To: Bolen, Brittany[bolen.brittany@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 7/6/2018 9:44:33 AM
Subject: Morning Energy: Pruitt finally strikes out — EPA blocks formaldehyde warnings, sources say — Pruitt probe continues on

By Kelsey Tamborrino | 07/06/2018 05:42 AM EDT

With help from Emily Holden and Anthony Adragna

PRUITT FINALLY STRIKES OUT: Today marks Scott Pruitt's last day as EPA administrator after his resignation Thursday afternoon. Though he was only head of the EPA for 500 days, his tenure was marred by a seemingly endless stream of scandals into his ethics, finances and management. Pruitt's many issues have generated headlines for the past several months, and it was those "unrelenting attacks" on him and his family that he blamed in his resignation letter.

President Donald Trump announced Pruitt's exit in a tweet in which he commended the EPA chief for doing an "outstanding job" at EPA. Trump announced that Pruitt's deputy, Andrew Wheeler, will become acting administrator of the EPA until a permanent replacement can be found.

SO, WHAT HAPPENED? For weeks the White House has maintained it was concerned with the numerous allegations of wrongdoing by Pruitt, all the while affirming Trump still had faith in the administrator, particularly for his deregulatory zeal. But one Republican close to the White House said Thursday that Trump's support for Pruitt finally dropped when he realized Wheeler could easily carry out the same regulatory rollback — sans the scandals.

For Trump's part, he told reporters aboard Air Force One there was "no final straw," but said the decision had been in the works for "a couple of days." POLITICO's Anthony Adragna, Alex Guillén and Emily Holden report that among Trump's confidants, North Dakota billionaire oilman Harold Hamm was one of the few hold-outs left defending Pruitt.

The Washington Post reports Pruitt was also drawing scrutiny from the Office of Management and Budget. Officials told the Post OMB had determined that a $43,000 soundproof phone booth installed for Pruitt was a violation of federal law, though the report has not yet been published.

But the news still dismayed prominent GOP donor Doug Deason, who told POLITICO late Thursday that he was "so disappointed in the President's failure to support Scott against the angry attacks from the loony left." Deason added: "Nothing he did amounted to anything big. He was THE most effective cabinet member by far."

Inside the EPA, the general mood Thursday was one of joy, according to both career staffers and political appointees. "A lot of people are relieved it's going to stop," one EPA employee said. There were "a lot of jokes about, 'Like, what do we do with the tactical pants now?' A lot of sharing funny tweets we've seen out there. There was one that was like, 'For sale: Barely used secure phone booth. Very motivated seller.'"

WHAT'S IT MEAN? The change-up at the EPA won't mark a large difference in the Trump administration's approach to environmental policy, and many of the investigations into Pruitt will continue on. But Wheeler, a longtime Washington lobbyist and former Hill staffer, is expected to steer the ship more smoothly. "I have no doubt and complete confidence he will continue the important deregulatory work that Scott Pruitt started while being a good steward of the environment," said GOP Sen. Jim Inhofe , for whom Wheeler formerly worked. "What changes is that Wheeler knows how to get things done at the agency and, in general, in Washington," a refining industry source told Pro's Eric Wolff over email.

In contrast to Pruitt, Eric and Alex write: "Wheeler is a smooth insider with a penchant for policy details and a reputation for working well with both friends and adversaries. But those who have dealt with him say he's on board with the broad deregulatory agenda that Pruitt and Trump have pursued."

Career EPA staffers were enthused but wary of Wheeler, who is known around the agency as friendly and competent, a skilled lawyer who knows how to bulletproof regulatory rollbacks, while avoiding the kind of controversy that has propelled Pruitt into the limelight. Wheeler is also expected to engage more with career staffers, rather than relying solely on a tight circle of political appointees, as Pruitt did. "Will this be a turn for the better or more of the same? ... I'd say we're not optimistic for much better," one person said. "You can't fix stupid by replacing Pruitt."

"[T]he proverbial fox hasn't left the henhouse," said Denise M. Morrison, acting head of AFGE Council 238, which represents about 9,000 EPA workers across the country. "Pruitt's blatant disregard for regulations mustn't be the standard for his former coal lobbyist successor at EPA, Deputy Administrator Andrew Wheeler."

The president said Wheeler was "very much an early Trump supporter," although some were quick to point out that Wheeler called Trump a "bully" in a Facebook post during the presidential primaries. In a statement to ME, Wheeler said he made those comments during his time on the Marco Rubio campaign. But Wheeler said that when he attended a Trump speech in June 2016, Trump gave "the most comprehensive energy speech by a presidential candidate" he'd ever heard. "I then joined the Trump campaign and worked on environmental policy for him," Wheeler added.

WHAT COMES NEXT? If Trump were to soon nominate a permanent replacement for Pruitt, the nominee will certainly face an uphill battle in the Senate, where a contentious agenda is already heating up in the lead-up until midterm elections. Senators on both sides of the aisle have condemned Pruitt's actions, and issues like the Renewable Fuel Standard would be front-and-center in any eventual hearing.

And, even with Pruitt gone, EPA will continue to be forced to release public records detailing how he has managed his agency. One longtime EPA employee said Pruitt's resignation was overdue and hoped that a criminal investigation would take place — and that he would be indicted. "Congress has seriously abdicated any pretense of oversight," the source said. "How many Benghazi hearings?"

Read up! POLITICO's profile on Wheeler here | The complete guide to Pruitt's scandals here | Pruitt's full resignation letter here | How Pruitt blew it here | Pruitt's EPA tenure, in photos | Wheeler's email to staff here

For fun: The Bird, a restaurant in Shaw, has been offering up drink specials whenever a member of the Trump administration is fired. So it should come as no surprise, the restaurant offered $4 happy hour drinks last night, including its "Pruitt Blew It" cocktail special, which features herbs and blueberries. See it here.

FINALLY FRIDAY! I'm your host, Kelsey Tamborrino. Andeavor's Stephen Brown was first to correctly name the Marion Star, the newspaper for which Warren G. Harding was publisher before he was elected president. For today: Name the first sitting House speaker to lose reelection to his House seat. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

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Join POLITICO at 8:15 a.m. on July 11 at Washington Court Hotel for a dynamic conversation on the role of government and its implications for AI growth in national public safety, privacy and civil rights. RSVP here.

MORE FROM THE SUPPRESSED STUDY BEAT: A draft health assessment of one of the most commonly used chemicals in the country is being suppressed by the Trump administration's EPA, current and former agency officials told POLITICO. The assessment details that most Americans inhale enough formaldehyde vapor in the course of their daily lives to put them at risk of developing leukemia and other ailments, Pro's Annie Snider reports. EPA scientists completed the formaldehyde assessment just before Trump took office, the officials tell Annie, arguing that top Pruitt advisers are delaying its release as part of a larger campaign to undermine the agency's independent research into the health risks of toxic chemicals. "They're stonewalling every step of the way," the current official said, accusing political appointees of interfering with the formaldehyde assessment and other reports on toxic chemicals produced by EPA's Integrated Risk Information System.

Pruitt told a Senate hearing earlier this year that he believed the draft assessment was complete — but five months later, it has yet to see the light of day. Meanwhile, internal documents show , a trade group representing businesses that could face new regulations and lawsuits if the study were released had frequent access to top EPA officials and pressed them to either keep it under wraps or change its findings. "As stated in our meeting, a premature release of a draft assessment ... will cause irreparable harm to the companies represented by the Panel and to the many companies and jobs that depend on the broad use of the chemical," Kimberly Wise White, a representative of the American Chemistry Council's Formaldehyde Panel, wrote in a Jan. 26 letter to top officials at EPA. Pruitt appointed White to EPA's influential Science Advisory Board last fall.

And while Pruitt may be gone from the agency, his replacement also has a history with the chemical, Annie notes. He was staff director for the Senate Environment and Public Works Committee in 2004, when his boss, Inhofe, sought to delay an earlier iteration of the formaldehyde assessment. Read the story here.

IN THE MEANTIME: Aides on the House Oversight Committee say they'll continue their investigation into Pruitt, despite his exit, with Committee Democrats releasing new transcripts from interviews with some of Pruitt's aides on Thursday. Three aides acknowledged removing many meetings from Pruitt's calendars deemed "personal," including retroactively removing reference to a dinner with Cardinal George Pell after his arrest on alleged sexual abuse charges. "I did that because there were — and there have been since — just personal dinners or personal meetings which he has had that if it doesn't relate to EPA business, I don't think it's necessary to put it on the schedule," chief of staff Ryan Jackson told committee staff.

TRUMP HITS TESTER IN MONTANA: At a Montana rally for GOP Senate candidate Matt Rosendale, Trump took aim at Democratic Sen. Jon Tester, up for reelection in November in a state with particular interest in public lands and conservation policy. "It's time to retire liberal Democrat Jon Tester," Trump declared to the crowd. "A vote for Jon Tester is a vote for Chuck Schumer, Nancy Pelosi and the new leader of the Democrat Party Maxine Waters." POLITICO's Matt Nussbaum points out, however, Trump's attacks don't seem to have bothered Tester, who took out full-page newspaper ads in the state Thursday that read "Welcome to Montana & Thank You President Trump," and listing "Jon's 16 bills signed into law by President Trump" — an attempt to show the state's Trump-friendly voters that the senator can work with the president. Read more.

BUNDLED UP: It worked so well with the first so-called minibus, House Republicans are expected to bring another spending bundle to the floor this month, according to a notice posted Thursday by the Rules Committee. This time around the 2019 funding package will combine the Interior-Environment H.R. 6147 (115) and Financial Services H.R. 6258 (115) spending bills. Both bills "are flat-funded compared to current spending levels, though not all agencies and programs would see the same levels," Pro Budget and Appropriations' Sarah Ferris reports. The package is slated for floor action the week of July 16.

STUDY LOOKS AT TRUMP COAL PLAN CONSEQUENCES: The Trump administration's plan to prop up economically struggling coal and nuclear power plants would result in 353 to 815 premature deaths in 2019-20 due to the additional emissions of sulfur dioxide and nitrogen oxides, according to a new study from Resources for the Future, an independent, nonprofit research institution in Washington. The paper also calculated that each year the policy is in effect would cause 1 death for the 2 to 4.5 coal-mine jobs that it supports. The administration's plan, which it says is being pursued in the interest of national security and is detailed in a draft DOE paper, would delay the retirement of plants that have announced they will close by the end of 2020. Such a policy would support 790 coal-mine jobs, the study found, "though it would be likely to reduce economy-wide employment." Read the report here.

EERE GETS ACTING ASSISTANT SECRETARY: While the president's permanent pick for DOE's energy efficiency and renewable energy office awaits confirmation, Pro's Darius Dixon

reports Cathy Tripodi will take on the role of acting assistant secretary for EERE. Dan Simmons was nominated for the permanent role last month by the White House. "As the confirmation process moves forward, Daniel has moved to Environmental Management to serve as an adviser to their leadership team," Alex Fitzsimmons, who has been Simmons' chief of staff, wrote in an email.

Tripodi joined DOE in January 2017 and has been the director of the department's Lab Operations Board, which coordinates research and mission objectives between the agency headquarters and its far-flung national laboratories.

EU EXTENDS RUSSIA SANCTIONS: The EU extended sanctions against Russia for another six months on Thursday over Moscow's actions in Ukraine, POLITICO Europe's Magdaline Duncan reports. The sanctions target, in part, Russia's energy sector by limiting access to EU markets for three energy companies. EU leaders have said that the sanctions will be lifted once all sides in Ukraine commit to the cease-fire agreed in the Minsk accords.

PUERTO RICO GOVERNOR TAKES IT TO COURT: Puerto Rico Gov. Ricardo Rosselló announced Thursday his government would go to court to challenge the authority of the island territory's federal oversight board to impose policies on the commonwealth, Pro Financial Services' Colin Wilhelm reports. The oversight board in question was established by Congress to address Puerto Rico's debt and has mandated cuts to pensions and government spending in its most recent recovery plan.

— **Separately, the Puerto Rico Electric Power Authority said** this week that 99.9 percent of power has been restored in the aftermath of Hurricane Maria — 10 months after the hurricane destroyed Puerto Rico's grid.

QUICK HITS

— "Americans already living EPA rollbacks under Pruitt," The Associated Press.

— "Doubts grow Aramco IPO will ever happen," The Wall Street Journal.

— "PHMSA agrees to provide public notice of hearings," E&E News.

— "Iran to Trump: Oil will cost $100 per barrel, and it is your fault," Reuters.

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Pruitt resigns amid torrent of ethics woes Back

By Anthony Adragna, Alex Guillén and Emily Holden | 07/05/2018 03:49 PM EDT

Scott Pruitt resigned from his post as administrator of the EPA on Thursday, finally bowing to a torrent of spending, travel and secrecy scandals that ended his run as one of President Donald Trump's most aggressive anti-regulation enforcers.

Trump continued praising his embattled EPA leader even after the ax fell — and months after most of his White House aides, including chief of staff John Kelly, had soured on him because of the increasingly bizarre accusations concerning Pruitt's use of agency employees to obtain housing, lotion, used mattresses, dinner with a Vatican cardinal and a job for his wife.

But the news about Pruitt had also turned potentially more dangerous, including what congressional Democrats said Thursday was evidence that his top aides had altered his official EPA calendar to hide politically troublesome meetings. Meanwhile, the coming media maelstrom over Trump's soon-to-be-announced Supreme Court nomination should soon erase any momentary headlines over Pruitt's departure.

"Within the Agency Scott has done an outstanding job, and I will always be thankful to him for this. ... We have made tremendous progress and the future of the EPA is very bright!" Trump tweeted. He added that Andrew Wheeler, Pruitt's deputy, would become acting administrator.

Trump later told reporters that "no final straw" led to Pruitt's decision to step down.

"Look, Scott is a terrific guy," the president said. "And he came to me and he said, 'I have such great confidence in the administration. I don't want to be a distraction.' And I think Scott felt that he was a distraction."

Trump said the decision had been in the works for "a couple of days."

Pruitt's critics were mainly jubilant — though deeply suspicious of Wheeler, a former coal lobbyist who is widely expected to pursue the same agenda of undoing former President Barack Obama's climate change agenda.

"Thank God he's gone," Sen. Tom Carper, the top Democrat on the Senate Environment and Public Works Committee, said of Pruitt. "This is a day to celebrate."

Among Trump's confidants, North Dakota billionaire oilman Harold Hamm was one of a dwindling number of people defending Pruitt, people close to Hamm and the White House told POLITICO.

Thursday's move came just two days after POLITICO reported Pruitt installed the former

treasurer of his super PAC to lead the office in charge of releasing his public records and after CNN reported Pruitt directly asked Trump to remove Attorney General Jeff Sessions and give the position to him. Those were only a couple of the latest damaging accusations about Pruitt just this week, following months of drip-drip-drip disclosures about a $50-a-night Capitol Hill condo rental from a lobbyist's wife, first-class travel, dramatic increase in spending on security and uncompensated personal work that he received from EPA aides. (See POLITICO's running summary of Pruitt's controversies here.)

In his resignation letter, Pruitt praised Trump, but said the litany of bad headlines had forced him to leave the job.

"It is extremely difficult for me to cease serving you in this role first because I count it a blessing to be serving you in any capacity, but also, because of the transformative work that is occurring," Pruitt wrote. "However, the unrelenting attacks on me personally, my family, are unprecedented and have taken a sizable toll on all of us."

Even as more than a dozen investigations were initiated by EPA's inspector general, the House Oversight Committee, the White House, the GAO and the Oklahoma Bar Association, Trump continued to publicly back Pruitt, who was strongly supported by many conservatives. Since the spring, when his condo deal came to light, triggering a snowballing series of embarrassing stories about the EPA administrator, Pruitt managed to keep his head above water.

But some sources suggested Trump's support for Pruitt began to crumble after news emerged that Pruitt had pressed an aide to try to buy a used mattress from Trump's hotel, and that he had security staff chauffeur him around Washington to buy his favorite brand of skin lotion — raising concerns that more such stories would follow. The timing of the resignation announcement also appeared favorable, since the announcement of a new Supreme Court nominee Monday would likely overshadow the EPA news.

One Republican close to the White House said that Trump's support for Pruitt dropped with the realization that Wheeler could easily carry out the same regulatory rollback — but without the scandalous headlines. Some Republicans had been making that argument for months, however.

"It became increasingly apparent to the president, from conversations with the Hill and people inside the administration, that everyone loves Andrew Wheeler, and that Trump could get the same results without the drama," the Republican said. "If they did not have an heir apparent, this would probably be a different situation."

Environmentalists were quick to take a victory lap over Pruitt's resignation.

"Scott Pruitt's corruption and coziness with industry lobbyists finally caught up with him," Erich Pica, president of Friends of the Earth, said in a statement. "This victory belongs to the hundreds of thousands of activists who fought to protect the Environmental Protection Agency from a corrupt crony set on destroying it from the inside."

But some conservatives lamented that Pruitt had finally fallen victim to pressure from his

political opponents.

"Lesson to other Trump officials from Pruitt resignation: Give the left/media/organized greens any molehill and they will turn it into K2," wrote Kimberley Strassel, a Wall Street Journal columnist and member of its editorial board. "Most of the accusations were overwrought, but the barrage was overwhelming. Let's hope an equally reformist successor denies them a repeat."

Conservative pundit Hugh Hewitt defended Pruitt as a "good friend and a very good man, caricatured by [the] left" and the mainstream media.

"I hope he sets to work on a memoir ASAP and deals out a tenth of what he took," Hewitt wrote on Twitter. "He's a man of great faith and perseverance so he probably won't, but the attacks on his family were unconscionable."

A handful of moderate Republican lawmakers called for Pruitt to be ousted early on, but congressional leaders supportive of his deregulatory agenda prevented the hot water Pruitt was in from increasing beyond a gentle simmer. And despite White House staffers' annoyance at his public stumbles, Pruitt reportedly enjoyed for months a chummy relationship with the president himself. The pair reportedly even gabbed on the phone regularly.

Pruitt's support among Republicans began to wane after emails and testimony from close aides showed that Pruitt on multiple occasions had used EPA resources and personnel to carry out errands and search for a job for his wife, Marlyn.

With scrutiny intensifying, half a dozen aides close to Pruitt departed EPA within a few weeks of each other, including his top policy adviser, his chief of security and a longtime friend from Oklahoma whom Pruitt had placed in charge of the Superfund program.

Emails released following lawsuits and aides' testimony to House investigators revealed that Pruitt had used EPA staff to search for housing for him and to inquire about obtaining a Chick-fil-A franchise for his wife — potential violations of laws prohibiting tasking federal workers with personal matters. Further, it was shown that Pruitt had used his aides to seek other employment opportunities for his wife, including from major GOP donors — raising questions about whether Pruitt had used his official position to benefit his family.

For Pruitt's critics, these revelations moved beyond other Pruitt actions that were questionable but politically survivable.

"His actions related to his wife's employment and the quid-pro-quo condo situation with industry lobbyists may have crossed a line into criminal conduct punishable by fines or even by time in prison," wrote several House Democrats in a letter asking the FBI to open a criminal investigation.

On Thursday, Democrats on the House Oversight Committee released new transcripts from interviews with Pruitt's closest aides, backing up aspects of many of the recent allegations against him.

Three aides, including chief of staff Ryan Jackson, acknowledged removing many meetings from his calendars deemed "personal," including retroactively removing reference to a dinner with Cardinal George Pell after Pell's arrest on alleged sexual abuse charges.

"I did that because there were — and there have been since — just personal dinners or personal meetings which he has had that if it doesn't relate to EPA business, I don't think it's necessary to put it on the schedule," Jackson told Oversight Committee staff.

Another former aide, policy adviser Samantha Dravis, said she helped Marlyn Pruitt seek employment opportunities during work hours by tapping into her connections to conservative organizations. But she said Pruitt's push for his wife to land a $250,000-a-year post given her limited work experience was too much — even for the Federalist Society. Dravis said she ultimately refused to contact certain organizations and expressed concern doing would violate the Hatch Act.

"I was explicitly asked by Administrator Pruitt to assist Marlyn with obtaining this employment," Dravis said.

Dravis also said Pruitt originally hoped to become attorney general rather than Jeff Sessions and had "one or two" discussions with her about his ambitions for the post after he became head of the EPA. She said he "hinted" that there had been a discussion with Trump about the matter but didn't reveal further details.

Meanwhile, influential conservative voices began questioning whether Pruitt's antics were finally causing too much drag on the president's agenda.

Laura Ingraham, the conservative pundit known to be a favorite confidant of Trump, tweeted June 13 that Pruitt's bad judgment was hurting the president and meant he had "gotta go." The National Review called for his ouster, saying Pruitt had mistreated taxpayers. And Republican senators started saying Pruitt should be hauled in for a hearing, though they stopped short of calling for his resignation.

The president did not immediately name a nominee to serve as a permanent successor, as he did for similar high-profile departures in recent months. Senate Republicans have questioned whether another administrator could even be confirmed this year given the Senate's tight schedule and the GOP's razor-thin majority.

That leaves Pruitt's deputy, Wheeler, in charge at EPA in an acting capacity for the foreseeable future.

Wheeler previously worked as an attorney and lobbyist at Faegre Baker Daniels, where one of his clients was coal company Murray Energy, whose owner Robert Murray has pressed both the president and his Cabinet secretaries for generous policy actions to help coal.

He previously worked as a top aide to Sen. Jim Inhofe (R-Okla.), who prides himself as a skeptic

of climate change.

Wheeler is a more traditional Washington conservative than Pruitt, familiar with the workings of both the town and Congress. But environmentalists see little practical difference between Wheeler and Pruitt, who arrived at the agency after suing it 14 times and with no background in environmental policy.

Wheeler, like Pruitt, is expected to continue his deregulatory agenda, rolling back Obama-era environmental regulations like the Clean Power Plan or the Waters of the U.S. rule. And the White House is likely to continue its quest to slash EPA's budget drastically, although Congress has twice rejected such cuts and some Republicans have questioned whether the agency can go any lower.

Nancy Cook and Daniel Strauss contributed to this report.

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Back

How Scott Pruitt blew it Back

By Alex Guillén and Andrew Restuccia | 07/05/2018 05:50 PM EDT

Scott Pruitt's once bright political future is in freefall after his swift exit as head of the EPA, following an avalanche of revelations about his first-class flights, pricey security trappings, backdoor raises for proteges and cozy deals with lobbyists stretching back to his days as an Oklahoma lawmaker.

Some of the most outlandish news reports about Pruitt's leadership at EPA went viral in recent months because of the bizarre details, such as the accusations that he had used his bodyguards to search for a rare brand of lotion or had tasked an aide with trying to buy a used mattress from the Trump International Hotel.

But beneath it all, according to ethics experts and Pruitt's critics, was the appearance that he had serially misused his Cabinet position, sometimes for simple vanity but occasionally — most consequentially — in ways that benefited himself and his family, drawing civil and potentially even criminal inquiries. And eventually, it was too much even for President Donald Trump, one of Pruitt's most outspoken fans.

Trump said the decision to resign was Pruitt's and that "no final straw" had precipitated the move, which has been in the works for a couple days. But in fact, Trump had begun to grow tired of the torrent of negative news stories about Pruitt and had come to believe they were a distraction that wouldn't go away, according to an administration official.

Among Trump's confidants, North Dakota billionaire oilman Harold Hamm was one of a

dwindling number of people defending Pruitt, people close to Hamm and the White House told POLITICO.

"Scott is a terrific guy," Trump told reporters on Air Force One on Thursday after tweeting out the news of Pruitt's resignation. "And he came to me and he said I have such great confidence in the administration. I don't want to be a distraction. And I think Scott felt that he was a distraction."

The news dismayed prominent Republican donor Doug Deason, who told POLITICO late Thursday that he's flabbergasted Trump would send such a loyal foot soldier packing.

"I am just so disappointed in the President's failure to support Scott against the angry attacks from the loony left," said Deason, who had helped Pruitt pick new members of an influential EPA's science advisory board last year. "Nothing he did amounted to anything big. He was THE most effective cabinet member by far."

"Scott Pruitt is a sacrificial lamb and I have no idea why," he added.

Chief of staff John Kelly had been pushing Trump for months to fire Pruitt, and he ramped up his campaign in recent days, according to one person close to the White House. The person described removing Pruitt as one of Kelly's top priorities before leaving the administration, as he's expected to do sometime this summer.

But Kelly's frustration with Pruitt alone would never be enough to secure the EPA administrator's ouster.

At the White House, senior aides were increasingly convinced that Trump would soon push Pruitt out, but they didn't know exactly when and some were caught off guard by Thursday's announcement.

Pruitt, who believes he has a strong personal relationship with Trump, has told allies repeatedly in recent months that he wasn't worried about his job, insisting that the president had his back.

But Pruitt nonetheless showed flashes of irritation over the wave of negative press attention that overtook him. He told aides recently that he believed the reports about him were unfair, adding that he simply didn't understand why people were making such a big deal about his decision to enlist an aide to help his wife secure a Chick-fil-A franchise, according to another person familiar with the matter.

White House staffers had long ago given up on Pruitt, rarely coming to his defense when negative news stories dominated the headlines. Aides were sick of answering questions about the EPA chief and spoke privately about their hope that the president got rid of him. Even Pruitt's own staff had begun to sour on him, with many worrying that their future career prospects would be damaged by their association with Pruitt's tenure.

Each scandal seemed more damning than the last.

Pruitt faced criticism last year for his extensive first-class travel on the taxpayer dime and security expenses including a $43,000 soundproof phone booth in his office. Then news this spring that Pruitt had secured a $50-a-night Capitol Hill condo lease from the wife of a lobbyist kicked off several months of damaging headlines on a nearly daily basis. His staff talked of getting him a $100,000-a-month private jet lease. Two aides who came with him from Oklahoma received massive raises Pruitt was later forced to reverse. He replaced the head of his security detail who wouldn't let him use lights and sirens to zip around the city like the president. And a top career official was dismissed after he questioned the security justifications for Pruitt's beefed up, multimillion-dollar protective detail.

Questions were raised about why Pruitt hired a longtime friend, whose bank over the years issued Pruitt multiple mortgages and helped him buy part ownership of a baseball team, and who was recently banned from the banking industry, to run EPA's Superfund program.

In recent weeks, former Pruitt aides told staffers on the House Oversight Committee about the administrator's search for a high-paying job for his wife and his use of EPA time and staff for personal matters. Although nascent, the new allegations raised questions of whether Pruitt had used his position to benefit his family or himself. Committee aides tell POLITICO their investigation will continue despite Pruitt's departure.

EPA's inspector general opened multiple overlapping probes into Pruitt's activities and spending. House Oversight Chairman Trey Gowdy (R-S.C.) turned heads when he launched his own investigation of Pruitt. Other inquiries are underway by the Government Accountability Office, the Oklahoma Bar Association and even the White House.

Pruitt's controversial activities led conservatives to call for his departure.

"Pruitt is the swamp. Drain it," Laura Ingraham, the conservative pundit known to have Trump's ear, tweeted on Tuesday.

Democrats and environmental groups quickly claimed victory with Pruitt's resignation.

"He made swamp creatures blush with his shameless excesses. All tolerated because President Trump liked his zealotry," Rep. Gerry Connolly (D-Va.) said.

"Ethics matter. So does a commitment to EPA's central mission. Scott Pruitt failed miserably on both counts," said Rhea Suh, president of the Natural Resources Defense Council.

Within the White House, a less splashy headline also helped undermine Pruitt's standing with Trump's inner circle: The news, first reported in early January by POLITICO, that Pruitt was advocating quietly but firmly behind the scenes to replace Jeff Sessions as Trump's attorney general. That ambition was a turning point that soured Pruitt to key White House aides, if not the president himself, officials said in the intervening months. Pruitt grew bolder, eventually directly asking Trump for the DOJ job, CNN reported on Tuesday, just two days before Pruitt resigned.

Pruitt's troubles had been simmering for a long time as other Cabinet officials were picked off following their own scandals or tension with Trump, including HHS Secretary Tom Price, Veterans Affairs Secretary David Shulkin and Secretary of State Rex Tillerson.

His supporters noted that, unlike Price or Tillerson, Pruitt was viewed as an effective and loyal lieutenant to Trump.

"It is extremely difficult for me to cease serving you in this role first because I count it a blessing to be serving you in any capacity, but also, because of the transformative work that is occurring," Pruitt wrote in his resignation letter to Trump.

Pruitt rose to prominence as Oklahoma's attorney general, where he made his name suing the Obama EPA 14 times over what he called gross regulatory overreach. One of his greatest achievements was the Supreme Court's early 2016 decision to block the Clean Power Plan, a massive regulation that set the first-ever carbon dioxide limits on the power industry, while a lower court reviewed the rule — the first time the justices had ever done that.

He convinced Trump that such tenacity would prove useful in fulfilling his many campaign promises to undo almost all of former President Barack Obama's environmental agenda.

It didn't take long after Pruitt had arrived at EPA for him to halt and reverse key regulations Trump had vowed to roll back, including the power plant rule and Obama's Waters of the U.S. rule, which farmers and other industries decried as federal overreach.

But Pruitt went beyond the standard-issue Washington conservative environmental agenda that called for repealing those rules.

EPA is soon expected to propose a much more restricted version of the Clean Power Plan to satisfy legal requirements. But Pruitt has also kept open the option not to replace it at all, a position that most legal experts agree is untenable but which helps satisfy the right-wing groups that want EPA to stop regulating greenhouse gases altogether.

More recently, Pruitt made it clear he was willing to fight California over rolling back auto emissions standards. Carmakers who asked EPA for tweaks to the program instead found an administrator more than willing to torpedo the fragile national program if one of the most anti-Trump states didn't come to heel.

Pruitt proposed a new science policy that would exclude major public health studies while still accepting industry-backed research, a policy Republicans failed for years to pass out of Congress. He kicked academic researchers receiving funding from EPA off of key advisory boards, often replacing them with industry representatives. He made key policy changes to permitting rules and a key air quality program long sought by industry groups who said EPA was restricting their growth. He launched a review of how EPA calculates costs and benefits, a move that could make it harder to economically justify major regulations.

And he elevated climate change as a culture-war issue in a way that previous Republican

administrators avoided.

Pruitt told POLITICO that he didn't even understand when critics called him a "climate denier" in an interview last summer. "What does it even mean? That's what I think about it. I deny the climate? Really? Wow, OK. That's crazy, in my view," he said.

As Hurricane Irma throttled Florida in 2017, the second of three major storms to devastate parts of the U.S. last year, Pruitt told CNN that it was "misplaced" to ask about climate change's effects on extreme weather during the disaster.

And Pruitt routinely criticized the "environmental left" for focusing too much on climate change to the detriment of other environmental problems like Superfund clean-ups and water infrastructure — although green groups said he failed to lead on those issues as well.

The climate change positioning helped Pruitt gain the ear of Trump, who had called the phenomenon a hoax created by the Chinese to disenfranchise U.S. manufacturing.

Pruitt outmaneuvered other top administration officials, including Tillerson and Trump economic adviser Gary Cohn, to convince Trump that the Paris agreement was a bad deal that put America second. Trump then made the U.S. the only nation on Earth to ditch the Paris climate agreement.

Unsurprisingly, Pruitt's rapid rise and strong conservative pedigree drew talk of future political runs.

Although Pruitt eschewed this year's Oklahoma gubernatorial race, many observers suspected he would be the top choice in 2020 to replace Sen. Jim Inhofe (R-Okla.), who has not said whether he will run again but will turn 86 that year. Rumor swirled that the Senate gig would groom Pruitt for a 2024 presidential run, and Pruitt held meetings with politically connected people who could one day be useful for such a campaign, including a company linked to GOP megadonor Sheldon Adelson and an Indiana coal executive-slash-Republican fundraiser.

But Pruitt's political ambitions and penchant for secrecy eventually came back to bite him.

His behind-the-scenes lobbying for Sessions' job earlier this year alienated him to top White House officials, and the slow drip of negative headlines about his travel, spending and hiring irritated them further.

But in late March, the news about his lobbyist-connected condo deal opened the floodgates to a seemingly endless stream of reports about Pruitt's activities.

At first, the drip-drip of damaging stories was embarrassing but manageable.

Then, as part of a media tour that mostly consisted of friendly interviews with conservative outlets, Pruitt found himself forced into defense by a combative Fox News interview. Though the president was publicly supportive of Pruitt, the White House acknowledged it was reviewing his activities.

The investigation launched by Gowdy, the House Oversight chairman planning to retire after this year, showed the first cracks in Pruitt's support on the Hill. Weeks later, Senate Republicans started airing concerns, while Inhofe — a longtime friend of Pruitt's — said he was troubled by reports of Pruitt's past purchase of a large Oklahoma City home from a telecom lobbyist when he was a state senator.

Inhofe, who later said Pruitt had allayed his concerns, praised his fellow Oklahoman's work running EPA in a statement on Thursday.

"He was single minded at restoring the EPA to its proper statutory authority and ending the burdensome regulations that have stifled economic growth across the country," he said. "I was pleased to work with him on critical issues, like pulling out of the Paris Climate Agreement and prioritizing the cleanup of Superfund sites."

If Inhofe ultimately decides to retire but backs someone else to succeed him in 2020, Pruitt's once-clear path to the Senate — and potentially one day the presidency — could be significantly muddied.

Nancy Cook and Anthony Adragna contributed to this report.

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Trump: Pruitt didn't want to be a 'distraction' Back

By Stephanie Murray | 07/05/2018 06:27 PM EDT

Environmental Protection Agency head Scott Pruitt abruptly left his Cabinet-level position in the administration because he didn't want to be a "distraction," President Donald Trump told reporters on Thursday afternoon.

"He'll go on to great things and he's going to have a wonderful life, I hope," Trump said on Air Force One, according to a pool report. "But he felt that he did not want to be a distraction for an administration that he has a lot of faith in."

Pruitt is the latest high-ranking official to exit the Trump administration. The former EPA chief had been embroiled in a laundry list of ethics scandals during his tenure. Among them: Pruitt allegedly asked staffers to carry out errands and find his wife a job, and he installed a $43,000 soundproof booth in his office and made other unusual security demands.

In his resignation letter, Pruitt praised the president and said "unrelenting attacks" have taken a toll on him and his family. Most recently, a woman confronted Pruitt in a restaurant and urged him to resign. The confrontation was caught on video and spread widely on the Internet.

There was no final straw that triggered Pruitt's resignation, and the choice was "very much up to him," Trump said during the gaggle on Air Force One. According to the president, the resignation had been in the works for a couple of days.

"Scott Pruitt did an outstanding job inside of the EPA. We've gotten rid of record-breaking regulations, and it's been really good," Trump said. "His deputy has been with me actually a long time. He was very much an early Trump supporter. He was with us on the campaign. He is a very environmental person. He's a big believer, and he's going to do a fantastic job."

Pruitt initially supported former Florida Gov. Jeb Bush, a rival of Trump's during the 2016 campaign for the GOP presidential nomination. New acting EPA chief Andrew Wheeler, who has been serving as Pruitt's deputy and was previously a coal lobbyist, initially served as a volunteer consultant on the campaign of another rival, Sen. Marco Rubio (R-Fla.).

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Pruitt resigns amid torrent of ethics woes Back

By Anthony Adragna, Alex Guillén and Emily Holden | 07/05/2018 03:49 PM EDT

Scott Pruitt resigned from his post as administrator of the EPA on Thursday, finally bowing to a torrent of spending, travel and secrecy scandals that ended his run as one of President Donald Trump's most aggressive anti-regulation enforcers.

Trump continued praising his embattled EPA leader even after the ax fell — and months after most of his White House aides, including chief of staff John Kelly, had soured on him because of the increasingly bizarre accusations concerning Pruitt's use of agency employees to obtain housing, lotion, used mattresses, dinner with a Vatican cardinal and a job for his wife.

But the news about Pruitt had also turned potentially more dangerous, including what congressional Democrats said Thursday was evidence that his top aides had altered his official EPA calendar to hide politically troublesome meetings. Meanwhile, the coming media maelstrom over Trump's soon-to-be-announced Supreme Court nomination should soon erase any momentary headlines over Pruitt's departure.

"Within the Agency Scott has done an outstanding job, and I will always be thankful to him for this. ... We have made tremendous progress and the future of the EPA is very bright!" Trump tweeted. He added that Andrew Wheeler, Pruitt's deputy, would become acting administrator.

Trump later told reporters that "no final straw" led to Pruitt's decision to step down.

"Look, Scott is a terrific guy," the president said. "And he came to me and he said, 'I have such

great confidence in the administration. I don't want to be a distraction.' And I think Scott felt that he was a distraction."

Trump said the decision had been in the works for "a couple of days."

Pruitt's critics were mainly jubilant — though deeply suspicious of Wheeler, a former coal lobbyist who is widely expected to pursue the same agenda of undoing former President Barack Obama's climate change agenda.

"Thank God he's gone," Sen. Tom Carper, the top Democrat on the Senate Environment and Public Works Committee, said of Pruitt. "This is a day to celebrate."

Among Trump's confidants, North Dakota billionaire oilman Harold Hamm was one of a dwindling number of people defending Pruitt, people close to Hamm and the White House told POLITICO.

Thursday's move came just two days after POLITICO reported Pruitt installed the former treasurer of his super PAC to lead the office in charge of releasing his public records and after CNN reported Pruitt directly asked Trump to remove Attorney General Jeff Sessions and give the position to him. Those were only a couple of the latest damaging accusations about Pruitt just this week, following months of drip-drip-drip disclosures about a $50-a-night Capitol Hill condo rental from a lobbyist's wife, first-class travel, dramatic increase in spending on security and uncompensated personal work that he received from EPA aides. (See POLITICO's running summary of Pruitt's controversies here.)

In his resignation letter, Pruitt praised Trump, but said the litany of bad headlines had forced him to leave the job.

"It is extremely difficult for me to cease serving you in this role first because I count it a blessing to be serving you in any capacity, but also, because of the transformative work that is occurring," Pruitt wrote. "However, the unrelenting attacks on me personally, my family, are unprecedented and have taken a sizable toll on all of us."

Even as more than a dozen investigations were initiated by EPA's inspector general, the House Oversight Committee, the White House, the GAO and the Oklahoma Bar Association, Trump continued to publicly back Pruitt, who was strongly supported by many conservatives. Since the spring, when his condo deal came to light, triggering a snowballing series of embarrassing stories about the EPA administrator, Pruitt managed to keep his head above water.

But some sources suggested Trump's support for Pruitt began to crumble after news emerged that Pruitt had pressed an aide to try to buy a used mattress from Trump's hotel, and that he had security staff chauffeur him around Washington to buy his favorite brand of skin lotion — raising concerns that more such stories would follow. The timing of the resignation announcement also appeared favorable, since the announcement of a new Supreme Court nominee Monday would likely overshadow the EPA news.

One Republican close to the White House said that Trump's support for Pruitt dropped with the realization that Wheeler could easily carry out the same regulatory rollback — but without the scandalous headlines. Some Republicans had been making that argument for months, however.

"It became increasingly apparent to the president, from conversations with the Hill and people inside the administration, that everyone loves Andrew Wheeler, and that Trump could get the same results without the drama," the Republican said. "If they did not have an heir apparent, this would probably be a different situation."

Environmentalists were quick to take a victory lap over Pruitt's resignation.

"Scott Pruitt's corruption and coziness with industry lobbyists finally caught up with him," Erich Pica, president of Friends of the Earth, said in a statement. "This victory belongs to the hundreds of thousands of activists who fought to protect the Environmental Protection Agency from a corrupt crony set on destroying it from the inside."

But some conservatives lamented that Pruitt had finally fallen victim to pressure from his political opponents.

"Lesson to other Trump officials from Pruitt resignation: Give the left/media/organized greens any molehill and they will turn it into K2," wrote Kimberley Strassel, a Wall Street Journal columnist and member of its editorial board. "Most of the accusations were overwrought, but the barrage was overwhelming. Let's hope an equally reformist successor denies them a repeat."

Conservative pundit Hugh Hewitt defended Pruitt as a "good friend and a very good man, caricatured by [the] left" and the mainstream media.

"I hope he sets to work on a memoir ASAP and deals out a tenth of what he took," Hewitt wrote on Twitter. "He's a man of great faith and perseverance so he probably won't, but the attacks on his family were unconscionable."

A handful of moderate Republican lawmakers called for Pruitt to be ousted early on, but congressional leaders supportive of his deregulatory agenda prevented the hot water Pruitt was in from increasing beyond a gentle simmer. And despite White House staffers' annoyance at his public stumbles, Pruitt reportedly enjoyed for months a chummy relationship with the president himself. The pair reportedly even gabbed on the phone regularly.

Pruitt's support among Republicans began to wane after emails and testimony from close aides showed that Pruitt on multiple occasions had used EPA resources and personnel to carry out errands and search for a job for his wife, Marlyn.

With scrutiny intensifying, half a dozen aides close to Pruitt departed EPA within a few weeks of each other, including his top policy adviser, his chief of security and a longtime friend from Oklahoma whom Pruitt had placed in charge of the Superfund program.

Emails released following lawsuits and aides' testimony to House investigators revealed that

Pruitt had used EPA staff to search for housing for him and to inquire about obtaining a Chick-fil-A franchise for his wife — potential violations of laws prohibiting tasking federal workers with personal matters. Further, it was shown that Pruitt had used his aides to seek other employment opportunities for his wife, including from major GOP donors — raising questions about whether Pruitt had used his official position to benefit his family.

For Pruitt's critics, these revelations moved beyond other Pruitt actions that were questionable but politically survivable.

"His actions related to his wife's employment and the quid-pro-quo condo situation with industry lobbyists may have crossed a line into criminal conduct punishable by fines or even by time in prison," wrote several House Democrats in a letter asking the FBI to open a criminal investigation.

On Thursday, Democrats on the House Oversight Committee released new transcripts from interviews with Pruitt's closest aides, backing up aspects of many of the recent allegations against him.

Three aides, including chief of staff Ryan Jackson, acknowledged removing many meetings from his calendars deemed "personal," including retroactively removing reference to a dinner with Cardinal George Pell after Pell's arrest on alleged sexual abuse charges.

"I did that because there were — and there have been since — just personal dinners or personal meetings which he has had that if it doesn't relate to EPA business, I don't think it's necessary to put it on the schedule," Jackson told Oversight Committee staff.

Another former aide, policy adviser Samantha Dravis, said she helped Marlyn Pruitt seek employment opportunities during work hours by tapping into her connections to conservative organizations. But she said Pruitt's push for his wife to land a $250,000-a-year post given her limited work experience was too much — even for the Federalist Society. Dravis said she ultimately refused to contact certain organizations and expressed concern doing would violate the Hatch Act.

"I was explicitly asked by Administrator Pruitt to assist Marlyn with obtaining this employment," Dravis said.

Dravis also said Pruitt originally hoped to become attorney general rather than Jeff Sessions and had "one or two" discussions with her about his ambitions for the post after he became head of the EPA. She said he "hinted" that there had been a discussion with Trump about the matter but didn't reveal further details.

Meanwhile, influential conservative voices began questioning whether Pruitt's antics were finally causing too much drag on the president's agenda.

Laura Ingraham, the conservative pundit known to be a favorite confidant of Trump, tweeted June 13 that Pruitt's bad judgment was hurting the president and meant he had "gotta go." The

National Review called for his ouster, saying Pruitt had mistreated taxpayers. And Republican senators started saying Pruitt should be hauled in for a hearing, though they stopped short of calling for his resignation.

The president did not immediately name a nominee to serve as a permanent successor, as he did for similar high-profile departures in recent months. Senate Republicans have questioned whether another administrator could even be confirmed this year given the Senate's tight schedule and the GOP's razor-thin majority.

That leaves Pruitt's deputy, Wheeler, in charge at EPA in an acting capacity for the foreseeable future.

Wheeler previously worked as an attorney and lobbyist at Faegre Baker Daniels, where one of his clients was coal company Murray Energy, whose owner Robert Murray has pressed both the president and his Cabinet secretaries for generous policy actions to help coal.

He previously worked as a top aide to Sen. Jim Inhofe (R-Okla.), who prides himself as a skeptic of climate change.

Wheeler is a more traditional Washington conservative than Pruitt, familiar with the workings of both the town and Congress. But environmentalists see little practical difference between Wheeler and Pruitt, who arrived at the agency after suing it 14 times and with no background in environmental policy.

Wheeler, like Pruitt, is expected to continue his deregulatory agenda, rolling back Obama-era environmental regulations like the Clean Power Plan or the Waters of the U.S. rule. And the White House is likely to continue its quest to slash EPA's budget drastically, although Congress has twice rejected such cuts and some Republicans have questioned whether the agency can go any lower.

Nancy Cook and Daniel Strauss contributed to this report.

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Ethanol producers hoping for better treatment from new EPA chief Back

By Eric Wolff | 07/05/2018 05:31 PM EDT

Ethanol producers hope Andrew Wheeler, who will be taking the reigns at EPA as of Friday night, will be more corn-friendly in his management of the the Renewable Fuel Standard than soon-to-depart Administrator Scott Pruitt.

"President Trump made the right decision," said Iowa Sen. Chuck Grassley, who had been

infuriated by Pruitt's actions on the RFS, in a statement on Pruitt's resignation. "Fewer things are more important for government officials than maintaining public trust. Administrator Pruitt, through his own actions, lost that trust. I hope Acting Administrator Wheeler views this as an opportunity to restore this Administration's standing with farmers and the biofuels industry."

Pruitt antagonized ethanol producers and Midwestern farmers with repeated efforts to ease RFS requirements on refiners at what corn farmers perceived as their expense. Before joining EPA, Wheeler was a lobbyist whose clients included ethanol producer trade association Growth Energy.

"That sound you hear is a collective sigh of relief coming from the Midwest," said Bob Dinneen, CEO of the Renewable Fuels Association. "We look forward to working with Acting Administrator Andy Wheeler, whose long career focusing on policies that recognize economic growth and environmental protection are not mutually exclusive is not undermined by an unmistakable anti-ethanol, anti-farmer bias."

Wheeler has a reputation in D.C. as a smooth operator with deep relationships on the Hill.

"What changes is that Wheeler knows how to get things done at the agency and, in general, in Washington," a refining industry source said over email. "With Andy I think there will be less free-lancing and more a focus on working with career folks at EPA.... Quite frankly, less free lancing will serve the interests of all stakeholders."

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Pruitt's replacement 'should scare anyone who breathes' Back

By Eric Wolff and Alex Guillén | 05/04/2018 05:49 PM EDT

The man taking the reins at the Environmental Protection Agency following the resignation of Scott Pruitt is a longtime Washington insider and coal lobbyist who is set to pursue the same anti-regulation agenda — only without all of Pruitt's baggage.

Andrew Wheeler, sworn in as EPA's deputy administrator in late April after a six-month confirmation battle, has spent decades in what President Donald Trump calls "the swamp," first as a top aide to Sen. Jim Inhofe (R-Okla.) at the Environment and Public Works Committee, then as an energy lobbyist for clients such as the politically active coal company Murray Energy.

On Thursday, Trump named Wheeler as EPA's acting administrator after accepting Pruitt's resignation. He is set to take the job Monday.

