

WTBA Environmental Update

January 16, 2025

Federal Regulatory Activity

EPA Secretary & Administration Priorities

Anticipated Actions of the Trump Administration

- Freeze on Regulations
 - Halt new regulations
 - Stop publication of regulations
 - Delay effective dates
- Repeal of Regulations
 - Congressional Review Act: Rules sent to Congress and published in the Federal Register after August 1, 2024 may be repealed using an expedited process
 - Rulemaking process
- Pending Litigation

Federal Regulatory Activity

Rules Impacting the Transportation Construction Industry

- All were published prior to August 1
- All are currently the subject of litigation
- FHWA Greenhouse Gas Emissions Targets – vacated nationwide
- EPA
 - PM2.5 NAAQS
 - CERCLA: Designation of PFOA and PFOS as hazardous substances
 - WOTUS Definition
- NEPA Rules/Reviews
- MSHA Silica Dust Rule

Federal Highway Administration

Environmental Review Process and One Federal Decision Policy

- Surface transportation and multimodal projects that require approval of US DOT – FHWA, FTA, FRA
- Last updated in 2006
- Process for developing EIS and ROD, roles and responsibilities
- Incorporates changes in the Bipartisan Infrastructure Law including One Federal Decision – goal of completing environmental reviews for major infrastructure projects within two years
- Effective December 17, 2024
- February 18, 2025 comment deadline

Threatened & Endangered Species

U.S. Fish & Wildlife Service

- Rusty Patched Bumble Bee: FWS is proposing to designate 1.6 million acres across six states (Illinois, Iowa, Minnesota, Virginia, West Virginia, and Wisconsin) as a critical habitat for the endangered bee. January 27, 2025 comment deadline.
- Monarch Butterfly: FWS is proposing to list the butterfly as threatened under the Endangered Species Act (ESA) and also make a critical habitat designation which would impact all 50 states. March 12, 2025 comment deadline.
- Little Brown Bat: Like the northern long-eared bat and the tricolored bat, the little brown bat population has been impacted by white-nose syndrome. FWS continues to consider whether the little brown bat should be listed under the ESA and accepted comments for that purpose.

State Rulemakings

ATCP 93 Above Ground Storage Tanks

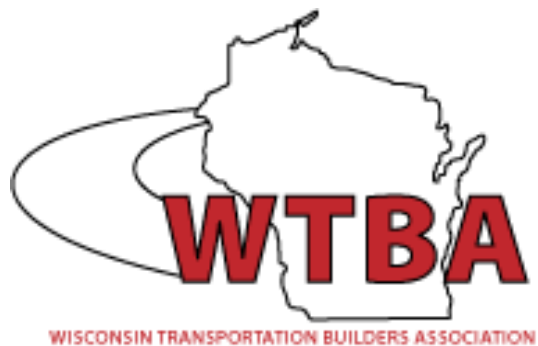
- Final draft rule ready for DATCP Board consideration
- New scope statement published – comment period has closed

DNR Antidegradation Reviews

- Final draft rule submitted to the legislature October 2023
- Discussions between DNR and industry continue

Trans 401 Erosion Control

- Stakeholder meetings
- Draft language will be shared for review



Questions?

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