



Upcoming Federal (De)Regulations – What Might and Might Not Be Finalized

Conference on the Environment

November 6, 2025



Trump EPA – Deregulatory Objectives

To support certain key objectives, the Trump Administration has enacted a number of actions to deregulate environmental rules, such as, **issuing Executive Orders, reconsidering existing policy, rescinding rules, canceling EPA programs, pausing litigations and laying off EPA staff.**

Domestic Manufacturing

- Onshoring
- New Plants
- Facility Expansions
- Greenfields

Energy Production

- Mining
- Exploration
- Fuels Production

Artificial Intelligence

- Data Centers
- AI Technology
- Power Plants

2025 Deregulatory Actions



On March 12, 2025, EPA Administrator Zeldin Announced 31 Historic Actions to “Power the Great American Comeback”

- ▶ Reconsideration of regulations on power plants (Clean Power Plan 2.0)
 - ▶ Proposed rule to rescind on 6/11/2025
 - ▶ Final Rule expected this year?
- ▶ Reconsideration of Mercury and Air Toxics Standards that improperly targeted coal-fired power plants (MATS)
 - ▶ 2-year extension for several companies on 4/18/2025
 - ▶ Proposed repeal of certain amendments on 6/17/2025
- ▶ Reconsideration of regulations throttling the oil and gas industry (0000 b/c)
 - ▶ Compliance Date extensions published on 7/31/2025
- ▶ Terminating Biden’s Environmental Justice and DEI arms of the agency (EJ/DEI)
- ▶ Reconsideration of multiple National Emission Standards for Hazardous Air Pollutants for American energy and manufacturing sectors (NESHAPs)

2025 Deregulatory Actions



On March 12, 2025, EPA Administrator Zeldin Announced 31 Historic Actions to “Power the Great American Comeback”

- ▶ Reconsideration of **mandatory Greenhouse Gas Reporting Program** that imposed significant costs on the American energy supply (GHG Reporting Program)
- ▶ **Reconsideration of the 2009 Endangerment Finding** and regulations and actions that rely on that Finding (Endangerment Finding)
- ▶ Reconsideration of **Particulate Matter National Ambient Air Quality Standards** that shut down opportunities for American manufacturing and small businesses (**PM 2.5 NAAQS**)

GHG Endangerment Finding

Review of EPA's GHG Endangerment Finding

Executive Order No. 14148 directs the EPA to assess the legality and applicability of the finding

What it is

THE 2009 GHG Endangerment Finding is the foundation of ALL federal regulation of GHG emissions under the Clean Air Act. Through this regulatory determination, EPA gave itself legal authority to regulate GHG emissions from mobile and stationary sources.

Why it matters

▶ Rollback of GHG Regulations

- If EPA reverses the endangerment finding, numerous federal GHG regulations can be rescinded: GHG Reporting Rule, Clean Power Plan and Affordable Clean Energy (ACE) Rule, Oil & Gas Methane Standards, NSPS for refineries, landfills, and vehicle exhaust standards

▶ Legal Challenges Likely

▶ Delays in Implementation Likely

GHG Endangerment Finding - History

1999	NGOs petitioned EPA to regulate Greenhouse Gases (GHGs) from motor vehicles
2003	EPA denied the NGO petitions on grounds that it lacked statutory authority to regulate GHGs on grounds that these chemicals were not “air pollution”.
2007	The U.S. Supreme Court (<i>Massachusetts vs. EPA</i>) ruled that GHGs were considered “air pollution”, and EPA had authority to regulate within its discretion.
2009	EPA made a formal finding that GHGs was considered “air pollution which may reasonably be anticipated to endanger public health and endanger public welfare.” This finding allowed GHG regulation of stationary and mobile sources.
2016	EPA reaffirmed its original endangerment finding based on updated science, which formed the basis for numerous GHG emission standards and regulations for motor vehicles, power plants, oil & gas sector.

GHG Endangerment Finding – Current Status

- ▶ On June 30, 2025, the Trump EPA sent its proposal to rescind the 2009 GHG Endangerment Finding to the White House, which included proposals to roll back vehicle emission standards and federal GHG mandatory reporting program.
- ▶ EPA has authority to change the Endangerment Finding, but the agency must address scientific evidence in its prior finding, and likely present new scientific evidence.
- ▶ It is also expected EPA will argue the prior 2009 Endangerment Finding did not sufficiently consider the future costs of regulating GHGs, which is estimated over \$1 trillion.
- ▶ However, EPA action would be subject to judicial review, and NGO litigation. A Supreme Court fight would likely include revisiting the 2007 decision in *Massachusetts vs EPA*.