In contrast to Pruitt, an Oklahoma conservative who alienated a growing number of fellow Trump-supporting Republicans, Wheeler is a smooth insider with a penchant for policy details

and a reputation for working well with both friends and adversaries. But those who have dealt with him say he's on board with the broad deregulatory agenda that Pruitt and Trump have pursued.

"I have no doubt that Andy will continue on with our great and lasting EPA agenda," Trump tweeted in announcing Pruitt's resignation. "We have made tremendous progress and the future of the EPA is very bright!"

Wheeler, who shares many of Pruitt's anti-regulatory views, is expected to "stay the course" with many of Pruitt's policies, according to one EPA source.

Republicans and other allies quickly praised Wheeler as a steady hand for an agency in turmoil.

Wheeler is the "perfect choice" for acting administrator, said Inhofe.

"Andrew worked for me for 14 years, has an impeccable reputation and has the experience to be a strong leader at the EPA," Inhofe added. "I have no doubt and complete confidence he will continue the important deregulatory work that Scott Pruitt started while being a good steward of the environment."

"I have confidence that Andrew Wheeler will be a good partner at #EPA, and I look forward to working with him on the" Renewable Fuel Standard, tweeted Sen. Joni Ernst (R-Iowa), who in recent months had expressed public anger over moves by Pruitt that upset the ethanol industry.

"Wheeler knows how to make the trains run on time at the agency and will be more inclined to work with career folks," said one refining industry source. "Andy also has strong relationships on the Hill from his work there, and that will work to the agency's benefit as well."

Environmentalists were glad to see Pruitt go, but many quickly acknowledged that Wheeler will be a formidable adversary to their agenda.

"Wheeler is much smarter and will try to keep his efforts under the radar in implementing Trump's destructive agenda," Jeremy Symons, vice president for political affairs at the Environmental Defense Fund, said in May before Pruitt's resignation. "That should scare anyone who breathes."

"Andrew Wheeler is equally unqualified to serve as the nation's chief environmental steward," said Ana Unruh Cohen of the Natural Resources Defense Council. "Like Pruitt, this veteran coal lobbyist has shown only disdain for the EPA's vital mission to protect Americans' health and our environment. Make no mistake: we'll fight Wheeler's pollution agenda with the same vigor as we did Pruitt's."

It is not clear how long Wheeler may be left leading EPA on an acting basis, as Senate Republicans have questioned whether any nominee could win confirmation this year amid the upcoming midterm elections and the GOP's razor-thin majority in the chamber.

With Pruitt out, Wheeler faces the task of managing a 14,000-employee agency where much of the career staff, and even many Republican political appointees, has been demoralized by the cascade of scandals.

Besides his personal troubles, Pruitt arrived at EPA as one of its most determined adversaries, having filed a series of lawsuits in concert with industry groups to overturn the agency's Obama-era climate and environmental regulations. Pruitt's security team also blocked most agency employees from entering rooms and corridors near his third-floor offices.

Wheeler, in contrast, came to the agency steeped in its work.

He spent four years working at EPA at the start of his career, before going on to work for Inhofe and the Senate environment committee. He helped create the federal ethanol mandate that remains a major source of friction for EPA, dividing Republicans in the Senate. He also represented coal magnate Bob Murray as a lobbyist through the battles over the Obama administration's climate regulations for power plants, and then later in trying to persuade the Energy Department to bail out financially ailing coal power plants.

Former Hill colleagues emphasize his ability to find common ground with political opponents, including former Sen. Jim Jeffords (I-Vt.), and former liberal Democrat Sen. Barbara Boxer of California, both of whom have chaired the environment committee. Matt Dempsey, who worked for Wheeler under Inhofe, said Wheeler's ability to find common cause was one factor in the Jeffords-Inhofe and Jeffords-Boxer relationships that led to passage of highway bills and other major legislation.

"A lot of that is due to Andrew," said Dempsey, now a managing director at FTI Consulting. "He has an ability to work across the aisle and get things done."

That ability to work the Hill could be critical at EPA, where Pruitt's efforts to make changes to the ethanol program divided oil-state and corn-state Senate Republicans. Those efforts have especially infuriated corn supporters led by Sen. Chuck Grassley (R-Iowa), who accused Pruitt in May of "screwing the family farmer."

Wheeler's former colleagues think he might be able to smooth those waters.

"He is someone who, generally on policy, though we might not always agree, is someone who will listen to the other side of the aisle on how we formulate policy," a Democratic aide who has worked with Wheeler told POLITICO, noting that that trait could be especially important if the House or Senate flips after the midterms. "Being a product of the Senate and of the Congress, it will be much easier for those who are here to interact with him."

Among other things, the Democratic aide said, Wheeler respects Congress' role in the authorization and appropriations process and would be much more willing to appear at congressional hearings — unlike Pruitt, who was scarce on the Hill.

The aide also said they think Wheeler's reputation as a "rule-driven" staffer would ensure stricter

adherence to ethics standards at the agency.

Wheeler may also be better able to repair the fractured relationship between the political appointees at the top of the agency and career staff, who have felt left out or ignored by Pruitt on key issues. Wheeler spent some of his first days back at the agency visiting the offices of career staff and making introductions, a marked change from his boss, according to an EPA official.

"The impression he creates is very personable, respectful, good listener," said another EPA employee. "He's very interested in being involved in the substantive issues. He's ready to get involved in our issues."

Still, most of the people interviewed agreed that Wheeler would advance Trump's and Pruitt's agenda of undoing major Obama-era regulations, including the power plant climate rule and a sweeping measure on streams and wetlands.

"I think that Andrew is well aware of the president's agenda, and the parts of the agenda that are the responsibility of the EPA," said Andy Ehrlich, now a partner at the lobbying and political consulting firm Total Spectrum, who recruited Wheeler from the Hill in 2009 to the law firm Faegre Baker Daniels and worked with him for years. "I would expect based on my experience with Andrew to do what he can to see that the president's s agenda at the EPA is fulfilled in a methodical and thoughtful way."

Pruitt and Wheeler may have some small differences: The Democratic aide said Wheeler might offer more support to the agency's research, in contrast to Pruitt. But people who know Wheeler see him as a "true believer" in rolling back regulations who is comfortable in the weeds of policy.

Environmental groups also believe Wheeler has his own ethics baggage, citing reports that he held fundraisers for political patrons in the months ahead of his official nomination to EPA.

Brune held out one bit of hope — that Wheeler would face the same obstacles as Pruitt in turning back EPA's environmental protections.

"Any executive with EPA, administrator or deputy, will have a hard time trying to flout the findings of the scientific community and operate against the public will," Brune said. "I don't think Wheeler would be more effective at that than Pruitt has been."

Emily Holden, Anthony Adragna and Ben Lefebvre contributed to this report.

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Environmentalists: Pruitt's replacement 'should scare anyone who breathes' Back

By Eric Wolff | 05/05/2018 06:43 AM EDT

The man taking the reins at the Environmental Protection Agency after Scott Pruitt's downfall is a longtime Washington insider and coal lobbyist who is set to pursue the same anti-regulation agenda — only without all of Pruitt's baggage.

Andrew Wheeler, sworn in as EPA's deputy administrator in late April after a six-month confirmation battle, has spent decades in what President Donald Trump calls "the swamp," first as a top aide to Sen. Jim Inhofe (R-Okla.) at the Environment and Public Works Committee, then as an energy lobbyist for clients such as the politically active coal company Murray Energy.

On Thursday, Trump named Wheeler as EPA's acting administrator after accepting Pruitt's resignation.

In contrast to Pruitt, an Oklahoma conservative who alienated a growing number of fellow Trump-supporting Republicans, Wheeler is a smooth insider with a penchant for policy details and a reputation for working well with both friends and adversaries. But those who have dealt with him say he's on board with the broad deregulatory agenda that Pruitt and Trump are pursuing.

That presents a paradox for environmental groups, who would welcome Pruitt's departure but fear his replacement would be a much more formidable opponent.

"Wheeler is much smarter and will try to keep his efforts under the radar in implementing Trump's destructive agenda," said Jeremy Symons, vice president for political affairs at the Environmental Defense Fund. "That should scare anyone who breathes."

Symons noted that many of Pruitt's aggressive deregulatory efforts have run into trouble in federal courts.

"The problem with the Pruitt approach is it's like a sugar high," said Jeff Navin, a Democratic lobbyist and former Energy Department staffer who has shared lobbying clients with Wheeler. "It feels really, really good for a moment, but if you're not following rules and procedure, not laying down substance for the decision you're making, you're not going to last very long."

Another person who has worked with Wheeler said: "He's like Mike Pence is to Trump. ... He's behind the scenes. He'll get a lot done and doesn't need to be in the news."

With Pruitt out, Wheeler faces the task of managing a 14,000-employee agency where much of the career staff, and even many Republican political appointees, have been demoralized by the cascade of scandals.

Besides his personal troubles, Pruitt arrived at EPA as one of its most determined adversaries, having filed a series of lawsuits in concert with industry groups to overturn the agency's Obama-era climate and environmental regulations. Pruitt's security team also blocked most agency employees from entering rooms and corridors near his third-floor offices.

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Pruitt and Wheeler may have some small differences: The Democratic aide said Wheeler might offer more support to the agency's research, in contrast to Pruitt. But people who know Wheeler see him as a "true believer" in rolling back regulations who is comfortable in the weeds of policy.

That's the worry of environmental groups, which note the years Wheeler spent working with Inhofe, who calls human-caused global warming a "hoax," and Murray, a fierce opponent of EPA's climate regulations.

Wheeler's "entire professional career, most of it has been devoted to resisting attempts to improve the quality of our air and our water and the safety of our communities," said Sierra Club Executive Director Michael Brune. "He fought against safeguards to limit mercury poisoning. He fought against protections to limit the amount of ozone in our skies. He fought against air pollution from neighboring states. He's a climate denier. So, sadly, he fits in well with EPA leadership."

Environmental groups also believe Wheeler has his own ethics baggage, citing reports that he held fundraisers for political patrons in the months ahead of his official nomination to EPA. Brune held out one bit of hope — that Wheeler would face the same obstacles as Pruitt in turning back EPA's environmental protections.

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Full text: Pruitt's resignation letter Back

07/05/2018 04:17 PM EDT

The full text of Scott Pruitt's resignation letter:

Mr. President, it has been an honor to serve you in the Cabinet as Administrator of the EPA. Truly, your confidence in me has blessed me personally and enabled me to advance your agenda beyond what anyone anticipated at the beginning of your Administration. Your courage, steadfastness and resolute commitment to get results for the American people, both with regard to improved environmental outcomes as well as historical regulatory reform, is in fact occurring at an unprecedented pace and I thank you for the opportunity to serve you and the American people in helping achieve those ends.

That is why is hard for me to advise you I am stepping down as Administrator of the EPA effective as of July 6. It is extremely difficult for me to cease serving you in this role first because I count it a blessing to be serving you in any capacity, but also, because of the transformative work that is occurring. However, the unrelenting attacks on me personally, my family, are unprecedented and have taken a sizable toll on all of us.

My desire in service to you has always been to bless you as you make important decisions for the American people. I believe you are serving as President today because of God's providence. I believe that same providence brought me into your service. I pray as I have served you that I have blessed you and enabled you to effectively lead the American people. Thank you again Mr. President for the honor of serving you and I wish you Godspeed in all that you put your hand to.

Your Faithful Friend,
Scott Pruitt

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How Scott Pruitt blew it Back

By Alex Guillén and Andrew Restuccia | 07/05/2018 05:50 PM EDT

Scott Pruitt's once bright political future is in freefall after his swift exit as head of the EPA, following an avalanche of revelations about his first-class flights, pricey security trappings, backdoor raises for proteges and cozy deals with lobbyists stretching back to his days as an Oklahoma lawmaker.

Some of the most outlandish news reports about Pruitt's leadership at EPA went viral in recent months because of the bizarre details, such as the accusations that he had used his bodyguards to search for a rare brand of lotion or had tasked an aide with trying to buy a used mattress from the Trump International Hotel.

But beneath it all, according to ethics experts and Pruitt's critics, was the appearance that he had serially misused his Cabinet position, sometimes for simple vanity but occasionally — most consequentially — in ways that benefited himself and his family, drawing civil and potentially even criminal inquiries. And eventually, it was too much even for President Donald Trump, one of Pruitt's most outspoken fans.

Trump said the decision to resign was Pruitt's and that "no final straw" had precipitated the move, which has been in the works for a couple days. But in fact, Trump had begun to grow tired of the torrent of negative news stories about Pruitt and had come to believe they were a distraction that wouldn't go away, according to an administration official.

Among Trump's confidants, North Dakota billionaire oilman Harold Hamm was one of a dwindling number of people defending Pruitt, people close to Hamm and the White House told POLITICO.

"Scott is a terrific guy," Trump told reporters on Air Force One on Thursday after tweeting out the news of Pruitt's resignation. "And he came to me and he said I have such great confidence in the administration. I don't want to be a distraction. And I think Scott felt that he was a distraction."

The news dismayed prominent Republican donor Doug Deason, who told POLITICO late Thursday that he's flabbergasted Trump would send such a loyal foot soldier packing.

"I am just so disappointed in the President's failure to support Scott against the angry attacks from the loony left," said Deason, who had helped Pruitt pick new members of an influential EPA's science advisory board last year. "Nothing he did amounted to anything big. He was THE most effective cabinet member by far."

"Scott Pruitt is a sacrificial lamb and I have no idea why," he added.

Chief of staff John Kelly had been pushing Trump for months to fire Pruitt, and he ramped up his campaign in recent days, according to one person close to the White House. The person described removing Pruitt as one of Kelly's top priorities before leaving the administration, as he's expected to do sometime this summer.

But Kelly's frustration with Pruitt alone would never be enough to secure the EPA administrator's ouster.

At the White House, senior aides were increasingly convinced that Trump would soon push Pruitt out, but they didn't know exactly when and some were caught off guard by Thursday's announcement.

Pruitt, who believes he has a strong personal relationship with Trump, has told allies repeatedly in recent months that he wasn't worried about his job, insisting that the president had his back.

But Pruitt nonetheless showed flashes of irritation over the wave of negative press attention that overtook him. He told aides recently that he believed the reports about him were unfair, adding that he simply didn't understand why people were making such a big deal about his decision to enlist an aide to help his wife secure a Chick-fil-A franchise, according to another person familiar with the matter.

White House staffers had long ago given up on Pruitt, rarely coming to his defense when negative news stories dominated the headlines. Aides were sick of answering questions about the EPA chief and spoke privately about their hope that the president got rid of him. Even Pruitt's own staff had begun to sour on him, with many worrying that their future career prospects would be damaged by their association with Pruitt's tenure.

Each scandal seemed more damning than the last.

Pruitt faced criticism last year for his extensive first-class travel on the taxpayer dime and security expenses including a $43,000 soundproof phone booth in his office. Then news this spring that Pruitt had secured a $50-a-night Capitol Hill condo lease from the wife of a lobbyist kicked off several months of damaging headlines on a nearly daily basis. His staff talked of getting him a $100,000-a-month private jet lease. Two aides who came with him from Oklahoma received massive raises Pruitt was later forced to reverse. He replaced the head of his security detail who wouldn't let him use lights and sirens to zip around the city like the president. And a top career official was dismissed after he questioned the security justifications for Pruitt's beefed up, multimillion-dollar protective detail.

Questions were raised about why Pruitt hired a longtime friend, whose bank over the years issued Pruitt multiple mortgages and helped him buy part ownership of a baseball team, and who was recently banned from the banking industry, to run EPA's Superfund program.

In recent weeks, former Pruitt aides told staffers on the House Oversight Committee about the administrator's search for a high-paying job for his wife and his use of EPA time and staff for personal matters. Although nascent, the new allegations raised questions of whether Pruitt had used his position to benefit his family or himself. Committee aides tell POLITICO their investigation will continue despite Pruitt's departure.

EPA's inspector general opened multiple overlapping probes into Pruitt's activities and spending. House Oversight Chairman Trey Gowdy (R-S.C.) turned heads when he launched his own investigation of Pruitt. Other inquiries are underway by the Government Accountability Office, the Oklahoma Bar Association and even the White House.

Pruitt's controversial activities led conservatives to call for his departure.

"Pruitt is the swamp. Drain it," Laura Ingraham, the conservative pundit known to have Trump's ear, tweeted on Tuesday.

Democrats and environmental groups quickly claimed victory with Pruitt's resignation.

"He made swamp creatures blush with his shameless excesses. All tolerated because President Trump liked his zealotry," Rep. Gerry Connolly (D-Va.) said.

"Ethics matter. So does a commitment to EPA's central mission. Scott Pruitt failed miserably on both counts," said Rhea Suh, president of the Natural Resources Defense Council.

Within the White House, a less splashy headline also helped undermine Pruitt's standing with Trump's inner circle: The news, first reported in early January by POLITICO, that Pruitt was advocating quietly but firmly behind the scenes to replace Jeff Sessions as Trump's attorney general. That ambition was a turning point that soured Pruitt to key White House aides, if not the president himself, officials said in the intervening months. Pruitt grew bolder, eventually directly asking Trump for the DOJ job, CNN reported on Tuesday, just two days before Pruitt resigned.

Pruitt's troubles had been simmering for a long time as other Cabinet officials were picked off following their own scandals or tension with Trump, including HHS Secretary Tom Price, Veterans Affairs Secretary David Shulkin and Secretary of State Rex Tillerson.

His supporters noted that, unlike Price or Tillerson, Pruitt was viewed as an effective and loyal lieutenant to Trump.

"It is extremely difficult for me to cease serving you in this role first because I count it a blessing to be serving you in any capacity, but also, because of the transformative work that is occurring," Pruitt wrote in his resignation letter to Trump.

Pruitt rose to prominence as Oklahoma's attorney general, where he made his name suing the Obama EPA 14 times over what he called gross regulatory overreach. One of his greatest achievements was the Supreme Court's early 2016 decision to block the Clean Power Plan, a massive regulation that set the first-ever carbon dioxide limits on the power industry, while a lower court reviewed the rule — the first time the justices had ever done that.

He convinced Trump that such tenacity would prove useful in fulfilling his many campaign promises to undo almost all of former President Barack Obama's environmental agenda.

It didn't take long after Pruitt had arrived at EPA for him to halt and reverse key regulations Trump had vowed to roll back, including the power plant rule and Obama's Waters of the U.S. rule, which farmers and other industries decried as federal overreach.

But Pruitt went beyond the standard-issue Washington conservative environmental agenda that called for repealing those rules.

EPA is soon expected to propose a much more restricted version of the Clean Power Plan to satisfy legal requirements. But Pruitt has also kept open the option not to replace it at all, a position that most legal experts agree is untenable but which helps satisfy the right-wing groups that want EPA to stop regulating greenhouse gases altogether.

More recently, Pruitt made it clear he was willing to fight California over rolling back auto

emissions standards. Carmakers who asked EPA for tweaks to the program instead found an administrator more than willing to torpedo the fragile national program if one of the most anti-Trump states didn't come to heel.

Pruitt proposed a new science policy that would exclude major public health studies while still accepting industry-backed research, a policy Republicans failed for years to pass out of Congress. He kicked academic researchers receiving funding from EPA off of key advisory boards, often replacing them with industry representatives. He made key policy changes to permitting rules and a key air quality program long sought by industry groups who said EPA was restricting their growth. He launched a review of how EPA calculates costs and benefits, a move that could make it harder to economically justify major regulations.

And he elevated climate change as a culture-war issue in a way that previous Republican administrators avoided.

Pruitt told POLITICO that he didn't even understand when critics called him a "climate denier" in an interview last summer. "What does it even mean? That's what I think about it. I deny the climate? Really? Wow, OK. That's crazy, in my view," he said.

As Hurricane Irma throttled Florida in 2017, the second of three major storms to devastate parts of the U.S. last year, Pruitt told CNN that it was "misplaced" to ask about climate change's effects on extreme weather during the disaster.

And Pruitt routinely criticized the "environmental left" for focusing too much on climate change to the detriment of other environmental problems like Superfund clean-ups and water infrastructure — although green groups said he failed to lead on those issues as well.

The climate change positioning helped Pruitt gain the ear of Trump, who had called the phenomenon a hoax created by the Chinese to disenfranchise U.S. manufacturing.

Pruitt outmaneuvered other top administration officials, including Tillerson and Trump economic adviser Gary Cohn, to convince Trump that the Paris agreement was a bad deal that put America second. Trump then made the U.S. the only nation on Earth to ditch the Paris climate agreement.

Unsurprisingly, Pruitt's rapid rise and strong conservative pedigree drew talk of future political runs.

Although Pruitt eschewed this year's Oklahoma gubernatorial race, many observers suspected he would be the top choice in 2020 to replace Sen. Jim Inhofe (R-Okla.), who has not said whether he will run again but will turn 86 that year. Rumor swirled that the Senate gig would groom Pruitt for a 2024 presidential run, and Pruitt held meetings with politically connected people who could one day be useful for such a campaign, including a company linked to GOP megadonor Sheldon Adelson and an Indiana coal executive-slash-Republican fundraiser.

But Pruitt's political ambitions and penchant for secrecy eventually came back to bite him.

His behind-the-scenes lobbying for Sessions' job earlier this year alienated him to top White House officials, and the slow drip of negative headlines about his travel, spending and hiring irritated them further.

But in late March, the news about his lobbyist-connected condo deal opened the floodgates to a seemingly endless stream of reports about Pruitt's activities.

At first, the drip-drip of damaging stories was embarrassing but manageable.

Then, as part of a media tour that mostly consisted of friendly interviews with conservative outlets, Pruitt found himself forced into defense by a combative Fox News interview. Though the president was publicly supportive of Pruitt, the White House acknowledged it was reviewing his activities.

The investigation launched by Gowdy, the House Oversight chairman planning to retire after this year, showed the first cracks in Pruitt's support on the Hill. Weeks later, Senate Republicans started airing concerns, while Inhofe — a longtime friend of Pruitt's — said he was troubled by reports of Pruitt's past purchase of a large Oklahoma City home from a telecom lobbyist when he was a state senator.

Inhofe, who later said Pruitt had allayed his concerns, praised his fellow Oklahoman's work running EPA in a statement on Thursday.

"He was single minded at restoring the EPA to its proper statutory authority and ending the burdensome regulations that have stifled economic growth across the country," he said. "I was pleased to work with him on critical issues, like pulling out of the Paris Climate Agreement and prioritizing the cleanup of Superfund sites."

If Inhofe ultimately decides to retire but backs someone else to succeed him in 2020, Pruitt's once-clear path to the Senate — and potentially one day the presidency — could be significantly muddied.

Nancy Cook and Anthony Adragna contributed to this report.

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Sources: EPA blocks warnings on cancer-causing chemical Back

By Annie Snider | 07/06/2018 05:02 AM EDT

The Trump administration is suppressing an EPA report that warns that most Americans inhale enough formaldehyde vapor in the course of daily life to put them at risk of developing leukemia and other ailments, a current and a former agency official told POLITICO.

The warnings are contained in a draft health assessment EPA scientists completed just before Donald Trump became president, according to the officials. They said top advisers to departing Administrator Scott Pruitt are delaying its release as part of a larger campaign to undermine the agency's independent research into the health risks of toxic chemicals.

Andrew Wheeler, the No. 2 official at EPA who takes over for Pruitt on Monday, also has a history with the chemical. He was staff director for the Senate Environment and Public Works Committee in 2004, when his boss, then-Chairman Jim Inhofe (R-Okla.), sought to delay an earlier iteration of the formaldehyde assessment.

Formaldehyde is one of the most commonly used chemicals in the country. Americans are exposed to it through wood composites in cabinets and furniture, as well as air pollution from major refineries. The new assessment would give greater weight to warnings about the chemical's risks and could lead to stricter regulations from EPA or class-action lawsuits targeting its manufacturers, as frequently occurs after these types of studies are released.

"They're stonewalling every step of the way," the current official said, accusing political appointees of interfering with the formaldehyde assessment and other reports on toxic chemicals produced by EPA's Integrated Risk Information System. Industry has long faulted the IRIS program, the agency's only independent scientific division evaluating the health risks of toxic chemicals, whose assessments often form the basis for federal and state regulations.

The current official and former official requested anonymity out of fear for their jobs and the impact that speaking out could have on the IRIS program.

Interfering with the formaldehyde study is one of several steps Trump's EPA has taken to side with the businesses the agency is supposed to regulate and undermine the agency's approach to science, critics say. Public health advocates also expressed alarm after Pruitt replaced academic scientists with industry advocates on the agency's influential science advisory boards and sought to limit the types of human health research EPA can rely on in rulemakings.

The officials said Trump appointees have required that career officials receive their permission before beginning the required internal review of the formaldehyde study and have canceled key briefings that would have advanced it. That interference came after EPA career scientists revised the study once already last year to insulate it from political controversy, they said.

In a statement, EPA denied that the assessment was being held back.

"EPA continues to discuss this assessment with our Agency program partners and have no further updates to provide at this time," EPA spokeswoman Kelsi Daniell said. "Assessments of this type are often the result of needs for particular rulemakings and undergo an extensive intra-agency and interagency process."

But as far back as January, Pruitt told a Senate panel that he believed the draft assessment was complete.

Five months later, it has yet to see the light of day. Meanwhile, internal documents show, a trade group representing businesses that could face new regulations and lawsuits if the study were released had frequent access to top EPA officials and pressed them to either keep it under wraps or change its findings.

"As stated in our meeting, a premature release of a draft assessment ... will cause irreparable harm to the companies represented by the Panel and to the many companies and jobs that depend on the broad use of the chemical," Kimberly Wise White, who leads the American Chemistry Council's Formaldehyde Panel, wrote in a Jan. 26 letter to top officials at EPA. The panel represents companies including Exxon Mobil and Koch Industries subsidiary Georgia-Pacific Chemicals LLC that could face higher costs from stricter regulations or lawsuits.

Nearly a million jobs "depend on the use of formaldehyde," White's letter argued.

The holdup is attracting attention on Capitol Hill, where Democrats have already expressed alarm, arguing that the Trump administration has allowed politics to interfere in EPA's scientific assessments of threats such as toxic pollution and climate change.

The agency must "move past politics and focus on its job of protecting human health" by releasing the formaldehyde study, Sen. Ed Markey (D-Mass.) said in a statement to POLITICO.

"Because formaldehyde can be found in everything from wood products to women's hair straighteners, the public health risks are substantial," Markey said. "Delaying the EPA's latest assessment of the health risks of formaldehyde only further endangers the health of Americans."

Public health advocates have similarly expressed fears that the Trump administration has allowed EPA to be captured by the industries it regulates. The revelations about the formaldehyde study come after Pruitt removed academic scientists from the agency's influential science advisory boards and in many cases replaced them with industry advocates, and after he proposed a policy to limit the agency's use of human health data while offering a carve-out for confidential industry studies.

"At every corner, you see the agency trying to either minimize the role of science or manipulate the role of science or just ignore the work of scientists in doing the critical work to ensure that human health and the environment is protected," said Jennifer McPartland, a senior scientist with the Environmental Defense Fund's health program.

POLITICO also reported in May that Trump administration officials, including EPA chief of staff Ryan Jackson, sought to delay an HHS study finding that nonstick chemicals pose health dangers at a lower level than EPA has said is safe.

Insiders anticipate few major policy changes under Wheeler, who is widely expected to continue Pruitt's deregulatory agenda and is well-versed in chemicals issues. He began his career in EPA's chemical safety office, and after leaving Inhofe's staff lobbied for a refrigerants manufacturer that was recently acquired by one of the country's major chemical manufacturers, Chemours Co.,

a DuPont spin-off.

Decades' worth of research has linked formaldehyde to nose and throat cancer and respiratory problems, and newer research has suggested the connection to leukemia — controversial conclusions that would gain significant credence if EPA formally adopts them. The new assessment affirms those links to leukemia, nose and throat cancer and other ailments, according to the current and former officials familiar with its findings.

The new assessment could lead EPA to impose stricter regulations of chemicals refineries or wood products and could spur class-action lawsuits from cancer patients attempting to hold companies responsible for their illnesses.

The agency officials said the political aides blocking the assessment include Jackson and Richard Yamada, a former staffer for House Science Chairman Lamar Smith (R-Texas) who is now a top official in EPA's Office of Research and Development. And they said Nancy Beck, who criticized the IRIS program in her previous job as a top chemical industry expert, is now helping to stymie the program's assessments in her new post as head of EPA's chemical safety office. Jackson, Yamada and Beck did not respond to requests for comment.

The EPA spokeswoman disputed the accusations and said Yamada and Jackson have in fact requested briefings on the assessment.

The current EPA official told POLITICO that political appointees have managed to avoid creating written evidence of their interference with the formaldehyde assessment by refusing to send emails or create other records that could eventually become public, instead using what the official described as "a children's game of telephone."

By blocking the report at the first step of the IRIS review process, political appointees are keeping it from being reviewed by the National Academies of Sciences, an independent panel of the country's top scientists that must weigh in on all such risk assessments. EPA has already paid the academies $500,000 for that review, the highest level of scrutiny a scientific study can receive, but the work cannot start until Pruitt's aides send the study.

"If the administration was really keen on protecting public health, why wouldn't they send this to the National Academy and give it a really good review?" the former EPA official asked. "If it survives that review, then there's a public health problem that needs to be dealt with, and if it doesn't survive the review, then they can point the finger at IRIS and say, 'You're dead.'"

The former official said there would be only one reason not to ask the country's top experts whether they agree with the analysis: "You don't want the answer."

Public health advocates say the administration's attacks on science have had especially significant implications for the IRIS program. The small office of about 35 experts pores through the huge body of existing research on chemicals, including industry-backed studies aimed at proving the substances safe, to independently assess their risks. While purely scientific, the program's reviews are looked to by regulators not just at EPA, but also in the states and around

the world, often paving the way for new or more stringent regulations.

But industry has long targeted the program, arguing it uses an opaque process to decide which studies to rely on and which research to give credence to when findings conflict.

The American Chemistry Council, Beck's former employer, spent more than $7 million last year lobbying EPA and Congress on issues including IRIS, formaldehyde and the policy to limit EPA's use of human health research. Chemicals manufacturers, including Hexion Inc., one of the country's largest manufacturers of formaldehyde, have also spent tens of thousands of dollars on lobbying related to the program this year.

A National Academies panel agreed with some of industry's criticisms of the IRIS program in a blistering review of an earlier iteration of the formaldehyde assessment that recommended major changes to how IRIS decides how much weight to give conflicting studies, although it did not attack the substance of its findings about the health effects of formaldehyde. Critics of the IRIS program have pointed to that review frequently as they have sought to kill it, including in an appropriations battle this spring. The EPA spokeswoman also pointed to that assessment in her statement. "The National Academy of Science and Congress in legislative reports have for years been highly critical of EPA's previous assessments involving formaldehyde," she said.

But EPA has overhauled the program since then, hiring a new director for IRIS and a new head of the National Center for Environmental Assessment, in which it is housed. The changes have received high marks from the National Academies in two more recent reviews, one in 2014 and one this past April. The latest formaldehyde assessment is expected to demonstrate further progress implementing the academies' recommendations, potentially undermining industry critiques of the overall IRIS program if it were to be released.

Although efforts to kill EPA's independent scientific arbiter have so far failed, EPA officials and public health advocates say the program has been significantly hobbled under an administration with close ties to the chemicals industry.

White, the top staffer for the American Chemistry Council's Formaldehyde Panel, wrote EPA three times between September 2017 and January 2018, urging the agency to incorporate industry-funded research that found no link between formaldehyde and leukemia, and arguing that the studies shifted the scientific consensus away from the conclusion that it does. In November, Pruitt appointed her to the agency's influential Science Advisory Board.

Less than a week after the council's Jan. 24 meeting with EPA, Pruitt himself confirmed that the report had been complete for months. During a Senate hearing at the end of January, Markey asked Pruitt for an update on the formaldehyde assessment, saying it was his understanding "that the EPA has finalized its conclusion that formaldehyde causes leukemia and other cancers and that [the] completed new assessment is ready to be released for public review, but is being held up."

"You know, my understanding is similar to yours," Pruitt replied, promising to follow up.

Markey reminded Pruitt of the exchange in a May 17 letter. In a response Thursday, the agency's principal deputy assistant administrator for science, Jennifer Orme-Zavaleta, said EPA "continues to discuss the formaldehyde assessment internally and has no further updates to provide at this time."

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Trump unleashes in Montana Back

By Matthew Nussbaum | 07/05/2018 07:53 PM EDT

President Donald Trump went on offense on Thursday at a campaign-style rally in Montana, deriding the state's Democratic senator but also launching attacks against the Justice Department, the media, Hillary Clinton, Sen. Elizabeth Warren, the "Me Too" movement and more.

He previewed themes he will highlight as he works to unseat Democratic senators in the midterm elections, while returning to many of his favorite 2016 attacks.

"It's time to retire liberal Democrat Jon Tester," Trump declared to a raucous crowd during the hourlong address in Great Falls, Montana. "A vote for Jon Tester is a vote for Chuck Schumer, Nancy Pelosi and the new leader of the Democrat Party Maxine Waters."

Trump slammed Tester for voting against the repeal of the Affordable Care Act, voting against a major tax cuts bill and for voting no on legislation to ban late-term abortions.

"You wouldn't think he'd play very well out here. How did he get elected?" Trump wondered aloud. "You can right your wrong in November."

He also returned to scathing attacks on the news media just one week after a gunman killed five journalists at a Maryland newspaper.

He derided the press as "fake news," "bad people" and "so damn dishonest."

"They're fake," he said, pointing at the press area in the arena. "These are really bad people."

In a winding speech, Trump also accused the Justice Department of corruption, bragged about his 2016 election win, spoke about his upcoming meeting with Russian President Vladimir Putin and declared that Rep. Maxine Waters, a frequent Trump critic, has an IQ in the "60s."

He repeated, falsely, that he was the first Republican candidate to win Wisconsin since 1952 and repeated his unfounded conspiracy theory that there was extensive voter fraud during the 2016 election. He also mocked Warren at length, deriding Massachusetts Democratic senator as "Pocahontas" and saying he would get her to take a DNA test if she runs against him in 2020 —

though he added derisively he would do it carefully because of the "Me Too era."

Warren hit back in a tweet, saying the Trump administration is "conducting DNA tests" on children separated from their families at the border.

The nearly hourlong address was the type of unscripted speech in which Trump delights, riling his base beneath banners reading "Promises Made, Promises Kept."

Trump carried the state by 20 points in 2016, but Republicans face a tough fight to unseat Tester in the state in 2018. Tester is facing off against Republican nominee Matt Rosendale, the state auditor and a former member of the Montana Legislature.

Tester, the top Democrat on the Senate Veterans Affairs Committee, has been on the receiving end of personal barbs from Trump after he played a crucial role in sinking Trump's nominee for Veterans Affairs secretary, White House physician Ronny Jackson.

Trump spoke at length about the Jackson debacle, accusing Tester of "shameful, dishonest attacks on a great man."

The attacks were similar to those Trump made against Tester in the midst of the controversy.

"Allegations made by Senator Jon Tester against Admiral/Doctor Ron Jackson are proving false," Trump tweeted in April as damaging reports about Jackson were emerging. "The Secret Service is unable to confirm (in fact they deny) any of the phony Democrat charges which have absolutely devastated the wonderful Jackson family. Tester should resign."

"Tester should lose race in Montana. Very dishonest and sick!" Trump added on Twitter.

The invective does not seem to have bothered Tester, who took out full-page newspaper ads in the state Thursday that read: "Welcome to Montana & Thank You President Trump," and listing "Jon's 16 bills signed into law by President Trump" — a clear attempt to show the state's Trump-friendly voters that the senator can work with the president.

Trump is scheduled to travel to his golf club in Bedminster, New Jersey, after the rally. He told reporters he will meet over the weekend with Vice President Mike Pence and staff ahead of Monday's planned announcement of his Supreme Court nominee to fill the seat vacated by Justice Anthony Kennedy.

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House readies Financial Services, Interior-Environment spending bills for floor Back

By Sarah Ferris | 07/05/2018 02:41 PM EDT

House GOP leaders are planning to bring another spending bundle to the floor this month, according to a notice posted today by the Rules Committee.

The House's next funding package will wrap together its fiscal 2019 Interior-Environment, H.R. 6147 (115), and Financial Services, H.R. 6258 (115), spending bills. It is slated for floor action the week of July 16, one week after Congress returns from its July Fourth recess.

It would be the House's second so-called minibus of the fiscal year, after approving a three-bill bundle, H.R. 5895 (115), last month, which included Energy-Water, Military Construction-VA and Legislative Branch. The House also passed a bipartisan Defense spending bill (H.R. 6157 (115)) just before leaving for recess.

Both the Interior-Environment and Financial Services bills are flat-funded compared to current spending levels, though not all agencies and programs would see the same levels. The Environmental Protection Agency, for instance, would be cut by $100 million, while the Internal Revenue Service would see an increase of $186 million.

Unlike the Senate's version of those two bills, the House bills include partisan riders, such as a full repeal of the Obama-era Waters of the United States rule.

If the second minibus succeeds, the House will have passed six out of 12 spending bills. The end of the fiscal year is Sept. 30.

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Perry's 'national security' push for grid draws skepticism on the Hill Back

By Darius Dixon | 06/19/2018 04:21 PM EDT

The Trump administration is having a hard time winning over skeptics to its claim that the retirement of coal-fired and nuclear power plants poses a national security threat.

For more than a year, Energy Secretary Rick Perry has argued that letting those struggling generators shut down would threaten the power grid's ability to bounce back from an attack or severe storm. Although he's failed to persuade federal power regulators to prop up the plants, Perry is pushing that argument with the National Security Council in an effort to head off new closures.

Some congressional Republicans said though they are sensitive to the national security concerns and woes of the coal industry, they doubted the grid faces the dire situation that Perry has predicted, and they are wary of intervening in the energy markets.

"I'm a Navy guy. I want our country secure," said Rep. Pete Olson (R-Texas). "But their arguments haven't been about security. It's been about propping up coal and nuclear power."

Olson authored the legislative language that was added to the 2015 FAST Act and expanded Perry's ability to intervene in grid operations during an emergency. But he said the Energy Department's arguments, contained in paper that leaked earlier this month, failed to convince him that shutting down money-losing plants presented a threat to national security.

"A crisis to me means the power is going out. But to support some jobs in some parts of the country, eh, that's not what the bill is designed to do," he said. "Our bill was just to deal with crisis, not to deal with this."

His comments echoed the sentiments of Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska), who told the committee last week she had "concerns" about DOE interfering in the power markets.

Coal-fired power plant closures slowed in 2017, but they are expected to accelerate next year with 12.5 gigawatts of capacity expected to shut down, according to Bloomberg New Energy Finance. That figure is near the record retirements of 15 GW set in 2015. Energy experts and even a Perry-directed DOE analysis last year put blame for the plants' demise on stagnant power demand and the rise of natural gas and renewables.

But the draft DOE paper that recently leaked showed that the agency has considered using its authority under the Federal Power Act's 202(c) provision to "temporarily delay retirement of fuel-secure electric generation resources" while threats to natural gas and electric infrastructure are assessed. And it also considered using the Defense Production Act to require power purchases from endangered plants in an effort to put off shutdowns for two years.

President Donald Trump has repeatedly told Perry to step in to help the plants, including earlier this month when he directed Perry to take "immediate steps" to staunch coal and nuclear plant retirements. He called on the former Texas governor to hold a news conference to announce a plan.

It's not the only issue where the Trump administration has invoked "national security" to defend a controversial action. Trump has threatened to use a trade law that leverages national security to impose tariffs on imported vehicles, the same law the administration used to to put tariffs on steel and aluminum.

"Let's face it, there's an awful lot of stuff being lumped into national security," former Obama Energy Secretary Ernest Moniz told POLITICO. "How this works out, I don't know. But I do know we need to ... do appropriate analyses when called for that do not have national security being used willy-nilly to accomplish all kinds of goals that are not necessarily the right ones."

Moniz acknowledged Perry had wide latitude under the law to declare a grid emergency, but he said that didn't absolve the administration from needing to prove there's a real crisis on the power grid.

"Reliability and resilience are public goods. We just haven't seen any analysis that suggests that this is a pathway that's needed to address that," he said.

Jason Bordoff, who served as Obama's senior National Security Council aide for energy and climate, said he fears the current fight could drag the real threat of cybersecurity into the political fray.

"The bigger risk would be a very legitimate issue of the cyber vulnerability of the grid becomes politicized because it gets wrapped up in this policy objective to save the coal industry as well as nuclear," said Bordoff, who is now director for the Center on Global Energy Policy at Columbia University.

Even Rep. Joe Barton, a longtime stalwart Perry ally, said he was skeptical of DOE's insistence that the grid was facing a national security threat from the plant closures.

"They're scrounging around for a way to keep some of these nuclear plants and coal plants viable and they're using that particular argument," the Texas Republican said. "To me, it's not persuasive, but I understand what they're trying to do."

There are real national security threats against the electric grid from electromagnetic pulses, physical attacks and cyber intrusions, Barton said, adding that "in most cases, it's a mistake to use a national security argument to keep a plant in operation that normal market forces would probably close."

Other Perry allies weren't sure how effective the Trump administration's strategy would be. GOP lobbyist Mike McKenna, who helped run Trump's DOE transition team, said the agency laid out the "single best set of arguments for preserving coal and nuclear generation." Still, he said, the options laid out in the DOE document probably would not achieve the protection that coal and nuclear advocates are seeking. And the national security arguments didn't seem to be gaining much traction.

"The national security angle has its advantages and its limits — not the least of those is that not too many people can and do make the argument that national security is really impaired by the closure of coal power plants," he said in an email. "It would probably be better if advocates focused on the potential over-reliance on one source (natural gas) in both electricity generation, and, if utilities get their way, in transportation fuels."

FERC shot down a regulation from Perry aimed at protecting the coal and nuclear generators earlier this year, and FERC commissioners told a Senate hearing last week that the grid faced no imminent threat, drawing praise from industry groups.

Deputy Energy Secretary Dan Brouillette argued that national security has always been DOE's focus, and he said that the agency's critics aren't seeing the whole picture from their industry's silos. "That's what they get paid to do. But that's not what the secretary gets paid to do and we're going to approach this with a broader view," he told POLITICO.

And he shrugged off comments from FERC commissioners that the electricity markets they oversee were operating efficiently and offered the best way to address security concerns.

"Is the market a factor here at the end of the day? Yes, it is. But we're not in this to have an economics classroom debate about theories of markets," he said. "The markets, in some respects, are not designed to produce a national security outcome."

Brouillette also said the White House had not given it a deadline, and there was no decision yet on whether to invoke any authorities.

"There has been no decision and we're [not] just working backwards," he said. "If we get to the point where there's a proposal or a proposed solution to a problem that we find, then perhaps Congress has a role. But at this point, we're nowhere near that stage."

For FERC and its supporters, countering the DOE claim that national security is at stake may take more than technical arguments. Sarah Ladislaw, who directs the Center for Strategic and International Studies' energy and national security program, said many of the rebuttals from FERC commissioners so far were akin to "bringing a spoon to a knife fight."

"The idea that market efficiency is supposed to trump national security is exactly the reason why national security provisions exist. They're there to protect things that may not make economic sense. ... I think it's an entirely different game from a legal perspective," Ladislaw said. "It's really hard to prove that a national security measure is bogus."

Oregon Sen. Ron Wyden said he would stick to the economic arguments and pointed out the high potential cost of DOE's proposal, even as the administration sought to change the conversation.

"Around here, if you can trod out national security for just about anything ... the leverage goes to you," he said. But, he added, "I'm pounding the ratepayer issue [because] that's the one issue that I think puts a stake right in the guts of their argument."

And other Democrats are fuming that the agency is even considering the use of its rarely tapped emergency authorities.

"It's about abuse of power. You can't just start claiming a national security justification that clearly has nothing to do with national security, and that's a very dangerous road to go down," said Sen. Martin Heinrich (D-N.M.).

To view online click here.

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DOE names Tripodi as acting EERE chief Back

By Darius Dixon | 07/05/2018 03:24 PM EDT

Cathy Tripodi has been named the Energy Department's acting assistant secretary for energy efficiency and renewable energy while the Trump administration's permanent pick awaits confirmation, according to an email obtained by POLITICO.

Dan Simmons, who had been EERE's top political appointee for more than a year, was nominated last month by the White House to officially fill the job. "As the confirmation process moves forward, Daniel has moved to Environmental Management to serve as an advisor to their leadership team," Alex Fitzsimmons, who has been Simmons' chief of staff, wrote in an email to EERE staff today.

Tripodi joined DOE in January 2017 and has been the director of DOE's Lab Operations Board, which aims to coordinate research and mission objectives between the agency headquarters and its far-flung national laboratories. She has been named as principal deputy assistant secretary in EERE and will serve in the job temporarily, while also retaining her position as Lab Operations Board director.

After working as a policy adviser to then-FERC Chairman Pat Wood in the mid-2000s, she held a number of positions in state government, including business affairs director for North Carolina and energy director in Indiana.

Greenwire reported Tripodi's appointment earlier today.

WHAT'S NEXT: Simmons had a nomination hearing late last month before the Senate Energy and Natural Resources Committee, but no confirmation vote has been scheduled.

To view online click here.

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Puerto Rico governor to challenge federal board in court Back

By Colin Wilhelm | 07/05/2018 10:48 AM EDT

Puerto Rico Gov. Ricardo Rosselló said today his government will go to court to challenge the authority of the U.S. territory's federal oversight board to impose policies on the commonwealth.

The board, established by Congress to address Puerto Rico's debt, mandated cuts to pensions and government spending in its most recent recovery plan. Proposed changes to labor laws, in part to make it easier to hire and fire employees, have also become a hotly contested issue.

Rosselló said in a release that he would challenge the board's ability to do anything more than make recommendations.

In a statement issued this morning, the board said it would "vigorously defend" its authority.

The lawsuit runs contrary to statements by the author of the debt-relief law that created the board. In an amicus brief submitted last Friday in a separate case, Rep. Rob Bishop (R-Utah) said Puerto Rico must comply with the plan laid out by the federal board.

In his release today, Rosselló said lawyers for his government would request an injunction to halt the board's actions, which he characterized as usurping the power of local elected officials, while the case plays out in court.

The governor has intermittently worked alongside and clashed with the board since he took office at the beginning of last year. His stance today is similar to one he took with the board in court over similar battle lines last year, only for the fight to be put on hold as hurricanes devastated the island.

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ENERGYWIRE — Wed., April 11, 2018

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To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Bloomberg BNA
Sent: Thur 7/5/2018 12:38:31 PM
Subject: July 05 -- EHS State Regulatory Alert

EHS State Regulatory Alert

July 05, 2018 - Number 129

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Florida

WATER
Southwest Florida WMD/Guidance and Minimum Levels for Lakes
Florida WATER

Notice of the Southwest Florida Water Management District announces a workshop to consider amendments to regulations under FAC 40D-8 regarding proposed guidance and minimum levels for lakes Allen, Harvey, and Virginia in Hillsborough County. The workshop is scheduled for July 16, 2018, in Lutz. Contact: Donna Campbell; SWFWMD; 352-796-7211

—Florida Publication Date: 07/02/2018.

