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EPA "Begin Actual Construction" rule imminent (NSR Law Blog) (May)

https://www.nsrlaw.com/single-post/epa-begin-actual-construction-rule-imminent?utm_campaign=bfb9e453-5335-4b05-933e-935d6d45ebf7&utm_source=so&utm_medium=mail&cid=13121024-d30f-4d18-9337-15e092e797bd

[**Summary:** According to the OMB website and the NSR Law Blog, "the Office of Management and Budget (OMB) has completed its review of the EPA's proposed rule addressing changes to the existing definition of "begin actual construction," which means that the proposed rule should appear in the Federal Register in the near future. The new rule would enable developers to build various parts of their project without first obtaining a permit. The proposal appears likely to codify the approach in September guidance issued to Arizona in which EPA agreed to let construction of certain parts of a planned semiconductor manufacturing plant commence without an NSR permit.]

The Most Bipartisan Issue Since Beer: Opposition to Data Centers (New York Times) (May 1)
(subscription service)

<https://www.nytimes.com/2026/05/01/us/politics/liberals-conservatives-data-centers.html>

[**Summary:** In an era when Americans are divided on everything, data centers seem to have bridged the partisan divide. Early evidence suggests that Americans—once agnostic—are now souring on them. Last month, Maine became the first state to pass a moratorium on data centers — only to have the governor, a Democrat, veto it — and similar measures have been introduced in at least 13 other states and dozens of municipalities. In Virginia, a recent poll found the public had turned sharply against data centers. The same is true in Wisconsin, said Charles Franklin, director of the Marquette University Law School Poll, which found that around 70 percent of people now say the costs outweigh the benefits.]

Fact Sheet for the 2026 Interim Guidance on the Destruction and Disposal of PFAS (EPA website)
(April)

<https://www.epa.gov/pfas/fact-sheet-2026-interim-guidance-destruction-and-disposal-pfas>

[**Summary:** Thanks to Andrea Farr (Hazardous Waste Commission) for sharing this. Below is a link to the EPA's fact sheet for interim guidance on PFAS destruction and disposal. Appendix E contains the summary/Fact Sheet. The interim guidance:

- a. Provides recommendations for managers of PFAS and PFAS-containing materials to protect human health and the environment.
- b. Contains a new technology evaluation framework to help analyze the safety and effectiveness of new destruction and disposal technologies.
- c. Does not establish requirements for destruction or disposal of PFAS materials.
- d. Summarizes scientific information on current understanding of PFAS.]

EPA Chief Sends Warning about AI Data Center Deals (Let's Data Science) (April 18)

<https://letsdatascience.com/news/epa-chief-warns-on-ai-data-center-deals-fb0cb366>

[**Summary:** EPA Administrator Lee Zeldin told Las Vegas business leaders that deals to attract AI data centers must be crafted to protect local energy and water supplies. He emphasized that municipalities and states need precise terms in incentive packages and permitting to avoid straining grids and aquifers. The roundtable highlighted brownfield remediation as a development opportunity, but Zeldin urged careful environmental review and contract language that balances economic development with resource resilience. For data center operators and infrastructure planners, the message is clear: predictable, enforceable environmental safeguards and transparent utility agreements will become standard conditions for new AI-focused facilities.]

EPA appoints industry players and academics to its Science Advisory Board (The Hill) (April 17)

<https://thehill.com/policy/energy-environment/5837073-new-epa-science-advisory-board/> (The Hill)

https://en.wikipedia.org/wiki/Anthony_Lupo (Wikipedia)

[**Summary:** Last week, the EPA announced new members for its Science Advisory Board (SAB). The new appointments come more than a year after the administration dismissed the previous board of scientists. Several of the new members are experts on PFAS, radiation, asbestos and other toxics. Nineteen were given dual appointments within SAB subcommittees, or with the Clean Air Act Scientific Advisory Committee. The panel includes a mix of experts from industry, academia and state government.

[**Personal note:** Dr. Anthony Lupo, the University of Missouri made the list. Dr. Lupo, a professor of atmospheric science, has taught at UMC for nearly 30 years. He served as an expert reviewer on the IPCC Third Assessment of Climate Change and has presented several times at the Chicago Heartland Institute climate change denial conference.]

EPA Issues Title V Permitting Guidance to Ensure Certainty for American Businesses and Alleviate Permitting Backlogs (EPA Press Release) (April 17)

<https://www.epa.gov/newsreleases/epa-issues-title-v-permitting-guidance-ensure-certainty-american-businesses-and> (EPA)

<https://news.bloomberglaw.com/environment-and-energy/epa-snips-paperwork-requirement-out-of-air-permit-renewals> (Bloomberg) (subscription service)

[**Summary:** The new EPA reaffirms its long-term position that state, local, and tribal air permitting partners do not need to require or be provided additional information from the original Title V application to meet CAA requirements when an entity renews an unchanged permit. "The days of unnecessary red tape slowing down the permitting review process are over," said EPA Assistant Administrator for Air and Radiation Aaron Szabo. EPA's guidance clarifies that if a permit's terms are unchanged, federal law requires minimal information for its renewal. This includes allowing applicants to essentially re-submit prior applications with an updated date, as well as cross-reference or incorporate material from previous applications. Additionally, EPA's guidance encourages permitting authorities to focus the "Statement of Basis" on explaining the new permit requirements.]

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