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2025 CEMS FALL CONFERENCE

Tuesday, September 30th

Theme: Colorado's Innovative Environmental Leadership in the Face of Federal Regulatory Changes

Location: CSU Spur
4777 National Western Drive, Denver, CO 80216

Additional information at www.COEMS.org,
or contact Melissa Armstrong at marmstrong@integral-corp.com or
Drezden Kinnaird at dkinnaird@cgrs.com



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Annual CEMS Scholarship Golf Tournament
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For more information, please contact Kevin Wolfe or Mike Jahn
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From the Board...Garbage In, Garbage Out! by Karen Trantow Lim, P.G., CDH Consulting, LLC

Garbage In, Garbage Out! I'm sure you have heard this expression before. And it could apply to many things. With respect to work, I think of data collection activities and mentoring staff on thoroughness, work ethic, and quality control.

The other day, a client approached me to handle a decent-sized project. But he provided me with 2 conflicting site lists, where the names didn't quite match, or had duplicates with different location information (latitude/longitude) or vice versa! He said the site naming was very important to him but didn't tell me which list had the correct names. And then he didn't respond to any questions I had but wanted us to get started right away. This project will be the epitome of garbage in, garbage out(!) **Frustrating, to say the least.** Because we want to do our best, but it's hard when clients are not cooperative, have a one-word response to a list of 5 questions, or think you are off and running on something and fail to give you a proper site list!

The same concept could apply to CEMS, or any professional association you might be interested in joining or participating in. The more effort you put in, the better the experience. CEMS is an amazing community of environmental and legal professionals! But haphazard, or only virtual attendance is not the optimal way to experience CEMS and really get to know the people. I've been the Secretary for CEMS for 4 years now and attended many of their events in prior years. The CEMS Board and regular attendees have a myriad of experience in this field and are great to hang around with!

The best way to experience CEMS, meet the contributing people, learn a few things at our monthly programs or Fall Conference, is to attend in-person and often. Join us!

Karen Trantow Lim, P.G., Program Manager, Environmental Compliance, CDH Consulting, LLC. Karen is a compliance program manager and senior geologist with 37 years of environmental consulting experience, has a Bachelor of Science degree in Geology, and is a registered professional geologist in Texas and Wyoming. Her current job focus is primarily environmental compliance, with projects like due diligence audits, stormwater permits and plans, complex NPDES permitting, FRP/SPCC plans, SARA Title III Tier 2 and TRI reporting mainly for the oil and gas industry. Karen grew up in Santa Barbara, California, studied abroad in Sweden, and moved to Colorado after college to start her career.

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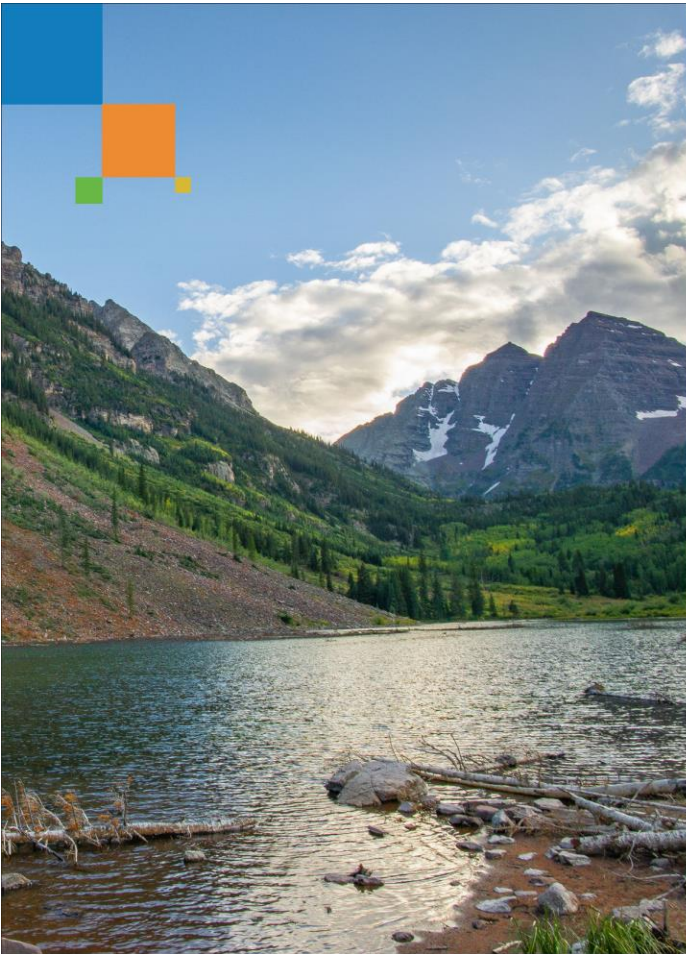
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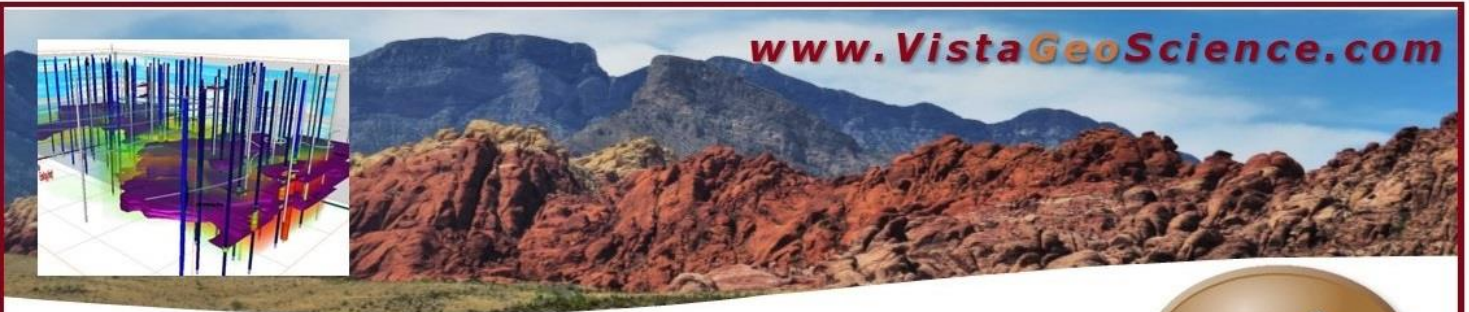