Regulatory Update

Michigan

OIL AND GAS INDUSTRY
Oil and Gas Operations/Injection Wells
Michigan OIL AND GAS INDUSTRY

Final rule of the Department of Environmental Quality, Oil, Gas, and Mineral Division, amends and adopts regulations under MAC 324 to establish requirements for protection of underground sources of drinking water for injection well drilling and operations. The rule also revises single well bond amounts to require companies to submit a financial assurance for any new well adequate to cover current anticipated plugging costs. In addition, the rule addresses minor surface location changes and permit extensions. The rule is issued in anticipation of the state receiving Class II primacy under the federal Safe Drinking Water Act, Section 1425. The rule is effective June 7, 2018. Contact: Adam Wygant; DEQ, Oil, Gas, and Minerals Division; 517-897-4828; wyganta@michigan.gov

—Michigan Publication Date: 07/01/2018. Citations: R 324.103 (amended); R 324.201 (amended); R 324.206 (amended); R 324.208 (amended); R 324.212 (amended); R 324.703 (amended); R 324.704 (amended); R 324.801 (amended); R 324.802 (amended); R 324.803 (amended); R 324.804 (amended); R 324.805 (amended); R 324.806 (amended); R 324.807 (amended); R 324.808 (amended); R 324.809 (new); R 324.810 (new); R 324.811 (new); R 324.812 (new); R 324.813 (new); R 324.814 (new); R 324.815 (new); R 324.816 (new); R 324.1002 (amended)

Regulatory Update

WATER
Public Water Supplies/Lead Action Level
Michigan WATER

Final rule of the Department of Environmental Quality, Drinking Water and Municipal Assistance Division, amends regulations under MAC 325 to reduce the 90th percentile lead level exceedance standard to 0.012 milligram/liter, effective Jan. 1, 2025. The rule also requires water suppliers to examine customers' entire water systems to determine the source of lead if test results exceed 0.010 milligram/liter. In addition, the rule requires collection of two compliance samples per site, establishes deadlines for lead service line replacement based on the size of the population served, and increases water quality parameter monitoring. Finally, the rule requires community supplies serving a population of 50,000 or more to establish a water system advisory council, requires distribution system materials inventories to be updated and submitted to the department, and limits the ability of municipal water supplies to reduce monitoring. The rule is effective June 14, 2018. Contact: Suzann Ruch; DEQ; Drinking Water and Municipal Assistance Division; 517-284-6544; DEQ-LCR-Comments@michigan.gov

—Michigan Publication Date: 07/01/2018. Citations: R 325.10102 (amended); R 325.10105 (amended); R 325.10108 (amended); R 325.10401a (amended); R 325.10405 (amended); R 325.10410 (amended); R 325.10413 (amended); R 325.10420 (amended); R 325.10604f (amended); R 325.10710a (amended); R 325.10710b (amended); R 325.10710d (amended); R 325.11506 (amended); R 325.11604 (amended); R 325.11606 (amended)

Regulatory Update

Nevada

MINING
Mining Facilities and Operations/Permit Notification
Nevada MINING

Notice announces the intention of the State Environmental Commission to amend regulations under NAC 445A and 519A regarding notice of intent to issue permits for mining facilities and mining operations or exploration projects. The rule would update the process for public notification of permitting decisions to allow the agency to post application denial and permit notices online. A comment due date is not specified. Contact: Valerie King; SEC; 775-687-9374

—Nevada Publication Date: 07/01/2018. Citations: NAC 445A.402 (amended); NAC 519A.185 (amended)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Historic Power Boilers
Nevada OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Business and Industry, Division of Industrial Relations, to amend and adopt regulations under NAC 455C to define and establish requirements for design, testing, and operation of historic power boilers. The rule would require prior authorization from the Mechanical Compliance Section before operation of a historic power boiler and specify application requirements, including reports of the maximum allowable working pressure calculations and ultrasonic testing. The rule also would specify a process for determining whether publications adopted by reference should be updated following revision. In addition, the rule would specify the maximum allowable working pressure and the minimum safety factor calculations and require maintenance of an operational log. Finally, the rule would address inspections, repairs, and alterations. A comment due date is not specified. Contact: DIR, Mechanical Compliance Section; 775-688-3750

—Nevada Publication Date: 07/01/2018. Citations: NAC 455C (amended); NAC 455C.064 (amended); NAC 455C.156 (amended); NAC 455C.182 (amended); NAC 455C.184 (amended); NAC 455C.232 (amended); NAC 455C.234 (amended); NAC 455C.270 (amended); NAC 455C.278 (amended)

Regulatory Update

New Jersey

GENERAL ENVIRONMENT AND SAFETY
Department of Environmental Protection Practice and Procedure
New Jersey GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Environmental Protection readopts with amendments regulations under NJAC 7:1D to update provisions concerning general practice and procedure. The rule updates language for gender neutrality and corrects department addresses. The rule is effective July 2, 2018. Contact: DEP; 609-777-3373

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 7:1D-2.4 (amended); NJAC 7:1D-2.7 (amended)

Regulatory Update

SOLID WASTE
Electronic Waste Management
New Jersey SOLID WASTE

Notice of the Department of Environmental Protection, Office of Legal Affairs, announces action on a rulemaking petition to amend regulations under NJAC 7:26A-13 regarding electronic waste management to implement 2017 legislation. The petitioner, the Consumer Technology Association, requests that the department clarify how it will obtain, verify, and use data to

calculate and enforce manufacturers' market share in weight obligations; provide criteria for any convenience requirements, such as the number of permanent collection sites required per county; and allow manufacturers or their designated organizations to audit recyclers and collectors to ensure the accuracy of data reported. The petitioner also requests that the department provide procedures and time frames for calculating market share in weight obligations for upcoming program years and determining compliance and to provide guidance on when manufacturers may apply additional covered electronic device collection and recycling pounds toward their market share in weight obligations. The department has determined to refer the petition for further deliberation. Contact: DEP, Office of Legal Affairs; 609-292-0716

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 7:26A-13

Regulatory Update

TOXIC SUBSTANCES
Fireworks/Sparkling Devices and Novelties
New Jersey TOXIC SUBSTANCES

Proposed rule of the Department of Community Affairs, Division of Fire Safety, would amend regulations under NJAC 5:70 to update the definition of "fireworks" to exclude "sparkling devices and novelties" and define such devices separately. The rule also would set forth requirements for storage and retail sales to the public of sparkling devices and novelties in any temporary or permanent structure when the pyrotechnic content exceeds 125 pounds. Comments are due Aug. 31, 2018. Contact: Geraldine Callahan; DCA, Division of Fire Safety; 609-633-6106; Geraldine.Callahan@dca.nj.gov

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 5:70-2.7 (amended); NJAC 5:70-3.2 (amended)

Regulatory Update

WATER
List of Water Quality Limited Waters
New Jersey WATER

Notice of the Department of Environmental Protection, Division of Water Monitoring and Standards, requests water quality data and information to be considered in the development of the 2020 list of Section 303(d) water quality limited waters. The notice addresses data quality requirements and specifies repositories for data submission. The notice also includes the biennial deadlines for data submittal for lists through the 2030 list. Submissions are due Sept. 30, 2018. Contact: Jack Pflaumer; DEP, Bureau of Environmental Analysis, Restoration, and Standards; 609-633-1441; Jack.Pflaumer@dep.nj.gov

—New Jersey Publication Date: 07/02/2018.

Regulatory Update

WATER
Sale of Water from the Manasquan Reservoir Water Supply System
New Jersey WATER

Final rule of the Department of Environmental Protection, Water Supply Authority, amends regulations under NJAC 7:11 to update references to the fiscal year in the schedule of rates, charges, and debt service assessments for the sale of water from the Manasquan Reservoir water supply system. The rule replaces references to FY 2018 with FY 2019 but does not change rates. The rule is effective July 2, 2018. Contact: Beth Gates; DEP, Water Supply Authority; 908-638-6121; info@njwsa.org

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 7:11-4.3 (amended); NJAC 7:11-4.4 (amended); NJAC 7:11-4.5 (amended); NJAC 7:11-4.6 (amended)

Regulatory Update

WATER
Sale of Water from the Raritan Basin System
New Jersey WATER

Final rule of the Department of Environmental Protection, Water Supply Authority, amends regulations under NJAC 7:11 to update references to the fiscal year in the schedule of rates, charges, and debt service assessments for the sale of water from the Raritan Basin system. The rule replaces references to FY 2018 with FY 2019 but does not change rates. The rule is effective July 2, 2018. Contact: Beth Gates; DEP, Water Supply Authority; 908-638-6121; info@njwsa.org

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 7:11-2.3 (amended); NJAC 7:11-2.4 (new); NJAC 7:11-2.5 (new); NJAC 7:11-2.6 (new)

Regulatory Update

North Carolina

WATER
Water Treatment Facility Operators/Applicants, Facility Classification
North Carolina WATER

Proposed rule of the Department of Environmental Quality, Water Treatment Facility Operators Certification Board, would amend regulations under 15A NCAC 18D to update provisions concerning qualifications of applicants and classification of public water systems. The rule would require owners of public water facilities to notify the board of vacancies that result in noncompliance with public water systems provisions within 10 days and make editorial and technical revisions. A hearing is scheduled for Aug. 7, 2018, in Raleigh. Comments are due Aug. 31, 2018. Contact: Jay Frick; DEQ; 919-707-9102

—North Carolina Publication Date: 07/02/2018. Citations: 15A NCAC 18D .0206 (amended)

Regulatory Update

Ohio

HAZARDOUS WASTE MANAGEMENT

HAZARDOUS WASTE MANAGEMENT
Hazardous Recyclable Materials/Contaminated Wipes and Apparel
Ohio HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Ohio EPA would amend regulations under OAC 3745-51 to revise hazardous recyclable materials requirements by conditionally excluding certain contaminated wipes and apparel from state and federal standards. The rule would exclude rags, mops, drop cloths, and apparel made of certain materials that are laundered and intended for reuse and are not already excluded under the Solvent Wipes Rule. The rule also would update and clarify storage and transportation requirements for such materials and update citations to federal standards. A hearing is scheduled for July 31, 2018, in Columbus. Comments are due July 31, 2018. Contact: Jacquelyn Keller; Ohio EPA, Division of Hazardous Waste; 614-644-2924; Jacquelyn.Keller@epa.ohio.gov

—Ohio Publication Date: 07/02/2018. Citations: OAC 3745-51-06 (amended)

Regulatory Update

Oregon

OCCUPATIONAL SAFETY AND HEALTH
Outdoor Production Pesticide Applications
Oregon OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Consumer and Business Services, Occupational Safety and Health Division, adopts regulations under OAR 437-004 to establish restrictions associated with outdoor production pesticide applications for workers or others who are adjacent to pesticides being applied in outdoor production areas. The rule specifies that if drift makes contact with labor housing areas, including enclosed agricultural structures within an application exclusion zone, employers must ensure that it is cleaned up with a minimum of employee or housing occupant exposure. The rule is effective Jan. 1, 2019. Contact: Heather Case; DCBS, Occupational Safety and Health Division; 503-947-7449; heather.case@oregon.gov

—Oregon Publication Date: 07/01/2018. Citations: OAR 437-004-6405 (new); OAR 437-004-6406 (new)

Regulatory Update

WATER
Nonmotorized In-Stream Placer Mining Authorizations
Oregon WATER

Final rule of the Department of State Lands adopts regulations under OAR 141-089 to specify that nonmotorized in-stream placer mining authorizations within indigenous anadromous salmonid habitat will expire on Dec. 31 of each calendar year. The rule also specifies that such authorizations are nontransferrable. The rule is effective July 1, 2018. Contact: Anne Friend; DSL; 503-986-5245; anne.m.friend@state.or.us

—Oregon Publication Date: 07/01/2018. Citations: OAR 141-089-0827 (new)

Regulatory Update

WATER
Watershed Enhancement Technical Assistance Grants
Oregon WATER

Final rule of the Watershed Enhancement Board adopts and repeals regulations under OAR 695-030 to revise administrative rules for technical assistance grants. The rule establishes eligibility and application requirements and specifies evaluation criteria for technical design and engineering, resource assessment and planning, and organizational technical assistance grant applications. The rule also establishes procedures for technical review, funding decisions, and staff funding recommendations for grant applications that require the board to make a funding decision and grant applications seeking grant funds that have been delegated by the board to the executive director. In addition, the rule addresses the waiver and periodic review of rules and grant agreement conditions. The rule is effective June 28, 2018. Contact: Eric Hartstein; WEB; 503-986-0029; eric.hartstein@oregon.gov

—Oregon Publication Date: 07/01/2018. Citations: OAR 695-030-0005 (new); OAR 695-030-0015 (new); OAR 695-030-0025 (new); OAR 695-030-0035 (new); OAR 695-030-0045 (new); OAR 695-030-0050 (repealed); OAR 695-030-0055 (new); OAR 695-030-0060 (repealed); OAR 695-030-0065 (new); OAR 695-030-0075 (new); OAR 695-030-0085 (new); OAR 695-030-0095 (new); OAR 695-030-0100 (repealed)

Regulatory Update

Rhode Island

OCCUPATIONAL SAFETY AND HEALTH
Boilers and Pressure Vessel Inspection
Rhode Island OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Training would amend regulations under 260-RICR-30-10-2 to incorporate by reference the 2017 American Society of Mechanical Engineers and the National Board of Boiler and Pressure Vessel Inspectors. The rule also would revise fee requirements for certificate inspection by the state inspector, existing power boilers, and GR-1 inspection of boilers and pressure vessels. A hearing is scheduled for July 20, 2018, in Cranston. Comments are due July 30, 2018. Contact: Sean Fontes; DLT; 401-462-8890; sean.fontes@dlt.ri.gov

—Rhode Island Publication Date: 07/01/2018. Citations: 260-RICR-30-10-2 (amended)

Regulatory Update

Utah

AIR
Definitions/PM-2.5 Precursors
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces changes to an April 1, 2018, proposed rule to revise regulations under R307-101 to update the definition of PM-2.5 precursor to reflect federal standards. The rule would add ammonia as a precursor to fine particulate matter (PM-2.5), except where a demonstration satisfying 40 CFR 51.1006(a)(3) has determined otherwise. The rule also would specify that ammonia is exempted in the Logan PM-2.5 nonattainment area. The changes clarify that ammonia precursor exemptions are exempt upon EPA approval. Contact: Thomas Gunter; DEQ, Division of Air Quality; 801-536-4419; thomasgunter@utah.gov

—Utah Publication Date: 07/01/2018. Citations: R307-101-2 (amended)

Regulatory Update

AIR
Nonattainment Area New Source Review
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces changes to an April 1, 2018, proposed rule to revise the nonattainment new source review (NNSR) permitting program to allow for control of fine particulate matter (PM-2.5). The rule would clarify lowest achievable emission rate requirements and applicable offset requirements and update definitions. The rule also would exempt ammonia as a PM-2.5 precursor in the Logan nonattainment area where a demonstration supporting that conclusion has been submitted to the EPA. The changes specify which portion of the rule supplements permitting requirements; clarify the EPA's role in approving demonstrations; and address potential increases of nitrogen oxides, sulfur dioxide, and PM-2.5 precursors. The changes also require that emission offsets be surplus, permanent, quantifiable, and federally enforceable; clarify that offsets may not be traded between pollutants except under specified conditions; and clarify one-to-one ratio requirements. Contact: Thomas Gunter; DEQ, Division of Air Quality; 801-536-4419; thomasgunter@utah.gov

—Utah Publication Date: 07/01/2018. Citations: R307-403

Regulatory Update

AIR
State Implementation Plan/Control Measures Area and Point Sources
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, would amend regulations under R307-110 regarding Section IX, Part H, of the state implementation plan (SIP) concerning control measures for area and point sources and emission limits and operating practices. The rule would change the amendment date to Sept. 5, 2018, to match the anticipated Air Quality Board approval date of amendments to that portion of the SIP. Comments are due Aug. 15, 2018. Contact: Thomas Gunter; DEQ, Division of Air Quality; 801-536-4419; thomasgunter@utah.gov

—Utah Publication Date: 07/01/2018. Citations: R307-110-17 (amended)

Regulatory Update

Washington

AIR
Agricultural Burning
Washington AIR

Notice announces the intention of the Department of Ecology to amend regulations under WAC 173-430 to update agricultural burning standards. The rule would address inadequacies that were raised in an October 2016 letter by the State Auditor's Office and relocate provisions under the agricultural burning fee schedule and permit fee distribution standards. The rule also would update and clarify provisions. Comments are requested, but a due date is not specified. Contact: Caroline Sun; Department of Ecology, Air Quality Program; 360-407-7528; Caroline.Sun@ecy.wa.gov

—Washington Publication Date: 07/04/2018. Citations: WAC 173-430 (amended)

Regulatory Update

AIR
Kraft Pulping Mills, Sulfite Pulping Mills, and Primary Aluminum Plants
Washington AIR

Notice announces the intention of the Department of Ecology to amend regulations under WAC 173-405, -410, and -415 to update air quality standards for kraft pulping mills, sulfite pulping mills, and primary aluminum plants. The rule would conform with revisions to general air pollution source requirements under WAC 173-400 that were made in response to the EPA's June 12, 2015, startup, shutdown, or malfunction state implementation plan call final rule. The rule also would update and clarify provisions. Comments are requested, but a due date is not specified. Contact: Caroline Sun; Department of Ecology, Air Quality Program; 360-407-7528; Caroline.Sun@ecy.wa.gov

—Washington Publication Date: 07/04/2018. Citations: WAC 173-410 (amended); WAC 173-415 (amended); WAC 173-405 (amended)

Regulatory Update

AIR
Southwest Clean Air Agency/Asbestos Standards
Washington AIR

Final rule of the Southwest Clean Air Agency amends regulations under SWCAA 476-040 through · 80 to update requirements for asbestos surveys, notification, emission control, and disposal. The rule clarifies and updates inspection and sampling procedures, adds an alternative procedure, and adds inspection reporting requirements. The rule also reduces the notification period for asbestos removal and demolition to 10 calendar days, adds procedures for abandoned asbestos-

containing materials, and adds state of emergency procedures for public disasters. In addition, the rule requires asbestos-containing materials to be stored in leak tight containers, adds waste tracking requirements, and increases the notification period for fire training burns to 10 calendar days. The rule is effective July 14, 2018. Contact: Gerald Strawn; SWCAA; 360-574-3058; gerry@swclearnair.org

—Washington Publication Date: 07/04/2018. Citations: Uncodified

Regulatory Update

OIL AND GAS INDUSTRY
Utilities and Transportation Commission
Washington OIL AND GAS INDUSTRY

Final rule of the Utilities and Transportation Commission amends regulations under WAC 480-14 through -120 (nonconsecutive) to revise standards for solid waste and refuse collection companies, hazardous liquids pipelines, and gas companies. The rule updates the incorporation by reference of federal standards and other adopted publications. The rule is effective July 20, 2018. Contact: Gregory Kopta; UTC; 360-664-1355

—Washington Publication Date: 07/04/2018. Citations: WAC 480-14-999 (amended); WAC 480-15-999 (amended); WAC 480-30-999 (amended); WAC 480-31-999 (amended); WAC 480-70-201 (amended); WAC 480-70-999 (amended); WAC 480-73-999 (amended); WAC 480-75-999 (amended); WAC 480-90-999 (amended); WAC 480-93-999 (amended); WAC 480-100-999 (amended); WAC 480-108-999 (amended); WAC 480-109-999 (amended); WAC 480-120-999 (amended)

Regulatory Update

West Virginia

GENERAL ENVIRONMENT AND SAFETY
Exchange of Information Agreement/Tax and Environmental Protection Departments
West Virginia GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Tax Department would repeal regulations under 110 WVCSR 50A to remove obsolete provisions concerning the exchange of information agreement between the Tax Department and the Department of Environmental Protection. The provisions would be consolidated under 110 WVCSR 50C in a concurrent proposed rule. Comments are due July 27, 2018. Contact: Mark Morton; Tax Department; 304-558-5330; taxlegal@wv.gov

—West Virginia Publication Date: 06/29/2018. Citations: 110-50A-1 (repealed); 110-50A-2 (repealed); 110-50A-3 (repealed)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Interagency Exchange of Information Agreement

West Virginia GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Tax Department would adopt regulations under 110 WVCSR 50C to authorize the exchange of certain information under a written interagency agreement between the Tax Department and other state agencies. The rule would address the sharing of confidential taxpayer information for purposes of premium collection, tax collection, or licensure requirements. The rule also would consolidate existing provisions for such agreements with individual agencies, including the Department of Environmental Protection under 110 WVCSR 50A, which is proposed for repeal concurrently. Comments are due July 26, 2018. Contact: Mark Morton; Tax Department; 304-558-5330; taxlegal@wv.gov

—West Virginia Publication Date: 06/29/2018. Citations: 110-50C-1 (new); 110-50C-2 (new); 110-50C-3 (new); 110-50C-4 (new); 110-50C-5 (new)

Regulatory Update

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EHS State Regulatory Alert

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 6/15/2018 8:13:53 PM
Subject: Afternoon Energy, presented by the National Rural Electric Cooperative Association: Top ethics office eyes Pruitt action — EPA in waiting — Democrats tell Interior to stop rushing ANWR review

By Garrett Ross and David Beavers | 06/15/2018 04:12 PM EDT

TOP ETHICS OFFICE EYES PRUITT ACTION: The federal government's top ethics official suggested today he is considering a "formal corrective action proceeding" regarding allegations of improper behavior by EPA Administrator Scott Pruitt, and he urged EPA's in-house watchdog to expand its ongoing investigations to review the latest allegations about Pruitt, including that he used EPA resources to find a job for his wife.

The Office of Government Ethics will look into the findings of that probe to decide how to proceed, acting Director David Apol wrote in a letter to EPA Inspector General Arthur Elkins. "We ask you to complete your report, as soon as possible, so that we can decide whether to begin a formal corrective action proceeding in order to make a formal recommendation to the President," Apol wrote.

President Donald Trump said earlier today that he was "not happy about certain things" with his embattled administrator, although he praised the "fantastic job" Pruitt is doing at EPA. Trump did not elaborate on what made him unhappy.

PRUITT'S SCANDALS DU JOUR: Tickets to the Rose Bowl are among college football's hottest every season. Finding them at a reasonable price can be even tougher. Third-party sites can be a slog and the tickets hugely expensive. But according to Rep. Elijah Cummings (D-Md.), Pruitt bypassed the hassles by enlisting an aide to contact an Oklahoma energy consultant to hook him up with tickets at face value.

Cummings, ranking member of the House Oversight Committee, in a letter Friday alleged that Renzi Stone — the founder of marketing and communications firm Saxum, which represents clients in the oil and gas industry — helped Pruitt land some prime seats just days before the game through his role as a member of the University of Oklahoma Board of Regents.

Stone took to Twitter and acknowledged helping Pruitt: "Each year mid-Dec people call for OU bowl tickets. Scott Pruitt, my friend since 2001, asked through an aide if he could buy Rose Bowl tix. I made connection to OU ticket office. He bought them. That's it. I'll respond to Rep. Cummings ... we don't do any work for clients at EPA."

EPA spokesman Jahan Wilcox defended the arrangement in a statement: "It seems Representative Cummings is misconstruing the facts. Renzi Stone, a friend of Administrator Pruitt and regent to the University of Oklahoma, simply connected Pruitt to the athletic department. Pruitt purchased the tickets at face value from the OU athletic department. To report otherwise, is false." Read more here.

— Pruitt also sought to carve out opportunities for his daughter, McKenna, asking aides to

help her land a White House internship, according to The New York Times. The request was one of many that former top aide Kevin Chmielewski said got dumped on EPA staffers that had nothing to do with the actual agency's work. Read more here.

Welcome to Afternoon Energy! We're your hosts Garrett Ross and David Beavers. Send suggestions, news and tips to gross@politico.com, dbeavers@politico.com, mdaily@politico.com and njuliano@politico.com, and keep up with us on Twitter at @garrett_ross, @davidabeavers, @dailym1, @nickjuliano, @Morning_Energy and @POLITICOPro.

POLITICO will be reporting from inside the World Gas Conference June 25-29. Sign up now for our pop-up conference newsletter to receive on-the-ground insights and information every afternoon from POLITICO Pro Energy Editor Matt Daily.

** **A message from the National Rural Electric Cooperative Association:** America's electric cooperatives directly employ 71,000 workers and create thousands of other jobs in their communities. For example, every 20 electric cooperative jobs in Arkansas generate an additional 35 indirect or induced jobs in the state. Learn more: https://bit.ly/2kLKp7Z **

WE'RE WAITING ON YOU: EPA is waiting for word from the White House before making any concrete moves on increasing sales of E15 fuel and reallocating small refiners' biofuel volumes, an agency official told POLITICO's Eric Wolff today. "Until we get direction from the White House with regard to all of those issues or any one of those issues, we are on hold as far as progressing them through the regulatory process because we're not going to get out front of the White House on an issue that they've weighed in so heavily," the official said.

The comment comes after Pruitt's rocky tour of the Midwest this week to quell concerns with farmers that he is keeping Trump's campaign promise to protect ethanol, an effort the official said was successful. "It was very tense when we walked in the door," the official said. "In the two meetings, we met with an number of farmers, one in Kansas, one in South Dakota. The lingering feeling was that of great appreciation for the administrators attention and willingness to talk to farmers."

During the tour, Pruitt sought to highlight his plan to rewrite the Obama administration's Waters of the U.S. rule, which has long been criticized by agricultural interests as massive expansion of federal regulatory power. EPA sent that proposed rule to the White House for interagency review on Friday. Read more from Eric here.

DEMOCRATS TO INTERIOR: STOP RUSHING ANWR REVIEW: Sen. Maria Cantwell (D-Wash.), the Energy and Natural Resources Committee's top Democrat, and 29 colleagues sent a letter to Interior Secretary Ryan Zinke complaining the department was rushing its review of oil and gas drilling in the Arctic, Pro's Ben Lefebvre reports. "Given the long history of the efforts to recognize the international importance of the Refuge and to protect its unique wildlife and wilderness values, we are concerned that the Department of the Interior will now seek to expedite the planning and environmental review process for an oil and gas program in the Refuge," the senators wrote.

The letter adds to complaints that Interior is minimizing the extent to which it is minimizing public input. Interior scheduled the latest public meeting on the drilling proposal for a Friday evening and said it would only allow public comment from speakers drawn by a random lottery — a break from past practices of allowing everyone a turn to speak. The review is expected to be completed by early next year, and the comment period closes July 19. Read more here.

— **Sen. Lisa Murkowski penned an op-ed** in The Seattle Times in response to an earlier piece from former President Barack Obama's Interior Secretary Sally Jewell, touting the potential for safe drilling in the Arctic National Wildlife Refuge, a major priority for the Alaska Republican. "Alaskans are committed to developing our resources responsibly," Murkowski writes. "We have shown the world how to do that." Murkowski successfully pushed for inclusion of language in the GOP tax bill negotiations last fall to open up ANWR for oil and gas exploration. Read the op-ed here.

— **Meanwhile, in Washington**, indigenous leaders and environmental groups are protesting at 4 p.m. outside the final public hearing on the environmental impact review process for ANWR exploration, Kelsey Tamborrino reported in today's ME.

WOTUS REWRITE: In a statement this morning, EPA announced the agency and the Army Corps of Engineers will send their proposed rewrite of the Obama-era Waters of the U.S. rule to the White House for interagency review, Pro's Annie Snider reports. The proposed rule is expected to define a much narrower set of waters and wetlands for protection under the Clean Water Act, following a directive from Trump for the agency to shape its rewrite off an opinion by the late, conservative Supreme Court Justice Antonin Scalia. Once it receives the rule, OMB will coordinate interagency review, although it is unclear how long that process will take. Pruitt has said he intends to have the full repeal and rewrite process completed this year. Read more from Annie here.

SOLAR TARIFFS UPHELD: A federal court today rejected a request from several Canadian solar equipment manufacturers to strike down the Trump administration's 30 percent tariff on solar panels, Eric reports. "We conclude that the President's actions here were lawful and that accordingly, appellants have not established a probability of success on the merits as required for a preliminary injunction," the U.S. Court of Appeals for the Federal Circuit said in its ruling. The Solar Energy Industries Association has said the tariffs have cost thousands of jobs in the industry, though installations continue to keep pace with previous years.

AT&T GOES GREEN: While breaking ground today on a wind energy center with NextEra Energy Resources, AT&T announced it would expand its renewable energy program. The telecommunications giant has agreed to a new power purchase agreement with a subsidiary of NextEra to deliver 300 megawatts of renewable energy from two wind farm projects in Texas, bringing the company's total investments in wind power to 820 MW.

OP-ED CORNER: More bad press on the opinion pages for Pruitt today, including from the conservative National Review.

— **"We advised federal officials on ethics for years. Scott Pruitt shocks us."** by Virginia Canter and Norman Eisen in The Washington Post. Canter and Eisen directly advised two presidents and worked in the Obama, George W. Bush and Clinton administrations. "This conduct flagrantly violates the prohibitions on using public office for private gain. Pruitt long ago exceeded the seriousness of the travel transgressions that led to the ouster of Tom Price at the Department of Health and Services or David Shulkin at the Department of Veterans Affairs." Read it here.

— **"Pruitt, Carson Trapped by the Trappings of Power"** by Jonah Goldberg in the National Review. "But Pruitt has also behaved like a jackass, abusing his authority in petty and silly ways, as if to prove that he's a really big deal." Read it here.

LOBBYING WATCH: Novelis, an Atlanta-based aluminum products manufacturer, hired Energy Department veteran Sarah Blackwood, now with an eponymous government relations firm, to lobby on Corporate Average Fuel Economy standards and trade issues, per a disclosure filing.

— **In a separate filing**, Broward County, Fla., hired a pair at Thorn Run Partners, as subcontractors to Van Scoyoc Associates, to lobby on a slew of issues including hurricane recovery, National Flood Insurance Program reauthorization, the Water Resources Development Act and conservation, per a filing.

QUICK HITS:

— Two rare cargoes of Venezuela Santa Barbara crude oil imported into U.S. Gulf Coast in June, Platts.

— Exxon doubles down on oil, Bloomberg.

— The most depressing energy chart of the year, Vox.

— Samsung targets 100 percent renewable energy use by 2020, Engadget.

WIDE WORLD OF POLITICS:

— Trump amps up China trade war with tariffs on high-tech imports

— Shrinking map boosts Democrats in battle for the Senate

— Trump crushes hopes for compromise DACA plan

** **A message from the National Rural Electric Cooperative Association:** America's electric cooperatives provide 71,000 direct jobs and invest $12 billion annually in local economies. Electric co-ops work directly with business and community leaders to create thousands of new jobs and couple investment from other sources to support hospitals, libraries and public safety. Learn more: https://bit.ly/2kLKp7Z **

To view online:
https://subscriber.politicopro.com/newsletters/afternoon-energy/2018/06/top-ethics-office-eyes-pruitt-action-253020

Stories from POLITICO Pro

Trump: Pruitt has done 'fantastic job,' but 'I'm not happy about certain things' Back

By Anthony Adragna | 06/15/2018 09:36 AM EDT

President Donald Trump offered a mix of praise and frustration for his embattled EPA administrator Friday amid new questions over whether Scott Pruitt misused his office.

"I'm looking at Scott and Scott's done a fantastic job at EPA, but ... I'm not happy about certain things, I'll be honest," Trump told reporters during impromptu remarks on the White House lawn Friday morning. "I'm not happy about certain things, but he's done a fantastic job running the EPA, which is very overriding."

Trump did not specify what about Pruitt was making him unhappy. The administrator is facing at least a dozen investigations over his travel expenses, sweetheart condo deal and allegations that he used EPA aides to conduct personal business for him.

The latest allegation came earlier Friday in a letter from Rep. Elijah Cummings (D-Md.), ranking member of the House Oversight Committee: Pruitt asked an aide to contact an Oklahoma energy consultant to help him get tickets to last year's sold-out Rose Bowl game.

Renzi Stone, the founder of marketing and communications firm Saxum, which represents clients in the oil and gas industry, helped Pruitt in his role as a member of the University of Oklahoma Board of Regents. He said Friday that he and Pruitt have been friends for 17 years, and that he does not lobby EPA. Millan Hupp, Pruitt's former scheduler at EPA, told Oversight committee staff that Pruitt had sought Stone's help, according to a partial interview transcript reproduced in his letter.

Cummings asked Stone for copies of communications with Pruitt related to his purchase of the Rose Bowl tickets. Pruitt was able to purchase the seats under a special allotment from the University of Oklahoma at face value just five days before the sold-out game. Around that time, tickets on the resale market were going for as much as seven times what Pruitt paid, the New York Times reported Friday.

"Federal ethics rules prohibit government employees from accepting gifts, such as tickets to sporting events, unless they pay 'market value,'" Cummings wrote. "Moreover, a government employee may not accept a gift provided 'because of the employee's official position.'"

Stone acknowledged helping Pruitt.

"Each year mid-Dec people call for OU bowl tickets. Scott Pruitt, my friend since 2001, asked through an aide if he could buy Rose Bowl tix. I made connection to OU ticket office," Stone wrote on Twitter. "He bought them. That's it. I'll respond to Rep. Cummings...we don't do any work for clients at EPA."

EPA spokesman Jahan Wilcox defended the arrangement.

"It seems Representative Cummings is misconstruing the facts," Wilcox said in a statement. "Renzi Stone, a friend of Administrator Pruitt and regent to the University of Oklahoma, simply connected Pruitt to the athletic department. Pruitt purchased the tickets at face value from the OU athletic department. To report otherwise, is false."

The Times also reported Friday that Pruitt had multiple aides help secure his daughter a White House internship last summer and leaned on the former speaker of the Virginia House of Delegates, William Howell, for a letter of recommendation for his daughter to law school in that commonwealth.

The Office of Special Counsel has launched a new investigation into how Pruitt handled his aides and whether he used his office for political reasons, according to the Times. That independent investigative agency did not respond to request for comment.

To view online click here.

Back

EPA official: No move on E15, small refinery waivers without White House OK Back

By Eric Wolff | 06/15/2018 01:38 PM EDT

EPA won't seek to increase sales of E15 fuel or reallocate small refiners' biofuel volumes without the go-ahead from the White House, according to an agency official.

"Until we get direction from the White House with regard to all of those issues or any one of those issues, we are on hold as far as progressing them through the regulatory process because we're not going to get out front of the White House on an issue that they've weighed in so heavily," the official told POLITICO on Friday.

EPA Administrator Scott Pruitt toured the Midwest this week, drawing a protest and holding tense conversations with farmers, who have complained he was not living up to President Donald Trump's campaign promises to protect ethanol. The White House has also held several meetings on the biofuel program that has caused a sharp rift between refiners, who say the cost of complying with the Renewable Fuel Standard is too high, and the ethanol industry, which contends EPA as undercutting the law.

Trump has promised to increase sales of E15 fuel, but he blocked a deal last week that would

have altered the RFS after agricultural interests complained it would hurt ethanol makers.

Iowa Sen. Chuck Grassley has been pushing EPA to reallocate the ethanol requirements that EPA has waived through Pruitt's aggressive issuing of exemptions to small refiners for previous years' blending mandates. But the official said pushing the responsibility for blending that ethanol to other larger refiners now would be impossible.

"You cannot retroactively reallocate through regulatory action — that's general administrative law — without some direction from Congress," the official said.

However, the agency, which is working to issue its renewable volume obligations for the 2019 compliance year by a November deadline, is considering ways to process exemptions and reallocations going forward.

"Prospectively going forward, to ensure the final decision on petitions are made prior to final decision on RVO rule — that is the very element of the regulatory actions we're considering," the official said.

The official also pushed back on the idea that Pruitt is "some rogue actor" when it comes to issuing the exemptions, noting that the Department of Energy has a statutory role in in the decisions, and the White House and USDA have been involved in the discussions on altering the program.

The official said Pruitt managed to assuage farmers' anger over the RFS on his tour of the Midwest this week.

"It was very tense when we walked in the door," the official said. "In the two meetings, we met with an number of farmers, one in Kansas, one in South Dakota. The lingering feeling was that of great appreciation for the administrators attention and willingness to talk to farmers."

During the tour, Pruitt sought to highlight his plan to rewrite of the Obama administration's Waters of the U.S. rule, which has long been criticized by agricultural interests as massive expansion of federal regulatory power. EPA sent that proposed rule to the White House for interagency review on Friday.

Dusty Johnson, who is the Republican nominee for South Dakota's lone House seat, said farmers appreciate some of Pruitt's actions, including his decision to freeze the Obama WOTUS rule, but he said he expected more from EPA.

"I don't think anything has changed," Johnson said. "There were lots of comments to me from producers after the meaning. They said, 'Well, show me. All of the rhetoric is good. We need to see progress.' I think there is a decided sense that until EPA starts doing he right things, corn country is not going to be satisfied with Administrator Pruitt."

To view online click here.

Back

Democrats tell Interior to not rush ANWR drilling review Back

By Ben Lefebvre | 06/15/2018 01:30 PM EDT

Sen. Maria Cantwell, the top Democrat on the Energy and Natural Resources Committee, and 29 colleagues sent a letter to Interior Secretary Ryan Zinke complaining the department was rushing its review of oil and gas drilling in the Arctic.

The letter adds to complaints that the department is minimizing the extent to which the public can comment on the review. Interior scheduled the latest public meeting on the drilling proposal for a Friday evening and said it would only allow public comment from speakers drawn by a random lottery — a break from past practices of allowing everyone a turn to speak.

"Given the long history of the efforts to recognize the international importance of the Refuge and to protect its unique wildlife and wilderness values, we are concerned that the Department of the Interior will now seek to expedite the planning and environmental review process for an oil and gas program in the Refuge," the senators wrote. The letter was signed by all Democrats and Sen. Bernie Sanders (I-Vt.).

Congress "did not waive or supersede any of the environmental laws that apply to the Coastal Plain" when it opened part of the Arctic National Wilderness Refuge to drilling, the senators wrote, referring to language included in last year's tax cut law.

Interior expects to finish its environmental review early next year.

WHAT'S NEXT: The BLM hearing begins at 4:30 p.m. today, and the public comment period for Interior's plan ends July 19.

To view online click here.

Back

EPA, Army send WOTUS rewrite to White House Back

By Annie Snider | 06/15/2018 10:01 AM EDT

EPA and the Army will today send their proposed rewrite of the Obama administration's Waters of the U.S. rule to the White House for interagency review, the agency said in a statement.

The proposed rule is expected to define a much narrower set of waters and wetlands for protection under the Clean Water Act than has historically been the case. President Donald Trump signed an executive order in February 2017 directing the agencies to base their rewrite on

the late Supreme Court Justice Antonin Scalia's opinion in a key case in which the justices split 4-1-4.

"Today, we are taking an important step toward issuing a new WOTUS definition and answering President Trump's call to ensure that our waters are kept free from pollution, while promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the federal government and the states under the statutory framework of the Clean Water Act," EPA Administrator Scott Pruitt said in a statement.

EPA has put separate rules in place to keep the Obama-era regulation on hold while it proceeds with efforts to repeal and rewrite it, and the ultimate outcome will likely be decided by the courts.

WHAT'S NEXT: OMB will coordinate interagency review of the proposed new definition of waters protected under the Clean Water Act, although it is unclear how long that process will take. A supplement to the proposed repeal rule has been sitting at the White House for review since April 11. Pruitt has said he intends to have the full repeal and rewrite process wrapped up by the end of the year.

To view online click here.

Back

Appeals Court: Trump's solar tariffs 'lawful' Back

By Eric Wolff | 06/15/2018 10:54 AM EDT

The U.S. Court of Appeals for the Federal Circuit today slapped down a request from Canadian solar equipment manufacturers to block the Trump administration's tariffs on solar panels.

"We conclude that the President's actions here were lawful and that accordingly, appellants have not established a probability of success on the merits as required for a preliminary injunction," the court said in its ruling.

The U.S. Court of International Trade had earlier ruled against an injunction request from Silfab Solar Inc., Heliene Inc., Canadian Solar (USA) Inc. and Canadian Solar Solutions Inc. to halt the 30-percent solar tariff the Trump administration imposed on nearly all foreign imports of solar panels.

The Solar Energy Industries Association, a trade group, has said the tariffs have cost thousands of jobs in the industry, but solar installations have proceeded so far at near the same rate as last year. The industry added 2.5 GW of new capacity in the first quarter of this year, according to GTM Research.

To view online click here.

Back

Trump amps up China trade war with tariffs on high-tech imports Back

By Megan Cassella | 06/15/2018 08:21 AM EDT

President Donald Trump took another aggressive step in his trade war with China on Friday, announcing that 25 percent tariffs will start taking effect in July on Chinese technology imports.

The penalties on $50 billion in goods — primarily targeting products containing "industrially significant technologies," like aerospace, robotics and automobiles — drew a swift rebuke from the Chinese government. Beijing promised that retaliation in equal measure against U.S. goods would take effect on the same day the U.S. duties kick in and called for other nations to take part.

"We call on all countries to take joint actions, resolutely put an end to this outdated and regressive behavior and firmly defend the common interests of humankind," the Chinese commerce ministry said, according to a translated statement.

The White House said the tariffs, the first of which are set to begin on July 6, are aimed at cracking down on Chinese policies that force U.S. companies to hand over valuable technology and data to operate in the Chinese market. But the move also marks a significant escalation of tensions between the world's two largest economies and threatens to derail ongoing talks between the two countries, including plans for Beijing to purchase more U.S. agricultural and energy products.

The Chinese commerce ministry on Friday declared invalid any previous trade agreements reached during negotiations.

Trump said Friday that while Chinese President Xi Jinping is his "friend," the actions were necessary to "straighten out" the U.S.-China trade relationship and protect U.S. intellectual property and technology industries.

"We're going to protect those secrets," he said on "Fox and Friends." "You know those are the crown jewels of our country. ... We have the great brain power right in this country."

The new penalties will fall on more than 800 products worth roughly $34 billion on sectors including industrial machinery and information and communications technology, the Office of the U.S. Trade Representative said in a separate statement Friday. That list includes industrial products but avoided commonly purchased goods, like cellphones and televisions, in what USTR said was an effort to minimize direct effects on U.S. consumers.

The administration also highlighted an additional 284 products worth roughly $16 billion that were not on an original list of items proposed for tariffs, which was released in April. Those new

items will have to undergo a public comment and review process before facing tariffs.

The U.S. also said it will pursue additional duties if China engages in retaliatory measures.

Beijing made clear that it will retaliate dollar-for-dollar against the United States as soon as tariffs take effect. To that end, nearly 550 U.S. exports to China, totaling $34 billion, will be hit with 25 percent tariffs on July 6, the Chinese Ministry of Finance said in a statement released on Friday afternoon, East Coast time — or early Saturday morning in Beijing. Those products will come primarily from the agricultural, automobile and aquatic industries, the statement said.

It also compiled its own $16 billion list of 114 products — including chemicals, energy and medical equipment — that will be imposed at a later date, likely after Trump makes a final decision to move forward on the second set of U.S duties.

U.S. Trade Representative Robert Lighthizer characterized the move Friday as something "that's been in train for a while."

"It's thorough, it's moderate, it's appropriate," he said in an interview on Fox Business. "Our hope is it doesn't lead to a rash reaction from China. We're just trying to get back to even."

He added that the U.S. hopes the action leads to further negotiations with China and "to China changing its policies, at least with respect to us, and opening up their market."

Beijing first said weeks ago that it was likely to target agricultural products like soybeans — a crop crucial to Trump's political base in the U.S. heartland — as well as cars and aircraft.

U.S. farm groups quickly voiced concerns that Trump's move against China on Friday could deeply harm an industry that has struggled in recent years amid stubbornly low commodity prices.

"For American farmers this isn't theoretical anymore, it's downright scary," Brian Kuehl, executive director of the advocacy group Farmers for Free Trade, said in a statement Friday. "It's no longer a negotiating tactic, it's a tax on their livelihoods."

Some lawmakers and business groups added their voices to the chorus of opposition, warning that while China's intellectual property practices need to be addressed, tariffs are not the right approach.

"Tariffs will harm American and Chinese businesses and consumers, and will put economic growth in both countries at risk," Senate Finance Chairman Orrin Hatch (R-Utah) said in a statement. "Ill-conceived trade actions that weaken the American economy, alienate allies, and invite retaliation against American businesses, farmers and ranchers, undermine our nation's ability to successfully confront China's unfair trade policies."

But Senate Minority Leader Chuck Schumer backed Trump's strategy. "The president's actions on China are on the money," the New York Democrat said in a statement. "China is our real

trade enemy, and their theft of intellectual property and their refusal to let our companies compete fairly threatens millions of future American jobs."

Sen. Marco Rubio (R-Fla.) also strongly supported the tariffs, calling them an "EXCELLENT move."

The White House had previously paused its rollout of the duties as the two countries pursued trade talks, but Trump appeared to lose patience last month and ordered his administration to finalize the list of targeted goods. The action appeared to be a clear statement that he wasn't happy about the direction of talks with Beijing.

The Trump administration is planning still more trade actions against China, including a set of investment restrictions and export controls that are also aimed at curbing Chinese acquisition of "industrially significant" technology.

The White House has said those restrictions will be announced by June 30. Lighthizer said Friday the goal is to stop China from forcing U.S. companies to hand over valuable technology and data, calling technology America's "biggest advantage."

Victoria Guida, Sabrina Rodriguez and Doug Palmer contributed to this report.

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Back

Shrinking map boosts Democrats in battle for the Senate Back

By Burgess Everett and James Arkin | 06/15/2018 05:03 AM EDT

The Senate battleground map has shrunk dramatically in recent weeks — a net plus for Democrats but not enough to change their status as heavy underdogs to win the chamber in November.

Democratic incumbents look increasingly safe in four Rust Belt states President Trump carried in 2016 — Ohio, Michigan, Pennsylvania and Wisconsin, where Republicans are locked in a bitter primary until August. Both parties agree a core universe of states are truly in play: Republicans are targeting Democratic incumbents in Missouri, Indiana, Florida and North Dakota, while Democrats are contesting GOP-held seats in Nevada, Arizona and Tennessee. There is disagreement on how competitive West Virginia and Montana are.

Democrats headed into the election cycle facing a nightmarish map, with 10 incumbents trying to hang on in states that Trump won. While the party is still mostly on defense, the narrower field improves an otherwise grim outlook. Winning the Senate remains a long shot, but is possible if everything breaks Democrats' way: They need to net two seats to take back the majority, which means protecting essentially all of their incumbents.

"If you look at it ... from 30,000 feet up, you'd say, 'Oh they don't have a chance.' When we started there were 10 states we looked at to hold," Senate Minority Leader Chuck Schumer (D-N.Y.) said in a recent interview. Now, he said, "there are only four that are really close."

Opportunities to snag GOP-held seats are so scarce that Democrats could easily see multiple incumbents lose if the Trump backlash turns out to be weak. But for now, Senate Majority Leader Mitch McConnell (R-Ky.) agrees the Senate is in play and has not been bullish on knocking off senators like Sherrod Brown (D-Ohio) and Bob Casey (D-Pa.), who have both opened up double-digit leads, according to polls released this week. So far, there are no suggestions Sen. Debbie Stabenow (D-Mich.) faces any kind of trouble.