GHG Endangerment Finding – Will it Happen?

What do I think?

- Litigation will prevent full reversal
- Arguments on costs will be successful in allowing changes to regulations

What does Trinity Think?

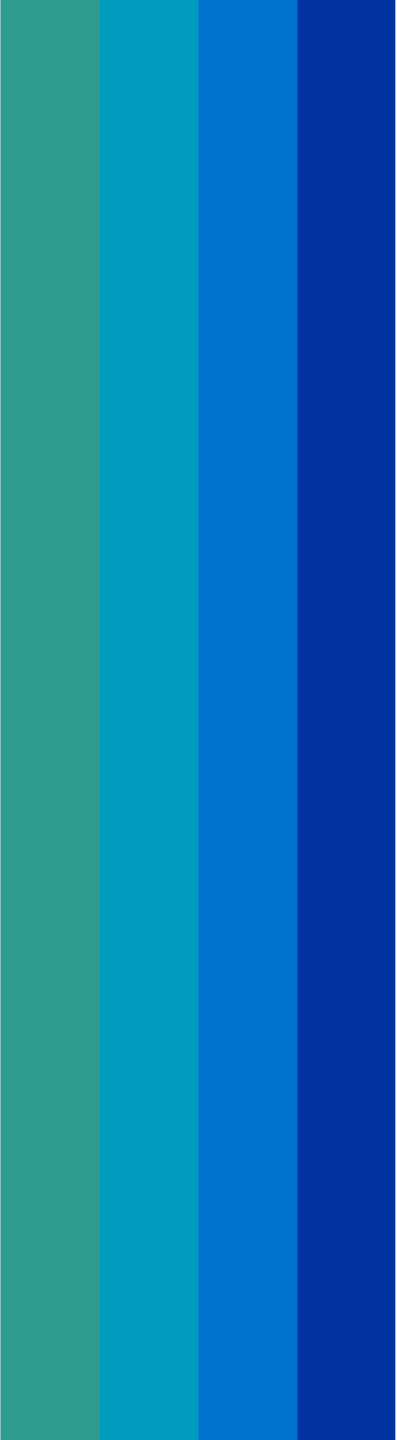
- 67% Yes
- 33% No



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What do you think?

GHG Reporting



Proposed Rule Terminates Federal GHG Reporting

- ▶ Under 40 CFR Part 98, the Greenhouse Gas Reporting Program (GHGRP) requires GHG data reporting across 47 source categories (> 25,000 metric tons-CO₂e)
- ▶ For the past 15+ years, EPA has collected annual GHG reports from more than 8,000 sources, including industrial facilities and fuel suppliers.
- ▶ On September 12, 2025, EPA issued a proposed rule (90 FR 44591) to terminate GHG reporting for all source categories after RY 2024, with the exception of Subpart W – Petroleum and Natural Gas System sector
- ▶ For Subpart W, EPA is proposing:
 - (1) natural gas distribution segment no longer be required to report after 2024; and
 - (2) for the remaining nine (9) segments of Subpart W, EPA will suspend GHG reporting requirements until the reporting year 2034.



Terminating GHG Reporting – Will it Happen?

What do I think?

- Yes

What does Trinity Think?

- Yes

What do you think?



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Annual PM_{2.5} NAAQS



Annual PM_{2.5} NAAQS – Current Status

- ▶ Current 9 ug/m³ standard is undergoing federal litigation with case pending in DC Circuit Court
- ▶ EPA expected to rescind the existing 9 ug/m³ standard by end of this year, and revert to prior standard of 12 ug/m³.
- ▶ If EPA attempts to rescind the current 9 ug/m³ standard, NGOs will litigate and argue this regulatory action is illegal “backsliding” under CAA.
- ▶ Will impact permitting projects where PM_{2.5} modeling is required, such as, power plants, cement, transportation and manufacturing.