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Presentation Opportunities for Upcoming CEMS Meetings

The CEMS Program Committee is currently searching for "interesting, topical and informative" presentations for our meetings in 2025. This is a great opportunity to network with your peers, share information and technology, and become more involved with the environmental community. CEMS is interested in a variety of topics relevant to environmental and natural resources professionals. Each monthly presentation is roughly 50 minutes, followed by a question-and-answer period.

If you or someone you know is interested in presenting at our monthly meetings, or our annual conference, please feel free to contact our Programs Committee: Chairperson Michael Whelan at mwhelan@anchorqea.com.

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CEMS REGULATORY UPDATE
FEDERAL AND STATE ACTIONS IMPACTING COLORADO
By Pete D. Jaacks
Jewell Jimmerson Natural Resource Law LLC
August 2025

The U.S. Environmental Protection Agency (EPA) [announced](#) on July 30, 2025, that it seeks public comment to inform its reconsideration of the Toxic Substances Control Act (TSCA) regulation for perchloroethylene (PCE). EPA's notice states that as promulgated in December 2024, the PCE risk management rule addresses the unreasonable risk of injury to health presented by PCE under its conditions of use (COU) by requiring various workplace exposure controls, prohibiting certain industrial and commercial uses, and preventing consumer access to the chemical, among other provisions. According to EPA, the request for public comment follows the filing of several legal challenges to the rule in 2025, and EPA's subsequent determination that the PCE regulation under TSCA should be reconsidered through further rulemaking. EPA states that it "intends to consider information received in response to this public comment solicitation, and other reasonably available information, to inform the development of any proposed rule to amend the PCE regulation as appropriate." Comments are due August 29, 2025.

On August 1, 2025, EPA [proposed](#) that the Clean Air Act (CAA) does not authorize the agency to promulgate greenhouse gas (GHG) emission standards to address climate change, thereby rescinding EPA's 2009 "Endangerment Finding" that GHG emissions contribute to air pollution endangering public health or welfare. In doing so, EPA is proposing to repeal all GHG standards for passenger vehicles and trucks in the United States. The 2009 Endangerment Finding established that emissions of six GHGs (including carbon dioxide and methane) pose a threat to public health and welfare, providing the legal prerequisite for regulating sources of those emissions under the CAA. This determination followed a 2007 Supreme Court ruling in *Massachusetts v. EPA* that directed the agency to make such a scientific assessment, resulting in the Endangerment Finding. The Endangerment Finding has served as the foundation for virtually all federal climate regulations, including vehicle emission standards for light-duty, medium-duty, and heavy-duty vehicles; power plant carbon dioxide limits; methane regulations for oil and gas operations; and aircraft emission standards. The statutory basis for the 2009 endangerment finding was Section 202(a) of the CAA, which directs EPA to prescribe emission standards for "any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare."

EPA's "primary rationale" for reinterpreting this provision and repealing the Endangerment Finding is based on multiple grounds, including: CAA Section 202(a) is best read as referring only to endangerment resulting from local or regional exposure to pollutants and therefore does not establish authority for the agency to regulate on the basis of global climate change concerns. This reading is based on the interpretation of the statutory term "air pollutant," which EPA argues should be interpreted as referring to local or regional air pollutants, not greenhouse gases having only global climate change impacts. The rule also concludes the EPA may not prescribe emission standards without making the source- and air -pollutant specific endangerment findings required by the CAA, and Section 202(a) requires EPA to evaluate whether source emissions cause or contribute to air pollution and whether that air pollution poses endangerment in a single causal chain, rather than considering these issues in isolation by severing the inquiries. Examples cited for the lack of a defined causal relationship include the EPA's proposed determinations regarding the limited impact of GHG emissions from motor vehicles in the United States and lack of tangible climate change benefits resulting from EPA regulations of mobile sources. The proposed rule further concludes that decisions issued by the Supreme Court after the 2009 Endangerment Finding support EPA's proposed reinterpretation of Section 202(a), including *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024); *West Virginia v. EPA*, 597 U.S. 697 (2022); and *Utility Air Regulatory Group v. EPA* (573 U.S. 302 (2014)). Based on this judicial precedent, the rule concludes that the statute must clearly authorize EPA to address matters having huge economic and political significance and that the statute failed to provide EPA with the authority to address global climate change impacts through regulating GHG emissions from mobile sources. Comments must be received on or before September 15, 2025.

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