One big clue on which states are truly in play came this week when the Democratic Senate Majority PAC placed fall ad reservations in Florida, West Virginia, Montana, Missouri, Indiana, North Dakota, Tennessee, Nevada and Arizona. For now, the group decided Brown, Casey, Stabenow and Sen. Tammy Baldwin (D-Wis.) don't need extra help.

Steven Law, who runs the McConnell-aligned Senate Leadership Fund, said that Democrats' "target list is a lot like ours."

"There were a few states they left off that we think could be competitive," said Law, whose group has not yet placed its reservations. "But right now, we think the field of battle is already probably about 80 percent defined, and I think both sides see the battle lines as they are."

Law also called Democrats' $80 million reservation "pretty formidable" and said he remains concerned about the party's fundraising disparity; Democratic incumbents have significantly outraised their challengers. "If Democrats stay ahead in the fundraising war, there's a very real possibility they could gain the majority in the Senate," the NRSC wrote in a fundraising email this week.

Yet Republicans say things are far less rosy than Schumer makes it seem and are looking to add to their paper-thin majority ahead of a brutal 2020 map. They are laboring to target Sens. Joe Manchin (D-W.Va.) and Jon Tester (D-Mont.); Manchin is polling well and Tester faces an opponent Democrats view as weak in state Auditor Matt Rosendale.

"Chuck Schumer wants this to be a narrow map. They want to make it about just a handful of states when the reality is, it's a very big map," said National Republican Senatorial Committee Chairman Cory Gardner (R-Colo.).

Republicans point to improvements in the generic ballot and a strong economy as signs that they may face a better political environment than was expected months ago, particularly in states where Trump's approval rating remains much higher than it is nationally.

But Democrats scoff at that optimism.

"We take nothing for granted," said Democratic Senatorial Campaign Committee Chairman

Chris Van Hollen (D-Md.). "But we believe that we have narrowed the number of states from 10 to a lower number."

Both DSCC and NRSC have held off on placing their fall reservations, though the NRSC placed a small buy in North Dakota starting in August and running through Election Day, according to data from Advertising Analytics. With no presidential campaign to crowd out the airwaves, both parties are waiting as long as possible before planting their battle flags.

"Are there enough resources to go around? And what's the environment going to be like? Because in some of those states you need a decent environment," said Sen. John Thune (R-S.D.), a member of GOP leadership. "There's a lot of things that have to come together."

Florida could end up being a boondoggle for Democrats, and Republicans point to Florida Gov. Rick Scott's deep pockets as critical to opening up the rest of the map. Scott's campaign has spent more than $10 million on ads since his April launch, and groups supporting his bid have spent millions more. Senate Majority PAC responded by spending $2.2 million late last month, but Republicans hope to force Democrats to invest enough in Florida to stretch them thin elsewhere. It can cost as much as $2 million to run ads in the states pricey media markets.

"My own prediction is that, come mid-September, national Democrats are going to hand Bill Nelson a canteen and a pistol and leave him for dead," Law said.

J.B. Poersch, executive director of the Democratic Senate Majority PAC, said that Scott carries "political baggage" and that for national Republicans, "the thing they like most about Scott is his money."

"2018 is going to be a much better year in Florida than 2010 or 2014. If Rick Scott thinks he can buy the election, it ain't happening," Schumer said.

In Tennessee, Democrats are upbeat about former Gov. Phil Bredesen, who won every county in the state when he last ran in 2006 and remains popular. Republicans argue Bredesen will go the way of other Democratic retreads, like Ted Strickland and Evan Bayh in 2016, both of whom lost by sizable margins. Trump visited Tennessee late last month to boost Rep. Marsha Blackburn and attack Bredesen, though Republicans acknowledge they will need a more sustained effort to drag down Bredesen's favorability.

Some Republicans say the party should be more focused on winning seats in the heartland, and Wisconsin may be their best bet after Sen. Ron Johnson's (R-Wis.) surprise win in 2016. Johnson is urging state Sen. Leah Vukmir or Kevin Nicholson to drop out of the August primary once polls show who is stronger against Baldwin, to avoid a protracted primary that would hobble the ultimate victor going into the general election.

The state party has run radio ads for Vukmir after she won its endorsement last month, and several internal polls show momentum in her favor.

"We need to settle on a candidate. There may be movement here that makes it so obvious,"

Johnson said. "If there's an accumulation of information, I would hope some candidate would say: It's not my time and withdraw and then move forward."

There's less chatter about prioritizing beating Stabenow, Casey or Brown. Thune called those "sleeper" races.

Republicans are more intensely focused on states that Trump won handily, as well as protecting Sen. Dean Heller (R-Nev.), whom Schumer says is in "huge amounts of trouble." And Democrats share Republicans' belief that Nelson and Sens. Claire McCaskill of Missouri, Joe Donnelly of Indiana and Heidi Heitkamp of North Dakota remain vulnerable.

Heitkamp said she is "doing well" but views herself as an underdog against Rep. Kevin Cramer (R-N.D.).

"Anything other than an uphill climb is wrong. This is a state that identifies pretty heavily Republican," Heitkamp said.

Republicans still think West Virginia and Montana can turn in their favor despite favorable numbers and dynamics for Manchin and Tester.

If two Democratic incumbents lose, the party essentially loses its path to the majority. But since Democrats started out the cycle with Republicans eyeing a filibuster-proof majority in 2019, they are feeling better than they have in months.

"We're in the fight," said Sen. Elizabeth Warren (D-Mass.). "We've got a real chance of taking back the Senate."

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Trump crushes hopes for compromise DACA plan Back

By Rachael Bade and Nolan D. McCaskill | 06/15/2018 09:22 AM EDT

President Donald Trump on Friday said he would not sign a carefully crafted GOP bill addressing the predicament of Dreamers, news that caught House Republicans by surprise and left the legislation on life support.

Ironically, the proposal — the product of weeks of negotiations between centrist Republicans and conservatives — mirrored Trump's own framework to increase security, curb legal immigration and shield Dreamers from deportation.

Not only that, top White House officials, including immigration hawk Stephen Miller, were working behind the scenes to whip support for the document. And the White House had drafted a

policy statement saying the president would sign the bill.

But Trump heard conservative criticism of the proposal on TV, according to senior Republicans, and swatted the proposal down.

"I'm looking at both of them," Trump told "Fox & Friends" in an interview Friday morning from the White House lawn. "I certainly wouldn't sign the more moderate one."

Hours later, the president added to the confusion with a tweet that demanded provisions that the compromise bill seemingly includes. "Any Immigration Bill MUST HAVE full funding for the Wall, end Catch & Release, Visa Lottery and Chain, and go to Merit Based Immigration. Go for it!" he wrote.

In another headspinning turn, House Republicans on Friday afternoon began circulating a draft statement of administration policy that said the president would sign the compromise bill.

"The Border Security and Immigration Reform Act of 2018 would support the Administration's goal of securing the border, closing legal loopholes, moving to a system of merit-based immigration, and protecting those who were illegally brought to the United States as children," read the statement obtained by POLITICO. "If the bill were presented to the president, his advisors would recommend that he sign it into law."

The upshot, at least as of Friday afternoon, was that the president dealt a potentially fatal blow to the bill. House Majority Whip Steve Scalise even threatened to withdraw his support for the package. His office told Breitbart that the Louisiana Republican, who wants to be speaker someday, would not whip support for any immigration bill the president opposed.

After the morning interview, GOP leaders and White House aides scrambled to get Trump back on message. Senior Republicans were predicting that Trump would not only walk back his comments but fully endorse the compromise bill. His comments on TV, they said, left him enough wiggle room to say he was dissing a Democratic proposal that did not include his wall or an immigration crackdown — not the GOP DACA bill.

But as the day wore on, that definitive statement never came, and conservatives applauded the president's position. Some senior Republicans began speculating whether they could have a vote on the bill at all if Trump didn't overtly embrace the legislation.

"He's correctly judging the American people's opinion on this subject; we're not there yet," said Rep. Scott Perry (R-Pa.). Asked what more he needed in the compromise bill, Perry seemed aghast: "Enforcement! Enforcement! We can't keep on having these half-measures that don't fix the problem."

To be sure, the GOP bill released Thursday was already facing an uphill battle. Democrats oppose the measure, saying it's too tailored to the wishes of immigration hard-liners. But now, Trump has given a group of conservatives who were already wary of the compromise a powerful reason to vote "no": He simply doesn't like it.

The comments come after Ryan and other members of the House leadership team told reporters that they'd described their bill to the president and he was "excited" about it. Ryan has stressed to reporters that he has been working "hand in glove" with the administration in writing the bill.

Indeed, senior White House policy adviser Miller came to Capitol Hill earlier this week to encourage wary conservatives fearful of backlash from the base to support the plan. And GOP leaders in meetings talked about the possibility of Trump as well as the White House helping them whip support.

"I spoke with the president yesterday about the details of the bill, and clearly Stephen Miller and others in the administration have been directly involved with the discussion we've been having and they like what's in the bill," House Majority Whip Steve Scalise (R-La.) told reporters on Thursday. "The president really likes the fact that it fully funds the wall."

Instead, Trump has put GOP leaders in a corner where they'll have to ask Republicans to vote against their own president to back a controversial bill on the topic that divides the party most.

That's why Scalise's whip team decided against counting votes on Friday, as they'd planned. They knew Republicans weren't going to say "yes" given Trump's recent remarks.

Many Republicans said Friday they were seeking more information.

"We're waiting for some clarification on what that really means," said Rep. Tom Cole (R-Okla.). "We don't know."

Rep. Mario Diaz-Balart (R-Fla.), who helped craft the compromise bill, said he was told that Trump "will sign it."

"I think once he has a chance to digest it, he will sign it," Diaz-Balart said, though he declined to say who told him that, and cautioned that it would have to be verified with the White House. Diaz-Balart admitted Republicans "have a big problem" if Congress backs a compromise package and he vetoes it. "We need the president to look at it, and look at in detail... But I am hoping we can get his support."

Trump's remarks are a rebuke to Ryan and his team, who've spent hours huddled in the speaker's office trying to hash out an immigration bill that moderate Republicans from districts with big Latino populations and conservatives could back. Both sides have given ground in the talks: Moderates begrudgingly accepted strict enforcement measures, while conservatives for the first time were open to providing citizenship for Dreamers.

What's more, the GOP plan reflected Trump's own "four pillars" proposal that includes a pathway to citizenship, an end to the diversity visa lottery program, curbs on family migration and $25 billion for the border wall. It would also increase border security and interior enforcement.

House Freedom Caucus Chairman Mark Meadows (R-N.C.) warned of this scenario as recently as Thursday, arguing that nobody speaks for the president except the president himself. And the president, he said, has not weighed in.

Meadows on Friday rejected other theories that Trump didn't know what he was talking about, arguing it is "not accurate" to say Trump was referring to a Democratic bill.

"Really right now we're trying to make sure that whatever immigration bill that gets passed deals with the DACA issue and secures the border," Meadows said. "Those conversations will continue."

The news is a huge blow to moderate Republicans who this spring forced the immigration matter to the forefront. Banding with Democrats, they threatened to take over the floor, circumvent their own party and pass legislation to shield Dreamers from deportation — unless Republicans could agree on their own plan to address the Obama-era Deferred Action for Childhood Arrivals program.

That set off the intense negotiating sessions that led to the compromise bill released Thursday.

The 293-page proposal also includes a provision that would keep families together at the U.S.-Mexico border. The Trump administration has been under fire for a controversial policy separating migrant children, including babies, from their parents. Though his administration controls the policy, Trump has tried to blame Democrats and use it as a bargaining chip to get his border wall from progressives.

"That's the law, and that's what the Democrats gave us," Trump said. "And we're willing to change it today if they wanna get in and negotiate. But they just don't wanna negotiate. They're afraid of security for our country. They're afraid of a wall."

As for the compromise bill, he added: "I need a bill that gives this country tremendous border security. I have to have that. We have to have the wall. We don't have the wall, there's no bill."

It's unclear whether Trump was aware that the House bill includes tens of billions of dollars for the wall.

John Bresnahan contributed to this report.

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Subject: EPA's Weekly Report for 3/23/18

EPA Administrator Scott Pruitt continues to advance President Trump's environmental agenda

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EPA'S WEEKLY REPORT

This week Environmental Protection Agency (EPA) Administrator Scott Pruitt sat down with more than a dozen reporters across all mediums to discuss the important work the Agency is doing to ensure regulatory certainty for America's farmers, ranchers, and businesses during National Agriculture Week. Pruitt also advanced the Trump Administration's infrastructure agenda with a push to eradicate lead from drinking water and convene a national leadership summit on PFAS to update America's crumbling water infrastructure.

NATIONAL NEWS ...

In an exclusive interview with the Daily Caller, EPA Administrator Scott Pruitt laid out his plans to end the use of "secret science" to craft Agency regulations. "Pruitt will reverse long-standing EPA policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars worth of regulations. EPA regulators would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. Also, EPA-funded studies would need to make all their data public."

EPA Administrator Pruitt sat down with AgDay to talk about issues impacting farmers and ranchers including EPA's efforts to provide certainty by redefining "Waters of the U.S." According to Pruitt, a substitute or replacement definition will be issued sometime this year, a definition that will recognize private property ownership and the roles of states, and will answer the question of what exactly is a water of the United States. 'We're going to get that right going forward, and the definition is going to provide clarity, objective measurements by which we know where federal jurisdiction begins and ends,' he said."

OP-ED ...

In the Washington Times, EPA Administrator Pruitt outlined the Agency's efforts to overhaul the permitting process to "rebuild and revitalize our nation's crumbling infrastructure." "The president's ambitious proposal calls for the U.S. Environmental Protection Agency to play a leading role in the administration's efforts ... America's infrastructure was once the envy of the world. The president's proposal will restore our roads, bridges and waterways to greatness and create a safer, stronger America. Through regulatory reforms and targeted investments, EPA will spearhead the much-needed repairs to infrastructure in a way that provides tangible environmental benefits to all Americans."

REGIONAL NEWS ...

The Detroit News reported that eradicating lead from drinking water is one of EPA Administrator Pruitt's top priorities. "'I do think that what happened in Flint is something that could happen elsewhere. We just simply need to take steps to do all that we can to address it prospectively and proactively,' Pruitt said. Pruitt said President Donald Trump's $1.5 trillion plan to bolster the nation's infrastructure over the next decade would include investments in aging water infrastructure."

While speaking with the New York Post, Pruitt called for a local, state, and federal response to the lead crisis in New York City and across the country. "EPA Administrator Scott Pruitt called for a 'coordinated' response between New York State and City officials to address the ongoing lead crisis."

In an interview with Newark Star-Ledger, Pruitt discussed efforts to make cleaning up Superfund sites a priority to advance the Agency's core mission. "The Environmental Protection Agency plans to step up efforts to get companies who dumped toxic waste at New Jersey's Superfund sites to pay to clean them up, Administrator Scott Pruitt said. Pruitt on Monday blamed a lack of urgency... New Jersey has 114 designated Superfund sites, the most in the nation, included three of Pruitt's 21 highest-priority locations."

Pruitt reiterated his commitment to prioritizing the Superfund program to clean up America's most contaminated sites, including Tar Creek, in an interview with the Tulsa World. "Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to the Tar Creek area, for decades one of the oldest, largest and most complex toxic sites in the nation. 'It is really unacceptable,' Pruitt said as he recalled the history of the Tar Creek area in far northeastern Oklahoma, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there."

At this week's regional roundtable, the Albuquerque Journal reported on progress the Trump Administration is making on claim stemming from the 2015 Gold King Mine spill. "Environmental Protection Agency Administrator Scott Pruitt said Monday that the federal government is close to finishing its assessment of roughly 400 claims for financial damages stemming from the 2015 Gold King Mine spill, which dumped toxic chemicals into waters in New Mexico, Colorado and Utah, and final recommendations could be ready by the end of the month."

RADIO ...

This week, Administrator Pruitt joined WZFG 1100 AM The Flag – North Dakota to talk about his first year accomplishments, including repeal and replacement of both "Waters of the U.S." rule and Clean Power Plan.

Administrator Pruitt also joined the Lars Larson Show, based in Portland, Ore., and discussed how he's working to get the EPA back to basics and provide regulatory certainty for all Americans.

On the St. Louis, Missouri's own Mark Reardon Show, Administrator Pruitt talked a little

about baseball and a lot about the good work the Agency is doing to improve environmental outcomes across the country.

Scott Voorhees on 1110 KFAF–Omaha had Administrator Pruitt on his show Wednesday to talk about what's to come at the EPA this year, including a continued focused on Superfund clean-up and regulatory transparency.

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Subject: Morning Energy: Pruitt probe heats up — When FERC met PJM — Biofuels group challenges EPA small refiner waiver

By Kelsey Tamborrino | 05/02/2018 05:43 AM EDT

With help from Alex Guillén, Tim Starks and Eric Wolff

EPA Administrator Scott Pruitt is trying to keep a low profile since last week's double dose of congressional hearings, where he blamed his staff for some of the swirling critiques he's confronting. EPA doesn't release Pruitt's public calendar ahead of time — or even where he is currently — so his wherabouts are a bit of a mystery. But Playbook reported this weekend the administrator took an early flight Saturday toward Charlotte — notably, not in first class. But that doesn't mean Washington has stopped thinking about his travels and travails.

The hits keep coming: Hours after news emerged that two close Pruitt aides were departing, the New York Times reported that Pruitt is seeking to establish a legal defense fund, which he is expected to operate privately, with no EPA affiliation. And the Times reported more on the lobbying done by J. Steven Hart, whose wife rented the infamous $50-a-night condo to Pruitt. An email provided by congressional investigators detailed how Hart asked Pruitt for help getting "three people recommended by the lobbying firm's client, Smithfield Foods, appointed to the E.P.A.'s prestigious Science Advisory Board."

The Smotkin gun: On top of that, The Washington Post reported that Pruitt's controversial LNG-promoting trip to Morocco last year was planned partly by former Comcast lobbyist and Pruitt friend, Richard Smotkin, who accompanied the administrator and his entourage at multiple stops. As he aided the EPA chief's visit, Smotkin was on the verge of securing a $40,000 monthly contract with the Moroccan government. As the Post notes in the story , federal laws "prohibit public officials from using government resources to financially benefit friends, relatives or other people with whom they have personal connections." Late Tuesday, two Democratic members of the Senate EPW Committee called on their Republican colleagues to invite Pruitt back before the panel to answer questions on the trip. "Enough is enough," Sens. Tom Carper and Sheldon Whitehouse said in a statement. "Administrator Pruitt needs to explain this trip, as well as the flood of scandal he has brought to the EPA."

Hometown glory: And it seems that Pruitt explored establishing an EPA office is his hometown of Tulsa, Okla., Democrats alleged in a new letter that surfaced Tuesday, Pro's Alex Guillén reports. House Science ranking member Eddie Bernice Johnson, Don Beyer and Suzanne Bonamici sent letters to EPA and the General Services Administration , where they laid out how Pruitt requested a conference room, secure parking space and a Secure Compartmented Information Facility for a Tulsa office. Keep in mind: Oklahoma is part of EPA's Region 6, which has headquarters in Dallas, about 240 miles from Tulsa. In a statement to ME, EPA spokesman Jahan Wilcox said that since 2012, there's been an EPA office in Tulsa for two employees for when they need to work remotely. "This location is not practical or usable for Administrator Pruitt's business and he has never used this office," Wilcox said. Read more from

Pro's Alex here.

Oversight foresight: Democrats' allegation comes as House Oversight Committee staff meets with Pasquale "Nino" Perrotta, the former head of Pruitt's security team, today. Perrotta and Albert "Kell" Kelly, a former banker and longtime friend who ran the agency's Superfund task force, both made for the EPA exit on Tuesday. A notable detail about that: Perrotta's departure means that EPA's inspector general, who has been investigating the security spending, can no longer compel him to cooperate with the probe, Alex and Anthony Adragna report . An IG spokeswoman declined to comment how that would affect the inquiry or whether the investigators had yet spoken to him.

IT'S WEDNESDAY, MAY 2! I'm your host Kelsey Tamborrino. Congrats to Entergy's Rob Hall, who was first to identify Ulysses S. Grant as the president who first brought a *professional* baseball team to the White House — the Cincinnati Red Stockings in 1869. However, as some of you pointed out, Andrew Jackson welcomed the Washington Nationals and Brooklyn Atlantics, two amateur clubs, in 1865. Today's question is for ME geography fans: Name the eight countries that 0 degrees longitude passes through. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

POLITICO's Ben White is bringing Morning Money to the Milken Institute Global Conference to provide coverage of the day's events and evening happenings. The newsletter will run April 29 - May 2. **Sign up to keep up with your daily conference coverage.**

WHEN FERC MET PJM: FERC Commissioner Robert Powelson will deliver a keynote address today on energy and environmental developments in the PJM region, during a workshop hosted by the Great Plains Institute and Duke University's Nicholas Institute for Environmental Policy Solutions. PJM will follow up the workshop with its own meeting Thursday of state energy and environmental regulators focusing again on policy developments in PJM wholesale markets. The meeting is especially timely as the regional transmission organization is as much in the news lately as an opponent of DOE's plans to subsidize coal and nuclear plants in danger of retirement, and more recently for a plan to reward power plants who provide fuel security in the form of fuel on site.

— **After Powelson's keynote this morning,** Adam Keech, the executive director of PJM market operations will present on recent developments at the RTO. A panel of state leaders will follow with reactions to PJM proposals on state-level developments and an industry panel will explore trends in the electricity industry. Lastly, a third panel today will look into "timely environmental issues," like the new tax credit for carbon capture and storage projects and Virginia's move to join the Regional Greenhouse Gas Initiative. **If you go:** Today's workshop begins at 9 a.m. at 1000 H Street NW.

TODAY: NEW INDUSTRIAL THREATS: The firm Tenable is revealing today that it discovered a major vulnerability in multinational energy giant Schneider Electric's applications that are widely used in manufacturing facilities, power production plants and public utilities. "If exploited, the vulnerability could give cybercriminals complete control of the underlying

system," according to the company. "In a worst case scenario, attackers could use the vulnerability to disrupt or even cripple plant operations." Tenable said Schneider Electric issued a patch earlier this month. The discovery comes after technicians earlier this year found frightening industrial malware on Schneider Electric software. The announcement follows recent warnings from Homeland Security and the FBI about Russians targeting U.S. critical infrastructure.

WARREN, SANDERS: PICK A BETTER ADVISER: A pair of senators want President Donald Trump to select a new Homeland Security adviser who believes in the science of climate change, knocking the previous adviser for his comments on the science. In a letter, Sens. Elizabeth Warren and Bernie Sanders highlighted last year's devastation caused by Hurricanes Harvey, Maria and Irma, arguing that whoever takes over the role would be responsible for overseeing the White House's response to natural disasters.

"Unfortunately, catastrophic hurricanes like Harvey, Maria, and Irma are likely to become more common as climate change causes hurricanes to become more intense, carry more rain, and cause worse flooding due to sea level rise and warmer water temperatures," they write, highlighting how the White House's previous adviser Tom Bossert, who resigned in April, hedged on the science after last year's historic hurricane season. At the time, Bossert said the administration does "continue to take seriously the climate change — not the cause of it, but the things we observe." Warren and Sanders write that it's "critical" the president selects an adviser who takes "seriously both the causes and observable results of human-induced climate change." Read it here.

A QUOTA SYSTEM? Every country given an exemption to Trump's contentious steel and aluminum tariffs will face an import quota and other restrictions, White House trade adviser Peter Navarro said Tuesday during a meeting of steel industry executives. The tariffs have been hit with widespread backlash among the business community — including oil and natural gas pipeline organizations. Read more from POLITICO's Megan Cassella.

BIOFUELS GROUP CHALLENGES EPA SMALL REFINER WAIVERS: The Advanced Biofuels Association, which represents advanced biofuels makers, is suing EPA for allowing several small refiners to duck their obligations under the Renewable Fuel Standard, Michael McAdams, head of the association, tells ME. Ethanol producers of all stripes are furious with EPA for its expanded use of the waiver, which the producers say is reducing ethanol blending and violates Trump's promises to corn states to protect the program. Reuters first reported the lawsuit.

Refiners already playing defense: The petitioner's statement in the case appears to reflect "a fundamental misunderstanding of the hardship exemption. EPA's current actions are fully consistent with the Clean Air Act," said Scott Segal, an attorney with the firm of Bracewell who works with refiners. "The small refinery exemption provision is well established."

BLANKENSHIP DOUBLES DOWN: West Virginia GOP Senate hopeful Don Blankenship's campaign seemingly responded to outcry concerning its recent ad that called Senate Majority Leader Mitch McConnell "Cocaine Mitch." ME told you about the ad, which was taken down ,

Tuesday morning. But it later reappeared on Blankenship's Facebook page, with a lengthy explanation for the phrase. McConnell's father-in-law "founded and owns a large Chinese shipping company" that "was implicated recently in smuggling cocaine from Colombia to Europe, hidden aboard a company ship carrying foreign coal was $7 million dollars of cocaine and that is why we've deemed him 'Cocaine Mitch,'" the description reads. Read it here.

— **Fox News hosted a nationally televised debate on Tuesday** for the top three West Virginia Republican candidates: Blankenship, state Attorney General Patrick Morrisey and Rep. Evan Jenkins. During the debate, Jenkins touted his Trump endorsement and Blankenship defended his actions tied to the 2010 Upper Big Branch mine disaster that killed 29 people. The former Massey Energy CEO was also asked if he accepted responsibility for the deaths of the miners: "I am accepting the responsibility to do everything I can to keep it from happening again," he said. Read the recap from Fox here.

THE MORE YOU KNOW: CNN White House reporter Betsy Klein tweeted on Tuesday that she participated in a tour of the underground basement of the Lincoln Memorial, led by none other than Interior Secretary Ryan Zinke. "The Secretary is the only person who can give a tour here, & does so a couple times a [week]," Klein tweeted. See the pictures here.

MR. BIG SKY STATE: Amid a swirling presidential feud with vulnerable Montana Sen. Jon Tester, White House legislative affairs director Marc Short called into a local talk radio station , where he noted Trump could head to the state "very soon." Trump "is very excited," Short said on "Montana Talks" on Tuesday. "We were just having a meeting about that earlier this morning, about trying to find a time ... but I hope that your listeners will look forward to seeing him sometime very soon." Home to Zinke, ME readers will recall that close to one-third of the land in Montana is under federal government ownership. That could become a key sticking point in Tester's race for reelection, especially while he fends off escalating attacks from the president.

MAIL CALL! Carper, the top Democrat on the EPW Committee, sent a letter to Transportation Secretary Elaine Chao and Pruitt, calling on them to stop their effort to undo emissions standards — the subject of a lawsuit Tuesday by California and other entities. "I urge you to immediately disavow this proposal and instead work to negotiate a 'win-win' solution on federal fuel economy and tailpipe emissions standards that can be supported by both the automobile industry and the State of California," Carper writes. Read it here.

PERRY'S IN ALASKA: Energy Secretary Rick Perry shared a video on Twitter of him arriving in Alaska on Tuesday. "Excited to tour Alaska's energy infrastructure with Sen. @LisaMurkowski. Can't wait to see #NewEnergyRealism at work," he wrote, referring to a term he recently discussed at CERAWeek in Houston.

MT. TRUMPMORE: The Hill reports Tuesday on "Project Trumpmore " — an effort by a Finnish climate group to raise $500,000 to carve Trump's face into an arctic iceberg. It's an attempt by the group, which is called the Melting Ice Association, to prove global warming exists by carving a 115-foot ice sculpture of Trump's face. "We want to build the monument for all of us, so we can see how long the sculpture lasts before melting. Often people only believe something when they see it with their own eyes," said Nicolas Prieto, the group's chairman, in a

statement.

MOVER, SHAKER: Alaska's congressional delegation announced Tuesday that John Torgerson will become interim federal co-chair of the Denali Commission. Joel Neimeyer left the vacancy earlier in April, prompting the delegation to send a letter to Commerce Secretary Wilbur Ross requesting an interim federal co-chair as the administration vets a replacement.

SPOTTED: House Natural Resources Chairman Rob Bishop was hiking Utah's National Zion Park, when he posed for a pic with a group of third graders. See it here.

VIRGINIA STANDS FIRM ON COAL ASH: Virginia went on record Tuesday to declare it would not change its program for regulating coal ash, regardless of any changes made by the EPA to the federal rule. Democratic Gov. Ralph Northam said in a statement that Virginia's Department of Environmental Quality will instead "maintain its stringent program" for the waste after EPA announced in March that it was redoing the rules. The commonwealth also submitted comments to EPA on the proposal here.

QUICK HITS

— Dominion's long-term plan includes more solar, natural gas, Associated Press.

— Statoil about to become Equinor with growing renewable focus, Chron.

— West Virginia reaches $2.65M settlement with Volkswagen, Associated Press.

— Tesla feels the weight of solar panels, The Wall Street Journal.

— U.S. to fund batteries that store power for days, not hours, Bloomberg.

HAPPENING TODAY

9 a.m. — Great Plains Institute & Nicholas Institute for Environmental Policy Solutions workshop on "Energy and Environmental Developments in the PJM Region," 1000 H Street

10 a.m. — The Atlantic Council discussion on Russia's energy strategy, 1030 15th Street NW

Noon — Johns Hopkins University School of Advanced International Studies discussion on China's environmental policy, 1740 Massachusetts Ave NW

1 p.m. — The National Academy of Science's Committee public meeting on the disposal of surplus plutonium in the Waste Isolation Pilot Plant in New Mexico, 500 Fifth Street NW

CORRECTION: The May 1 edition Morning Energy misspelled the name of the director of the Solar Energy Technologies Office. It is Charlie Gay.

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https://subscriber.politicopro.com/newsletters/morning-energy/2018/05/pruitt-probe-heats-up-199683

Stories from POLITICO Pro

Pruitt's security, Superfund chief leave as probe heats up Back

By Alex Guillén and Anthony Adragna | 05/01/2018 10:53 AM EDT

Two top aides to Environmental Protection Agency leader Scott Pruitt have decided to leave the EPA as congressional scrutiny of his spending, secrecy and lobbyist ties intensifies.

The departures of Pasquale "Nino" Perrotta, a career EPA employee who headed Pruitt's security team, and Albert "Kell" Kelly, a former banker and longtime friend who ran the agency's Superfund task force, come days after Pruitt dismayed much of his staff by blaming aides for furors involving his massive spending on bodyguards, first-class flights, a $43,000 soundproof phone booth and a biometric door lock.

Perrotta's departure means that EPA's inspector general, who has been investigating the security spending, can no longer compel him to cooperate with the probe. An IG spokeswoman declined to comment Tuesday on how Perrotta's departure would affect the inquiry or whether the investigators had yet spoken to him.

And Perrotta appears poised to add to Pruitt's problems: Staff of the House Oversight Committee plans to interview Perrotta on Wednesday, a committee aide told POLITICO.

Perrotta, who could not immediately be reached for comment, told ABC News he had resigned from the agency on Monday.

Separately, EPA confirmed to POLITICO that Kelly is leaving the agency after attracting controversy over his past, including being banned for life from the banking industry by the FDIC. Agency staff did not provide details on the timing of his departure.

"Kell Kelly's service at EPA will be sorely missed," Pruitt said in a statement. Axios first reported Kelly's departure.

Kelly, a longtime friend of the administrator's, was previously the head of Tulsa-based SpiritBank, which gave Pruitt multiple home mortgages over the years. It also lent him the money to purchase a stake in a minor league baseball team that Pruitt ran before being elected Oklahoma attorney general.

Kelly was also barred from ever working again in the banking industry as part of a settlement last year with the Federal Deposit Insurance Corp. over unspecified alleged loan law violations. Kelly last month defended the loan in question, saying there was "nothing untoward about it."

Pruitt has said Kelly's banking problems are unrelated to his EPA work, but told lawmakers last week that he would "encourage" Kelly to share details of the FDIC deal with Congress.

Democrats last week asked EPA's inspector general to review Kelly's hiring at EPA, as well as the Superfund Task Force he ran — and one of those Democrats, Virginia Rep. Don Beyer, said Tuesday that "Scott Pruitt should be the next to go."

"The exodus of Pruitt's closest aides shows just how toxic his reign at EPA has become," Beyer said in a statement. He added, "Albert Kelly was never qualified to run Superfund, his banking ban was a huge red flag, and his resignation is a positive development."

Pruitt has so far held onto President Donald Trump's public support, despite the multitude of investigations he faces in the executive branch and on Capitol Hill. He also continues to face a steady drip-drip-drip of new revelations about his running of the agency, including a Washington Post story Tuesday reporting that a former Comcast lobbyist, Richard Smotkin, helped arrange key parts of a multi-day trip that Pruitt took to Morocco late last year.

House Democrats also tossed a new allegation into the pile Tuesday, alleging in a letter that Pruitt — who supports Trump's calls for sharp cuts in the agency's budget — has floated the "financially unjustified" idea of putting a regional EPA office in his hometown of Tulsa, Okla.

Meanwhile, the House Oversight Committee is in the process of scheduling other interviews with senior EPA officials, the committee aide said. The agency provided more than 1,000 pages of documents Friday. "At this point, EPA is complying with our requests," the aide said.

Besides being involved in issues such as Pruitt's security spending, Perrotta also might be able to shed light on still-unexplained details about the EPA chief's controversial $50-a-night Capitol Hill condo rental from the wife of a prominent energy lobbyist. In one reported incident last year, Pruitt's bodyguards had to break down the condo's door one afternoon because they feared he was unconscious. EPA has said Pruitt was resting after feeling ill.

Perrotta told ABC he resigned for personal reasons. "All of this press is taking a toll on my family. I decided to move on and it's been an honor to serve," he told ABC. Perrotta said he will "fully cooperate and answer any and all questions" from Congress.

Perrotta, a former Secret Service agent who worked in various capacities at EPA since 2004, is connected to several allegations made against Pruitt in recent months, including that he steered a bug-sweeping contract to a colleague at an outside security firm he founded. There is "no truth" to that accusation, he said.

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Despite all the torrents of bad news, Pruitt got at least grudging support Tuesday from one Republican critic — Iowa Sen. Chuck Grassley, who accuses the EPA administrator of undermining a federal ethanol program vital to Midwestern corn growers.

Pruitt still shouldn't resign, Grassley said, citing his support for President Donald Trump's deregulatory agenda.

"Even though I think he's screwing the family farmer ... I still think almost everything else he's done as EPA director is the right thing to do," Grassley said. And he added, "with the Democrats filibustering everything, we don't have time, with all the legislation and judges we have to get through, we don't have time to get through another confirmation in the United States Senate."

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Democrats say Pruitt asked for new EPA office in Oklahoma hometown Back

By Alex Guillén | 05/01/2018 05:33 PM EDT

Three House Democrats today said EPA Administrator Scott Pruitt floated the idea of putting a new regional agency office in his hometown of Tulsa, Okla., last year.

In a letter to Pruitt, Rep. Eddie Bernice Johnson (D-Texas), the House Science Committee's ranking member, along with Reps. Suzanne Bonamici (D-Ore.) and Don Beyer (D-Va.) wrote that Ryan Jackson, Pruitt's chief of staff, asked EPA to look into opening a Tulsa office on Jan. 31, 2017, weeks before Pruitt was confirmed by the Senate. Jackson at the time was still staff director for the Senate Environment and Public Works Committee, and he used his Senate email account, according to the letter.

"Establishing a new EPA office in Tulsa may be personally convenient for you, but it seems ethically questionable, professionally unnecessary and financially unjustified," the three lawmakers wrote.

EPA did not immediately replay to a request for comment.

Oklahoma is part of EPA's Region 6, which has headquarters in Dallas, about 240 miles from Tulsa. Approximately 700 people work in Region 6, though not all are based in Dallas.

Jackson's email said the office space would need to include a conference room, secure parking, round-the-clock security and a room for secure communications, according to the lawmakers' letter. EPA staff passed the request to the General Service Administration, although no Tulsa office was ever established.

The Democrats also wrote to GSA Administrator Emily Murphy.

WHAT'S NEXT: The lawmakers asked EPA to turn over documents and communications regarding the Tulsa office proposal by May 16.

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Pruitt's security, Superfund chief leave as probe heats up Back

By Alex Guillén and Anthony Adragna | 05/01/2018 10:48 AM EDT

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U.S. pins yet another cyberattack on Russia Back

By Tim Starks | 04/16/2018 01:01 PM EDT

The U.S. on Monday accused Russia of yet another global cyberattack, pinning a mounting assault on networks on the Kremlin.

The announcement, made jointly with the United Kingdom, is the latest in a growing string of

cases where Western governments have pointed a finger at Moscow for high-profile digital malfeasance — a significant shift in digital deterrence strategy. For years, governments withheld from publicly blaming other nation-states for online attacks, fearful of misidentifying the perpetrator and of having their own digital behavior exposed in retaliation.

But Monday's move is the fifth time in recent years that the U.S. government has called out the Kremlin for its digital behavior, either through agency statements or criminal indictments.

Ciaran Martin, head of the British National Cyber Security Centre, called the joint accusation evidence of "a significant moment in the transatlantic fight back against Russian aggression in cyberspace," during a call with reporters.

The newly disclosed attacks targeted "network infrastructure devices" — routers, switches and firewalls, officials said. They are meant to gain access to government and critical infrastructure targets, they added.

"It is a tremendous weapon in the hands of an adversary," said Rob Joyce, White House cybersecurity coordinator, during the call.

U.S. and U.K. officials briefing reporters said the attacks could be used for espionage or intellectual property theft or for laying the groundwork for destructive attacks should tensions escalate. But they said they had no insight into the scope of how successful the attacks have been.

"Once you own the router, you own the traffic that's traversing the router," said Jeanette Manfra, the Homeland Security Department's assistant secretary for cybersecurity and communications.

One of the way the attackers are hijacking routers is via a recently revealed flaw in networking software made by the tech conglomerate Cisco, Manfra explained.

Cisco researchers had said they believed Russian government hackers might be using the vulnerability to try and access critical infrastructure.

The flaw was also exploited in an attack that targeted Iranian networks, leaving behind the image of a U.S. flag and a warning: "Don't mess with our elections." Researchers have suggested the assault was a false flag operation designed to make it look like the U.S. was responsible.

Monday's action adds to a growing list of cyber campaigns the U.S. government has pinned on Russia.

In its waning days, the Obama administration publicly blamed Russia for hacking Democratic targets during the 2016 election, and for using social media platforms to spread misinformation meant to sow discontent during the presidential race.

And despite President Donald Trump's regular equivocation about Russia's involvement in the election hacking, his administration has continued blaming Moscow for other major

cyberattacks.

In March of 2017, the Justice Department took the landmark step of indicting two Russian spies for hacking into tech giant Yahoo and stealing data on 500 million users.

In February, the U.S. joined with its intelligence allies to blame the Kremlin for orchestrating the 2017 NotPetya malware outbreak, which disrupted operations at Ukraine's central bank, the main airport in Kiev and the Chernobyl nuclear power plant. The White House called it "the most destructive and costly cyberattack in history."

And just last month, the U.S. issued a detailed report, describing a wide-reaching Russian campaign to infiltrate networks operating critical infrastructure around the world, including U.S. and European nuclear power plants and the electricity grid.

Joyce said the White House got involved in the latest joint alert "to give it the gravitas and attention of the whole of U.S. government."

He added the U.S. response could include a range of activities, such as a report published Monday afternoon detailing how to defend against the attack, a new round of sanctions, indictments or offensive cyber retaliation.

The Trump administration has already sanctioned Russia for its ongoing digital actions, including the election hacking and the NotPetya attack, issuing a new round of penalties in March targeting 24 Russian entities and individuals.

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Trump's homeland security adviser resigns, raising questions on Bolton's second day Back

By Eric Geller | 04/10/2018 10:45 AM EDT

White House homeland security adviser Tom Bossert resigned on Tuesday, depriving the Trump administration of a key voice on counterterrorism and cybersecurity just one day into John Bolton's regime.

Bolton, the former Bush-era diplomat known for his hawkish stances, was installed Monday as President Donald Trump's national security adviser. By Tuesday, the White House said Bossert would be leaving his position.

According to one senior administration official, Bossert resigned at Bolton's behest, although others cautioned that Bolton was not the driving force behind Bossert's exit.

"The president is grateful for Tom's commitment to the safety and security of our great country,"

press secretary Sarah Huckabee Sanders said in a statement.

The move may rankle Bolton's critics, who have expressed concerns about his aggressive views on various issues, from cyberwar to the ongoing conflicts in the Middle East.

Bossert has long been seen — particularly in the cybersecurity world — as an even-keeled voice within the administration that commanded respect among both digital security experts and industry leaders. Before joining the Trump White House, Bossert was a cyber-focused fellow for the Atlantic Council, a think tank.

"Bossert brought a deep understanding on cyber to a role that has typically been filled by someone who was new to the issue," said Rob Knake, an Obama-era director of cyber policy at the National Security Council and now a cyber fellow at the Council on Foreign Relations.

"Definitely a loss if his replacement is drawn from the pool of talent that is exclusively focused on terrorism," he added.

The White House said Rob Joyce, the White House's top cyber adviser, will temporarily take over as homeland security adviser in an acting capacity. Joyce is also currently acting as deputy homeland security adviser.

Since Inauguration Day, Bossert has served as the public face of the administration's response to several notable incidents.

Following the devastating storms in Texas, Puerto Rico and Florida last year, Bossert frequently briefed reporters on the status of the administration's recovery efforts.

He also oversaw the cybersecurity unit at the NSC, helping to develop Trump's cyber executive order, issued in May of last year, that vowed a new focus on protecting government networks and strengthening international and private-sector partnerships.

In that capacity, Bossert also announced that the U.S. had determined that the North Korean government was behind last year's massively disruptive WannaCry malware attack, which seized networks in over 150 countries.

In a Q&A Sunday night at the Cipher Brief Annual Threat Conference at Sea Island, Ga., Bossert also highlighted an increase in global airline security "by a factor of five" as a major accomplishment of his tenure.

"Tom led the White House's efforts to protect the homeland from terrorist threats, strengthen our cyber defenses, and respond to an unprecedented series of natural disasters," Sanders said.

DHS Secretary Kirstjen Nielsen, who also served in the Trump White House as chief of staff John Kelly's deputy, praised Bossert for providing "wise counsel to the President on Homeland security issues."

Bossert's departure is the second in recent days for the NSC. The committee's spokesman, Michael Anton, said on Sunday he plans to leave the administration. Anton had regularly served as one of the president's earliest and sharpest defenders of his "America First" foreign policy.

The ongoing churn on the national security staff — Bolton is Trump's third national security adviser — "will likely further slow current work as the remaining staff go through the transition," said Michael Daniel, former President Barack Obama's top cyber adviser.

Bossert himself has pushed back against the narrative that the regular staff turnover is creating a chaotic White House.

"You won't believe this, but this White House seems to function just about the same as every other White House," said Bossert, who also served in the George W. Bush White House, during his Sunday night talk. "At the end of the day, the only thing that creates instability or the perception of it is, A, the coverage, and B, the turnover."

But Bossert's exit may especially sting for cyber policy specialists.

Many cyberwar experts have been wary that Bolton will push a more aggressive stance in the digital realm, advocating for more retaliatory online strikes.

While it's long been agreed that the U.S. government needs a more clearly articulated policy governing online attacks, the government has hesitated to dive headlong into what Bolton calls "a retaliatory cyber campaign," concerned about blowback on American businesses and infrastructure, the lack of global rules for online warfare and the debatable effectiveness of digital assaults in the first place.

Tuesday's revelation may exacerbate that fear, depending on whom Bolton chooses to replace Bossert, who has hinted at a more assertive offensive cyberspace policy, but in much less bellicose terms than Bolton.

"To the extent that Bolton views our cyber capabilities as [a] tool with no limitations and no downside risk, that would be very problematic," said a former senior White House national security official, who spoke anonymously to candidly share thoughts. "We still don't understand how a lot of concepts from the physical world operate in cyberspace."

Bossert also departs at a key moment in the administration's fight against the Islamic State in Iraq and Syria, particularly as Trump has pressed his military leaders to pull out of Syria.

Bossert warned on Sunday that ISIS was morphing into "ISIS 2.0," becoming a long-term insurgency "that's spreading itself, coordinating itself, and not seeking the 'demand a caliphate now' mentality."

Eliana Johnson and Josh Meyer contributed to this report.

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Trump trade adviser: All countries exempted from steel tariffs will face quotas Back

By Megan Cassella | 05/01/2018 06:02 PM EDT

Every country granted an exemption from President Donald Trump's tariffs on steel and aluminum imports will face an import quota and other restrictions, White House trade adviser Peter Navarro said Tuesday.

"The guiding principle of this administration, from the president down to his team, is that any country or entity like the European Union, which is exempt from the tariffs, will have a quota and other restrictions," he said at a meeting of steel industry executives hosted by the American Iron and Steel Institute and the Steel Manufacturers Association.

Navarro added such measures "are necessary to defend the aluminum and steel industries from imports in defense of our national security."

The line earned Navarro applause from the steel executives and manufacturers, who support Trump's steps to restrict the imports under a little-used trade law known as Section 232. Just hours before, Trump had decided to grant Canada, Mexico and the European Union an additional 30 days to work out deals to avoid the penalties — a move that John Ferriola, the CEO of Nucor Corp., earlier labeled "disappointing."

But the continued focus on quotas and other restrictions is unlikely to be well-received by Canada, Mexico and the EU, which have repeatedly stated that they expect a full exemption from the duties.

Without an extension from Trump, those nations and others that have worked out preliminary deals with the administration would have been hit with tariffs of 25 percent on steel exports to the U.S. and 10 percent on aluminum at midnight.

"Frankly, we're disappointed," Ferriola, who also serves as chairman of AISI, said at a press conference before Navarro's remarks. "We were hoping for the actions to be taken yesterday."

The additional 30-day delay, he added, "is giving these countries that have been dumping into our country another month to get their steel into our country before their tariffs or quotas go into effect."

Still, he and Navarro both noted that this extension is the last, and agreements must be worked out by the new deadline of June 1, or the tariffs will go into effect.

For Canada, Mexico and the EU, Navarro's emphasis that any country escaping the tariffs would face quotas and other restrictions — a line he repeated twice and that he said was the reason he

allowed media access — signals the administration's intention to telegraph its hardball approach.

But Canada and Mexico, which each send more than half their steel production each year into the United States, have repeatedly said that they expect a full exemption from the duties and will not pay a tariff or agree to a quota.

Ferriola said it's possible that Canada and Mexico could make adequate changes via the updated NAFTA agreement, which is currently being negotiated, in a manner that would "serve the same purpose" as the tariffs.

For the EU, however, no such negotiations are underway, and it remains unclear what can be worked out in the next 30 days. The 28 nations that make up the bloc serve as the largest single supplier of steel to the U.S., sending $6.2 billion across the Atlantic last year.

The European Commission has already criticized Trump for simply delaying the duties, rather than canceling them outright.