**Previous PM_{2.5}
NAAQS**

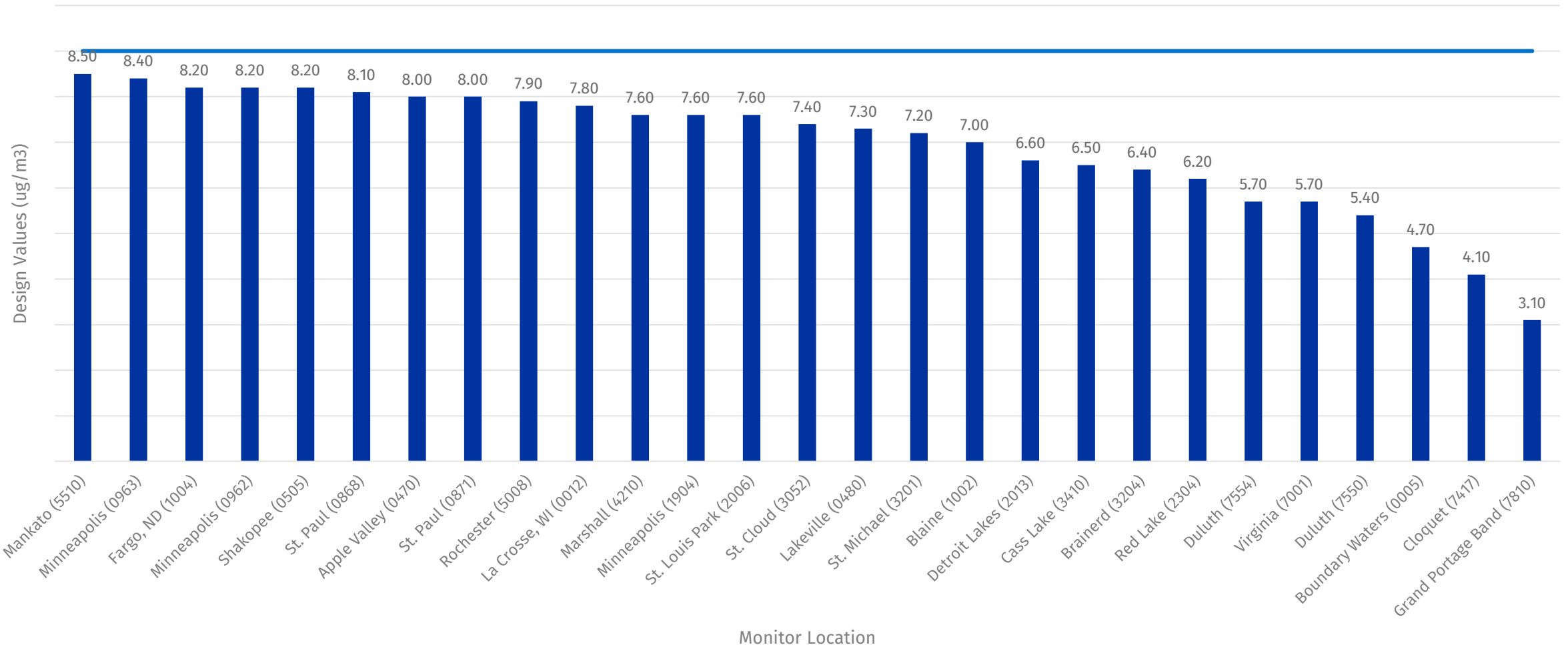
**12 µg/m³ annual
average**

**Current PM_{2.5}
NAAQS**

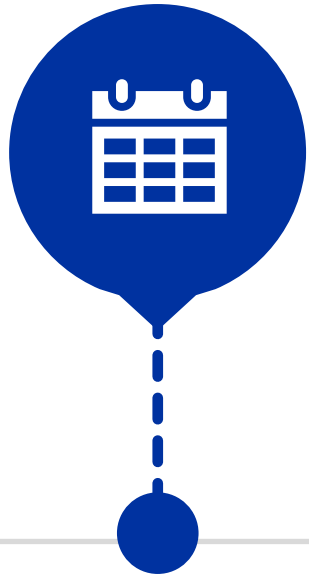
**9.0 µg/m³ annual
average**

Why is this important?

2024 Annual PM2.5 Design Values

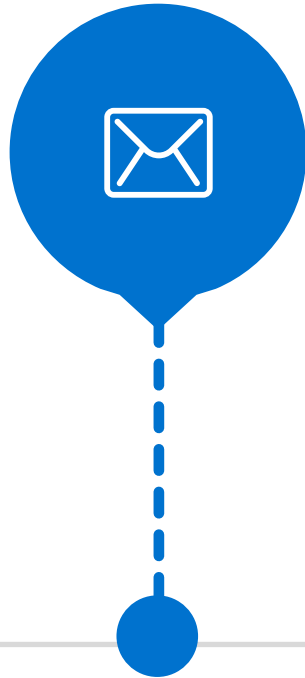


Revised PM_{2.5} NAAQS – Regulatory Timelines



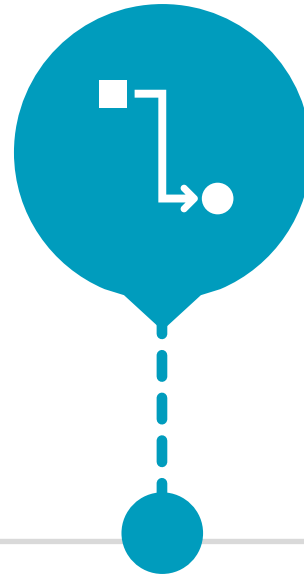
February 7, 2024

- This is the promulgation date from which the subsequent timelines below are established



