



ENVIRONMENTAL LAW CHANGES IN 2009

By: Jodi Arndt
Liebmann, Conway, Olejniczak & Jerry, S.C.

With the new Obama administration, there are likely to be many developments on the environmental front. What changes are we most likely to see? Clearly, facilities will face a new round of regulation under the Obama administration. As repeatedly referenced throughout the election, President Obama and his “green dream team” are committed to battling climate change and are ready to push for big policy reforms, which is in stark contrast with the Bush administration. There is no question that we will definitely see a push to introduce or improve regulations pertaining to the reduction of greenhouse gas emissions. Mandates coming out of the Obama administration are likely to force various industries to cut releases by 80% below 1990 levels. In fact, one of Obama’s first executive orders as President ordered the EPA to approve California’s request to regulate carbon dioxide emissions from new cars and trucks. This opens the doors to other states to introduce similar regulations and many states are already lining up to do so.

Obama has also pledged to create 5 million green jobs and break U.S. dependence on foreign oil, investing \$150 billion in the next decade to build an energy economy that relies on renewable sources such as wind, solar and geothermal energy. Obama also plans to promote green building standards. He has called for setting a carbon-neutral standard for new building construction.

In addition to regulatory changes, companies will likely see increased enforcement by the Environmental Protection Agency (EPA). Obama has promised to reverse the “inadequate funding” levels allocated during the Bush years. He expressed a commitment to pursuing greater funding for the EPA to beef up enforcement and compliance efforts. The key compliance areas that facilities will have to deal with will include: complying with stormwater regulations, especially at construction sites; reducing air toxic releases; applying for new source review (NSR) permits and installing new pollution control equipment when plants expand, repair or modify operations; filing emergency response plans; reporting of hazardous substance releases; meeting routine housekeeping chores for handling hazardous wastes; and complying with wastewater discharge standards.