"The U.S. decision prolongs market uncertainty, which is already affecting business decisions," the Commission said in a statement.

The White House on Tuesday defended the president's decision to provide more time, saying the negotiations had been extended because "we've seen some progress."

"I'm not going to get ahead of what that may look like, but we have 30 days to continue in those negotiations, and hopeful that we can get something that works for everybody," White House press secretary Sarah Huckabee Sanders said at a briefing.

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Trump targets Sen. Jon Tester on immigration Back

By Brent D. Griffiths | 04/30/2018 07:49 PM EDT

President Donald Trump continued his attacks against Sen. Jon Tester on Monday, accusing the Montana Democrat of being soft on immigration as news reports indicate that a group of immigrants has been stalled from entering the U.S. along the border with Mexico.

"The migrant 'caravan' that is openly defying our border shows how weak & ineffective U.S. immigration laws are," the president wrote on Twitter on Monday evening. "Yet Democrats like Jon Tester continue to support the open borders agenda — Tester even voted to protect Sanctuary Cities."

Trump has slammed reports throughout April about a group of Central American immigrants

seeking asylum in the U.S. The Washington Post reported on Monday that 220 migrants were stuck waiting outside a U.S. border crossing as officials told them there was not enough available space to process them.

As for Tester, the president has fumed over the senator's role in derailing White House physician Ronny Jackson from becoming Veterans Affairs secretary. Some Republicans were hesitant about Jackson's nomination because of his lack of experience, but Tester and Senate Democrats brought to light new allegations about Jackson's conduct, including whether he was too liberal with prescribing medicine to White House staff and whether or not he crashed a government vehicle while intoxicated.

Montana's U.S. Senate race is viewed a key opportunity for Republicans this fall. Trump has called on Tester, the ranking Democrat on the Veterans' Affairs Committee, to resign and has vowed that Montanans would not look kindly on their senior senator's actions in publicizing questions about Jackson. A spokeswoman for Tester did not immediately respond to a request for comment about the president's Monday tweet.

After running for president on a strict platform against illegal immigration, Trump has sought to portray Democrats as weak on the issue. He and many in the GOP have tried to restrict state and local governments from passing so-called sanctuary laws. During a broader immigration debate in February, Tester and 44 other senators in the Democratic Caucus voted against a proposal to punish states that pass such laws.

"We need lawmakers who will put America First," Trump concluded in his Monday tweet.

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Tester leans on public lands as key reelection issue Back

By Kevin Robillard | 04/26/2018 05:05 AM EDT

HELENA, Mont. — The issue that could prove key to Democratic Sen. Jon Tester's reelection bid is under the radar in Washington politics but practically ever-present in Montana life.

Nearly a third of the land in Montana is under federal government ownership, and Tester wants to keep it that way. It's a way the Democratic senator, who is running for a third term, hopes to keep voters who pulled the lever for President Donald Trump — including hunters, hikers, snowmobilers and ranchers — on his side in 2018.

"Public lands is one of the great equalizers. It's part of who we are," Democratic Gov. Steve Bullock said in a phone interview. "It doesn't what matter what our political beliefs are, it's a core part of our lives."

Tester's strategy is part of a larger effort by Democrats in the West to emphasize the issue. Bullock emphasized it in his reelection bid in 2016 as he defeated Republican Greg Gianforte (now Montana's congressman) by 4 percentage points after hammering the Republican billionaire over stream access. New Mexico Sen. Martin Heinrich , who is expected to easily win reelection in 2018, started his reelection bid with a video focused heavily on public lands issues. And Democratic strategists think it can help them in states throughout the interior West.

"There are a lot of people here who are single-issue voters, and that issue is public lands," said Nick Gevock, the conservation director at the Montana Wildlife Federation.

Outdoor recreation is now Montana's largest industry, surpassing agriculture, and contributes $7 billion and 71,000 jobs to the state's economy.

"They like to go hunting, they like to go fishing, they like to go hiking, they just like to get in the mountains where their cellphone doesn't work," Tester said in an interview. "I want to make sure there's not a mine put at the head of the Yellowstone River, or at the borders of Glacier Park."

A Montana Republican on the national stage is also raising the profile of the issue in-state. Conservationists had high hopes for Interior Secretary Ryan Zinke when he was first named to the job, but his decision to shrink the size of two national monuments has left them dismayed and disappointed.

"We were hopeful that, being a Montanan, he was going to live Montana values and be the Teddy Roosevelt conservationist he said he was," Gevock said, but noting Zinke's Interior Department was "putting the oil and gas industry above every other use."

Tester introduced Zinke at his confirmation hearing and had similar hopes, but is heavily critical of him today.

"It was because I thought he understood conversation. I haven't seen that over the last 14 months," Tester said, adding: "He has time to redeem himself."

The strategy is a proven vote-winner in Montana. Throughout the 2016 gubernatorial campaign, and in his earlier bids for governor and attorney general, Bullock emphasized stream access laws for fishermen. And he hammered Gianforte for fighting stream access laws in multiple television ads last cycle.

The state and national GOP platforms both support selling federal public lands to the states, where many environmentalists feel they would be exposed to oil and gas interests. Tester's opponents don't endorse those views.

"The people of Montana do not want the public lands transferred," state Auditor Matt Rosendale said in an interview, echoing the views of businessman Troy Downing and former judge Russ Fagg. (Rosendale supported selling the land during a 2014 bid for Congress but has changed his position.)

All three said they would like localities to have more say in how lands are managed and how federal authorities balance multiple uses. Rosendale, for instance, criticized the Forest Service for shutting down too many roads in the state.

But while Democrats in Montana have aggressively used the issue, public lands haven't become a top-tier issue in Colorado, Arizona or elsewhere in the interior West, which some Democratic strategists believe is a missed opportunity.

The Western Values Project, a Whitefish, Mont.-based nonprofit, ran ads late last year pressuring three potentially vulnerable Republicans — Arizona Rep. Martha McSally, who is now running for Senate, along with Oregon Rep. Greg Walden and Washington Rep. Jaime Herrera Beutler — over their support for Zinke's decision to shrink the national monuments.

And the attacks had an impact: In Arizona, McSally held a 3-point lead against a generic Democrat in her congressional district in a poll conducted by Global Strategy Group. But when "asked to consider a scenario where she votes to reduce the size of the Bears Ears and Grand Staircase-Escalante national monuments," her support dropped to 38 percent, with a generic Democrat winning 50 percent of the vote.

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'Disgraceful': Trump super PAC unloads on Tester in new ad Back

By Alex Isenstadt | 05/01/2018 07:51 PM EDT

President Donald Trump's political operation is intensifying its offensive against Sen. Jon Tester (D-Mont.), launching a new TV ad labeling him "disgraceful" and "dishonest" for his role in taking down a Trump Cabinet pick.

"In Montana, we value integrity and support our president," says the ad from the pro-Trump America First Action super PAC. "But Jon Tester spread false information about a respected Navy admiral, helping D.C. Democrats derail President Trump's Veterans Affairs nominee."

The spot goes on to say that Tester, one of the most vulnerable Democratic incumbents up for re-election in 2018, "betrayed our trust, our veterans and our president," concluding that "it's time for him to go."

Trump has vowed to exact revenge on Tester for helping to sink Rear Adm. Ronny Jackson, who'd been Trump's choice to run the Veterans Affairs Department. The president, eager to go after a Democratic incumbent confronting a treacherous re-election bid, has accused Tester of spreading false information about Jackson's background in an effort to destroy the nomination.

During an interview with "Fox and Friends" last week, the president said Tester should "have a

big price to pay" with voters in his conservative state.

"I watch what Jon Tester, of Montana — a state that I won by, like, over 20 points, you know, really, they love me and I love them," Trump added. "And I want to tell you that Jon Tester, I think this is going to cause him a lot of problems in his state."

Later, during a campaign-style rally in Michigan on Saturday evening, the president went after Tester again, saying that he knew of damaging information about him.

"I know things about Tester that I could say, too," Trump told the crowd. "And if I said them, he'd never be elected again."

America First Action, which is the principal pro-Trump super PAC, is spending around $344,000 to air the commercial on Fox News and broadcast stations throughout the state.

To view online click here.

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California and other states sue EPA over auto emissions rollbacks Back

By Alex Guillén and Anthony Adragna | 05/01/2018 01:53 PM EDT

California and more than a dozen other states are suing EPA over Administrator Scott Pruitt's recent decision to roll back greenhouse gas emissions standards for cars.

"My message to the EPA and Administrator Pruitt is simple: Do your job. Regulate carbon pollution from vehicles," California Attorney General Xavier Becerra said at a press conference Tuesday. "We are not looking to pick a fight with the Trump administration, but we are ready for one."

The lawsuit comes just days after sources said the Department of Transportation is planning to propose freezing fuel economy standards at model year 2020 levels. That could pave the way to a lower EPA greenhouse gas standard as well as an effort to block California from enforcing its own more stringent greenhouse gas standards.

"This move by Pruitt with the help and encouragement of Trump is not going to make America great. It's going to make America second-rate," said California Gov. Jerry Brown. "This is a science-based attack that we make on these characters in Washington."

Pruitt told lawmakers last week that he did not plan to go after California's ability to enforce its standards, and said he was looking to work with the state on the program. Democratic lawmakers are now calling those statements into question.

The lawsuit was filed in the U.S. Court of Appeals for the District of Columbia Circuit by

California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Minnesota, New Jersey, New York, Oregon, Rhode Island, Vermont, Washington, Massachusetts, Pennsylvania and Virginia, as well as the District of Columbia.

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Highlights

Leading the News

Trump Pick for Environment Council Faces Easier Confirmation Path
By *Abby Smith*
Democratic senators and environmentalists agree that President Donald Trump's new pick to chair the White House environment shop is a step in a better—or at least more tolerable—direction.

EPA's Pruitt Got Rose Bowl Tickets. Democrats Want to Know How (1)
By Terrence Dopp (Bloomberg) and Jennifer A. Dlouhy (Bloomberg)
Environmental Protection Agency Administrator Scott Pruitt obtained tickets to the Rose Bowl with the help of a firm that does public affairs and communications work for energy companies—and a top congressional Democrat wants to know the details.

Trump Happy With Pruitt's Performance, But Not His Scandals (1)
By *Jennifer A. Dlouhy*
President Donald Trump says Scott Pruitt's done "a fantastic job" but that he's "not happy" about some of the EPA administrator's actions, amid numerous ethics probes that have cast doubt on Pruitt's continued tenure at the agency.

Stormy Sailing Expected When Marine Fuel Standard Changes

By *Alan Kovski*

A surge in demand is coming for diesel and related fuels as shipping companies close in on a deadline to reduce sulfur emissions.

Today's News

Trump Solar Tariffs Shine on After Court Challenge

By *Brian Flood*

A group of Canadian manufacturers lost their bid to temporarily escape the blanket "safeguard" tariffs the Trump administration imposed on imported solar power products.

Trump's Tariffs Are a 'Glancing Blow' for Wind Power, Batteries

By *Brian Eckhouse* and *Jim Efstathiou Jr.*

President Donald Trump's tariffs on $50 billion in Chinese imports include duties on components for wind turbines, nuclear reactors and batteries—but they are unlikely to cripple any of those industries.

Conservatives May Withhold Support in Farm Bill Revote

By *Teaganne Finn*

Conservative lawmakers remain non-committal a week before the deadline to revive the House farm bill after its May defeat over an unrelated immigration bill and tighter eligibility rules for federal food assistance.

U.S. 'Hashing Out' Details of Coal-Nuclear Rescue Plan: Perry

By *Alex Nussbaum* and *Jonathan Gilbert*

The Energy Department is still working on a proposed Trump administration plan to stem closures of U.S. coal and nuclear plants, Energy Secretary Rick Perry said from the Group of 20 summit in Bariloche, Argentina.

Sensient Colors Strikes Deal With EPA to Clean Up St. Louis Site (1)

By *Sylvia Carignan*

Sensient Colors LLC, a food and cosmetic dye company, is agreeing to clean up contamination and pay penalties for environmental violations stemming from its Missouri operations.

EPA Calls for Cleanups at 26 Sites Near Colorado's Gold King Mine

By *Tripp Baltz*

Cleanup actions costing nearly $10 million have been proposed by the EPA for 26 sites in the Colorado Superfund district where Gold King Mine—the source of a large wastewater release in 2015—is located.

Smelly Hog Farm Lawsuit Limits Unite Critics on Left, Right in N.C.

By *Andrew M. Ballard*

North Carolina lawmakers are looking to further restrict damage awards stemming from lawsuits against smelly hog farms.

Another Problem for Pruitt: Deadline in Tar Creek Audit Suit

By *Peter Hayes*

The EPA faces a June 19 deadline to tell a federal court if it will release information about Administrator Scott Pruitt's refusal to release the results of audits finding potentially criminal conduct in the operation of a hazardous waste fund.

New York Chemical Disclosure Rule Vexes Companies, May Fail Public

By *Pat Rizzuto*

New York state's regulation requiring cleaning product manufacturers to publicly disclose the chemicals in their products could fail to achieve its goals, said a senior director at Seventh Generation Inc.

Northeast Carbon Allowance Prices Up Slightly at Latest Auction

By *Gerald B. Silverman*

The cost for electric power companies to comply with the Northeast's carbon trading program rose by 6 percent in the latest auction of carbon allowances by the Regional Greenhouse Gas Initiative.

Shut Spigot at Foxconn's Flat Screen Plant Could Challenge Operation

By *Stephen Joyce*

Foxconn's proposed $10 billion manufacturing facility in southern Wisconsin could be in jeopardy after a state agency granted an environmental group's request for a hearing about a state-approved water permit.

Exxon Doubles Down on Oil

By Kevin Crowley

In the late 19th century, inventors including Thomas Edison created electric lighting that all but ended demand for kerosene, then the biggest product made from petroleum. Oil magnate John D. Rockefeller, the forefather of Exxon Mobil Corp., was unmoved, seeing any price dip as a chance to buy up competitors.

Ontario Premier-Elect to End Carbon Plan in Challenge to Trudeau

By Greg Quinn

Ontario's Progressive Conservatives will scrap the province's cap-and-trade program and pull out of the carbon-trading market with Quebec and California in

its first act of government.

Ontario Scraps Carbon-Reduction Plan as It Expands Elsewhere

By *Greg Quinn* and *Jim Efstathiou Jr.*

Ontario will scrap its cap-and-trade program and pull out of the carbon-trading market with Quebec and California, even as pollution pricing expands in other regions of the world.

Cambridge University Sees Need for Yield From Fossil-Fuel Assets

By Mathew Carr and Anna Hirtenstein

Cambridge University can't immediately divest from fossil-fuel assets held by the school's 3 billion-pound ($4 billion) endowment because it needs the yield to finance its academic program.

Sweden Seeking EU-wide Ban on Chemical Paraffins

By *Marcus Hoy*

A chemical commonly used in electrical cable insulation as a plasticizer and flame retardant would be banned across the European Union if regulators agree to a proposal by Sweden.

China's Silk Road to Back $3.9 Billion Solar Project, ACWA Says

By Anna Hirtenstein and Vinicy Chan

China's Silk Road Fund Co Ltd. is investing in the world's largest solar thermal plant that's under development in Dubai, an executive at the company promoting the project said.

Coping With Eskom's Cuts: South Africans Brace for Power Outages

By *Marcia Klein* (Bloomberg Environment), *Ntando Thukwana* (Bloomberg), and *Paul Burkhardt* (Bloomberg)

What happens when a country's largest utility can't pay its bills? That's what South Africans are finding out as state-owned utility, Eskom, struggles to keep power stations running while workers protesting over stagnant wages hamper block access to its facilities.

Eskom Says Implementation of Stage 1 Power Cuts Lifted

By Hilton Shone

South Africa's state-owned power utility has halted rolling power cuts announced June 15.

Wellington Pushes ESG 2.0 Focusing on Alpha More Than Altruism

By Charles Stein

About 30 analysts and portfolio managers at Wellington Management get together every couple of weeks to discuss climate change.

Thursday Night Wrapup

Daniel Simmons Tapped to Head Energy Department Renewables Office

By *Rebecca Kern*

Daniel Simmons, current acting head of the Energy Department's Energy

Efficiency and Renewable Energy Office, was tapped by the White House to become assistant secretary for solar and wind development.

Farmworkers Get Updated Pesticide Training With New EPA Guidance

By *Ayanna Alexander*

Farmworkers will get updated training on handling pesticides after the EPA June 14 released long-sought updates to the requirements.

EPA Adopting New Policies for Lead Paint After Whistleblower Case

By *Adam Allington*

The Environmental Protection Agency released new guidelines designed to help prevent exposing children and pregnant women to lead dust during repairs or renovations of older housing.

Climate Impacts Need to be Considered in Oil, Gas Lease: Court

By *Alan Kovski*

Federal agencies leasing properties for oil and gas drilling must analyze the foreseeable impacts of greenhouse gases—not only from the lease sites but from downstream activities such as automotive fuel combustion and from cumulative emissions of any sources, a court ruled.

Avangrid Confident on Approval of New England Hydropower Project (1)

By *Adrianne Appel*

Avangrid Inc. says it is confident it can overcome environmentalists' opposition and receive Massachusetts' approval early next year for a project that would deliver hydropower to Bay State residents for about 20 years.

Heavy-Duty Vehicle Rules in Canada Target Next Decade's Emissions

By *James Munson*

Buses, trucks, and vans will have to be sleeker, smarter, and more efficient to meet new carbon emissions rules in Canada.

Canada Court Dismisses Ciba Appeal Over Mine Waste Patent

By *James Munson*

Canada's top court decided not to hear a patent case involving two global wastewater treatment companies June 14, depriving one of the firms of its last chance to reinstate a patent used in mining.

Industry Voices Concern as Norway Adopts EU Ship Recycling Rule

By *Marcus Hoy*

The Norwegian shipping industry objected to some elements of the European Union's approach to ship recycling after the government announced it will adopt the EU Ship Recycling Regulation.

Blowback Over Japanese Plan to Reuse Tainted Soil From Fukushima

By *Brian Yap*

Japan's plan to reuse soil contaminated with radiation from the Fukushima-

Daiichi nuclear power plant accident for agriculture is sparking something of its own nuclear reaction.

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To: Bolen, Brittany[bolen.brittany@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 4/6/2018 9:43:21 AM
Subject: Morning Energy: Pruitt watch: What comes next? — IG requests abound — GAO tells Congress to ban coal self-bonding

By Kelsey Tamborrino | 04/06/2018 05:41 AM EDT

With help from Alex Guillén and Daniel Lippman

WHAT COMES NEXT? EPA Administrator Scott Pruitt fared seemingly well Thursday, at least comparatively — appearing in no contentious interviews and receiving a fuller backing from the president. Of course, that could all change today. White House officials, conscious of how quickly Trump's mind can change about defending top advisers, have avoided publicly making any definitive statements about how long Pruitt will remain in his job, POLITICO's Eliana Johnson and Andrew Restuccia report.

RENT'S DUE: Eliana and Andrew also report the administrator was sometimes slow to pay the rent on his $50-per-night lease in Capitol Hill, according to two people with knowledge of the situation. Pruitt's lobbyist-turned-landlord had to pester him for payment, although it appears he eventually paid his back rent. More here.

STRONG FEELINGS: President Donald Trump praised Pruitt multiple times throughout Thursday, although he acknowledged that he would "have to look at" all of the reports on the EPA administrator. "He's been very courageous. It hasn't been easy, but I think he's done a fantastic job," Trump said of Pruitt. The president was returning from an event in West Virginia, where "they love Scott Pruitt," he said.

Meanwhile, Pruitt kept a low profile Thursday: The EPA chief headed to Kentucky, where he addressed members of the Association of Air Pollution Control Agencies on the agency's National Ambient Air Quality Standards attainment goal and the Trump administration's efforts to speed up the environmental permitting process. "EPA is making tremendous progress working with states and our co-regulators to improve air quality and provide regulatory certainty for local communities," Pruitt said in a statement released after the event.

And he may stay out of sight today too: Plans for a public event with Pruitt at the White House to announce changes to the air quality standards program today have apparently been shelved, but Trump still intends to sign an executive order on the subject, The Washington Post reports. Pruitt had said earlier this week that an announcement on the new policy was in the works, but EPA did not respond to ME's questions Thursday night.

DRIP, DRIP, DRIP: More Pruitt stories emerged Thursday, culminating in an explosive report from The New York Times that detailed how at least five EPA officials were reassigned or demoted, or requested new jobs, after raising concerns about Pruitt's spending habits and ability to manage. Pruitt at one point requested the use of emergency sirens to get him and his security detail through D.C. traffic, including at least one trip to French restaurant Le Diplomate, according to the Times. Read the full report here.

Other Thursday headlines include:

— **Pruitt endorsed raises for two of his aides,** The Washington Post reports, though he left it to others to actually carry out the pay increases. Two EPA officials and one from the White House told the Post that Pruitt told subordinates to give the raises to senior counsel Sarah Greenwalt and Millan Hupp, his director of scheduling and advance, both of whom had worked for him in Oklahoma.

— **Even with the continued spray of scandals,** CNN reported Trump floated replacing Attorney General Jeff Sessions with Pruitt as recently as this week. "He was 100 percent still trying to protect Pruitt because Pruitt is his fill-in for Sessions," one source familiar with Trump's thinking told CNN.

— **The Department of Consumer and Regulatory Affairs** issued a citation to the owner of Pruitt's condo, due to lack of proper licensing to rent the unit. A NBC 4 Washington reporter tweeted the fine could hit $2,034.

THE $16,000 SEAT: That's about how much it cost for Pruitt to fly to Morocco last year, according to a new letter from the top Democrat on the House Oversight Committee, citing documents the panel received from EPA. Rep. Elijah Cummings said the documents showed "that Mr. Pruitt's seat cost $16,164," but were insufficient to determine the full costs for Pruitt and his aides on that and other trips. He asked Oversight Chairman Trey Gowdy to issue a subpoena for more. Read that letter here.

WHERE THE GOP STANDS: Republicans aren't going to give up a fight for Pruitt's permanence any time soon. A leadership aide tells POLITICO's Burgess Everett that the Senate won't be able to confirm a conservative EPA administrator if Pruitt is canned. That may contribute to the choir of GOP voices who are still standing firmly in the embattled EPA administrator's corner. Conservatives like Sens. Rand Paul and Ted Cruz vocalized their support on Twitter Thursday. "He's been an effective member of the President's team," Sen. Jim Inhofe said in a statement.

Still, a third Republican joined in calling on Pruitt to resign Thursday. "I fundamentally disagree with how Pruitt has handled the EPA," Rep. Elise Stefanik said at a town hall meeting.

HART WEIGHS IN: Energy lobbyist Steven Hart, whose wife Vicki co-owned the condo rented to Pruitt, expressed regret in a statement released to POLITICO. Hart said he was taking the matter "very seriously" and apologized to his wife, "whose fantastic career is being maligned unnecessarily." Hart also reiterated that the condo was not owned by his firm Williams & Jensen, its partners or any other employees of the firm. "[A]ny suggestion that Administrator Pruitt's short-term rental of one of its bedrooms in 2017 resulted in undue influence for the firm or its clients with business before the EPA is simply false," Hart said. "I am confident in these facts, and certain that all fair and impartial assessments of the matter will conclude accordingly."

WE MADE IT TO FRIDAY! I'm your host Kelsey Tamborrino. The Natural Resources

Defense Council's Ed Chen was first to guess the first president to receive a Ph.D. was Woodrow Wilson, who got a one in political science from Johns Hopkins University. Another presidential question for today: Which president started his career as a male model, landing a spot on the cover of Cosmopolitan? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

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IG REQUESTS ABOUND: Democratic Sens. Tom Carper and Sheldon Whitehouse asked EPA's inspector general to expand an existing investigation into Pruitt's alleged use of a special hiring authority to give raises to two aides, Pro's Alex Guillén reports. Alex also confirmed earlier Wednesday that the IG is reviewing requests to investigate Pruitt's $50-a-night lease agreement — the first step before determining whether to launch a formal probe. Opposition research group American Bridge 21st Century added itself to the list Thursday, sending a letter to the IG requesting an investigation into Pruitt's rental.

— **Another new letter to the IG emerged Thursday** from Carper, who raised questions last week — before Pruitt's scandal saga hit fever-pitch — about Samantha Dravis' prior work experience. Specifically, Carper wrote he had been informed that Dravis "did not attend work or preform her duties for much if not all of the months of November 2017 - January 2018." Read it here.

AD-ING IT UP: American Bridge is also launching new digital ads focused on Pruitt's "corrupt spending." The ads will run on Twitter and will target those tweeting about Pruitt, directing them to their petition page.

202 AND YOU: The president promised a crowd in West Virginia Thursday he'd review the use of emergency authority to prop up coal and nuclear power plants, a provision referred to as Section 202c of the Federal Power Act. "We'll be looking at that 202. You know what a 202 is? We'll be looking at that," Trump said. "We're trying. Nine of your people just came up to me outside, 'Could you talk about 202?' We'll be looking at that as soon as we get back." The use of the provision has resurfaced after Ohio-based FirstEnergy Solutions submitted an unusual request to the Energy Department just before it filed for bankruptcy protection, asking that department to use its authority to provide four-year contracts to many coal and nuclear power plants in the PJM Interconnection. Read more here from Pro's Eric Wolff.

WIND POWERS ZINKE REMARKS: Interior Secretary Ryan Zinke will speak at noon today about U.S. offshore wind initiatives at the International Offshore Wind Partnering

Forum in Princeton, N.J. Bureau of Ocean Energy Management's program manager of offshore renewable energy, James Bennett will speak at the forum earlier in the day about the agency's thoughts on offshore wind in the Atlantic. "We want the federal government to be our partners, and we are ready to work with Secretary Zinke, who recognizes offshore wind has become more valuable in terms of both environmental and economic benefits," said Liz Burdock, executive director of the Business Network for Offshore Wind, earlier this week.

GAO TELLS CONGRESS TO BAN COAL SELF-BONDING: Congress should pass a law barring coal companies from using "self-bonding" to ensure they will clean up old mine sites, according to a new report from the Government Accountability Office. Most coal-related financial assurances are done through surety bonds secured from other companies or by putting up collateral. But 12 percent of assurances in 2017, representing $1.2 billion, were done via self-bonding, in which a coal company essentially promises it has the money to cover clean-up costs, according to GAO's report.

Recent high-profile coal bankruptcies "have highlighted risks" that the Interior Department and the states face to be left holding the bag if coal companies go under without remediating their mines, GAO concluded. It's "a risk that may be greater today than when self-bonding was first authorized under" the Surface Mining Control and Reclamation Act of 1977, the agency added. Hardrock miners, the agency noted, were barred from self-bonding back in 2001.

MAIL CALL! Senate Energy and Natural Resources ranking member Maria Cantwell sent a letter Thursday to Zinke requesting he withdraw his park fee increase proposal. "I am unable to see how doubling or tripling a park entrance fee is anything other than an effort to exclude many Americans from enjoying their national parks," Cantwell wrote. The Associated Press reported earlier this week that the department was walking back the proposal after public outcry. Read Cantwell's letter here.

COME FOR THE CHERRY BLOSSOMS, STAY FOR THE OIL INFRASTRUCTURE? A 10-foot oil derrick and construction crew will be strategically placed on the National Mall today, to draw attention to potential drilling on public lands. The display comes via The Wilderness Society's "Too Wild to Drill" campaign. **If you go:** The display will be up on the Mall between 14th and 15th Streets from 10 a.m. to 4 p.m.

CfA SUES FOR TAR CREEK DOCS: The Campaign for Accountability filed a lawsuit against EPA on Thursday to force the agency to comply to a Freedom of Information Act request about a northeastern Oklahoma Superfund site. The lawsuit requests documents between officials at EPA and news organizations, including POLITICO, regarding the Tar Creek Superfund cleanup site. The site was the subject of a recent feature in POLITICO Magazine. Read the suit here.

— **The Renewable Fuels Association submitted FOIA requests** to EPA and DOE regarding waivers issued for small refineries from complying with the Renewable Fuel Standard. Read it here.

QUICK HITS

— U.S. companies on edge over tariff threat to supply chains, Financial Times.

— Quietly, Trump officials and California seek a deal on car emissions, The New York Times.

— Conservative allies rally in bid to save embattled EPA head, Bloomberg.

— Documents show Shell grappled with climate change years ago, E&E News.

— How Lisa Murkowski mastered Trump's Washington, The New York Times Magazine.

— This Texas school that inspired "Friday Night Lights" is overcrowded amid oil boom, The Texas Tribune.

HAPPENING TODAY

8:00 a.m. — The Business Network for Offshore Wind holds International Offshore Wind Partnering Forum, Princeton, N.J.

9:00 a.m. — The Henry L. Stimson Center seminar on "Solving the Unsolvable: Nuclear Waste Solutions for the New Millennium," 1211 Connecticut Avenue NW

9:30 a.m. — The National Capital Region Water Resources Symposium on water management in urban environments, 4340 Connecticut Ave NW

10:00 a.m. — The Millennium Challenge Corporation discussion on work in the water, sanitation and irrigation sector, 1099 14th Street NW

12:30 p.m. — Young Professionals in Energy DC afternoon tour of Covanta's Energy-from-Waste facility, Alexandria, Va.

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To view online:
https://www.politicopro.com/newsletters/morning-energy/2018/04/pruitt-watch-what-comes-next-160332

Stories from POLITICO Pro

Pruitt fell behind on payments for his $50-a-night condo rental Back

By Eliana Johnson and Andrew Restuccia | 04/05/2018 05:21 PM EDT

Environmental Protection Agency chief Scott Pruitt was at times slow to pay the rent on his $50-per-night lease in a Capitol Hill condo, according to two people with knowledge of the situation — forcing his lobbyist landlord to pester him for payment.

Pruitt's living arrangement is the latest ethical issue to come under scrutiny by the EPA's inspector general's office, which said Thursday it's considering opening an investigation into Pruitt's lease arrangement — a move that would add to reviews of Pruitt's taxpayer-funded first-class travel, his use of special hiring authority to grant raises to aides and his spending on a soundproof phone booth for his office.

The EPA head was renting the condo from health care lobbyist Vicki Hart, whose husband, J. Steven Hart, is an energy lobbyist.

The cavalcade of problems has raised questions about Pruitt's future in the Trump administration.

Though President Donald Trump told reporters "I do, I do," when asked Thursday whether he had confidence in Pruitt, an administration official said the president has begun asking friends and advisers what he should do about the EPA chief.

On his way back from an event in West Virginia, Trump said he was considering how to respond to reports about Pruitt's activities. "I have to look at them," Trump said. "I'll make that determination."

But the president said repeatedly that he thinks Pruitt has done "a fantastic job."

"I think he's a fantastic person," Trump added. "I just left coal and energy country. They love Scott Pruitt. They feel very strongly about Scott Pruitt, and they love Scott Pruitt."

Trump's conservative outside advisers have been mounting a defense of the EPA chief, urging the president not to succumb to what they argue is an unfair pile-on by the media.

White House officials, conscious of how quickly the president's mind can change about defending or dismissing top advisers, have avoided publicly making any definitive statements about how long Pruitt will remain in his job. "I can't speak to the future of Scott Pruitt," White House spokesman Hogan Gidley said Thursday. "If the president has confidence in somebody, they stay."

But behind the scenes, White House officials are frustrated with the way Pruitt has handled the crisis. While in many cases, the president has unilaterally dismissed Cabinet members and senior advisers against the advice of his top aides, Pruitt's situation is a rare instance in which the president has remained loyal longer than other members of the White House staff, who are eager to see Pruitt gone.

West Wing frustration with Pruitt spiked after a Fox News interview on Wednesday that one White House official called a "disaster."

Trump, who watched the interview, was said to be unhappy with Pruitt's performance, the aide said, adding that the EPA chief appeared to be unprepared for tough questions from Fox News correspondent Ed Henry.

Pruitt, for his part, has gotten conflicting messages from the White House.

During a phone call on Monday, Trump encouraged Pruitt to defend himself after the EPA chief complained that the press was out to get him, according to a person familiar with the conversation — which Pruitt interpreted as a green light from Trump to do a series of media interviews in a bid to tamp down the scandals engulfing him.

But Kelly and other White House officials have found Pruitt's efforts at a response to be lackluster and counterproductive. Kelly called Pruitt after Wednesday's Fox News interview to discourage him from doing more press.

In a separate phone call on Tuesday, Kelly pressed Pruitt about whether more damaging revelations were coming, the White House official confirmed. The Daily Beast first reported Kelly's comments. It is unclear how Pruitt responded, but the next day, The Atlantic broke the news that Pruitt circumvented the White House to grant raises to two employees.

And late Thursday, Pruitt faced a new batch of damaging reports, including one from The New York Times that detailed how at least five EPA officials were pushed out of their jobs or resigned after questioning the EPA chief's expensive spending habits.

Pruitt's lease agreement, first reported last week by Bloomberg News, has become a point of contention because political appointees sign an ethics pledge prohibiting them from accepting gifts from lobbyists — which would cover cut-rate lodging.

A lease agreement covering February through April 2017 indicated Pruitt's rent was "payable on the 1st day of each month, in installments of $500 on March 1, 2017 and any remaining balance on April 1, 2017 based on days of actual occupancy," according to a memo obtained by the Campaign Legal Center.

Had Pruitt stayed in the condo every night in a given month, he would have owed $1,500 — but canceled checks reviewed by Bloomberg show Pruitt made a payment of $1,700 on Sept. 1, suggesting he eventually paid his back rent.

A spokesman for Pruitt declined to comment.

The uncertainty about Pruitt's fate comes in the wake of Trump's successive dismissals last month of Secretary of State Rex Tillerson, national security adviser H.R. McMaster and Veterans Affairs secretary David Shulkin.

His situation may more closely resemble that of former "Apprentice" contestant Omarosa Manigault, who was fired in December of last year despite the president's initial objections after

Kelly convinced him that her abuse of a White House car service, among other things, was a scandal in the making.

Pruitt was among a handful of Cabinet-level officials slapped on the wrist last month by Kelly, who called him into the White House to drill home the notion that — legality aside — "optics matter." CNN first reported on the meeting.

Pruitt has made clear he wants to keep fighting. He pushed back on allegations in the interview with Fox News on Wednesday. In the interview, Pruitt described his housing arrangement as "an Airbnb situation" and said EPA ethics officials had signed off on it.

An EPA ethics official clarified later Wednesday that he had concluded only that the $50-per-night lease did not constitute an improper gift but did not investigate whether Pruitt's arrangement ran afoul of other ethics rules.

Asked by Fox whether renting a room from a Washington lobbyist was inconsistent with Trump's promise to drain the swamp, Pruitt replied: "I don't even think that that's even remotely fair to ask that question."

To view online click here.

Back

Trump: Pruitt's 'done an incredible job' Back

By Kelsey Tamborrino | 04/05/2018 05:17 PM EDT

President Donald Trump today praised Scott Pruitt but said he would look into reports of ethics questions that have been raised about the EPA administrator.

"I think he's done an incredible job," Trump said of Pruitt, according to a pool report. "He's been very courageous. It hasn't been easy, but I think he's done a fantastic job."

Pruitt has come under scrutiny for a slew of reports concerning a $50-per-night condo he rented from a lobbyist last year, as well as previous questions surrounding his travel costs and security spending. When asked about the reports today, Trump suggested he had not read all the details.

"I have to look at them," Trump told reporters aboard Air Force One. "I'll make that determination. But he's a good man."

The president was returning from an event in White Sulphur Springs, W.Va., on the recent tax cuts, where he said the residents were in support of Pruitt.

"You know, I just left coal and energy country," Trump said. "They love Scott Pruitt. They feel very strongly about Scott Pruitt."

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Third Republican calls on Pruitt to resign Back

By Alex Guillén | 04/05/2018 03:34 PM EDT

Rep. Elise Stefanik (R-N.Y.) today called on EPA Administrator Scott Pruitt to resign, becoming at least the third Republican to do so even as more conservative lawmakers come to Pruitt's defense.

"I'm going to make news today," Stefanik said at a town hall meeting in South Glens Falls, about 45 miles north of Albany, according to The Saratogian. "I think Scott Pruitt should resign. I fundamentally disagree with how Pruitt has handled the EPA."

Reps. Carlos Curbelo and Ileana Ros-Lehtinen, both Florida Republicans, earlier this week called for Pruitt's ouster, as have a number of Democrats. Pruitt is facing increased scrutiny for ethics issues including the $50-per-night rent he paid to rent space in a condo from a lobbyist last year.

Meanwhile, conservative Republicans like Sens. Rand Paul (R-Ky.) and Ted Cruz (R-Texas) have come to Pruitt's defense today.

"Why do Obama and his media cronies want so badly to drive @EPAScottPruitt out of office?" tweeted Cruz.

Pruitt "is likely the bravest and most conservative member of Trump's cabinet," tweeted Paul. "We need him to help @realDonaldTrump drain the regulatory swamp."

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Democrats ask EPA IG to expand probe into hiring authority to cover aides' raises Back

By Alex Guillén | 04/05/2018 05:10 PM EDT

Two Senate Democrats today asked EPA's inspector general to expand an existing investigation into Administrator Scott Pruitt's use of a special hiring authority to look into allegations that two aides brought with him from Oklahoma received large raises via that authority.

The Atlantic first reported this week that Sarah Greenwalt and Millan Hupp were both denied

large raises by the White House, but that they later received them via special authority that allows Pruitt to make hires via the Safe Drinking Water Act.

Pruitt said Wednesday on Fox News that he had no knowledge of the raises, and was looking into the matter.

In a letter to EPA's IG, Sens. Tom Carper (D-Del.) and Sheldon Whitehouse (D-R.I.) write that if Pruitt's statement to Fox News is accurate, then one or more EPA officials acted without his knowledge. "This could indicate a serious breakdown of internal controls on the appropriate use of this authority," they wrote. "If Pruitt's statements were false, then the SDWA hiring authority may have been intentionally abused under the direction of the Administrator to award large raises to favored aides."

EPA's IG in January announced an investigation into whether Pruitt used the SDWA hiring authority to shield political appointees from the Trump administration's ethics pledge.

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EPA inspector general reviewing allegations around Pruitt rental Back

By Alex Guillén | 04/05/2018 09:04 AM EDT

EPA's inspector general is reviewing requests to investigate Administrator Scott Pruitt's $50-a-night lease agreement, a spokesman confirmed today — an initial step before determining whether to launch a formal probe.

Democrats from the House and Senate this week called on the IG to review Pruitt's rental of a room in a condo co-owned by the wife of a lobbyist with energy clients.

There are already three other IG investigations underway into Pruitt's specific activities at EPA. The IG is also investigating his travel, his use of a special Safe Drinking Water Act hiring authority and his spending on a soundproof phone booth for his office.

WHAT'S NEXT: It is unclear how long the IG will review the allegations before determining whether to open an investigation into the apartment lease. IG probes often take months to complete.

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Top Pruitt policy aide Samantha Dravis resigns Back

By Emily Holden and Daniel Lippman | 04/05/2018 09:05 AM EDT

Samantha Dravis, senior counsel and associate administrator of EPA's Office of Policy, submitted her resignation early last week, according to a source familiar with her plans.

People close to the situation said she had been planning to leave for some time, and that her decision is not because of a series of recent negative headlines for Administrator Scott Pruitt, including news that he rented a $50-a-night condo from a lobbyist and clarification from an ethics official late last night that he didn't have all the facts when he suggested the deal might not violate rules.

Dravis is one of Pruitt's top aides and she had been tasked with numerous new responsibilities, including a regulatory reform task force, and the offices for environmental reviews and environmental justice.

Dravis, who previously was policy director and general counsel of the Republican Attorneys General Association, will pursue opportunities in the private sector.

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Trump in West Virginia promises review of emergency authority for power plants Back

By Eric Wolff | 04/05/2018 03:30 PM EDT

President Donald Trump told a crowd in West Virginia today that he'd review the use of emergency authority to prop up coal and nuclear power plants.

Trump said he would review the use of Section 202c of the Federal Power Act, a provision that can be used to keep power plants running that are in danger of retiring. The president was at an event in White Sulphur Springs, W. Va., promoting last year's tax cuts.

"We'll be looking at that 202. You know what a 202 is? We'll be looking at that," he told the crowd. "We're trying. Nine of your people just came up to me outside, 'Could you talk about 202?' We'll be looking at that as soon as we get back."

FirstEnergy Solutions, an Ohio utility company, submitted an unusual request to the Department of Energy last week — days before the company filed for bankruptcy protection — asking that DOE use its authority to provide four-year contracts to as many as 85 coal and nuclear power plants in the PJM Interconnection, a power market consisting of 13 mid-Atlantic and rust belt states.

DOE rejected a request from FES, a subsidiary of the regulated utility FirstEnergy Corp., to use

that authority last year, and FERC rejected a rule proposed by Energy Secretary Rick Perry that would have benefited FES in January.

Alex Guillén contributed to this report

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The Environmental Scandal in Scott Pruitt's Backyard Back

By Malcolm Burnley | 12/06/2017 05:57 PM EDT

PICHER, Okla. — Tar Creek, Oklahoma, is breathtaking in a terrible way: At one time the world's deepest source of lead and zinc, the three-town region is now a cratered landscape so poisonous that no one, aside from 10 holdouts, can live there. Mountains of ashlike "chat," a toxic residue from lead-zinc milling, rise majestically among the remains of homes torn from their foundations. Abandoned pets forage around the ruins. A child's teddy bear lies sprawled in a ghostly living room. A gorilla statue fronts an empty high school, atop a sign proclaiming "1A Football State Champs, 1984."

Tar Creek is also part of the environmental legacy of one of the state's—and nation's—leading politicians, Senator Jim Inhofe, and his longtime ally, Scott Pruitt, the former Oklahoma attorney general who is now head of President Donald Trump's Environmental Protection Agency. After the EPA struggled to clean up the area, in 2006, Inhofe endorsed a plan in which a trust overseen by local citizens would use federal dollars to purchase homes and businesses in the toxic region so residents could move elsewhere. Then, when the plan proved so problematic that it spawned more than a half-dozen civil lawsuits and an audit into possible criminal wrongdoing, Pruitt, as the state's attorney general, invoked an exception to state freedom-of-information laws to keep the audit from being an open public record.

Now, that decision is coming into new light as many Oklahomans clamor for the audit to be released, suggesting that its revelations will prove embarrassing to Inhofe, who played a key role in designing the buyout plan, and cast doubt on Pruitt's decision not to move forward with charges. Last week, a Washington, D.C., nonprofit called Campaign for Accountability raised the stakes even further, filing suit in Oklahoma courts to force the release of the audit.

"If you take a look at Scott Pruitt's record, you see a general disregard for transparency," said Daniel Stevens, the group's executive director. "I don't think it's outside our bounds to say that Pruitt is trying to hide evidence of criminal wrongdoing."

Pruitt, in an interview, dismissed the idea that he was covering up anything, saying his former office's grand jury unit reviewed the audit and determined that no charges were warranted. He said he declined to make it public because he didn't want innocent people to be besmirched, even though the auditor rejected that reasoning and maintained it should be a public document. "It was

important to protect the individuals' reputation that were in that investigation," Pruitt said.

Nonetheless, the mess at Tar Creek continues to follow Pruitt in other ways. As EPA administrator, he has assumed full responsibility for the still-faltering cleanup. And eyebrows were raised in Oklahoma this past January when, as Pruitt was awaiting confirmation for his EPA post, a White House spokesperson told Bloomberg News that the handling of Tar Creek was emblematic of Pruitt's philosophy: "national standards, neighborhood solutions."

Pruitt, in the interview, said he knew nothing about the Bloomberg article, saying only that he endorses the EPA's current work at Tar Creek and the principle of combining federal resources and state and local leadership, rather than the buyout that occurred before his time as EPA administrator, while he was Oklahoma's attorney general.

"I think as far as a model going forward outside of the buyout, what we're trying to do is have a renewed focus on what I think are some of the most beneficial things we can do for citizens across the country, and that's to address some of these legacy sites that have substantial environmental challenges that allow them to once again enjoy the communities in their backyard," he said.

But many residents of the Tar Creek area, who gave up their homes in a buyout they considered both coercive and corrupt, continue to blame Pruitt for the fact that no one was prosecuted. They described a program so rife with good-old-boy corruption that certain individuals received outsize payoffs while some homeowners got so little they couldn't relocate anywhere nearby; meanwhile, they said, the people hired to demolish the homes received inflated contracts through a flawed process.

"We were lied to and deceived from Day One," said Gloria Workman, who said her son has learning disabilities from growing up in the polluted zone of Tar Creek, which had lead-poisoning levels in children that were three times higher than those registered in Flint, Michigan, during the peak of its recent water crisis. "Not only were we losing our homes, we were raped in the process."

"It was a nightmare," said Mary Thompson, who was still awaiting a resolution from the trust when an EF4 tornado ripped through Tar Creek in 2008, throwing bodies and trailers through the sky, killing six people and destroying more than 100 homes. Without homes, many people took lower-than-expected buyout offers—however insufficient they were perceived to be—because they had nothing left, she said.

"They preyed on us after the tornado," said Thompson, whose home was leveled.

Nonetheless, Inhofe, in a 2015 news release touting the completion of the buyout, cast it as a success because it did not lead to an expanded federal role.

"This is an example of a government program created for a specific purpose and then dissolves after the job is completed," Inhofe proclaimed.

Now, he continues to defend it but sounds less celebratory. "The first thing to know about the Superfund site at Tar Creek is that it's what's called a 'mega-site' and that it is an exceptional circumstance in every way. You can't compare it to any other Superfund site in the country," Inhofe said in a statement to POLITICO. "The voluntary relocation assistance to get people out of harm's way was right for the situation at Tar Creek, but may not be for every other Superfund—that is why state and local partnership is critical."

To many former residents, who still want the investigative report by the state auditor to see the light of day, even these modest and conditional endorsements feel like slaps in the face.

"People hate the government out here, and it's because of things like this," said Aletha Redden, a lifelong resident of the area who has a Donald Trump bumper sticker on her pickup truck. "I want Scott Pruitt to know: This is not the model."

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A flat expanse of dusty roads and scrubby vegetation situated in the heart of Tornado Alley, the Tar Creek area was once the mainstay of the Quapaw Tribe, which was forcibly relocated there by the U.S. government in 1834. At the time, the territory had little economic value, but a half-century later, prospectors discovered enormously rich ore. By the turn of the 20th century, companies broke ground with drill rigs on Quapaw land.

Many of those firms made fortunes, luring white settlers into an uneasy state of coexistence with the Quapaw. Tar Creek proved to be the deepest reservoir of lead-zinc ore in the world, producing a whopping $1 billion in minerals between 1908 and 1950, according to the Oklahoma Historical Society. Picher, the largest of the mining towns, swelled to a population of 14,000.

Almost every aspect of life in Tar Creek traced back to the mines. The high school took on the mascot of a gorilla, a reference to workers in the mines who broke up boulders with hammers. Children played in sandboxes filled with chat, the chalky mining debris. Teenagers earned the nickname "chat rats" for climbing up the pillowy piles of toxic rubble throughout town and rolling tires down their slopes.