February 2025

- States and Tribes submit designation recommendations to the EPA using 2021-2023 ambient PM_{2.5} monitoring data



February 2026

- EPA deadline for initial nonattainment designations
- Between the recommended and initial designations, there are interim deadlines that States/Tribes/EPA must meet to arrive at the initial designations



May 2027

- All states, regardless of attainment status, must submit an infrastructure SIP to EPA



August 2027

- States with newly designated nonattainment areas submit attainment SIPs to EPA

Revised PM_{2.5} NAAQS – Will It Happen?

What do I think?

- Decent chance it will increase
- Ultimately unsuccessful

What does Trinity Think?

- ~50/50
- Might get court to vacate the 9 standard; while working to propose a new one (between 9-12?)



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What do you think?

Bonus Round!

PSD/NSR Air Quality Permitting Reform

PSD/NSR Permitting Reform

US EPA expected to reconsider several policies and regulations affecting new source permitting

What it is

In the coming months, EPA is expected to overhaul several air permitting requirements that will likely revive some policies from the first Trump administration that were either not finalized or reversed by Biden officials, as part of a push to boost construction and use of power plants, data centers and manufacturing facilities

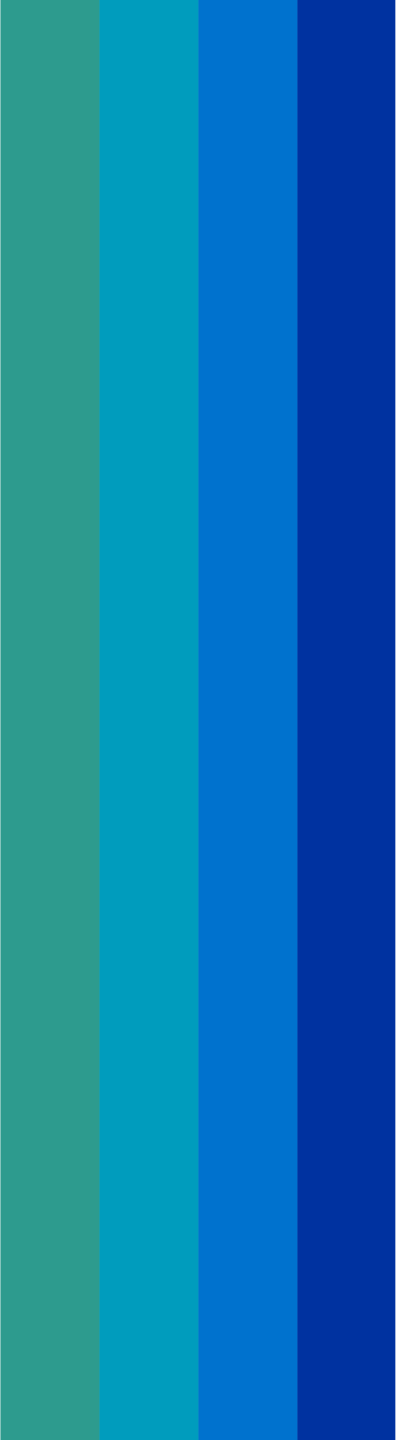
Why it matters

- ▶ **Revive permit streamlining efforts from the first Trump Administration**
- ▶ **Easier/faster to obtain PSD/NSR permits for new constructions**
- ▶ **Expedite construction of power plants, data centers and manufacturing**
- ▶ **Clarifies previously ambiguous areas of PSD/NSR**

Key Areas of Reform - Air Quality Permitting

- #1 EPA's "Reactivation Policy" requires an idled plant longer than 2 years to undergo NSR permitting again → **EPA applying case-by-case, but no longer strictly enforcing**
- #2 EPA's redefining "applicable requirements" that determines what must be included in a Clean Air Act Title V Operating Permit → **Fewer compliance requirements in permits**
- #3 EPA's policy on when facilities "begin actual construction" → **New EPA policy based on 2020 Draft EPA Guidance that allows construction without a permit provided an "emissions unit" is not being built. EPA intends to codify this policy in a future rulemaking with more substantive changes.**
- #4 EPA's Actual-to-Projected-Actual Implementation Policy (APTA), which defines how permit applicants for "major modifications" could trigger NSR obligations → **Reinstating a 2017 policy memo that EPA will not "second guess" or challenge state decisions on "major modifications" and NSR applicability.**

Closing Thoughts



Thank You!

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