Risk of Future Catastrophic Wildfires

- Prioritizing allowance of prescribed fires within State/Tribal Implementation Plans to decrease risk of future wildfires
- No stated timeline

EPA to Accept Nominations for Science Boards

- Reconstituting Science Advisory Board and Clean Air Scientific Advisory Committee
- Stating changes are critical to EPA receiving scientific advice “consistent with its legal obligations to advance core mission of protecting human health and the environment”

Accepting nominations for 30 days following publication in *Federal Register*

EPA Announces Action on Coal Ash Program

- Prioritizing a number of “timely” actions on coal ash, “including state permit program reviews and update to coal ash regulations”
- Reviewing Legacy-Coal Combustion Residuals Management Units Rule (CCRMU Rule) and “evaluating whether to grant short- and long-term relief such as extending compliance deadlines”

EPA will propose determination on North Dakota program within 60 days

EPA aims to complete CCRMU Rule changes within “a year”

EPA Announces Use of Enforcement Discretion to Further North Carolina’s Recovery from Hurricane Helene

- Granting an extension of the no action assurance that North Carolina requested to “use large air curtain incinerators to clear debris without Title V permits to allow more efficient burning of debris with lower emissions”

Immediate

Administrator Zeldin Announces EPA Will Revise Waters of the United States Rule[1]

- Revising Clean Water Act (CWA) Waters of the United States definition to reduce red tape, cut permitting costs and lower costs of doing business
- Undertaking rulemaking process guided by *Sackett* and providing guidance to states while rulemaking proceeds

EPA will “move quickly” on review and “expeditiously” obtain input from stakeholders

With limited exceptions, EPA provides few details on the timing and steps it will take for each of the identified actions. In multiple announcements, EPA states or implies that it will undertake notice and comment rulemaking under the Administrative Procedure Act. Notably, EPA does not address steps it may take in pending litigation regarding several of the identified regulations. Nor does EPA mention whether the planned deregulatory actions satisfy directives under President Trump’s other Executive Orders, such as the “**Ensuring Lawful Government and Implementing the President’s ‘Department of Government Efficiency Regulatory Initiative’**” and “**Unleashing Prosperity Through Deregulation**” orders.

The deregulatory plan will require significant resources and time to implement at a time when EPA’s new political leadership is seeking to drastically cut costs and staff. Although several of the identified deregulatory actions may take years to complete, stakeholders subject to the identified deregulatory actions must evaluate and consider developing strategies for productively engaging with EPA during the expected rulemakings and related actions. Major environmental groups have denounced EPA’s deregulatory plan and are vowing to challenge the EPA.

Babst Calland’s Environmental Practice Group will be closely tracking the steps EPA takes to implement the deregulatory plan. Updates will be provided as significant developments arise. Babst Calland attorneys are available to provide strategic advice on how EPA’s sweeping deregulatory plan may affect your business today and in the future. For more information or answers to questions, please contact Gary Steinbauer at (412) 394-6590 or gsteinbauer@babstcalland.com, Jessica Lynn Deyoe at (202) 853-3489 or jdeyoe@babstcalland.com, Ethan Johnson at (202) 853-3465 or ejohnson@babstcalland.com, or your Babst Calland relationship attorney.

[Click here](#), to view the article online in the April issue of GO-WV News.

[1] This announcement was not part of EPA’s main announcement of the “Biggest Deregulatory Action in U.S. History,” but it was announced separately on March 12, 2025.

Babst | Calland
Attorneys at Law

PITTSBURGH, PA | CHARLESTON, WV | HARRISBURG, PA | LAKEWOOD, NY | STATE COLLEGE, PA | WASHINGTON, DC