By the end of World War II, however, the boom was over. Most of the mining companies decamped for richer pastures. For the families left behind—including that of Yankees slugger Mickey Mantle, who grew up in the Tar Creek area in the 1940s—it was a slowly unfolding disaster. The extent of Tar Creek's collapse was reflected in the words of John F. Kennedy, who barnstormed into Joplin, Missouri—25 miles away from Tar Creek—in the closing days of the 1960 presidential campaign.

"My own judgment is I know no tougher occupation in the world that [sic] to be a miner, lead, zinc, coal. I am always glad to meet them because I think they live with peril," Kennedy declared. "They have as tough a life as there is. Every other one whose hand you shake has a finger off, a foot crushed, the chances of in 20 years their having a bad accident are more than any of the rest of us. And yet in this community and in West Virginia and Idaho and in other sections of the United States, there has been no group that has been harder hit, no group that has

been more forgotten."

Indeed, after the last prospector looking for ore packed up and left in the mid-1970s, people looked to casinos and farming to make a living. But the residue from decades of mining was poisoning them. In 1979, acid mine water leached into the ground, threatening the area's aquifers, killing fish and turning creeks a rusty orange color. When the federal Superfund program—designed to clean up the nation's most polluted and contaminated land—kicked off in the early 1980s, Tar Creek was named to the inaugural National Priorities List. It's still on the list.

The EPA has spent more than $176 million over the past 25 years on cleanup work inside the 42-square-mile-area, on projects from plugging mine shafts to removing contaminated surface soil in people's yards. Though the amount of money sounds large, it hasn't been nearly enough to remove the toxic dangers, and many residents insist the cleanup was mishandled from the get-go. In some cases, the removal of soil resulted in sloping yards, which, during bouts of rain, caused flooding and mold inside houses. In 2000, the FBI raided the offices of the EPA's prime contractor at Tar Creek, Morrison-Knudsen. The company later settled a lawsuit brought by the federal government alleging false representation of billing and progress reports for a sum of $1 million. In the settlement, the company made no admission of wrongdoing.

Meanwhile, the environmental hazards began to multiply: Shortly after the start of that Superfund spending spree, in 1993, researchers at the University of Oklahoma found that 34 percent of Quapaw children were living with lead concentrations above the federal limit. Further studies found alarming rates of lead and arsenic in both the tribal and non-tribal populations. In 1997, a university-led study estimated that 21 percent of children near Tar Creek had elevated blood-lead levels (defined as 10 micrograms per liter at the time), which is three times higher than the highest measurements found in Flint, Michigan, in 2015. The learning disabilities and memory loss that had plagued the schools and curtailed lifespans for decades suddenly had a culprit.

As the dangers became ever-more visible and the cleanup lagged, residents rallied around the idea that the government should quickly buy them out of their homes, rather than wait for the hazardous materials to be removed. They thought they might have an ally in the state's senior senator, Inhofe, a Republican who was chair of the Senate Environment and Public Works Committee. But Inhofe, who has a skepticism about environmental science that exceeds that of any of his colleagues, refused to consider the idea. "There will never be a buyout. I promise you that," Inhofe told the *Tulsa World* in late 2003.

Inhofe's refusal to take action of any sort was often criticized in local press, due in part to the relentless attacks of a young Democratic congressman named Brad Carson. "If you'd asked people in Oklahoma politics at the time, they'd say we were mortal enemies," said Carson, referring to himself and Inhofe. "I was elected [to Congress] in 2000, and my goal was to untie the Gordian knot. The area is desperately poor. If it was in suburban Tulsa or Oklahoma City, there would've been outrage."

In 2004, Governor Brad Henry signed a bill authorizing the use of state dollars for the relocation

of roughly 100 families with children under the age of 6. Under pressure to take further action, the senior senator began to come around. At first, he secured $2 million in federal funding to pay for a study that discovered that 286 homes within Tar Creek were at risk of being swallowed up from cave-ins of underground mine shafts. This provided an opportunity for Inhofe to reverse himself on the buyout, supporting it on the grounds of protecting residents from cave-ins.

"The stability with the underground mine workings was worse than anyone had previously been thought," recalls Ed Keheley, a retired nuclear engineer and native of Picher who co-authored the study's final report. In the spring of 2006, Inhofe announced a joint federal and state buyout program that would begin with $20 million in funding, with the express purpose of relocating any and all people who'd voluntarily leave Tar Creek.

Having once opposed the buyout to his political detriment, Inhofe now used his clout to keep on funding it, but with the idea that decision-making would be concentrated among local leaders, not the federal government. With Inhofe's support, the Oklahoma legislature created a nine-member panel called the Lead Impacted Communities Relocation Assistance Trust to assume control over the project. The members were all volunteers, helping their community, but some had a vested interest in the buyout: They included, for example, a local banker whose institution would later give loans to people to help them relocate; local property owners whose own homes—and those of relatives—would be subject to the buyout; town officials; and a leader of the Quapaw Tribe.

Inhofe cast himself in the role of the community's protector, putting out a 2008 campaign ad that declared: "Tar Creek: poisoned earth, the threat of schools and churches sinking into abandoned mines. Everyone thought it would be too much to tackle, except for one stubborn man named Inhofe."

But over a five-year period, the buyout would become the subject of a host of civil lawsuits and the subject of a state investigation.

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The local members of the trust—few, if any, of them schooled in environmental management—had two major tasks: figuring out how much each property owner should be paid for their home or business, and then choosing a company to demolish the properties. Both tasks would become the subject of complaints about cronyism, with residents saying the trust members rewarded their friends and politically connected individuals.

It didn't help that the trust often met behind closed doors, and that the vice chairman of the trust resigned within a year. The trust's sole employee, operations manager Sonya Harris, also quit, declaring in her resignation letter that she could no longer continue "with a clear conscience without recommending a change; I will not place myself in a position to be perceived as approving of the operations to this point."

The first case to raise eyebrows involved the mayor of Picher, Ernest "Sam" Freeman. In 2005, when the buyout was first being discussed as a probability, he acquired three large parcels of

former mining land covered with chat from the Picher Development Authority, which he chaired. Freeman bought them at 3 cents per square foot, for a total price of $2,088.50, according to the findings of a state audit at the time. It was, the audit declared, a violation of state laws forbidding members of public boards from entering into contracts with those boards. Ottawa County District Attorney Eddie Wyant called on Freeman to return the properties to the development authority in lieu of charges.

"If Sam wanted to buy that land, he needed to get off the board and purchase it legally," Wyant told a local newspaper at the time. "I am not one to put anyone in jail over this, but he needs to clear it up." Wyant, when reached by phone, declined to comment further.

Freeman returned the land, but, in a move that enraged some neighbors, profited off it anyway. The trust had decided that, because so much former mining land had been taken over by state authorities and tribal members, those who owned mobile homes or other shelters on land they didn't own would be eligible for buyouts. Freeman made a claim based on the fact that he had been maintaining and renting out homes on the chat-infested property for years before he tried to buy it.

Trust documents show that Freeman received at least $274,000 from the buyout, more than half of which came from the same lots he had been ordered to return by law enforcement. (Freeman told POLITICO a payout of more than a quarter-million sounded accurate enough, though he declined to provide an exact figure.) Neighbors suspected cronyism. Freeman, who is no longer mayor, denied receiving any preferential treatment. "These people thought I bought the lots to make a killing in the buyout," he said. "I don't think I got more than anyone else would have."

The size of the mayor's profit diminished public confidence in the trust, just as it was engaged in the most delicate part of its task, figuring out how much to pay each individual property owner. Property owners were supposed to receive fair market prices as if pollution hadn't existed in Tar Creek, based on the sales of similar properties elsewhere in northeast Oklahoma. But those calculations appeared to lack uniformity.

The average payout for the 695 properties involved in the buyout was just over $65,000, but the disparity in prices between two properties could be dramatic. Residents complained about lowball offers on some decent properties and overly high payouts for others that were rundown or minuscule in size.

"I got $3,000 for my gun shop. It took me $16,000 to build it," said former Tar Creek resident John Frazier.

Wally Long said he and his wife got $35,000 for their Dairy Queen, while another Dairy Queen right up the road got substantially more.

"We were told [by the trust] that's all the money there is," Long said. "It bothered my wife a lot. She put 23 years of her life into this business."

Meanwhile, a trust member named Janell Trimble got $185,000 for her house, and her brother

collected $115,000 for his fiberboard house.

"I may be a member of the [relocation trust's committee], but I honor my duties and I recuse myself when family members are involved," Trimble told the *Tulsa World* in 2008. "[B]ut as a buyout participant I also expect to be treated just like the next person."

Nonetheless, both Trimble and her brother received more than 35 percent above the average price per square foot. On the other end of the spectrum, an elderly woman named Betty Betts received an offer of $12,000 for her home; when she protested, the appraised value was raised to $20,000. Many people got so little for their homes that they had to turn around and take out loans in order to resettle elsewhere in Oklahoma. In the end, the trust finished up with millions in unspent funds.

Residents concentrated their anger on the company that the trust hired to conduct the appraisals, Cinnabar, which had previously made headlines for its management of a noise-insulation program at the Tulsa Airport, which involved multiple lawsuits . In response, the trust engaged an "appraisal reviewer" to go back over Cinnabar's work. But the reviewer, a company named Van Tuyl Associates, quickly came under criticism as well. "They [often] didn't get out of their car. They never entered these homes," said Keheley, who was a member of the trust at the time. (Van Tuyl Associates is now defunct; its former president could not be reached for comment.)

When the unrest over the buyout made the local newspapers, the trust's leadership pointed to a 95 percent acceptance rate for buyout offers. But some residents accused trustees of pressuring them with "take it or leave it" offers, according to a class-action lawsuit brought against the trustees, Cinnabar and Van Tuyl by more than 250 residents affected by the buyout. Plaintiffs also complained that they were denied the right to view the appraisal paperwork. There was even a fake camera—and posters notifying residents they were being videotaped—in the room where buyout offers were made, an apparent attempt to compel residents to take the offers, according to documents in the suit.

The suit, filed in Oklahoma district court, accused the defendants of cheating average property owners and rewarding friends and associates of the trustees. Depositions revealed an explanation for some of the inconsistencies in appraisals: For certain properties, Cinnabar expanded the boundaries of where it could find "comparables"—properties in adjacent counties whose sale prices were used to calculate the appraisals—with the approval of a state employee named J.D. Strong, who, according to the lawsuit, played a significant role in overseeing the trust.

One of the properties appraised in this fashion was that of Trimble, whose $185,000 payout, according to appraisal documents, had infuriated other residents.

When, in 2008, residents outlined their frustrations in a scathing six-page letter to Inhofe, Henry and other elected officials, Strong dictated the governor's reply, which was co-signed by Inhofe, lawyers for the plaintiffs asserted in his deposition. "I may have drafted this," Strong responded, when presented with a copy of the letter saved on Strong's computer.

In an interview, Strong defended the trust and its system of appraisals: "We knew going in that

we weren't going to be the most popular. We went in with the idea that we were going to be fair. I can honestly say that, looking back, we were fair and unbiased and frugal."

During the six years the lawsuit was making its way through the state court system, both Cinnabar and Van Tuyl Associates declared bankruptcy. Eventually, the plaintiffs and the trust settled the case in 2015 for $1.3 million, which, after deducting attorney fees, meant that each resident ended up receiving an additional $2,600.

But that didn't satisfy many property owners.

"The people of Tar Creek were treated like second-class citizens, based on where they were born and lived," concluded Wally Kennedy, a columnist at the *Joplin Globe* who reported on northeast Oklahoma, including Tar Creek, for more than 30 years. "For someone to portray the buyout of the people of Tar Creek as a successful program is lying through their teeth."

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Once the trust obtained the properties on the toxic land, the next problem was how to destroy the empty structures that were on them.

Inhofe made sure there was enough money for the job. Even as he joined fellow Republicans in condemning President Barack Obama's 2009 stimulus bill as an unwarranted giveaway, the senior senator helped secure an additional $15.7 million in the bill to help the trust finish its work.

The trust hired a local businessman named Jack Dalrymple to oversee bids for the demolition contract. He was best known for organizing an annual deer hunt for paralyzed veterans, an endeavor that earned him a lifetime achievement award from a local Chamber of Commerce. His payment was to be 10 percent of the value of the winning bid. He formulated a scoring system to evaluate bids and, in March 2010, the trust awarded the contract to Stone's Backhoe, which offered the most expensive of all four bids. At $2.1 million, Stone's bid was nearly four times that of the lowest bidder.

Just 14 days after Stone's was declared the winner, it asked that the contract be reassigned to two subcontractors, CWF Enterprises, a carpet-cleaning business, and Vision Construction and Management. Former residents contend that there were longstanding ties between Dalrymple and the subcontractors. Whether or not they were friends before, they soon became hunting buddies. In October 2012, local coverage of Dalrymple's annual event for paralyzed veterans pictured the heads of the two firms setting up the flag for the hunt.

One of the losing contractors filed suit against the trust and individual trustees in Oklahoma district court, accusing them of violating the state's open-meeting act and competitive bidding act. The district county judge sided with the plaintiff, reopening the bidding process.

But rather than blame Dalrymple, the trust gave him a new contract. It included a flat rate for his services, $305,472—about $100,000 more than he would have received had the contract

remained with Stone's.

In January 2011, a $1.7 million demolition contract was awarded to none other than CWF Enterprises, the carpet-cleaning business, whose bid was also the least expensive of the three received. A month later, however, the estimated cost of the contract ballooned to $3,050,786—almost exactly 10 times what Dalrymple received in his new contract.

While many residents cried foul, Andy Lester, the trust's attorney, attributed the increase to the fact that the EPA-controlled repository for dumping debris had just closed down. Trekking the remains of the houses and businesses to a dumping ground further away caused the massive change order, and a near doubling of the contract.

Lester also defends the choice of Dalrymple to handle the bids, contending that he was an engineer with some prior experience with public contracts and that the trust members couldn't handle the process on their own.

"It is important to remember that the trust board consisted of nine members—including, for example, a physician, a school teacher, and a mushroom farmer. They were volunteers, not professionals at this kind of work," Lester said. "Jack Dalrymple is a professional engineer with significant experience. And candidly, there are very few professional engineers in northeast Oklahoma."

Nonetheless, lawyers out of the Tulsa region filed a lawsuit in 2012 under the False Claims Act that accused the trust members, Dalrymple and the heads of the companies hired to do demolition work of being part of a "good old boy network" and defrauding federal taxpayers.

Attorneys for the plaintiffs, Zach and Brad Barron, say the lawsuit fizzled when the Department of Justice took the stance that "the government didn't sustain damages" from the charges laid out in the complaint. In a false claims lawsuit, where the plaintiffs are effectively trying to recoup money that's owed to the government, a lack of willingness from the government is effectively a death knell, the Barrons said. The lawsuit was eventually dismissed.

In an interview, Dalrymple insisted the allegations of cronyism were entirely unfounded.

"There were a lot of emotions and feelings during that period," he said. "When you ask someone to leave their home, it's a tough thing. But ... there was nothing there."

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Still, the drumbeat of complaints continued, eventually reaching the ear of Jerry Morris, the state director for Oklahoma's then-junior senator, Republican Tom Coburn.

It was no secret that Coburn, a physician who cast himself as a political outsider, didn't look upon Inhofe with any sort of fond feelings of mentorship.

"I think they were often seen as having very different approaches to politics," said David Blatt of

the Oklahoma Policy Institute. "Inhofe is seen as a classic, pork-barrel politician who'd bring federal dollars to Oklahoma, the more the merrier." Whereas Coburn, Blatt says, "hated that kind of politics and did as little of it as he possibly could. In fact, he spoke disdainfully and caustically about it the whole time he was in the Senate."

Coburn was not shy about stepping on his fellow Republican's toes. Morris forwarded a memo with a lengthy list of allegations related to the awarding of contracts in the Tar Creek buyout, especially regarding the demolition work, to then-Attorney General Pruitt. In April 2011, Pruitt asked the state auditor and inspector, Gary Jones, to look into the memoranda sent from Coburn's office.

"I have determined that these concerns are serious in nature such that an investigation of the matter is warranted," Pruitt wrote to Jones. A 17-point list of allegations for Jones to investigate followed, including whether there was collusion between Dalrymple and the contractors hired to do the demolition work.

After spending almost two years on the investigation, Jones turned over the results of the audit to the attorney general's office in January 2014, apparently believing it had uncovered important information.

For a year and a half, the attorney general sat on the findings. Then, in May 2015, Pruitt announced that he wouldn't press charges. In addition, he vowed to keep the audit secret by refusing to release it.

Jones fired back at the attorney general's office days later, penning a letter to Pruitt that described his rationale for withholding the audit as "baffling."

"To our knowledge, the individuals named in the report are members of a public trust or contractor whose services were retained as part of this substantive project," Jones wrote. Further, he contended, "our office has received no inquiries from you or your staff regarding the content of the audit report."

Pruitt justified the secrecy by comparing the investigation results to the findings of a grand jury. "Specifically, our office is concerned about publication of unsubstantiated criminal allegations against private citizens," Pruitt wrote in a 2015 statement.

In the interview with POLITICO, Pruitt appeared to go one step further, suggesting the audit had in fact been vetted by a grand jury.

"You're addressing issues that it's been some months since I've looked into," Pruitt said. "I know the decision I made at that time was based upon the investigative audit. The investigative audit didn't yield anything to the grand jury, and, as such, it was important to protect the individuals' reputation that were in that investigation."

But when asked to clarify, a Pruitt staff member indicated that he was using the term "grand jury" as shorthand for the Multi-County Grand Jury Unit, a division of the AG's office, headed at

the time by a Pruitt appointee, which decides whether to take cases to a grand jury for indictment.

It's not the same as a grand jury finding. Nonetheless, the attorney general's office, now overseen by Mike Hunter, Pruitt's former top deputy, has denied all open records requests for the audit, declaring it to be "under the supervision of the Multi-County Grand Jury Unit." A spokeswoman for the Oklahoma attorney general's office said that if there was in fact a grand jury, the office couldn't confirm or deny that.

These rationales befuddle open records experts.

"I don't think there's anything in the law that would prohibit it [the investigation] from being released," said Joey Senat of Oklahoma State University, the former president of FOIA Oklahoma. "The law doesn't require that the audit be kept secret. What would its release be harming? They've closed the investigation and decided not to prosecute."

Jones, who is now running for governor, reiterated his call for the attorney general's office to release the audit, saying in a statement that "regarding any investigation of this kind, we always err on the side of transparency and the people of Oklahoma have a right to know."

Concluded Senat: "When you have the state auditor [Gary Jones] saying these are not unsubstantiated claims and this is a serious problem, good government would call for letting the public know what happened and showing the public the audit. Transparency helps alleviate a lot of concerns about favoritism, corruption, and incompetency—if those are indeed unfounded."

***

Tar Creek today looks like an abandoned landfill. Illegal dumping has added a fresh layer of grime to the already ruined patch of earth. Giant craters from collapsed mine shafts, some as large as 200 feet in diameter, are filled with Bud Light cans, shotgun shells and the tangled remains of kids' playground equipment. "We call this urban renewal, Picher style," quipped former resident Gloria Workman.

Abandoned houses that were not part of the buyout are now coated with graffiti. The charred remains of the former mining museum in Picher, which burned down at the hands of arsonists, stands as a teetering monument to Tar Creek's former way of life. And the sense of danger and destruction extends beyond the former buyout area: On rainy days, local fields used for football practice bleed a toxic shade of orange.

The EPA is continuing its now 33-year-old cleanup effort, and it's thrust the Quapaws back into stewardship of the land. Although the tribe leased away or sold off significant chunks of Tar Creek to mining companies throughout the 20th century, the Quapaws have at least temporarily regained control of all of it. Since 2012, the tribe—a sovereign nation with roughly 5,500 members—has been the primary EPA contractor for environmental remediation at Tar Creek. It's the first time any tribe has been a prime contractor on a Superfund site, assigning all the contracts and overseeing all the work.

"It's a great story," said Craig Kreman, assistant environmental director of the Quapaw tribe. "We're employing tribal members a lot of the time and members of the community. So that income [from the EPA contract] stays here in this community and is being spent in this community. We're not hiring a contractor out of Georgia."

Every day, a steady stream of trucks haul away more than 2,000 tons of soil saturated with cadmium, lead and other metals at the site. Each patch of earth requires years of passive soil treatments before it tests clean enough to plant row crops like winter wheat. Half-acre by half-acre, the hope is that Tar Creek can be put into productive agricultural use decades from now.

In August, after touring the abandoned area and surrounding towns, Pruitt's senior adviser Albert "Kell" Kelly, praised the EPA's efforts surrounding Tar Creek in sweeping terms: "People from all across the country count on the Superfund program to address pollution and revitalize their communities. Tar Creek cleanup is an excellent example of how the program should work. State and local partners, tribal partners, and EPA—all working together year after year to address historical pollution at this mega-site. It's cooperative federalism working at its best."

But many local observers, including Ed Keheley, aren't nearly as positive.

"Usually, the EPA comes in, they do their dirty work, sprinkle some wheat seed, take a picture to show Congress, and next year it looks like this," he said, pointing to a barren pasture. "Clearly, the EPA hasn't had the best interests of the people at heart. So I get personally offended when people like Scott Pruitt suggest otherwise."

For his part, Pruitt announced a fresh grant of $5 million to the Quapaw-led project last May, and he is quick to distance this experiment in local control from the one that preceded it.

"We [the EPA] can't impact the buyout. We didn't authorize the buyout. I didn't manage the buyout and its unique situation," Pruitt said. "I think what's most tangible is what we can do together with the tribe to advance and continue remediation."

When asked to respond to the undying complaints of residents in rural Ottawa County, where Tar Creek is located—a county in which Trump received 71 percent of the vote in November 2016—Pruitt changed the subject. "I had no experience with Tar Creek, to be honest with you," he said.

That's true, except it was his office's decision, when he was attorney general, not to prosecute the people accused of mishandling the trust money, Keheley and other local residents point out.

But what galls them more than the failure to prosecute is the failure to release the results of a government investigation—an audit that they believe will raise questions about Pruitt's unwillingness to press charges and cast a negative light on a project near and dear to Inhofe's heart.

Pruitt's connections to Inhofe are extensive. One of Pruitt's first hires as EPA chief was Ryan

Jackson, a longtime Inhofe staffer and the senator's point person on Tar Creek, who is now Pruitt's chief of staff. He also brought on four other former aides to Inhofe, the Senate's leading proponent of the idea that man-made pollution contributing to climate change is a conspiracy and a hoax. Three of them are Pruitt's senior advisers on air, climate and legal issues.

"It gives me a level of comfort to know that we have a bureaucracy that's actually going to be serving instead of ruling," Inhofe told the *Washington Post*, applauding Pruitt for hiring his staff.

Numerous veteran Oklahoma political watchers, some of whom spoke to POLITICO on condition of anonymity, suggest that there may be an ulterior motive in Pruitt's embrace of Inhofe: It's widely believed that Pruitt, who is 49, wants to run for Inhofe's seat when the senator retires. Many observers think Inhofe is unlikely to seek reelection in 2020, when he'll be 85. And some have noted that Pruitt's decision not to advance the case against the buyout trust spared Inhofe the embarrassment of seeing the program he personally tailored and promoted go down in scandal.

"Pruitt is a rising Republican political star previously in Oklahoma and now nationally," said one journalist who closely follows the Oklahoma political scene. "There have been rumblings that Pruitt might have his eye on higher office. ... Pruitt would do everything to keep Inhofe close, assuming he wants to run for that seat."

Joplin Globe columnist Wally Kennedy, who has covered the Tar Creek trust more closely than any other journalist, said, "My sense of the way that unfolded was that Pruitt decided he was not going to do any kind of prosecution, and then Inhofe writes a letter saying what an outstanding job the trust did. My reaction was 'Huh?'"

"The fact that the audit was not publicly disclosed tells me that somebody is hiding something," he added. "This is Oklahoma taxpayers' money being committed to ratting out what appears to be some apparent corruption. But everybody looks the other way. That's why I'm talking to you. Because if you can shed a light on this, maybe somebody will say 'We need to take a second look at this.'"

Pruitt, however, insists his decisions were strictly based on the law, and an Inhofe staffer flatly dismissed the possibility of Inhofe influencing Pruitt's decision.

"Senator Inhofe would have had no involvement in the case or in any of then-Attorney General Pruitt's decisions," the staffer said.

Pruitt was similarly bemused by the idea that there would have been any sort of political calculation behind his decision to shield the audit. The only politics in this case, he suggested, was on the part of those who want to embarrass him and Inhofe.

"You would think that this wouldn't be a political issue, that people wouldn't put on the red and blue jerseys," Pruitt said in frustration.

Others argue that transparency in this case is not a political issue as much as a legal right.

"The open records act seems pretty clear this audit should be released," said Stevens, executive director of Campaign for Accountability. "You have to ask why he's not releasing it? Pruitt should have to be held accountable for this."

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By Kelsey Tamborrino | 05/30/2018 05:41 AM EDT

With help from Annie Snider and Ben Lefebvre

BATTLE IN THE BAKKEN STATE? As the election year kicks into high gear, President Donald Trump's friendly relationship with Democratic Sen. Heidi Heitkamp is worrying some within the Republican party, POLITICO's Alex Isenstadt and Burgess Everett report. Republicans have grown increasingly frustrated with Trump's ongoing flirtation with the freshman senator from the No. 2 oil-producing state, especially at a time when many in the GOP fear that the president's unpredictable style will undercut their midterm plans. Heitkamp, who is seeking reelection in a state where Trump won nearly two-thirds of the vote, has a friendly relationship with the president, even after Trump aggressively recruited Rep. Kevin Cramer — who advised his campaign on energy issues — to give up his House seat and enter that race, leaving some of Cramer's closest allies feeling snubbed.

In an interview, Cramer said there would soon be "clarity" on who Trump supports in the race. But the congressman declined to predict whether the president would go after Heitkamp aggressively, as Trump has done with other Democratic incumbents. Cramer seemed aware of the warmth between the president and the senator, Alex and Burgess report. Trump has asked Cramer if he likes Heitkamp, and when the congressman responds yes, the president seems to be "relieved," Cramer said. "Politically, North Dakota's a pretty nice state. So I don't know that turning it on her is necessarily politically helpful to me," Cramer said. "They may just be concerned that she's a woman and maybe that has an impact. I just don't know."

For her part, Heitkamp said she's proud of her ability to work with the president. "I have a friendly relationship, I have a very important working relationship," she said in an interview, "not just with him but other members of the administration." Read the story here.

WELCOME TO WEDNESDAY! I'm your host Kelsey Tamborrino, and Peter Robertson of the Pebble Partnership was the first to correctly identify California and Ohio as the two states that don't have an avenue named after them in D.C. Instead, there's a California Street and Ohio Drive. For today: Which president was the first to see a major league baseball game in his hometown, and which town was it? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

Register for the Pro Summit: Join Pro subscribers, expert reporters and key decision-makers from the executive branch, federal agencies and Congress for a full day of incisive policy conversations on July 17. Learn more.

GROUPS SUE ON WAIVER EXEMPTIONS: Ethanol and farm groups say they've filed a

lawsuit against EPA over some of the waivers granted to small refineries allowing them to shed their Renewable Fuel Standard requirements on blending biofuels, Pro's Eric Wolff reports. The Renewable Fuels Association, National Corn Growers Association, American Coalition for Ethanol and National Farmers Union are challenging the waivers granted to CVR Refining's Wynnewood, Okla., refinery and the HollyFrontier refineries at Cheyenne, Wyo. and Woods Cross, Utah. Those refineries have collectively saved $170 million in compliance costs, the coalition said.

Those waivers, which ethanol backers say violate the volume mandates under the RFS, are also the subject of some horse-trading in the discussions between EPA Administrator Scott Pruitt and USDA Secretary Sonny Perdue. The two are trying to put the final touches on a compromise deal over EPA's rules for biofuels. Read more.

CHEVRON SHAREHOLDERS VOTE: Shareholders at Chevron's annual meeting today will vote on a pair of climate change-related provisions. First up is a proposal that the oil giant report to investors how it will change its business model to account for any decreased demand for oil and gas resulting from greater development of renewable energy sources. Another proposal is that Chevron start providing reports on steps it is taking to minimize methane emissions from its fracking operations. Chevron's board of directors have advised against both proposals, saying the company is already making sufficient efforts on both matters.

Exxon, which also holds its annual meeting today, is getting a break this year from the sort of environmental proposals its shareholders considered in 2017.

** **A message from America's Pledge:** America's Pledge is flipping the script on climate action. One year after the federal government announced it would pull out of the Paris Agreement, 2,700+ U.S. cities, states, and businesses are saying, "We Are Still In." See how far we've come: https://politi.co/2koAHZb **

DEJA VU? Already under fire for their handling of a controversial assessment of nonstick chemicals in drinking water, a newly uncovered EPA email suggests that public relations strategy was also front-of-mind for EPA staffers as the agency contemplated reevaluating the risks of formaldehyde. Reuters reported last week that EPA delayed release of a new assessment of the chemical that is expected to for the first time link formaldehyde with leukemia after meeting with the American Chemistry Council in January.

"They reiterated the concern you have raised about information leaking before it's been vetted and asked that the Agency have appropriate communication materials ready to use if needed," Jennifer Orme-Zavaleta, who heads EPA's Office of Research and Development, wrote in a Jan. 24 email to EPA chief of staff Ryan Jackson and Richard Yamada, deputy assistant administrator for research and development. The email was released to the Union of Concerned Scientists under the Freedom of Information Act.

Yogin Kothari, a lobbyist of UCS, said the email "sounds eerily similar" to concerns that EPA and White House officials expressed about a HHS assessment of the chemicals PFOA and PFOS. "It's not surprising that the ACC is attempting to wield its influence over EPA when its former

staff are basically running the place," Kothari said by email.

WE'RE CLOSED: The Environmental Council of the States' upcoming fall meeting will close to the public certain sessions attended by EPA officials, according to the group's draft agenda for the August meeting. The draft shows ECOS will hold closed sessions on several issues, including a state-EPA roundtable on "cooperative federalism" and joint PFAS activities. (h/t E&E News' Sean Reilly)

NAFTA TALKS STILL STALLED: Recent NAFTA talks between the U.S., Mexico and Canada have not resulted in progress on the thorniest issues because the U.S. remains unwilling to offer important concessions, two sources close to the talks told Pro's Sabrina Rodriguez. Negotiators from the Office of the U.S. Trade Representative continue to demand that "they want everything, and there's no possible way they'll get everything they want," one of the sources said. "Conversations have stalled entirely." Read more.

WE'LL ALWAYS HAVE PARIS: This week marks the one-year anniversary of Trump's decision to pull the U.S. out of the Paris climate agreement. The United States still technically remains in the 2015 pact for the next two-and-a-half years, but the action to implement it is playing out in the rest of the world. To mark the occasion, the World Resources Institute will host a discussion today on whether other nations have moved on since Trump's decision to exit the agreement. Among those participating is Todd Stern, the former State Department special envoy for climate change who helped seal the deal. In the lead-up to the event, WRI's Eliza Northrop laid out the seven signs of progress since Trump's announcement here, including a timeline of events over the last year. If you go: The discussion kicks off at 2:30 p.m at 10 G Street NW. Watch the livestream here.

— **And the National League of Cities**, as well as mayors from across the country, will release today their latest "State of the Cities" report that will look into the trend of cities taking on clean energy goals, despite the federal government.

OFFSHORE DRILLER FINED $4M: Oil and gas company Energy Resource Technology was fined $4 million Tuesday by the U.S. Attorney's Office for the Eastern District of Louisiana for fabricating data about the readiness of a key piece equipment used to prevent oil spills, Interior said. The fine comes as a result of an investigation by Interior's Office of Inspector General that found that ERT management directed an employee on its rig in the Gulf of Mexico to create a fake blowout preventer pressure test chart to conceal a failed test result, Pro's Ben Lefebvre reports. Read more.

EPA, KILDEE SPAR OVER SUMMIT: EPA defended its move to only allow federal agency and state representatives on the second day of last week's summit on toxic chemicals in drinking water, dismissing Democratic Rep. Dan Kildee's complaint that members of his staff had been barred from attending as a mischaracterization. EPA Associate Administrator Troy Lyons wrote in a letter Tuesday to Kildee and obtained by POLITICO that the agency worked with Kildee's office ahead of time to allow a staffer to attend the first day of the summit.

"I trust you understand our disappointment when we discovered that no one from your office

attended the summit on May 22, particularly in light of the subsequent events on May 23," Lyons wrote. In a statement, Mitchell Rivard, Kildee's chief of staff, said that "it is hard to mischaracterize the EPA's actions — it had been widely reported that the EPA blocked both journalists and a congressional office from the taxpayer-funded PFAS summit." Read the letter here.

MAIL CALL! 45Q AND YOU: Rep. Cramer shared a letter Tuesday from the Treasury Department in response to his request for direction on the expanded 45Q tax credit for capturing and storing carbon dioxide. In the letter, Assistant Secretary for Legislative Affairs Drew Maloney said Treasury is developing published guidance to provide clarity to taxpayers for the purpose of using the credit.

— **A coalition of 12 state and city attorneys general** and attorneys sent a letter to National Academy of Sciences President Marcia McNutt saying EPA's so-called secret science proposal to ban the use of studies that don't publicly disclose all data is "too vague and rushed to allow for meaningful public review." And they pressed for the group to weigh in, saying "the National Academy's input on this extremely consequential proposal." Read it here.

API WRITES TO TRUMP ON SECTION 232: The American Petroleum Institute sent a letter to Trump last week requesting that the list of countries currently exempt from Section 232 tariffs on steel and aluminum be expanded "without imposing alternative measures such as quotas," and that the president remove any associated import quotas that have already been imposed. In his letter, API President and CEO Jack Gerard writes that additional import restrictions "will have a negative effect on our industry just as we have achieved the highest level of domestic hydrocarbon (oil and natural gas and natural gas liquids, or NGLs) production since 1949," according to EIA.

TRUDEAU COMMENTS ON PIPELINE: Canadian Prime Minister Justin Trudeau defended the Canadian government's plan to buy and complete the expansion of Kinder Morgan's Trans Mountain pipeline. "The project became too risky for a commercial entity to go forward with it; that's what Kinder Morgan told us," Trudeau said during a Bloomberg Businessweek event. "We are going to ensure that it gets built so that we can get our resources to new markets." More here.

WHITE HOUSE TALKS PUERTO RICO: Aboard an Air Force One flight, press secretary Sarah Huckabee Sanders was asked whether the president — despite his previous comments — now thinks Puerto Rico constitutes a "real catastrophe" following the release of a Harvard University study that found at least 4,645 people died from the September 2017 storm rather than the 64 deaths federal authorities counted. The White House continues to be supportive of the governor of Puerto Rico, Sanders said according to pool reports, and of "transparency and accountability." The people of Puerto Rico "deserve nothing less than that, and were going to continue to be focused on helping in every way we can," she said. "FEMA has already done the largest response ever in history to any natural disaster. They're in Puerto Rico, and we're going to continue to give as much assistance as possible."

RBS COMMITS TO NEW ENERGY FINANCING: Ahead of its shareholder meeting today, the Royal Bank of Scotland announced Tuesday new energy financing policies to support a

transition to low carbon. The bank said it would no longer provide "project-specific finance" to new coal-fired power plants, thermal coal mines or oil sands projects, among other projects. Additionally, RBS said it is tightening restrictions on general lending to mining and power companies generating more than 40 percent of their revenues from thermal coal and of electricity from coal, respectively. In response, Rainforest Action Network Executive Director Lindsey Allen said the announcement "comes as a result of groups like us pressuring banks to defund fossil fuels and deforestation," but said the "policy is only half a step forward because it leaves loopholes in place."

REPORT: COOK TAPPED FOR SUPERFUND JOB: EPA has named Steven Cook — a former senior counsel at chemical giant LyondellBasell — to the agency's Superfund Task Force in the position left vacant by Albert "Kell" Kelly, Bloomberg BNA reported. Cook has been serving as deputy assistant administrator for the agency's land and waste office, prior to his move to the Superfund spot.

ZINKE DEFENDS 'KONICHIWA' GREETING: In a wide-ranging radio interview with Breitbart Radio, Interior Secretary Ryan Zinke defended his use of the greeting "konichiwa" in response to a question from Rep. Colleen Hanabusa on preserving internment sites during a March Natural Resources hearing. "I grew up in a little logging, timber town, railroad town in Montana and a lot of my family lived through the years of the internment camps. I've long since had friends that were Japanese families that went through that," Zinke said, calling it an "appropriate salute." Listen to the full interview here.

AD WARS: Club for Growth Action said Tuesday that it would spend $250,000 on new ads attacking Russ Fagg, a former judge and Republican candidate for Senate in Montana. Campaign Pro's James Arkin reports the new ad campaign attacks Fagg over his record during his two decades as a district judge, including the time he called a judge who "undercut" Trump's rollback of environmental rules a "thoughtful moderate." Watch the TV ad here.

MOVER, SHAKER: Stuart Siffring joined the Western Energy Alliance as a regulatory analyst, the trade group announced Tuesday. Siffring previously worked as a permit engineer at EPA and the Colorado Department of Public Health and Environment.

QUICK HITS

— EPA used disavowed research to justify putting dirtier trucks on the road, Los Angeles Times.

— Antarctica has enormous mountain ranges and valleys deep beneath its ice, The Washington Post.

— Former Perry adviser is FirstEnergy's secret weapon in U.S. bailout, Bloomberg.

— McConnell's plan for a packed summer Senate agenda, CQ Roll Call.

— Lowe's drops paint strippers blamed in dozens of deaths, The New York Times.

— No offsets, no problem as Army Corps OKs wetland projects, E&E News.

HAPPENING TODAY

9:30 a.m. — The Woodrow Wilson Center's Environmental Change and Security Program discussion on "Sustainable Water, Resilient Communities: The Challenge of Erratic Water," 1300 Pennsylvania Ave NW

1:00 p.m. — The National Academy of Sciences' Government-University-Industry Research Roundtable webinar on "Connecting Research to Policy: The Broadband Research Initiative at Pew Charitable Trusts."

1:00 p.m. — The Center for Climate, Health, and the Global Environment at the Harvard T.H. Chan School of Public Health launches new center, Boston.

2:00 p.m. — The Woodrow Wilson Center discussion on "Where Does the Transatlantic Relationship Go from Here," 1300 Pennsylvania Avenue NW

2:30 p.m. — The World Resources Institute forum on "One Year Later: Has the World Moved On Since President Trump's Announcement on the Paris Agreement?" 10 G Street NE

4:00 p.m. — Atlantic Council's Cyber Statecraft Initiative and Global Energy Center discussion on "Supply Chain Vulnerabilities in the Software Era," 1030 15th Street Northwest

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** **A message from America's Pledge:** One year after President Trump announced plans to withdraw from the Paris Agreement, America's Pledge is showing the world that U.S. cities, states, and businesses can lead us towards our goals - with or without Washington. https://politi.co/2koAHZb **

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Stories from POLITICO Pro

The one Democrat Trump can't help but like Back

By Alex Isenstadt and Burgess Everett | 05/30/2018 05:08 AM EDT

When a small group of alarmed White House aides caught wind that Sen. Heidi Heitkamp — one of the most endangered Democrats up for reelection in 2018 — would be attending President Donald Trump's bill signing last week, they raced to stop it.

Word eventually reached Senate Majority Leader Mitch McConnell, who has made unseating

Heitkamp a top priority. He opted not to intervene, and the invitation stood: As the president signed a banking deregulation bill into law before a national audience, Heitkamp was right next to him, the only Democrat in the room.

As the election year kicks into high gear, Republicans have grown increasingly frustrated with Trump's ongoing flirtation with the freshman senator. At a time when many in the GOP fear that the president's unpredictable style will undercut their best-laid midterm plans, the relationship has given Heitkamp — who is seeking reelection in a state where Trump won nearly two-thirds of the vote — fodder to portray herself as a presidential ally.

Her office keeps a running list of the dozen-plus meetings Heitkamp has had with Trump and his top advisers since the 2016 election. And the senator is fond of noting that she forged close ties with Trump's former top economist, Gary Cohn. The president met with Heitkamp in Trump Tower after the 2016 election to discuss a possible Cabinet position, asked her to join him on Air Force One, and invited her onstage to join him and her Republican opponent, Rep. Kevin Cramer, during an appearance in North Dakota.

"Everyone is saying, 'What's she doing up here?'" the president said at the September event to sell his tax reform plan, which Heitkamp eventually opposed. "But I'll tell you what. Good woman, and I think we'll have your support, I hope we'll have your support. And thank you very much, senator, thank you for coming up."

After last week's bill signing, Heitkamp's allies raced to capitalize. The North Dakota Democratic Party sent out a tweet with an image of Cramer looking on uncomfortably as the president stood next to Heitkamp.

"At a bill signing today, @HeidiHeitkamp got a shout out and all @kevincramer got was a photo op next to a chair," the state party boasted.

"We will see footage of this on every platform," said Doug Heye, a former top Republican National Committee official. "It's a huge gift for her campaign."

Trump aggressively recruited Cramer to give up his House seat to take on Heitkamp, and his actions since have left some of Cramer's closest allies feeling snubbed. They note that while Trump has savaged Democratic incumbents Joe Donnelly of Indiana and Jon Tester of Montana and visited a growing list of states to pump up Republican Senate hopefuls — most recently Tennessee, where he appeared Tuesday on behalf of Rep. Marsha Blackburn — he has yet to make a campaign appearance with Cramer. Nor has the attack dog-in-chief attacked Heitkamp.

After Cramer learned last year that Heitkamp would be accompanying the president on Air Force One to North Dakota, he complained bitterly to the White House, according to two people with direct knowledge of the discussions. Heitkamp, Cramer predicted at the time, would try to use it to her political advantage. (A Cramer adviser, Pat Finken, denied that the congressman had complained about the senator riding on Air Force One.)

The administration has taken steps to assure Cramer that he has the president's full support. The

congressman has been regularly in touch with White House political director Bill Stepien, and the two met earlier this month. Trump has agreed to hold a rally for Cramer later this year.

In an interview, Cramer shrugged off Heitkamp's attendance at the bill signing and said there would soon be "clarity" on who Trump supports in the race.

Yet the congressman declined to predict whether the president would go after Heitkamp aggressively, as Trump has done with other Democratic incumbents. Cramer seemed aware of the warmth between the president and the senator. Trump has asked Cramer whether he likes Heitkamp, and when the congressman responds yes, the president seems to be "relieved," Cramer said.

"Politically, North Dakota's a pretty nice state. So I don't know that turning it on her is necessarily politically helpful to me," Cramer said. "They may just be concerned that she's a woman and maybe that has an impact. I just don't know."

Heitkamp said she's proud of her ability to work with the president.

"I have a friendly relationship. I have a very important working relationship," she said in an interview, "not just with him but other members of the administration."

Trump's reluctance to go after Heitkamp stems in part from the simple fact that he needs her vote. With Republicans clinging to a narrow Senate majority, the White House has pushed for her support on several contentious votes, including the recent confirmations of CIA Director Gina Haspel and Secretary of State Mike Pompeo. She also backed Trump's nominations of Supreme Court Justice Neil Gorsuch and Environmental Protection Agency Administrator Scott Pruitt.

Last week's signing ceremony was organized by White House Office of Legislative Affairs Director Marc Short. He said he extended an invitation to Heitkamp because she played a central role in passing the banking deregulation law.

"She was an original cosponsor of the bill," Short said. "But she's also someone who opposed tax relief, who opposed repeal of Obamacare, and someone who will always support Chuck Schumer. So you can be sure the president will be actively campaigning in North Dakota this cycle."

Cramer's February entry into the race followed an intense pursuit from Trump and top White House officials. After Cramer initially said in January that he wouldn't run for Senate, he received overtures from Trump, White House counselor Kellyanne Conway, and energy executive and Trump donor Harold Hamm within a three-day period. Trump also met with Cramer's wife, Kris.

Cramer said Trump told him at the time that he'll "be out there campaigning more than you are." Trump's entreaties, Republicans contend, helped to push Cramer into the contest. Cramer won his statewide, at-large House seat in 2012, the same year Heitkamp entered the Senate.

"The president leaned on him very hard. The president wanted the best candidate, and everyone in the state thought Kevin was the best candidate to beat Heidi," said Gary Emineth, a former North Dakota GOP chairman who is close with the congressman. "You know how the president is. He just doesn't quit."

Heitkamp predicted that Trump would attack her eventually. While she has maintained a positive working relationship with the president, she said it pales in comparison to Cramer's staunch loyalty.

"I don't think anyone can match his Trump credentials," Heitkamp said. "He is somebody who will always do what the president asks him to do, regardless of whether it's good for North Dakota."

As of late, the senator has been airing commercials that highlight her balancing act. "When I agree with the president I vote with him — and that's over half my votes," she says in a spot that began airing this month. "And if his policies hurt North Dakota, he knows I'll speak up."

Cramer accused Heitkamp of acting like a "Republican wannabe" with her occasional support for key Trump nominees.

"Her trying to cozy up to Donald Trump has resulted in good votes," Cramer said. "But every time she tries to become more like me, it's more flattering to me than it is to her."

Democrats, however, couldn't be happier to portray Cramer as a jilted lover.

Last week, the North Dakota Democratic Party released a video featuring a montage of clips of the president praising Heitkamp and shaking her hand as Cramer looks on — set to the sad sounds of R.E.M.'s "Everybody Hurts."

To view online click here.

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Ethanol, farm groups sue EPA over exemptions Back

By Eric Wolff | 05/29/2018 07:13 PM EDT

A coalition of ethanol and farmers groups said they filed a lawsuit in federal court today against EPA seeking to overturn some of the waivers the agency has granted to small refineries allowing them to shed their Renewable Fuel Standard requirements on blending biofuels.

The Renewable Fuels Association, National Corn Growers Association, American Coalition for Ethanol and National Farmers Union are challenging the waivers granted to CVR Refining's Wynnewood, Okla., refinery and the HollyFrontier refineries at Cheyenne, Wyo. and Woods

Cross, Utah. Those refineries have collectively saved $170 million in compliance costs, the coalition said.

The groups, along with their allies in Congress, have criticized EPA's frequent use of the waivers, which they say undermines the RFS mandates on the amount of biofuel that must be sold into the U.S. fuel market.

"EPA is trying to undermine the RFS program under the cover of night," RFA CEO Bob Dinneen said in a statement. "And there's a reason it has been done in secret — it's because EPA is acting in contravention of the statute and its own regulations, methodically destroying the demand for renewable fuels."

The Advanced Biofuels Association challenged the waivers May 1.

WHAT'S NEXT: The complaint will be heard in the U.S. Court of Appeals for the 10th Circuit.

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Exxon shareholders win vote to build Paris climate pact into plans Back

By Ben Lefebvre | 05/31/2017 02:37 PM EDT

The Trump administration may be preparing to withdraw the U.S. from the Paris climate change accords, but shareholders at Exxon Mobil and at least one other U.S. oil company are demanding the companies incorporate the international deal in their business models.

Nearly two-thirds of Exxon's shareholders backed a proposal on Wednesday calling for the company to assess how climate change and global efforts to limit temperature increases will affect its business. The vote is non-binding, but the results show that the once-fringe idea of linking climate change to big oil's operations has gained momentum.

The vote at the Exxon annual shareholder meeting in Dallas came after investors in its smaller rival Occidental Petroleum earlier this month cast more than two-thirds of their votes for a measure calling for the company to assess how its business would be affected by the Paris climate change accord's target of holding global warming to 2-degrees. Company credit rating agency Moody's said last year it would start to use the Paris pledge to assess financial risk for corporations.

"Shareholders have spoken clearly on climate," said Danielle Fugere, president and chief counsel for As You Sow, a group that helps shareholders introduce environmental proposals. "If there's less demand for oil and the world is awash in oil, there's going to be more competition among these companies. Shareholders are trying to figure out who is the best bet."

Not all of these climate-related investor proposals succeeded, however. Chevron shareholders Wednesday morning rejected a motion that the company issue a report on how limiting global temperature increase to 2 degrees Celsius (3.6 degrees Fahrenheit) would affect its business. Only 27 percent of voting shareholders approved the proposal, down from more than 40 percent who voted for a similar proposal last year.

Exxon, Chevron and other energy companies facing such proposals argue that they are already taking the Paris agreement seriously and incorporating it into their business plans. Exxon in particular pointed out that it was developing technology that would capture the carbon emitted at natural gas power plans and then either store it or use it to produce more electricity.

"We believe the goal of carbon policy is to reduce emissions at the lowest cost to society," Exxon Chief Executive Darren Woods said at the shareholder meeting. "These goals led us to support the Paris Agreement." Woods sent President Donald Trump a letter earlier this month urging the U.S. to stay in the Paris deal.

For Exxon, the votes also illustrate how entangled the company has become in New York state climate change politics. The climate change proposal shareholders approved was partly sponsored by the New York State Common Retirement Fund, which is run by the State's comptroller. Meanwhile, the company is embroiled in a lawsuit with the New York and Massachusetts attorneys general over whether it withheld its own research on climate change from shareholders.

"The burden is now on Exxon Mobil to respond swiftly and demonstrate that it takes shareholder concerns about climate risk seriously," New York State Comptroller Thomas P. DiNapoli said in a prepared statement after the vote.

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NAFTA talks stall amid apparent refusal of U.S. to make concessions Back

By Sabrina Rodriguez | 05/29/2018 07:41 PM EDT

Recent high-level NAFTA talks between the U.S., Mexico and Canada have not resulted in progress on the thorniest issues because the U.S. remains unwilling to offer important concessions, two sources close to the talks said on Tuesday.

Negotiators from the Office of the U.S. Trade Representative continue to demand that "they want everything, and there's no possible way they'll get everything they want," one of the sources told POLITICO. "Conversations have stalled entirely."

As the U.S. and Canada resumed talks in Washington on Tuesday, the sources confirmed that Mexican Trade Undersecretary Juan Carlos Baker met with officials from USTR last week to

present a counterproposal that would see Mexico make concessions on wages in the automotive sector in return for U.S. concessions on other flashpoint issues.

Under the offer, Mexico reportedly would accept language on automotive rules of origin that would require that 20 percent of cars produced within North America be made by workers earning at least $16 an hour.

In exchange, Mexico reportedly asked that the U.S. back off some of its thorniest proposals, like placing limits on government procurement as well as a so-called sunset clause, which would allow for the deal to be terminated if all three countries don't agree to renew it after five years. News of the counterproposal was first reported by Bloomberg.

Mexico's counterproposal was not well received by USTR, the sources said.

"USTR did not take a close look at their proposal before rejecting it," one of the sources said. "As soon as it included [the U.S.] giving in on something, it was a 'no' from USTR."

That leaves it up to U.S. Trade Representative Robert Lighthizer to decide if the U.S. will offer any concessions to Mexico and Canada, the sources added.

USTR did not immediately respond to a request for comment on Tuesday evening.

The latest deadlock comes as Mexico and Canada face a looming deadline in their effort to secure a permanent exemption from the U.S. steel and aluminum tariffs. Mexico and Canada were temporarily exempted from the duties, but to win a permanent reprieve each country must reach a separate agreement to satisfy U.S. national security concerns by June 1.

Mexican President Enrique Peña Nieto and Canadian Prime Minister Justin Trudeau have both emphasized in recent days that they will not be pressured into accepting a NAFTA deal that is bad for their respective countries.

"No NAFTA is better than a bad deal, and we've made that very clear to [President Donald Trump]," Trudeau said Tuesday in an interview with Bloomberg. "We are not going to move ahead just for the sake of moving ahead."

Trudeau discussed the NAFTA talks during a call with Vice President Mike Pence on Tuesday, the White House said in a readout that provided no details of the conversation.

Negotiators have made some gains, despite the continued difficulties over the hot-button topics. Canadian Foreign Minister Chrystia Freeland, Canada's top NAFTA official, said she had a "very substantive" conversation with her U.S. counterpart in Washington on Tuesday.

The NAFTA nations' top trade officials have been in consistent contact over the phone since they last met in Washington two weeks ago.

Lighthizer had acknowledged at that point that the three countries still faced "gaping

differences" on a number of issues, such as market access for agricultural products and automotive rules of origin. "The NAFTA countries are nowhere near close to a deal," Lighthizer said then.

Talks have continued to move forward on the NAFTA modernization chapters, like e-commerce, "but as long as USTR keeps the thorny issues on the table, there won't be movement," one of the sources said.

Negotiators have so far closed nine chapters and six sectoral annexes, Mexico's chief negotiator, Kenneth Smith Ramos, said last week. Those chapters include: telecommunications, small- and medium-sized enterprises, competition, and technical barriers to trade.

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Gulf of Mexico rig operator fined $4M after Interior Department investigation Back

By Ben Lefebvre | 05/29/2018 04:36 PM EDT

The U.S. Attorney's Office for the Eastern District of Louisiana fined offshore oil and gas company Energy Resource Technology $4 million for fabricating data about readiness of a key piece equipment used to prevent oil spills, the Interior Department said today.

The fine was a result of an investigation by Interior's Office of Inspector General that found that ERT management directed an employee on its rig in the Gulf of Mexico to create a fake blowout preventer pressure test chart to conceal a failed test result. The failure by a blowout preventer was one of the main causes of Deepwater Horizon rig accident that killed 11 people in 2010.

An ERT supervisor on the same rig had employees perform welding near an active well in violation of Interior safety regulations.

Interior had fined ERT $4 million in 2012 for earlier violations on its rigs, and an accident killed a contract worker on an ERT rig in February.

ERT is a subsidiary of Houston-based Talos Energy.

WHAT'S NEXT: In addition to the fine, ERT was sentenced to 36 months' probation and ordered to pay $200,000 in restitution.

To view online click here.

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Study: 4,645 people died after Hurricane Maria, far more than official estimate Back

By Mel Leonor | 05/29/2018 11:40 AM EDT

At least 4,645 people died amid the devastation wrought by Hurricane Maria in Puerto Rico — more than 70 times the official government death toll of 64, according to a new study from Harvard University.

Locals, journalists and public health experts have for months questioned the government estimate of deaths from the storm, which caused more than $90 billion in damage.

President Donald Trump, however, said in October that Puerto Rico officials should be "very proud" of the low death toll.

The study, published Tuesday in the New England Journal of Medicine, is based on household surveys of more than 3,000 homes in the territory, where researchers found a boom in the mortality rate between late September and late December 2017.

The authors of the study, which was largely funded by the Harvard T.H. Chan School of Public Health, described the official death count as a "substantial underestimate" and called it evidence of the "inattention of the U.S. government to the frail infrastructure of Puerto Rico."

"The timely estimation of the death toll after a natural disaster is critical to defining the scale and severity of the crisis and to targeting interventions for recovery," they wrote.

Researchers found that "interruption of medical care was the primary cause" of the high mortality rate that came after the storm made landfall.

With the 2018 hurricane season in swing, the authors also urged chronically ill patients, communities and health care providers to develop contingency plans for future disasters.

Carlos R. Mercader, executive director of the Puerto Rico Federal Affairs Administration, said in a statement that officials would analyze the report, adding, "We have always expected the number to be higher than what was previously reported."

He said the Puerto Rico government has commissioned a report from George Washington University, which he said would be released "soon."

Trump said in October that the storm had been less devastating than Hurricane Katrina in 2005, but the new study indicates that may not be true. Hurricane Katrina resulted in the deaths of 1,833 people, according to FEMA.

"Every death is a horror," Trump said at the time, "but if you look at a real catastrophe like Katrina and you look at the tremendous — hundreds and hundreds of people that died — and you look at what happened here with, really, a storm that was just totally overpowering ... no one has ever seen anything like this."

Rep. Nydia Velázquez (D-N.Y.) said after the report was released Tuesday that the apparent undercounting of deaths "concealed" the impact of Hurricane Maria on the territory.

"By obscuring this, many were left to believe the Trump Administration's mythology that Puerto Rico was not hit hard by Maria," Velázquez said in a statement. "We must get to the bottom of this discrepancy."

The White House did not respond to a request for comment.

Last year, Velázquez and Rep. Bennie Thompson (D-Miss.) asked a government watchdog to investigate how Puerto Rican officials "originally arrived at such a low number."

To view online click here.

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New Club for Growth ads attack Fagg in Montana Back

By James Arkin | 05/29/2018 03:48 PM EDT

Club for Growth Action, the super PAC arm of the Club for Growth, announced today that it would spend $250,000 on new ads attacking Russ Fagg, a former judge and Republican candidate for Senate in Montana.

The Club is backing state auditor Matt Rosendale in the race in the race to face Democratic Sen. Jon Tester, and its PACs have spent more than $1 million on ads backing Rosendale and attacking Fagg, one of his top challengers in the June 5 primary.

The new ad campaign attacks Fagg over his record during his two decades as a district judge. The TV ad makes three claims against Fagg: that he defended another judge who suggested a rape victim was to blame for her own attack; that he called a judge who "undercut" President Donald Trump's rollback of environmental rules a "thoughtful moderate"; and that he "praised a liberal federal judge who ruled against speeding up deportations."

"Russ Fagg's values are not Montana values," the narrator says.

The radio version of the ad features a woman and a man having a conversation about Fagg's record and pointing listeners to a website, factsformontana.com, funded by Club for Growth Action.

You can watch the TV ad here and listen to the radio ad here.

To view online click here.

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Sent: Fri 6/29/2018 9:44:16 AM
Subject: Morning Energy, presented by ExxonMobil: What comes next for FERC? — Perry's New York state of mind — Pruitt meets California official on cars

By Kelsey Tamborrino | 06/29/2018 05:41 AM EDT

With help from Anthony Adragna

PLOT TWIST: FERC Commissioner Rob Powelson shocked the energy world Thursday night when he announced he will leave the agency to lead a trade association for water utilities. Powelson, a Republican appointed by President Donald Trump, was one of the agency's fiercest critics of the administration's efforts to bail out struggling coal and nuclear power plants, but he told Pro's Darius Dixon that policy disagreements had nothing to do with his decision. He said he simply couldn't pass up the once-in-a-lifetime opportunity to take a great job as CEO of the National Association of Water Companies that would allow him to nix the commute to Washington from his home near Philadelphia.

There is no "subplot to this," Powelson said, adding it was a decision he made with his family. "I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever. And as a Philly boy, I will let it fly," he said. "No one came at me and said, 'You need to move on. You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

His departure will leave FERC deadlocked, and likely unable to approve new interstate natural gas pipelines over Democratic objections related to issues like climate change. Powelson was a critic against the administration's coal and nuclear bailout pitch, telling a Senate committee earlier this month that a bailout "goes against everything we talk about in terms of supply-and-demand side economics."

Now Trump has a chance to nominate a new commissioner who is friendlier to his pro-coal policies. Still, that person will require Senate confirmation with a tough calendar ahead. Keep in mind, the Senate is racing toward midterm elections, August recess and now a new Supreme Court confirmation — making a speedy confirmation for a FERC nominee all the more unlikely. Read more.

NEW YORK STATE OF MIND: Energy Secretary Rick Perry offered some harsh words Thursday for the state of New York energy, suggesting the federal government should consider preventing the state from blocking new natural gas pipelines. "I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" Perry said, referring to the administration's central national security argument behind efforts to bail out economically struggling coal and nuclear power plants.

Perry has criticized New York Gov. Andrew Cuomo for years, but didn't mention him by name in his remarks at the World Gas Conference. Perry said political opposition to new gas

infrastructure had left the state vulnerable, including to major winter storms and cyberattacks. "And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said. Read more from Pro's Matt Daily.

FINALLY FRIDAY! I'm your host, Kelsey Tamborrino. PECO's Tom Bonner correctly identified the three current governors born in Pennsylvania: John Kasich, John Hickenlooper and Tom Wolf. A geography question to close out the week: What state has a triple divide that allows water to flow to the Pacific Ocean, Atlantic Ocean or the Hudson Bay? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

PRUITT MEETS CALIFORNIA OFFICIAL ON CARS: EPA Administrator Scott Pruitt will meet with California's top air regulator this morning in San Francisco, the agency said. Pruitt and Mary Nichols, the head of the California Air Resources Board, will discuss various issues including "cooperative federalism, car and truck greenhouse gas standards, and NAAQS," according to EPA. The Trump administration is weighing action on car emissions standards that could spark a court showdown with California, as it currently has authority to set its own greenhouse gas limits on tailpipe emissions. The last time EPA met with CARB officials, the agency called it a "productive" meeting, although Nichols took to Twitter shortly after to dispute that characterization.

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ZINKE TAKES HIS TURN: Kicking off the final day of the weeklong World Gas Conference, Interior Secretary Ryan Zinke will deliver opening remarks at a panel on innovation in the energy industry that's set to answer questions like, "How can innovative technologies, business models and operating practices shape the future of the global natural gas industry?"

Later in the day, EPA's air chief, Bill Wehrum, will join a workshop on the "role of voluntary action in methane management" — an interesting discussion as greens have pointed fingers at the agency after a report released last week found oil and gas methane emissions are greater than previously thought. Former Energy Secretary Ernest Moniz will close out the conference with remarks about "energy systems of the future."

FOR YOUR RADAR: Zinke met with a "good mix" of electricity, oil and gas leaders Thursday afternoon for a roundtable discussion, an industry source who attended the meeting told ME. About 40 or more people attended the meeting with Zinke, the source added, which ranged from discussions on streamlining the permitting process to federal lands. The meeting follows a similar one in May between Zinke and several conservation groups.

INTERESTING TEAM: Reps. Kyrsten Sinema, a Democrat running for Senate in Arizona, and Steve Stivers, the chairman of the National Republican Congressional Committee, released legislation Thursday that would require political appointees to personally pay back any illegal

expenditures of public funds. No one is singled out, but Pruitt's $43,000 privacy booth would certainly fit the bill. To qualify for repayment under the bill, the spending must be found illegal through a joint determination from an inspector general and the Government Accountability Office. Reps. Brian Fitzpatrick, Josh Gottheimer, Carlos Curbelo and David Young co-sponsored the legislation.

TIMING UPDATE: A House Oversight Committee aide tells ME that staff expect to speak with Kevin Chmielewski, the former Trump EPA political staffer-turned-whistleblower, "within the next couple of weeks." They'll interview current chief of staff Ryan Jackson today, according to the aide. Pro's Anthony Adragna reported committee staff also interviewed policy adviser Samantha Dravis on Thursday.

INDIAN AFFAIRS NOM CONFIRMED: The Senate confirmed Tara Sweeney to be assistant secretary for Indian Affairs at Interior on Thursday by a voice vote. Sweeney, who previously served as executive vice president of external affairs for Arctic Slope Regional Corporation, was nominated back in October, and was advocated for by Senate Energy Chairman Lisa Murkowski. Sweeney was welcomed in a tweet by Zinke , who said he was "excited" for her arrival. "She is the first Alaska Native woman to hold the position," he tweeted. "A historic day for Alaska and America!"

IG RELEASES SUMMARY ON NPS ALLEGATION: Interior's inspector general released a brief summary of its investigation into allegations made against National Park Service Deputy Director P. Daniel Smith. An anonymous employee earlier this year said Smith made an obscene gesture and used vulgar language while standing in the hallway of the agency's headquarters, which prompted OIG to launch an investigation in May. The summary stopped short of condemning Smith, and cites a retelling by Smith and another NPS employee, who denied that Smith touched himself obscenely or used any vulgar language. The OIG said it could not find anyone else who witnessed the incident.

Smith, however, "acknowledged he gestured with his hands to simulate urinating while telling a story and stated that in hindsight, the story and the gesture were not appropriate for work," according to the summary. "The other employee said he was not offended by the story or the gesture but also acknowledged that they were inappropriate for the workplace."

THIS LAND IS OUR LAND: Montana Sen. Jon Tester is out with a new statewide ad promoting his stance on public lands, Campaign Pro's Zach Montellaro reports. The ad features a video of Tester speaking about his roots. "My family has made a living off the land in Montana for over 100 years," Tester says, adding, "As long as I'm in the U.S. Senate, Montana is not for sale." Watch the ad.

GAO: DOE SHOULD IMPROVE SPR OVERSIGHT: The Government Accountability Office released a report Thursday that offers several ways for DOE to modernize the Strategic Petroleum Reserve. The report found DOE had not identified the optimal size of the reserve, and said the last review conducted by the department "was limited in several ways." GAO made several recommendations, including a suggestion that Congress "may wish to consider setting a long-range target for the size and configuration of the SPR," taking into account issues like

future oil production projections and U.S. International Energy Agency obligations.

"By not examining a full range of options, DOE risks missing beneficial ways to modernize the SPR while saving taxpayer resources," according to the GAO report, which was requested by the House Energy and Commerce Committee. "We will give GAO's recommendations careful consideration as the committee considers legislative options to address the concerns raised by this report," a joint statement from the E&C energy subcommittee's leadership said.

REPORT: MORE CAN BE DONE TO FIGHT BLACK LUNG: Although cases of black lung disease has declined in miners in most areas, excluding Appalachia, a new report from the National Academies of Sciences, Engineering, and Medicine says a "fundamental shift" is required in the way operators approach exposure control in order to eliminate the disease. The report found operators are complying with regulatory requirements, but the basis of such requirements could improve by recommending improvements to current monitoring technologies, as well as building out the research currently being done, among other guidance. Read the report.

AGs JOIN EPA SCIENCE PANEL SUIT: Attorneys general from nine states filed an amicus brief this week in support of the plaintiffs suing over EPA's policy barring scientists who receive agency grants from serving on its scientific advisory committees. "The advisory committee Directive has already caused dozens of uniquely qualified scientists to be removed from their posts on EPA advisory boards and committees, while leaving in place (and even increasing) persons affiliated with regulated industries," the brief states. AGs from Washington, California, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New York and Oregon, and the Pennsylvania Department of Environmental Protection joined the filing.

MAIL CALL! RECONSIDER THIS: A bipartisan and bicameral group of lawmakers is calling on Perry to reconsider DOE's move to have power marketing administrations report directly to the assistant secretary for electricity instead of the deputy secretary, as has been tradition. "We are concerned that these changes could lead to decisions that are not in the best interest of Pacific Northwest ratepayers," they write.

A TIMELINE EMERGES: The White House is hoping to select a Supreme Court nominee before Trump leaves for his European trip on July 10, POLITICO's Nancy Cook reports. Whomever Trump nominates will likely get a confirmation vote after Labor Day, Senate Majority Whip John Cornyn said Thursday, telling POLITICO's Elana Schor he'd be "shocked" if the vote occurred before then. Cornyn, however, added he is "not opposed" to moving more quickly but said the process to confirm a nominee (i.e., background checks) would take quite a bit of time.

SENATE PASSES FARM BILL: The Senate Thursday passed a farm bill, H.R. 2 (115), which includes a provision reauthorizing the National Flood Insurance Program. But with the NFIP expiring on July 31, senators are looking at other vehicles to attach a short-term extension, Pro's Zachary Warmbrodt reports.

MINN. PUC APPROVES LINE 3: The Minnesota Public Utilities Commission approved

Enbridge's proposed Line 3 tar sands pipeline on Thursday in a unanimous 5-0 vote, MPR News reports. The decision came with several conditions, the website writes, "including a decommissioning trust fund to ensure the new pipeline will be retired responsibly decades from now." Green groups have urged the PUC to reject the pipeline, especially following a 2010 Enbridge pipeline spill in Kalamazoo, Mich. Read more.

VISUALIZE IT: JUST Capital, a nonprofit business tracking group, will release today its new "Environmental Explorer" interactive tool, which allows users to explore companies based on their environmental impact, including recycling, waste management and electricity use. See it here.

QUICK HITS

— Sources: India preparing for cut in oil imports from Iran, Reuters.

— "Pope to huddle with environmental leaders, activists," Axios.

— "Gas Natural Fenosa becomes Naturgy," LNG World News.

— "One casualty of Trump's tough Iran stance? U.S. pump prices," Bloomberg.

— "U.S. sues Mount Vernon, alleging Clean Water Act violations," Associated Press.

HAPPENING TODAY

10 a.m. — Wilson Center forum on "National Guard Interests in the Arctic: Arctic and Extreme Cold Weather Capability," 1300 Pennsylvania Ave NW.

10 a.m. — The National Academy of Sciences meeting of the Committee on Offshore Science and Assessment, 2101 Constitution Avenue NW.

12 p.m. — The Federalist Society teleforum on "EPA's CAFE: What's on the Menu for Fuel Economy and Greenhouse Gas Standards?"

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Stories from POLITICO Pro

GOP FERC commissioner slams latest bailout pitch Back

By Darius Dixon | 06/12/2018 03:17 PM EDT

Republican Commissioner Rob Powelson positioned himself Tuesday as FERC's leading critic of the Trump administration's call to rescue financially struggling coal and nuclear plants, panning the latest approach floated by the White House.

Letting the Energy Department prop up money-losing power plants in the name of national security is not necessary to maintain a resilient electric grid, Powelson said at a Senate Energy and Natural Resources Committee hearing with all five FERC commissioners. A former chairman of the Pennsylvania Public Utility Commission, Powelson said electric service was not disrupted by power company bankruptcies during his time as a state regulator.

"These markets are operating hyper-efficiently," he said. "Now, we're seeing the best of all worlds: New resources, cleaner resources, more efficient resources coming in the marketplace. The markets are creating orderly entry and exit, and to put someone's risk capital at play I have grave concerns about that."

The idea of a government bailout "goes against everything we talk about in terms of supply-and-demand side economics," Powelson added.

DOE is pondering the use of the Federal Power Act and the Defense Production Act to force coal and nuclear power plants to keep operating in the face overwhelming competition from cheap natural gas and growing renewable power that has pushed big power units into retirement. A memo that circulated at the National Security Council earlier this month cited possible attacks on natural gas pipelines among the justifications for DOE's latest national security approach.

Speaking to reporters after the hearing, Powelson acknowledged that national security "should be part of the conversation," but he seemed skeptical of the administration's shifting justifications for a bailout.

"All of a sudden we have a national conversation that went from potential reliability issues, now to national security issues," he said, referring to DOE's ill-fated effort last year to push for payments to power plants with 90 days of fuel on-site, an earlier tactic aimed at supporting coal and nuclear power. "I struggle with the original posture of saying the FERC's not doing enough. I categorically disagree."

Chairman Kevin McIntyre acknowledged that Energy Secretary Rick Perry has the authority to declare a grid emergency that could require retiring power plants to keep operating, but he did not offer any opinion on the merits of such an approach.

Democratic FERC Commissioner Richard Glick, who once worked for former Energy Secretary Bill Richardson, said the agency has not built up a solid record for declaring a national

emergency.

At the end of the Clinton administration, the Western energy crisis was still unfolding and Richardson invoked the emergency powers in the Federal Power Act and made use of the Defense Production Act to force the sale of natural gas supplies into the region because a defense facility was impacted, he said.

"We created a record. We have a record that it truly was an emergency," Glick said. "In this case, I think what we're trying to get a solution before we actually build a record suggesting that there's actually an emergency."

FERC Commissioner Neil Chatterjee, a former aide to Senate Majority Leader Mitch McConnell, tried not to dismiss DOE's proposal out of hand.

"It's a leaked memo. We don't know what the administration intends to do with it. But I think people are also too quickly dismissing it," Chatterjee said. "I've read the memo. There are a number of points in the memo that are thoroughly well-cited and researched and I think we can disagree what the remedy might be but I think they raise a real issue."

On Monday, Chatterjee and Glick penned an editorial that called for setting up a regiment of mandatory standards for natural gas pipeline, the infrastructure that DOE argues poses a risk to national security.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski told regulators that she's been frustrated with FERC's pace of addressing market concerns and argued that that may have egged DOE on to jump into the power markets.

"I have my concerns with the steps that the Department of Energy is reported to be considering. But I also recognize that they're trying to fill a perceived vacuum," the Alaska Republican said at Tuesday's hearing.

"In my view, FERC should be pointing the way on policy improvement that address grid vulnerabilities while reaffirming our commitment to competition in wholesale power markets," she said. "And frankly, as one who has been concerned about this issue for years now, I find it unfortunate that prior commissions did not lead more effectively."

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Powelson: No 'subplot' to surprise FERC exit Back

By Darius Dixon | 06/28/2018 08:20 PM EDT

FERC Commissioner Rob Powelson says his surprise decision to resign after just one year at the

commission had nothing to do with his frequent objections to one of the Trump administration's main energy policy goals.

The Republican former state regulator has been one of the most vocal critics of the Energy Department's efforts to rescue economically struggling coal and nuclear power plants, but he said that position was not a factor in his decision to leave the commission. In mid-August, Powelson will take over as CEO of the National Association of Water Companies. He simply jumped at a once-in-a-lifetime opportunity to take a great job that would allow him to avoid commuting to Washington from his home near Philadelphia.

There is no "subplot to this," he told POLITICO on Thursday, saying it was a decision he made with his family.

"I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever. And as a Philly boy, I will let it fly," he said in a phone interview after announcing his plan to resign.

"No one came at me and said, 'You need to move on,'" he added. "You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

Powelson's departure could also leave FERC's four remaining commissioners unable to approve new interstate natural gas pipelines over Democratic objections related to climate change or the agency's overall process for assessing the need for those projects. A former chairman of the Pennsylvania Public Utility Commission, Powelson also was one of the strongest advocates for state regulators, especially in PJM — the regional grid that would be most affected by the Trump administration's coal-boosting efforts.

Leaving in August means that Powelson will have served on the commission for just one year of a term that was scheduled to run through mid-2020, making his the shortest tenure in agency history since the 1960s, when FERC was still the Federal Power Commission. It also gives President Donald Trump an opportunity to replace Powelson with a regulator who is friendlier to his pro-coal policies.

Powelson said he didn't expect to be at FERC for such a short time, but felt he couldn't pass up the job offer, especially after the National Association of Water Companies told him it was planning to move its headquarters from Washington to Philadelphia. He has two sons, a rising seventh-grader and a rising 10th-grader, and said that his job change was in part a decision between career moves and an opportunity to be closer to family.

"I had every intention to stay longer. But honestly, I served eight and a half years on the Pennsylvania commission. I love this place. The people are great [at FERC]," he said. "But for me to say no — that opportunity is not coming around again, and I knew that. There was just too much alignment for me not to take it."

The outgoing commissioner also said that he didn't pine for the FERC chairmanship, noting that

few people run a state commission as well as FERC like Texas' Pat Wood did.

"I looked at Chairman [Kevin] McIntyre's desk the other day and I don't miss the piles of paper on my desk. I'm perfectly at peace. I was honored to be a commissioner. It's a stressful job to be a chairman and you're running the agency," he said.

"I've done the chairmanship duty [in Pennsylvania] and I'm perfectly at peace with that," he said. With emphasis and a chuckle, Powelson added: "Perfectly at peace, trust me."

He said he told all the commission leadership colleagues about his plans face to face, and sent an all-hands email to FERC staff Thursday.

Powelson warned that he's excited to talk about "water resiliency" and the "water grid" in a post-Flint, Mich., world that is also looking at the energy-water nexus. The association represents water and wastewater utilities such as American Water and Aqua America, among other companies.

"Now I get to be a pain in the ass on water policy," he said.

To view online click here.

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Rick Perry takes aim at New York Back

By James Hohmann | 06/19/2013 05:01 AM EDT

Rick Perry stars in an ad out Wednesday that coincides with his swing across the Northeast to lure jobs to Texas.

The one-minute, campaign-style video — shared first with POLITICO — attacks New York, where the governor is spending the day, as a high-tax, high-regulation state. (Watch the ad.)

New York Mayor Michael Bloomberg's ban on large sodas is referenced, and New York Gov. Andrew Cuomo is mentioned by name in the first 30 seconds, which plays out like an attack ad.

The second half turns triumphal, with feel-good music and B-roll of Texas skylines.

"Why have more jobs and businesses moved to Texas than any other state? Our state is No. 1 for business because we have no state income tax," Perry says, "and [Texas] has added more jobs than any state in the nation over the last five years."

The Republican governor, who many believe could run for president again in 2016, notes that Texas was just ranked No. 1 as a place to do business for the ninth straight year by Chief Executive Magazine.

"If you're tired of the same old recipe — of over-taxation, over-regulation and frivolous litigation — get out before you go broke," Perry says, with the state capitol in Austin as a backdrop. "Texas is calling. Your opportunity awaits."

As Perry speaks, messages on screen declare: "Bigger opportunities. Bigger Dreams. A Bigger Future. Go Big With Texas."

Perry is in Connecticut and New York for five days. He has courted, among others, gun manufacturers facing stricter laws in the wake of the Newtown shootings.

This is the latest salvo in an aggressive campaign to attract businesses and raise the state's profile that has already sent Perry to Illinois and California.

The video appears on the Web site of "Texas Wide Open for Business," which is part of the Economic Development Division within the governor's office.

TexasOne, a privately funded entity, launched a $1 million radio and TV campaign in Connecticut and New York last week. They are also paying for the governor's trip.

To view online click here.

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Perry warns of looming New York energy 'reckoning' Back

By Matt Daily | 06/28/2018 04:57 PM EDT

Energy Secretary Rick Perry today suggested that the federal government should consider preventing New York state from blocking new natural gas pipelines, echoing the national security argument he has put behind his efforts to bail out struggling coal and nuclear power plants.

Perry, who has criticized New York Gov. Andrew Cuomo for years, didn't mention the Democratic governor by name, but said political opposition to new gas infrastructure had left the state vulnerable to potential devastating power outages.

"I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" he said.

New York has blocked the expansion of the Constitution Pipeline by denying the project the water permits it needs to extend the pipeline that would carry gas from Pennsylvania.

Perry laid out a scenario to an audience at the World Gas Conference where a major winter storm and cyberattack on the power grid hit the state at the same time.

"And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said.

"At that particular point in time, the political leadership of that state that is keeping pipelines from being built — for strictly political purposes — are going to have real reckoning. I wouldn't want to be the governor of that state faced with that situation," he said.

To view online click here.

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Watchdog reports provide new ammo for Pruitt's critics Back

By Alex Guillén and Anthony Adragna | 04/16/2018 12:28 PM EDT

Critics of Scott Pruitt got fresh ammunition against the embattled EPA administrator on Monday, with two federal reports revealing that EPA had broken the law in building him a secure phone booth and that the agency had granted previously undisclosed pay raises of more than 20 percent to his political appointees.

EPA failed to notify lawmakers that it spent more than $43,000 to build a secure phone booth for Pruitt's office, according to a report from the Government Accountability Office on Monday morning. A few hours later, EPA's inspector general detailed the steep pay hikes — but did offer some support for Pruitt's claim that he had been unaware of controversial raises at the agency, though the internal watchdog stressed its investigation is ongoing.

Pruitt has drawn criticism that he has spent excessively on heightened security since he joined the agency last year. While Monday's GAO report focuses on the phone booth, Pruitt has also expanded his security staff to provide round-the-clock protection and spent heavily on first-class travel for himself and his security personnel to limit his exposure to potential threats from fellow passengers. He also faces questions over his use of special hiring authority to hire former lobbyists and political allies, but the IG's initial findings do not include evidence that he personally circumvented the White House in order to boost their pay, despite earlier reports.

Construction of the phone booth violated the Financial Services and General Government Appropriations Act since it cost well above the $5,000 limit that requires the agency to notify Congress, according to the GAO.

"We conclude that EPA violated section 710 when it obligated $43,238.68 for the installation of a soundproof privacy booth without providing advance notice to the Committees on Appropriations of the House of Representatives and the Senate," the GAO report said.

EPA defended the booth as necessary to Pruitt's work, arguing that it was similar to a computer

or other equipment he uses. But GAO said the booth is clearly a "furnishment" under the law and thus should have been reported to Congress in advance. EPA did not say whether the phone booth had been certified as a Sensitive Compartmented Information Facility, or SCIF.

"This is just one more example of how Scott Pruitt is blatantly breaking laws and ethics rules that protect taxpayers from government waste, fraud and abuse in order to help himself to perks and special favors — and taking deliberate steps to hide everything from Congress and taxpayers," Sen. Tom Udall (D-N.M.) said in a statement to POLITICO.

Critics wondered why Pruitt needed a place to make secure phone calls in his office since the agency already had two SCIFs in its headquarters. Those SCIFs are located outside of Pruitt's secure suite of offices, however.

The GAO report specifically steered clear of judging whether installing the booth was the best or only way to provide Pruitt with a secure phone line.

An EPA spokeswoman defended Pruitt's need for the booth but acknowledged that Congress had not been informed ahead of time.

"EPA is addressing GAO's concern, with regard to Congressional notification about this expense, and will be sending Congress the necessary information this week," spokeswoman Liz Bowman said in a statement.

Sen. John Barrasso (R-Wyo.), who chairs the Environment and Public Works Committee, said he wants to hear more from EPA about why it did not properly inform Congress.

"It is critical that EPA and all federal agencies comply with notification requirements to Congress before spending tax payer dollars. EPA must give a full public accounting of this expenditure and explain why the agency thinks it was complying with the law," he said.

GAO is also reviewing Pruitt's appearance in a cattle industry video that asked for public comments on Pruitt's plan to repeal the Waters of the U.S. rule. Democrats similarly alleged his actions violated the Antideficiency Act.

Separately, EPA's inspector general released a preliminary report on its investigation into several political appointees who were hired or promoted under special authority given to Pruitt through the Safe Drinking Water Act.

The report shows a handful of political appointees at EPA saw their salaries boosted by 20 percent or more in their first year at the agency — in some cases over objections from the White House. But Pruitt did not personally sign off on the most controversial raises, leaving open the question of how involved he was in the decision. The IG said the interim report was meant to "provide certain factual information" and "does not present any conclusions or recommendations."

None of the EPA staffers were named in the report, but the salary and other information provided

aligns with names included in previously released employment documents reviewed by POLITICO.

The IG's report shows Sarah Greenwalt, senior counsel to Pruitt, received a $56,765 raise on April 1, while Millan Hupp, director of scheduling and advance, received a $28,130 raise the same day. Those figures are in line with The Atlantic's report that EPA circumvented the White House to boost their pay.

Chief of staff Ryan Jackson signed forms authorizing both of those pay increases, each time writing "Ryan Jackson for Scott Pruitt," according to documents included with the IG report. Jackson had said last week that he approved the raises.

EPA said those raises have been reversed, but the IG was unable to back up that claim. "We requested from the agency any documentation indicating modifications to the salary of any of the employees subsequent to the personnel actions noted above. As of report issuance, the agency was unable to provide us with complete information or confirmation of any modifications," according to the report.

The IG's office also uncovered several previously unreported raises, some of which were granted using the drinking water authority and others achieved by changing the employees' job classifications.

In mid-February, Forrest McMurray, an advance staffer from Oklahoma and, like Hupp, a relatively recent college graduate, saw his salary increase 25 percent through the same SDWA process that was later applied to Greenwalt and Hupp. (Bloomberg News had initially reported on Monday that the third raise granted via that process was to Samantha Dravis, the association administrator running the Office of Policy. But the third salary increase corresponds with McMurray's employment information, and Bloomberg removed Dravis' name from an updated version of its article.)

A fourth aide, speechwriter Lincoln Ferguson, received 25 percent pay increase last September after receiving a renewed position with the SDWA authority. Ferguson worked for Pruitt when he was Oklahoma attorney general.

Pruitt signed off on the raise for Ferguson, but not McMurray, according to the IG report.

Two other political appointees — Liz Bowman, the associate administrator for the Office of Public Affairs, and Kevin Chmielewski, the advance staffer who last week made allegations about mismanagement and wrongdoing at EPA to both Democrats and Republicans — appear to have received raises of more than 20 percent last summer when their employment classification was increased. Chmielewski departed the agency in mid-February.

Brittany Bolen, the senior deputy associate administrator in the Office of Policy, had received a 1.6 percent raise last summer when she underwent the same increase in classification.

The IG report was part of a larger investigation into EPA's use of a special hiring authority under

the SDWA, which allows Pruitt to hire up to 30 staffers without having to go through normal hiring procedures or subjecting the staffers to the Trump administration's ethics pledge.

The SDWA authority was intended to allow EPA to bring on board engineers or scientists with subject matter expertise. Democratic critics alleged that Pruitt used it to get key political appointees in place quickly or to bypass ethics issues, and asked for the IG to review the matter. But EPA has dismissed those criticisms.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison, and career human resources officials. Salaries are based on work history; and, any increases are due to either new and additional responsibilities or promotions," EPA spokesman Jahan Wilcox said.

Records released last summer by EPA show that a dozen EPA political staffers were working in "administratively determined" positions as of mid-July 2017, while another 22 had been converted to permanent political appointees or left the agency.

Among those still working under the special hiring authority at that time were Nancy Beck, the deputy for EPA's chemicals office; Byron Brown, Pruitt's deputy chief of staff; air adviser Mandy Gunasekara; and a number of public affairs officials, including Michael Abboud, James Hewitt, Ferguson and Wilcox. Their status may have changed since.

The IG's audit of EPA's use of the hiring authority will continue, with a final report expected at a later date.

Emily Holden contributed to this report.

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Oversight will interview two more Pruitt aides this week Back

By Anthony Adragna | 06/28/2018 02:47 PM EDT

House Oversight Committee staff are interviewing former EPA policy adviser Samantha Dravis today as they continue their probe into allegations of lavish spending and unethical behavior by Administrator Scott Pruitt, a committee aide confirmed.

In addition, staff plan to interview Pruitt's chief of staff Ryan Jackson on Friday, the aide said.

Dravis and Jackson's interviews come after the committee already spoke with multiple other members of Pruitt's inner circle: former security chief Pasquale "Nino" Perrotta, scheduler Millan Hupp and senior EPA counsel Sarah Greenwalt.

Chairman Trey Gowdy (R-S.C.) had also requested an interview with former deputy chief of

staff turned whistleblower Kevin Chmielewski by June 22, but it's not immediately clear when that interview will occur.

The latest interviews were first reported by E&E News.

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Tester launches new TV ad on public lands Back

By Zach Montellaro | 06/28/2018 02:43 PM EDT

Sen. Jon Tester (D-Mont.) launched a new statewide ad called "Not for Sale," touting his stance on public lands and featuring video of Tester speaking with hunters and fishermen.

The positive ad opens with the senator talking about his family's roots in the state — "My family has made a living off the land in Montana for over 100 years," Tester says — and features a Montanan praising him, saying "he understands the importance of public lands to Montanans and his values are our values."

"As long as I'm in the U.S. Senate, Montana is not for sale," Tester says at the end of the ad.

Tester is facing Republican state Auditor Matt Rosendale in November.

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White House wants Trump to nominate a justice before Putin trip Back

By Nancy Cook | 06/28/2018 05:07 PM EDT

The White House hopes to have a Supreme Court nominee chosen by the time President Donald Trump leaves for his European trip on July 10, according to one Republican close to the White House and one person involved with the judicial selection process.

The White House is expected to start interviewing candidates early next week, with the White House's top attorney, Don McGahn, leading that process. The goal is to hold confirmation hearings in August or September, so that any confirmed justice can join the court in early October, before the next term.

Top contenders include Raymond Kethledge, Thomas Hardiman, Amy Coney Barrett, Brett Kavanaugh, and Amul Thapar — though the person involved with the process stressed that other potential nominees from Trump's list of judges could also get a "hard look."

Trump and a cadre of yet-to-be-determined senior administration officials are expected to interview a handful of finalists, similar to how the White House handled the selection of Trump's first Supreme Court pick, Neil Gorsuch.

"The administration has already been through this once, so that really helps a lot. There is already a system in place," said the person involved with the process.

Several outside groups including the Koch-backed Americans for Prosperity and Judicial Crisis Network are expected to help to push the Republican nomination, especially once Trump announces his nominee.

The Judicial Crisis Network spent more than $10 million to support the Gorsuch confirmation, and JCN chief counsel Carrie Severino predicted the group's spending would exceed that figure this time around. With Democrats aiming to persuade moderate Republicans to block a nominee, she added, "this nomination will be more contentious."

But after months of the president dividing his party over thorny issues like immigration and trade, the Kennedy retirement offers a unique opportunity to motivate Trump's base and, potentially, to mobilize voters frustrated with Trump to turn out the GOP in the midterm

elections anyway.

"Republicans have been looking for an issue to ensure their base turns out in November, and I think we've found it with the Supreme Court pick," said Andy Surabian, a Republican strategist and former special assistant to the president and White House deputy strategist in the Trump administration. "I know the pick will happen before the elections, but messaging-wise, I don't think you can have a better one than: 'Do you want the party of Maxine Waters deciding the fate of the Supreme Court?'"

The president seemed ecstatic about the open seat during a Wednesday evening rally in North Dakota. There, he pledged to select a judge who could serve for 40 to 45 years before doing his best to give supporters a sense of urgency about the need for continued Republican control Congress.

"Justice Kennedy's retirement makes the issue of Senate control the vital issue of our time," Trump said. "It's one of most important things we can do.

This opening gives the White House a chance to energize its base for an election many had expected to favor the Democrats. And it calms some tension inside the administration about what messages Republicans should emphasize in the midterms — the tax bill, economy, work on opioid addiction and drug prices, or hard-line immigration policies.

"It's the policy issue of Supreme Court nominations, not tax cuts, that truly unites the Republican Party, as evident by President Trump's debate answer on this topic that fueled his home-stretch spring in 2016," said Jason Miller, a former top aide to Trump during the campaign and transition.

In recent weeks, Republicans have been split apart by the questions of potential tariffs or hard-line immigration moves. While tariffs and a border wall fire up Trump's base of white, working-class voters, those issues have not resonated as well within the business, donor, or establishment Republican community.

Republican leadership on the Hill had hoped that in 2018 Trump's midterm message would focus primarily on the healthy state of the economy and the Republican tax bill of 2017, yet the president himself has had trouble sticking to that message at several recent rallies.

Yet a Supreme Court nomination — which ultimately could affect health care, abortion rights, affirmative action, freedom of religion and speech, guns rights, and corporate regulations - brings together the disparate coalitions of the Republican Party.

Already the anti-abortion group, SBA List, has volunteers on the ground in Ohio, Florida and Indiana going door-to-door to try to woo female voters, Hispanics, and Democrats to support anti-abortion legislation. They just hired field staff to allow them to expand the operation into North Dakota and West Virginia, home states of two vulnerable Senate Democrats, Heidi Heitkamp and Joe Manchin, respectively.

"The Senate is where Supreme Court picks are confirmed. That is one of our driving reasons for engaging at this level," said Mallory Quigley, a spokesperson for SBA List.

On Thursday night, Trump met with a group of bipartisan senators, including Democrats Heitkamp, Manchin and Joe Donnelly and moderate Republicans Susan Collins and Lisa Murkowski, to discuss the Supreme Court vacancy.

Just as they hope to unite conservatives, Republicans are hoping the issue divides Democrats. Already the White House is eyeing the 10 Democratic senators up for reelection this fall in states that Trump overwhelmingly won in 2016 — and hoping to pressure them into supporting the nominee.

The greatest hope of Trump advisers is that a Supreme Court pick will dominate the news so much that it will not allow Democrats to talk about their vision for health care or the economy or taxes — or to present any positive, forward-looking message.

"There will be no Democratic messaging on jobs, the economy or health care that cuts through, as many will be focused on hypothetical culture wars that make suburban swing voters uneasy," Miller said.

Eliana Johnson contributed to this report.

To view online click here.

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Cornyn: Supreme Court confirmation vote likely after Labor Day Back

By Elana Schor | 06/28/2018 12:51 PM EDT

The second-ranked Senate GOP leader on Thursday suggested the Supreme Court confirmation vote to replace Anthony Kennedy would take place sometime in September, saying he "would be shocked" if the vote happened before Labor Day.

Majority Whip John Cornyn (R-Texas) added that he is "not opposed" to moving President Donald Trump's nominee more quickly, but he noted that background checks on Trump's still-unnamed pick are likely to take time.

Republicans have already made clear that they don't plan to heed Democratic calls for a delay in the Supreme Court confirmation until after November's election to give midterm voters a chance to weigh in.

Supreme Court nominees since the Ford administration spent an average of 67 days between their nomination and final confirmation, according to a 2015 report from the Congressional Research Service — a window that Cornyn told reporters he "would endorse" as a goal. Of

course, that figure doesn't include President Barack Obama's Supreme Court nominee, Merrick Garland, whom Republicans blocked and denied a confirmation hearing in 2016.

Republican senators anticipate dedicating much of August to passing appropriations bills, meaning that a final Supreme Court vote would wait until September. The high court's next term is set to begin on the first Monday of October.

Senate Judiciary Chairman Chuck Grassley (R-Iowa), however, declined to commit to any timetable.

"Everything is going to be judged by when the president makes an appointment and what [Majority Leader Mitch] McConnell wants to schedule," Grassley said. At this point, it's all speculation. And there's no point in speculating."

Cornyn also cautioned Trump against selecting any nominee with a publicly stated position on overturning court precedents such as Roe v. Wade.

"I think that would be a terrible mistake, for the president to nominate somebody who had that sort of agenda," Cornyn told reporters, adding that "we don't need judges who have either personal or political or ideological agendas, in my view. And I think that ought to comfort all of us."

It's common for presidents of both parties to avoid picking a nominee with a lengthy paper trail for opponents to seize on, though Trump has previously said he would want to appoint anti-abortion judges to the high court.

One member of Trump's Supreme Court shortlist, Sen. Mike Lee (R-Utah), has championed anti-abortion legislation, although he suggested Thursday that Roe might be safer after Kennedy's retirement than some on the left have argued.

Burgess Everett contributed to this report.

To view online click here.

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Senate passes farm bill with flood insurance extension Back

By Zachary Warmbrodt | 06/28/2018 06:09 PM EDT

The Senate today passed a farm bill, H.R. 2 (115), that includes a provision reauthorizing the National Flood Insurance Program before it expires in the middle of hurricane season — a victory for coastal lawmakers.

But with time running out before the program's July 31 expiration date, and the enactment of the

farm bill not a sure bet by then, senators are already looking at other vehicles to attach a short-term extension.

John Kennedy (R-La.) said he's looking at an upcoming FAA bill. Kennedy and Bill Cassidy (R-La.) pushed for the six-month reauthorization in the farm bill this week, and they've also introduced the extension as stand-alone legislation.

"We're not going to let this program expire," Kennedy said. "If lightning strikes and we get a [long-term] reform bill by the 31st, that would be great. But it's not likely to happen."

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By Kelsey Tamborrino | 06/28/2018 05:42 AM EDT

With help from Alex Guillén, Annie Snider, Eric Wolff, Anthony Adragna and Emily Holden

MUSICAL CHAIRS, SCOTUS EDITION: Supreme Court Justice Anthony Kennedy announced his retirement Wednesday — setting the stage for President Donald Trump to install a pick that will likely shift the court to the right for a generation to come. Talk of who will replace Kennedy kicked off about 1.4 seconds after he announced his retirement. The president said he will pick from his list of contenders from last year (so say goodbye to the idea of Justice Scott Pruitt). It's early, but here are a few names ME is keeping an eye on:

— **Brett Kavanaugh**, 53, judge on the D.C. Circuit Court of Appeals since 2006. Kavanaugh — already reportedly a front-runner — has been on Republican SCOTUS short lists since he joined the D.C. Circuit 12 years ago. Thanks to his seat there, Kavanaugh has had his fingers in numerous environmental cases over the years, and is widely seen as critical of many Obama-era EPA rules. (In a tweet , E&E News' Robin Bravender pointed out Kavanaugh's conservative credentials. "A source told me a few years back: 'I would think him a judge that is more open to second-guessing the EPA than nearly anyone.'")

— **Patrick Wyrick**, 37, Oklahoma Supreme Court justice, nominee to the U.S. District Court for the Western District of Oklahoma. Aside from his youth, Wyrick's other claim to fame is a close connection to EPA chief Pruitt. Wyrick's nomination to a federal district court cleared committee earlier this month on a party-line vote, but he drew fire from liberal groups such as the Alliance for Justice and the League of Conservation Voters for his work as Oklahoma's solicitor general while Pruitt was fighting federal regulations as attorney general. Pruitt previously called him "a superb lawyer" and "a dear friend and trusted counselor."

— **Sen. Mike Lee** (R-Utah), 47. Lee chairs the Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining and the Republican Steering Committee. A former clerk for Samuel Alito when he was on the 3rd Circuit Court of Appeals, Lee in recent years made headlines for holding up federal aid to Flint, Mich., saying the state should pay for its lead crisis. Lee also praised the president last year for significantly reducing the size of two national monuments in Utah.

ICYMI: Environmental issues are certainly not left out of the wide-ranging implications of Kennedy's departure, as Pro's Alex Guillén and Annie Snider report. Kennedy for more than a decade has dictated by his votes which streams and wetlands should be protected under the Clean Water Act, and he cast the deciding vote that in 2007 opened the door to EPA climate regulations.

WELCOME TO THURSDAY! I'm your host, Kelsey Tamborrino. Bracewell's Frank Maisano

knew President Richard Nixon was the first to see a triple play while attending a baseball game. It was a 1969 game between the Senators and Tigers, where the Tigers got the play, but still ended up losing 7-3. For today: Three current governors were born in Pennsylvania — more than any other state. Name them. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

Join Pro subscribers, expert reporters and key decision-makers from the executive branch, federal agencies and Congress for a full day of incisive policy conversations on July 17. New speakers include: Seema Verma, administrator of the Centers for Medicare & Medicaid Services; Scott Gottlieb, commissioner of the Food and Drug Administration; and others. Register today.

CROSS THAT BRIDGE FUEL: Industry leaders are trying to make one simple message clear at this week's World Gas Conference: They're nobody's transition fuel. As natural gas has been touted by some as a cleaner-than-coal bridge fuel to hold things over until renewable sources take over, gas executives this week argued that renewables can't keep up with growing energy demand, Pro's Eric Wolff reports . "Yes, renewable electricity will be grown massively, but it needs a partner," said Klaus Schäfer, CEO of German energy company Uniper SE. "Obviously gas need to become de-carbonized itself, gas needs to become green if it wants to be part of a de-carbonized future in Europe."

Others said the vast scale of the power grid would require a fuel like gas for decades, while highlighting how wind and solar can only provide less than 8 percent of the U.S. power supply. Still, executives said they see coal as their chief competition, not renewables. "Outside the developed world, the whole point is to get energy in increasing amount," said Laurent Vivier, president for gas for Total. "There is a choice that is very obvious to them: there is coal on the one side and gas on the other."

** **Presented by ExxonMobil:** Natural gas has become more important than ever. That's because it's fueling an American manufacturing revival and creating jobs while lowering emissions. And ExxonMobil is one of the world's largest providers. EnergyFactor.com **

HE'S BAAACK: Energy Secretary Rick Perry returns to Day Four of the conference for a discussion this afternoon on the role of gas in an integrated Americas. Ahead of his appearance, Perry will join Ray Washburne, president and CEO of the Overseas Private Investment Corporation, to announce a joint initiative for energy investment in the Americas. And when Perry takes the stage, he'll be joined by private-sector representatives and Javier Iguacel, the energy minister of Argentina, where Perry attended the G-20 earlier this month.

Perfect timing: DOE released an updated primer on Natural Gas Liquids on Wednesday, with a renewed focus on NGL's potential in the Appalachian region. The primer, updated with new data from EIA, includes a new section on R&D opportunities related to natural gas and NGL production, conversion and storage. Read it here.

What else? Alaska Sen. Lisa Murkowski will deliver keynote remarks at the conference this morning on "access to sustainable energy in developing economies." Ohio Rep. Bill Johnson will

discuss the small- to mid-scale LNG movement.

ZINKE RESPONDS: Interior Secretary Ryan Zinke spoke out publicly for the first time Wednesday about a POLITICO report exposing a Montana real estate deal involving a nonprofit he launched and developers backed by Halliburton Chairman Dave Lesar. On talk radio program Voices of Montana, Zinke attacked the reports but did not dispute any specific details, as POLITICO's Ben Lefebvre notes . The secretary acknowledged meeting with Lesar and other developers in his Interior Department office, but said his involvement was limited to providing them background on the nonprofit and the land it owned, which had been donated by BNSF Railway years earlier.

NOT SO FAST: Senate Judiciary Chairman Chuck Grassley's first ever invocation of his chairmanship in response to EPA's Renewable Fuel Standard announcement on Tuesday didn't escape the notice of EPW Chairman John Barrasso. Though noting he didn't want to "get into a thing," Barrasso said, "in terms of the RFS, that's in the jurisdiction of EPW." He added, "I have a great deal of respect for Chairman Grassley. He knows the institution, the committees, jurisdiction probably better than anybody."

DIVIDED PANEL UPHOLDS MURRAY PUNISHMENT OVER BONUS PLANS: An evenly divided federal panel has effectively upheld a judgment against coal producer Murray Energy for a bonus program that an administrative law judge said undermined worker safety. The bonus plans offered miners up to $250 a shift if the crew met certain production quotas, but an ALJ at the Federal Mine Safety and Health Review Commission in 2016 said that motivated miners to avoid reporting safety violations or injuries. She fined Murray $150,000, even more than the Obama administration had asked for. The matter was appealed to the four sitting FMSHRC commissioners, with two saying the ALJ's decision should be upheld and two saying it should be reversed — creating a tie that in effect upheld the ALJ's decision. "We will immediately appeal this split decision and we will prevail," Murray said in a statement.

FIRSTENERGY LOOKING TO DUMP MURRAY CONTRACTS: FirstEnergy Solutions wants a bankruptcy judge to reject a contract the company has with the McElroy mine, owned by Murray Energy. The company has been trying to unload nuclear fuel and coal supply contracts throughout its bankruptcy, but Wednesday's filing was the first time it tried to get out of a Murray contract. The company says a January fire at its Bruce Mansfield coal plant has reduced its need for coal, and it wants out of $35 million worth contracts. Murray and FirstEnergy Corp. CEO Chuck Jones have both lead the charge for a federal bailout of coal and nuclear plants

MOVING AHEAD: Count Sen. Lamar Alexander, who oversees the Appropriations subpanel responsible for the energy and water spending title, in favor of moving ahead quickly with a conference between the House and Senate. "We'll move quickly as soon as the conferees are appointed," he told ME. "There's always issues, but we have a good history of working together." Alexander said he'd already had an informal chat with his House counterpart, Rep. Mike Simpson, and expected the House would name conferees later this week.

FOR YOUR RADAR: FERC Commissioner Neil Chatterjee will discuss "securing America's energy infrastructure" during a discussion at the Bipartisan Policy Center's conference today on

the electric grid. Separately, Eric Lightner, director of DOE's Smart Grid Task Force, will participate in a discussion on "nourishing the research."

DEMOCRATS: BRING BACK THE ICR: Democrats are rallying around a return of an EPA information collection request in the aftermath of reports last week that oil and gas methane emissions are much greater than previously thought. A group of Democrats sent a letter to Pruitt on Wednesday calling on him to reinstate a formal ICR — which would require companies to report detailed technical information about methane emissions from their operations — after he withdrew the Final Methane ICR in March 2017. "With new science showing that emissions are likely considerably higher than previously thought, there is no excuse for delaying or rescinding methane emission controls, or for failing to collect data from methane emitters," the Democrats wrote.

MAIL CALL! CENTER'S REBUTTAL: The Center for Biological Diversity fired back at House Natural Resources Republicans, who last week questioned its relationship with the Japanese government. Defending its moves to protect the Okinawa dugong, an imperiled marine mammal, the center said it collaborated with U.S. and international partners but did not take direction from anyone but its board and executive director. "Neither its dugong campaign, nor any of its conservation work, is controlled in any manner by any other domestic or foreign interest. Nor does the Center formally represent the interest of any party other than itself and the species and places it seeks to protect," the Center's Kierán Suckling writes. If Republicans are "confused ... it is perhaps because they abuse their positions of power so regularly, and are so deeply influenced by powerful corporate donors, that they are unable to conceive of people being motivated by empathy, public interest and respect for the rule of law and democracy." Read the letter here.

ABOUT THAT 'RULE OF LAW': The top Democrats in the House and Senate overseeing the Clean Water Act are worried that Pruitt is not enforcing all violations of the 1972 law. The administrator has recently moved to consolidate key decisions with top political appointees, and last month an EPA staffer publicly acknowledged that the agency is dropping or slow-walking cases where Clean Water Act coverage is not a "slam dunk." In a letter to Pruitt yesterday, House Transportation ranking member Peter DeFazio and Senate Environment and Public Works Committee ranking member Tom Carper raised their concerns, arguing that the moves "call into question this administration's commitment to the rule of law," and asking for key details about enforcement actions currently underway.

REPORT: GHG EMISSIONS TO MISS PARIS TARGET: U.S. greenhouse gas emissions are estimated to drop 12 percent to 20 percent below 2005 levels by 2025 — far lower than the 26 percent to 28 percent that the Obama administration promised in the Paris agreement, according to a new assessment by Rhodium Group. The findings are based on current policies, although the outlook could change with state and local efforts and based on future elections, Rhodium noted. The power sector accounts for most emissions reductions.

Natural gas and renewable power will continue to displace coal, but they also will push nuclear plants into retirement after 2025, meaning there could be an emissions rebound. Transportation is the largest source of greenhouse gases, which could decline as electric vehicles

become more affordable. But "there is little downward pressure on economy-wide emissions post-2025," Rhodium said. Forest and land use remain a "wild card" for U.S. emissions, the group added.

CEQ RELEASES NEUMAYR DISCLOSURE: The Council on Environmental Quality has released its updated financial disclosure for Mary Neumayr, the new nominee to run the White House Council on Environmental Quality. Her disclosure doesn't show any direct energy-related holdings. Neumayr, who has been acting head of CEQ for more than a year, previously his jobs on the Hill and in the Bush administration.

QUICK HITS

— "He lobbied for coal. Now he's In the Trump administration, and watching his words," Bloomberg.

— "OPEC run by unanimous decision, not Saudi Arabia, says Kazempour," S&P Global.

— "Ford beats its own carbon emission reduction goals 7 years early," CNET.

— "Company plans to finish Louisiana oil pipeline by October," Associated Press

— "Interior Department plans to let people kill endangered red wolves," The Washington Post

HAPPENING TODAY

9 a.m. — The Inter-American Dialogue discussion on "Energy Policy in Brazil: What's Next for Upstream, Refining and LNG?" 1155 15th St NW.

10 a.m. — Plug In America and the Senate Auto Caucus host electric vehicle "ride and drive," 1st and C Streets NE.

10 a.m. — United States Energy Association discussion on fossil energy in a sustainable energy future, 1300 Pennsylvania Ave NW.

1:15 p.m. — Bipartisan Policy Center conference on advancing the electrical grid, 529 14th St NW.

4 p.m. — USAID Adaptation Community meeting on managing for climate risk, 1717 H St NW.

6 p.m. — The Competitive Enterprise Institute's annual dinner and reception, 901 Massachusetts Ave NW.

7 p.m. — Sen. Ed Markey holds a "Climate Crisis Action Summit," Belmont, Mass.

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Stories from POLITICO Pro

Anthony Kennedy retiring, giving Trump opening to reshape Supreme Court Back

By Josh Gerstein and Louis Nelson | 06/27/2018 02:06 PM EDT

Supreme Court Justice Anthony Kennedy announced on Wednesday that he will retire, unleashing an epic political battle to replace him that could allow President Donald Trump to shift the court to the right for a generation to come.

The departure of the 81-year-old Kennedy from his post after more than three decades has the potential to radically reshape the court on issues such as abortion, affirmative action and gay rights, where Kennedy has served as a swing vote.

"It has been the greatest honor and privilege to serve our nation in the federal judiciary for 43 years, 30 of those years on the Supreme Court," Kennedy said in a statement. He said that he wanted to spend more time with his family and that his decision would be effective July 31.

His exit is expected to create a furious fight in the Senate over his replacement, and it could thrust the often overlooked issue of judicial selection to the forefront in close Senate races in this year's midterms.

Trump told reporters Wednesday that Kennedy, whom he said has "been a great justice of the Supreme Court," had come to the White House earlier in the day to inform him of his retirement plans. Trump said he asked Kennedy for recommendations as to his replacement but did not say how the retiring justice responded.

The president pledged that his pick for Kennedy's successor would come from lists of potential nominees he already circulated, starting during the 2016 election, when he campaigned on a promise to fill the seat formerly held by Justice Antonin Scalia with another conservative judge. The replacement process will "begin immediately," Trump said, adding, "hopefully, we will pick someone who is just as outstanding."

Senate Majority Leader Mitch McConnell (R-Ky.) — who in 2016 refused to allow a vote on then-President Barack Obama's nominee to fill Scalia's seat, saying voters should get a say at the ballot box — said Wednesday that the Senate would vote this fall on Kennedy's replacement,

before lawmakers elected in November's midterms are sworn in.

Senate Republicans lined up in support of filling Kennedy's seat quickly. Sen. Ben Sasse (R-Neb.), a frequent critic of the president who sits on the Senate Judiciary Committee, said in a statement that "the Senate ought to spend August and September confirming the next Justice."

Democrats, though, called McConnell a hypocrite for changing his stance from 2016. Sen. Chris Murphy (D-Conn.) called the majority leader's move "absolute hypocrisy," and Sens. Elizabeth Warren (D-Mass.), Kamala Harris (D-Calif.) and Ed Markey (D-Mass.) all expressed similar sentiments.

"Our Republican colleagues in the Senate should follow the rule they set in 2016, not to consider a Supreme Court justice in an election year," Senate Minority Leader Chuck Schumer (D-N.Y.) said on the Senate floor. "Anything but that would be the absolute height of hypocrisy."

Nominated to the court by President Ronald Reagan after the Senate rejected the more conservative Robert Bork, Kennedy grew to become the swing vote on the court, voting with its more liberal wing on landmark cases that upheld abortion rights and authoring the court's decisions in multiple cases on gay rights, including 2015's Obergefell v. Hodges, in which the court ruled that same-sex couples have the Constitutional right to marry.

He famously sided with the majority in *Planned Parenthood v. Casey*, a 1992 ruling that affirmed the constitutional right to abortion established in *Roe v. Wade*. Trump, like many conservatives, has voiced a desire to see *Roe* overturned.

But Kennedy has also swung key cases toward the conservatives as well, including notably in Citizens United v. FEC, a 5-4 decision in which the court ruled that government limits on political spending by individuals and organizations constituted a violation of the right to free speech. Of the 17 5-4 decisions handed down by the court in its most recent term, 14 were split along ideological lines, according to Mother Jones. In all 14, Kennedy sided with the court's conservative wing.

Still, Kennedy's retirement came as a blow to many Democrats, and cries of "Oh" and "Oh, my God" punctuated a call between members of the Democratic National Committee's rules and bylaws panel as the news broke Wednesday.

Abortion is likely to loom large in the debate over replacing Kennedy. With just a 51-49 GOP majority in the Senate, Republicans can afford to lose only one vote in a confirmation fight. Two Republican senators, Lisa Murkowski of Alaska and Susan Collins of Maine, are both supporters of abortion rights.

"Because President Trump will nominate the next Supreme Court Justice, a woman's constitutional right to access legal abortion is in dire, immediate danger—along with the fundamental rights of all Americans," said NARAL Pro-Choice America President Ilyse Hogue in a statement on Wednesday.

Kennedy's decision, announced on the court's final day of releasing decisions for the current term, followed a quiet campaign by the Trump White House and its allies to convince Kennedy that it was a suitable time for him to retire and that his replacement would be an esteemed and reputable jurist.

Many court-watchers saw that motivation in Trump's selection last year of Neil Gorsuch, a former Kennedy clerk, to fill the vacancy created by Scalia's death in 2016.

At Trump's maiden speech to Congress last year, he took a moment to stop and chat with Kennedy. Kennedy's son Justin knows Donald Trump Jr. through work in New York real estate. Kennedy's other son, Gregory, worked briefly last year on the Trump transition team, handling financial issues related to NASA.

One Republican with knowledge of the White House's deliberations said two leading contenders to fill the vacancy were former Kennedy clerks Brett Kavanaugh, now a D.C. Circuit Court judge, and Raymond Kethledge, who sits on the U.S. Court of Appeals for the 6th Circuit.

White House legislative affairs director Marc Short said last month that Trump could consider nominating someone he has not yet named publicly if a vacancy arose. The president might pick someone seen as less stridently conservative for Kennedy's seat, since moderate Republican senators are likely to face pressure from the left not to confirm anyone viewed as too polarizing.

Other people mentioned as possible replacements for Kennedy include those who were interviewed by Trump for the seat Gorsuch eventually filled, 3rd Circuit Judge Thomas Hardiman, 11th Circuit Judge William Pryor and 6th Circuit Judge Amul Thapar.

Trump included on previous lists of potential Supreme Court nominees 7th Circuit Judge Amy Barrett, Supreme Court Justice Britt Grant, 11th Circuit Judge Kevin Newsom and Oklahoma Supreme Court Justice Patrick Wyrick. And conservative court-watchers have speculated that former George W. Bush solicitor General Paul Clement, who is the right's go-to litigator at the high court but was not on Trump's latest list, and Sen. Mike Lee of Utah could be candidates for the spot.

Sen. Ted Cruz (R-Texas), speaking Wednesday to Fox News, said he would like to see Lee be the nominee. Asked by a CBS News reporter if he would be interested in an appointment to the Supreme Court, Lee responded, "Of course."

David Siders, Matthew Nussbaum and Eliana Johnson contributed to this report.

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Back

Kennedy retirement tilts court right on climate, water Back

By Annie Snider and Alex Guillén | 06/27/2018 04:08 PM EDT

Justice Anthony Kennedy's retirement will add the environment to the areas on which the Supreme Court will likely shift rightward at a time when major legal battles are wending their way to the justices.

For more than a decade, it has been Kennedy's sole view of which streams and wetlands should be protected under the country's foremost water law that reigned, shaping the cost of new housing developments, the location of coal mines and the health of the nation's waters.

And Kennedy cast the deciding vote in a landmark 2007 case that opened the door for EPA to regulate greenhouse gases. Both rules are among the most contentious actions of the Obama era that the Trump administration is working hard to undo or restrict.

Environmentalists, developers and farmers have been battling over the scope of the Clean Water Act since it was signed into law in 1972. In the turning point 2006 case *Rapanos v. United States,* the court's four conservative justices, led by the late Justice Antonin Scalia, took a limited view of which waterways should be federally protected, saying only that waterways that regularly flow into major rivers, and the wetlands directly next to them, should be covered. The court's liberal wing took an expansive interpretation, and Kennedy found himself in the middle.

Kennedy's stand-alone opinion in *Rapanos,* which argued that any creek, bog or marsh that has a "significant nexus" to downstream navigable waters warranted federal protection, has been broadly viewed by lower courts as the one to follow.

In 2008, the George W. Bush administration's EPA issued guidance hinged to Kennedy's "significant nexus" test, and when the Obama administration issued its 2015 Waters of the United States rule meant to clarify the reach of the 1972 law, it too was pegged to Kennedy's opinion. Expecting that challenges to the rule were likely to reach the Supreme Court, Obama's EPA used the phrase "significant nexus" more than 500 times in the Waters of the U.S. rule.

Even as court battles are raging in district courts over the legality of the Obama-era rule, the Trump administration has begun the process of repealing it and drafting its own, much narrower interpretation of the law pegged to Scalia's opinion. A draft of the proposal was sent to the White House for interagency review two weeks ago.

Legal experts generally considered the Trump administration's rewrite project to be a vanity project, likely to fall flat if it reached the Supreme Court for a review while Kennedy was still on the bench. Now, all bets are off.

Vermont Law School professor Patrick Parenteau said Kennedy was notable among the court's conservatives for the interest he took in learning about the science and complexity of the environmental problems before him.

"Nowhere was this more evident than in his concurring opinion in *Rapanos,* which has become the controlling test for evaluating what waters are protected under the [Clean Water Act],"

Parenteau said by email. "His leaving will doubtless have a major bearing on the outcome of the litigation over the Waters of the U.S. rule."

With many environmental cases often narrowly splitting the court, Kennedy frequently played a key role in the blockbuster environmental cases of recent decades.

Most importantly, Kennedy cast the crucial fifth vote in *Massachusetts v. EPA*, the 2007 case that set the stage for the last decade of political battles over climate change.

He joined the court's four liberal justices to rule that the Clean Air Act gave EPA the authority to regulate greenhouse gases, including carbon dioxide. The Obama administration used that ruling to justify sweeping new rules on cars and later power plants that the Trump administration is now working to undo.

Kennedy, along with Chief Justice John Roberts, also sided with the court's liberal wing in 2014 to uphold EPA's Cross-State Air Pollution Rule, which a lower court had thrown out. The rule, which limits pollution that hurts air quality in downwind states, helped drive utilities to shutter a number of older, dirtier coal-fired power plants rather than pay for new pollution controls.

But Kennedy did not always side with environmental interests. In 2015, he and the four more conservative justices ruled that EPA had wrongly failed to consider the cost of regulating when first deciding to limit mercury emissions from coal plants. Although that ruling did not completely derail the mercury rule, it opened the door for an ongoing effort at EPA to change how costs and benefits are calculated, a move critics argue will make it easier to justify not regulating pollution.

Kennedy also cast the fifth vote in 2016 to block the Clean Power Plan before the D.C. Circuit had even reviewed it, an unprecedented step. Neither the court nor Kennedy ever explained the decision.

Looking forward, the Supreme Court has two environmental cases on its docket this fall, with potentially more on the way: The court has agreed to weigh when habitat can be designated as critical under the Endangered Species Act. The justices will also decide whether Virginia's 36-year-old uranium ban is pre-empted by federal law.

In addition, the Supreme Court will decide whether an American Indian-owned fuel business is exempt from the state of Washington's gas tax.

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Gas industry: We're a destination fuel, not a transition Back

By Eric Wolff | 06/28/2018 05:00 AM EDT

Gas industry officials at the World Gas Conference have a message for renewable energy advocates: We're not your transition fuel.

Natural gas has long been touted as an energy source that can displace coal around the world and serve as a bridge fuel until cleaner power systems that run on renewables like wind and solar can take over. But gas industry executives said renewables alone won't be able to meet global energy needs, and they'll need gas to run power plants when sunlight and wind aren't available.

"I like the expression of gas as a destination fuel and not a transition (fuel)," Patrick Pouyanné, CEO of Total S.A. told the conference this week.

Gas executives argued that renewables can't keep up with growing energy demand, and natural gas will be needed for decades to come. Even European Union countries that have agreed to sharp cuts in greenhouse gas emissions are hoping to build new pipelines and LNG terminals that will keep gas flowing in for several decades, a trend will require capturing and sequestering the carbon dioxide it produces.

"Yes, renewable electricity will be grown massively, but it needs a partner," said Klaus Schäfer, CEO of German energy company Uniper SE. "Obviously gas need to become decarbonized itself, gas needs become green if it wants to be part of a decarbonized future in Europe."

Other energy executives said the vast scale of the power grid would require a fuel like gas for decades. Even with their fast growth in recent years, wind and solar only provide less than 8 percent of the U.S. power supply.

"We have to get to a point of not talking about 100 percent renewables, it just cannot happen," Barry Perry, CEO of Fortis, a gas and power company with operations in the U.S. and Canada, told POLITICO. "When we talk about the big grid, you need that base generation to make it all work. ... We can do more renewables over time, but the grid is going to need some of the base generation for a very long time into the future."

Gas executives acknowledged that renewables will continue their fast growth, and they said gas turbines will provide critical ramping services on the power grid as well as keeping the lights on when the wind and solar can't. And with recent studies by the Energy Information Administration, the International Energy Agency, and others suggesting the world energy demand is likely to jump as developing nations electrify, gas will still be required.

"This is a challenge on a scale not faced before by humanity," De la Rey Venter, executive vice president for Shell's Integrated Gas Ventures, told an audience on Tuesday. "Renewable energy will play a major role in meeting this challenge. But renewables alone cannot transform the power sector. Today gas is ideal to handle to variability of the solar and wind."

Executives like Perry and Didier Holleaux, executive vice president for French utility Engie, said they doubted whether renewables could to handle the enormous projected energy demand needed as Asian countries expand their electricity networks and vehicles shrink their dependence on oil-

based fuels. And despite some recent successes of renewables-plus-storage projects in the U.S., they don't believe batteries can compete with natural gas to supply the amount of energy that will be needed.

"In comparison batteries will always be an order of magnitude in cost — 1,000 times more expensive, today it's 2,000 times more expensive," Holleaux said. "Even if you think the cost will decrease, the cost of storing energy in gas is far cheaper."

Gas executives still see coal as their chief competition, not renewables.

"Outside the developed world, the whole point is to get energy in increasing amount," said Laurent Vivier, president for gas for Total. "There is a choice that is very obvious to them: there is coal on the one side and gas on the other."

"America has 100 years of gas of proven reserves, Canada has 200 years," he added. "It's an amazingly abundant resource, it is a foundational fuel, not a transitional fuel."

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Exclusive: Zinke linked to real estate deal with Halliburton chairman Back

By Ben Lefebvre and Nick Juliano | 06/19/2018 05:05 AM EDT

WHITEFISH, Mont. — A foundation established by Interior Secretary Ryan Zinke and headed by his wife is playing a key role in a real-estate deal backed by the chairman of Halliburton, the oil-services giant that stands to benefit from any of the Interior Department's decisions to open public lands for oil exploration or change standards for drilling.

A group funded by David Lesar, the Halliburton chairman, is planning a large commercial development on a former industrial site near the center of the Zinkes' hometown of Whitefish, a resort area that has grown increasingly popular with wealthy tourists. The development would include a hotel and retail shops. There also would be a microbrewery — a business first proposed in 2012 by Ryan Zinke and for which he lobbied town officials for half a decade.

The Whitefish city planner, David Taylor, said in an interview that the project's developer suggested to him that the microbrewery would be set aside for Ryan and Lola Zinke to own and operate, though the developer told POLITICO that no final decisions have been made.

Meanwhile, a foundation created by Ryan Zinke is providing crucial assistance. Lola Zinke pledged in writing to allow the Lesar-backed developer to build a parking lot for the project on land that was donated to the foundation to create a Veterans Peace Park for citizens of Whitefish. The 14-acre plot, which has not been significantly developed as a park, is still owned by the foundation. Lola Zinke is its president, a role her husband gave up when he became interior

secretary.

The Zinkes stand to benefit from the project in another way: They own land on the other side of the development, and have long sparred with neighbors about their various plans for it. If the new hotel, retail stores and microbrewery go through, real estate agents say, the Zinke-owned land next door would stand to increase substantially in value.

Lesar, who also served as Halliburton's chief executive until last year, is providing money to back the hotel and retail development, according to business records and officials at Whitefish city government and Halliburton. He also has a longstanding relationship with the Zinkes. In 2014, he and his wife, Sheryl, gave $10,400, the maximum allowed by law, to Zinke's first House campaign. His only other federal contributions that year were to Halliburton's PAC and the campaign of Rep. Liz Cheney, whose father, Dick, ran the company before becoming George W. Bush's vice president.

Ryan Zinke did not respond to a list of specific questions but said in a statement that he "resigned as president and board member" of the foundation "upon becoming secretary."

The foundation's 2018 annual report to the state of Montana, however, lists Ryan Zinke as an officer, with Lola Zinke as president and their daughter as treasurer. Zinke said the report was in error and he would seek to amend it.

In his statement, Zinke declared: "The mission remains to provide a children's sledding park and community open space in a setting that recognizes the contributions of the railroad and the veterans to the community. ... The subject LLC you mention has been in contact with Lola with the intent of expanding their parking requirements on park property. I understand a concept was provided but no formal proposal or documents have been submitted or agreed upon. I also understand by reading the paper is their proposal is supported by the City Council."

He did not respond to questions about the microbrewery, the involvement of Lesar or Lesar's status as chairman of Halliburton.

Lola Zinke did not respond to questions left on her Facebook page or messages left at the family's Montana home. Neither Jennifer Detlefsen, the Zinkes' daughter and the foundation's treasurer, nor the foundation's law firm of Frampton Purdy Law, responded to questions.

In Whitefish, the plan to use land that was donated to the Zinkes' foundation as a public park to further a private development strikes residents as a surprise.

"I've never been clear exactly what his intentions are for the place," said Steve Thompson, who lives near the park and supported Zinke early in his career but has since grown disillusioned with him. He described the current state of the land as "sort of a big puddle, a mudhole puddle."

The involvement of the interior secretary's family in a multimillion-dollar project funded by the chairman of an energy-services giant — revealed here for the first time — is rife with conflicts of interest, ethics experts say, especially since Zinke's job as interior secretary makes him the

custodian of more than 500 million acres of public land and head of a department that sets technical and safety standards for pipelines and drilling.

Halliburton is the largest American oil-services company, drilling wells and building rigs. It stands to benefit from any new oil and gas exploration on public land or offshore — something the Trump administration has promised to promote — and the company has frequent dealings with the Interior Department in its regulatory capacity.

For example, federal disclosures show that Halliburton's in-house lobbyist met repeatedly with Interior officials to discuss the department's policies on hydraulic fracturing, the oil extraction procedure that some studies have linked to groundwater contamination and earthquakes. Under Zinke, the department last year rescinded Obama-era rules that restricted fracking on federal land, a decision that directly benefited Halliburton, one of the world's leading fracking companies.

Marilyn Glynn, who was acting director of the Office of Government Ethics under former President George W. Bush, said the foundation's involvement in a deal backed by the chairman of Halliburton is clearly inappropriate and, at minimum, should force Zinke to recuse himself from any policy decisions affecting Halliburton.

"That Halliburton's chairman would almost be a business partner of Zinke or his wife, he would have to recuse himself from anything involving Halliburton," said Glynn, adding that the relationship clearly crosses ethical lines.

She suggested the Trump administration should set a higher ethical standard.

"In a previous administration, whether Bush or Obama, you'd never run across something like this," she said. "Nobody would be engaging in business deals" with executives whose companies they regulate.

Amy Myers Jaffe, a longtime energy analyst now working at the Council on Foreign Relations, said the Interior Department, in setting specifications for rig equipment and how much methane can leak from pipelines, has the power to make Halliburton's business more or less profitable.

"They spend a tremendous amount on R&D to comply" with government regulations, Jaffe said of oil-service companies. "You wouldn't want Interior to change specifications and make that equipment no longer commercially viable."

She added that Zinke's conflicts could extend to investigations of accidents involving Halliburton's equipment.

"One thing that is most concerning is if Interior would be called upon to investigate the procedures of a service company offshore" in case of an accident, said Jaffe. "A tight relationship [between the interior secretary and the company] would be problematic."

Executive branch officials such as Zinke are subject to conflict-of-interest rules requiring that

they recuse themselves from government decisions involving people with whom they or their close relatives have a financial relationship.

Craig Holman, a specialist in federal ethics laws for the advocacy group Public Citizen, said Lola Zinke's efforts to help the development backed by Lesar would amount to a financial relationship.

"Entering this type of business relationship could very clearly open the doors [of government] to business interests that have stakes before the office holder," Holman said. "Clearly, any substantial development project next to the vacant lot owned by Zinke's foundation would significantly boost the value of the lot. The conflict-of-interest statute would be invoked if even the nonprofit on which Zinke or his spouse serves as an officer, as either paid or unpaid officers, derives a financial benefit."

***

After 23 years as a Navy SEAL, Ryan Zinke retired from the military in 2008 and returned to Whitefish, the mountain city of roughly 6,000 people where he grew up and where his father and grandfather ran a plumbing business.

It was, however, a changed community, increasingly popular with tourists and second homeowners for its pristine isolation and proximity to Glacier National Park.

A city that began as a stopping place for freight trains carrying lumber from the state's thriving timber industry was fast becoming an upscale resort. In 2009, the year after Zinke's retirement, about 17 percent of households were making more than $100,000 a year, according to the U.S. Census Bureau. By 2016, 23 percent of Whitefish households were making that much, adjusted for inflation.

Whitefish is a particular magnet for California tech entrepreneurs and oil barons from Canada and Texas who have built homes valued at more than $1 million each. Lesar is one of them. He currently has a home behind a gate on a private road looping up one of the nearby mountains.

As the then 46-year-old Zinke planned his future, he began laying the groundwork for business and political careers more or less simultaneously, and sometimes on parallel tracks. Launching a nonprofit foundation to build a park in Whitefish was one of the first things he did to reintroduce himself to the community, which helped bolster his credentials for office.

The foundation's first big donation was from BNSF Railway, the nation's largest freight railroad, with more than 32,500 miles of track. The railway is one of the state's biggest landowners, with extensive business before the state government.

Zinke proudly announced that the donated land would be used for what he dubbed "the Great Northern Veterans Peace Park." In announcing the gift, he touted his own career in uniform and described the park as a gift to Whitefish. His intent was to combine the railway land and an adjacent city-owned hill into "a children's winter sledding park in a setting that recognizes the

contributions of the veterans and the railroad to the local community," according to the nonprofit's publicly available IRS forms.

"The theme of this park is to celebrate life — why veterans fight," Zinke told a local newspaper in February 2008.

That same year, he filed paperwork to run for the state Senate.

He won the race and, shortly after taking office, cast the deciding committee vote on a bill that strongly benefited BNSF. The bill would have pumped millions of taxpayer dollars into railroad construction through a publicly funded Montana Rail Authority.

Jeff Mangan, Montana's commissioner of political practices, said the vote, coming so soon after Zinke accepted a donation of land from the railway, would have violated the Legislature's code of conduct if he did not disclose the relationship. "If there's an appearance of conflict of interest, they have a duty to disclose that conflict before a vote," Mangan said. But enforcement of that requirement can be "fairly laid back," he said.

There is no record of Zinke making a formal disclosure of his relationship with BNSF before the vote, and Zinke did not respond to questions on the matter.

Ultimately, then-Gov. Brian Schweitzer vetoed the legislation for the Montana Rail Authority, saying he was concerned "that public money will be targeted to build infrastructure that should be rightly financed by the private sector."

BNSF continued to donate more land to the Veterans Peace Park with adjoining parcels being given to Zinke's foundation in 2010 and 2013.

BNSF spokesman Ross Lane said in an interview, "We would firmly reject that there is any quid pro quo on the donations" for the Veterans Peace Park.

The land remains mostly in a natural state, and is only lightly utilized, except when local children use it for sledding, as they had before Zinke's foundation acquired the land. On a recent spring day, the only inhabitants were a pair of Bufflehead ducks sharing a retaining pond that dominates the property with a discarded inner tube.

Nonetheless, even in an undeveloped state, the land is now valued at more than $500,000, according to the group's 2016 tax returns, the most recent publicly available. The tax returns also show monetary gifts to the foundation, which increased as Zinke's political career advanced.

In 2012, when Zinke launched an unsuccessful bid for lieutenant governor, the foundation took in $30,000, according to tax records. In 2014, when Zinke ran for the House, the foundation again received $30,000 in contributions and saw its cash holdings grow from $118 to $23,743 over the course of the year. The foundation raised $36,000 in 2015, before seeing its contributions fall to $5,000 the following year, the last before he became interior secretary.

The Zinkes reported that they gave the foundation $10,000 in 2012, but the source of the rest of the contributions is undisclosed. That lack of transparency is a common concern when politicians control their own charities, said Melanie Sloan, a senior adviser at government ethics watchdog group American Oversight.

"The main concern is it's another way for donors and corporations to curry favor with politicians," Sloan said. "If he's doing something to benefit those making donations, it's invisible to us. It undermines the whole interest of transparency."

Even as the park continued to lie fallow, Ryan and Lola Zinke turned their attention to pieces of land that they own through various LLCs. In December 2012, while Ryan was preparing to leave the state Senate, the Zinkes announced that they wanted to turn his childhood home into a B&B called the Snowfrog Inn, and also to build a microbrewery on their development land across the street. They planned to call the brewery "Double Tap," which is a Navy SEAL term for two gunshots.

Both proposals required public approvals, which put Zinke — one of the state's rising political stars — in a position of arguing before local politicians. He was steadfast in calling for more commercial development in the face of neighbors' complaints about traffic and noise.

The City Council appointed Zinke to a special steering committee of local residents to explore ways to develop the area where the Zinkes' land was located. The committee included 13 residents of Whitefish, just two of whom lived in the neighborhood, Zinke and one other.

The committee recommended opening the area for greater commercial development. The City Council and mayor endorsed the plan.

While the larger planning process was playing out, Zinke won approval in 2013 for the B&B without a microbrewery across the street, as he had initially proposed. The Snowfrog Inn website states that it is still under construction.

By 2015, Zinke was back before the City Council, this time in his first term as Montana's sole representative in the U.S. House, arguing passionately for the committee plan to expand development, according to a video of the meeting. He cited his microbrewery proposal as the impetus for the changes to the planning process.

"In regards to a brewery, I've asked for a brewery because that's what started this whole process," Zinke declared at a contentious May 4, 2015, council meeting, referring to the changes to the city's planning rules that he had helped orchestrate.

Neighborhood activists continued to raise objections, insisting that Zinke had done little in the 29 months since announcing his microbrewery proposal to assuage their concerns about noise and traffic. But Zinke told them they were outnumbered.

"The same people are going to be against it tomorrow as was at the beginning, but most of the strong majority of the steering committee, which represented every bit of the neighborhoods ...

all came to the same conclusion, that this [planning change] should stand," Zinke said, according to a video of the meeting.

The changes to the planning process did not lead to approval of the microbrewery on the Zinkes' own development parcel, but they opened the doors to a new proposal for a multiuse development on a much larger plot — a former timber-company lot — between the Zinkes' land and the veterans' peace park that they controlled.

The project, known as 95 Karrow, named for the avenue on which the land sits, was launched in September of last year. Two days after the partnership backing the development was established, Lola Zinke, in her capacity as president of the foundation controlling the peace park, signed an official letter of intent to allow the construction of a parking lot for customers of the microbrewery and other businesses on the parkland, which the developers included in their proposal. The letter said the specific terms of the agreement would be worked out by the parties.

Taylor, the Whitefish city planner, told POLITICO that the developers "certainly implied that they were working with [Zinke] to find a place for his microbrewery as well as a shared use agreement for parking on the peace park."

At least two project maps submitted to the city mark off space specifically for a microbrewery adjacent to the parking lot. The letter Lola Zinke signed and submitted to Whitefish City Council states "it is the intent of the GNVPP Foundation to concur with the general design of the parking, micro-brewery, multiple use path, fence and other supporting elements" of the redevelopment project. Attached to that letter is a map with a handwritten notation indicating a "border adjustment" that would appear to carve out the microbrewery site from the rest of the property.

The parking lot is also meant to serve the park if the foundation ever does anything with the rest of the 14-acre parcel it owns.

The developers of the hotel, microbrewery and retail shops are a partnership known as 95 Karrow LLC, which itself is controlled by two individuals and three other entities, according to business registration records filed with Montana's secretary of state. The two individuals are John and Katie Lesar, who are the son and daughter-in-law of Halliburton's chairman, according to a biography his wife, Sheryl, wrote for a local nonprofit, where she serves as a board member.

Two of the other entities, BADF LLC and KCM Enterprises Inc., are linked to Bruce Boody, a local architect who worked with the Zinkes on their B&B proposal, and a local developer named Casey Malmquist, according to Montana business records. The third, Greenstream Resources LLC, lists a Texas address but does not disclose any owners in records filed there. However, the P.O. Box it uses matches the address of another business, First Floor Properties LLC, that lists David Lesar as its "general partner" and other family members among its management.

Both Malmquist and a Halliburton official confirmed that David Lesar is a member of the Greenstream Resources LLC, which is expected to provide a significant portion of the financing for the 95 Karrow project.

Halliburton spokeswoman Emily Mir said the company had no comment on Lesar's involvement in the project, calling it a private investment that Lesar was making outside his role in the company.

Malmquist, who is leading the development project, said that talk of Zinke owning a brewery on the site was premature, as no final decisions have been made on what type of businesses the redevelopment will contain.

"If and when we get to that point, Ryan Zinke, or anyone else that is interested, can purchase a parcel of property, properly located on the development by use and per zoning, and develop a project that is permitted from the standpoint of zoning designations that determine the permitted uses on the development parcel, as well as following the [covenants, conditions, and restrictions] that are yet to be developed for the property," Malmquist said in an email.

***

The Zinkes' mixing of their nonprofit role as stewards of the Great Northern Veterans Peace Park Foundation with their role as landowner and developer echoes other ethical concerns raised about the couple.

In 2012, Ryan Zinke formed a super PAC called Special Operations for America, through which he raised money from donors to attack then-President Barack Obama's reelection campaign for taking credit for the death of Osama bin Laden. Over the following year, the group paid nearly $40,000 to an LLC established by Ryan and Lola Zinke called Continental Divide International for "strategy consulting" and "fundraising consulting" and to reimburse travel expenses.

Only $7,000 of the more than $180,000 the group raised in 2012 went to efforts to influence the election, according to the group's FEC filings.

The super PAC was Zinke's foray into a world of political fundraising that would carry through to his time in the Trump administration. Less than a month after being sworn in as interior secretary, he appeared at a fundraiser in the Virgin Islands for another PAC that has been criticized for spending vastly more on administrative expenses than on campaign activities.

The Virgin Islands GOP PAC has raised $5.7 million since its inception in February 2015. It has spent $76,000 — just 1.3 percent — on congressional candidates, including $3,500 to Zinke's campaign and SEAL PAC, a subsequent group he launched after his election to the House.

Meanwhile, two of Zinke's top aides at Interior, chief of staff Scott Homell and counselor Vincent DeVito, were previously on the payrolls of Special Operations for America and SEAL PAC, respectively.

Earlier this year, the Interior Department's internal watchdog criticized Zinke for obscuring his personal interest in some ostensibly official duties — an incident that involved another Whitefish resident, Fidelity National Financial Chairman Bill Foley, who was one of Zinke's biggest political donors.

Zinke charged taxpayers more than $12,000 last June for a late-night charter flight from Las Vegas, where he had spoken to a National Hockey League team Foley owns, to Whitefish for meetings at the Western Governors Association that were being held there the following day.

Speaking to the Las Vegas Golden Knights was a favor to a friend and donor. He "first mentioned during his initial ethics briefing in March 2017 that he wanted to speak to a friend's hockey team," according to a report from the IG. He did not mention any specific aspects of his job as interior secretary during the speech, which focused on his time as a Navy SEAL. After Zinke and his staff made plans for the speech, the Interior Department started to schedule an event for him to announce Payment In Lieu of Taxation grants, routine business that is typically handled with a news release.

The IG's investigation found that the charter flight could have been avoided with better scheduling, and that Zinke's prior relationship with Foley should have been disclosed in advance to ethics officials who had reviewed the trip.

Foley, a West Point graduate who grew up in the Texas panhandle, has been a major presence in Whitefish since buying a home there in 2005. That same year, he purchased a majority share in Winter Sports, the company that runs the Whitefish Mountain Resort in the town. He soon bought Glacier Jet Center, a private airport about 20 minutes outside the city.

Foley's development projects, like David Lesar's and the Zinkes', are signs of just how far Whitefish has come since Zinke's childhood. The Pastime Pool Hall and Bar, which Zinke fondly remembered in his autobiography as where his grandfather used to socialize, has been renamed "The Bulldog," although not much else about it has changed. But the city also boasts a crepiere, an artisanal olive oil shop and a camping store that sells "overnight yurts." A new yoga studio stands about a minute's walk down the block from Zinke's boyhood home.

"It's gone from a dirty ski town to pretty bougie," said Cale Knox, a Whitefish native and employee at the Red Caboose coffee shop downtown. In a sign of the times, tech venture capitalist Michael Goguen recently bought the Red Caboose, and there is rumor that it will become a wine bar.

Only a mile away is the open land that Zinke dubbed his Veterans Peace Park. Ten years after the railroad donated the first piece of land, locals are as flummoxed as ever about what will happen to it. The situation has left some residents worried that what was pitched as an attempt to provide a green space dedicated to children and veterans was instead used to build Zinke's political profile.

"It was something to put on his résumé," Whitefish City Council member Richard Hildner said of the park during a visit there. "Now, it just sits here."

To view online click here.

Back

Zinke seeks to explain meeting with Halliburton chairman Back

By Ben Lefebvre | 06/27/2018 04:40 PM EDT

Interior Secretary Ryan Zinke sought Wednesday to explain his role in a real estate deal involving a nonprofit he launched and developers backed by the chairman of Halliburton, a major energy company with extensive business before his department.

In his first public comments on the deal since it was first reported by POLITICO last week, Zinke acknowledged meeting with Halliburton Chairman Dave Lesar and other developers in his Interior Department office, but said his involvement was limited to providing them background on the nonprofit and the land it owned, which had been donated by BNSF Railway years earlier. The developers all live in or near Whitefish, Mont., the secretary's hometown where the development would be built.

"And then Dave Lesar and his son, who is developing a piece of property next door, they don't understand, when they had the property, actually, the Veterans Peace Park owns the lot next door. So they come and say, 'Hey, what's the background?'" Zinke said on Voices of Montana, a talk radio program broadcast throughout the state, referring to the August 2017 meeting. He added, "We go out to dinner. We talk about the background of the park. What are the neighbors like. What was the vision of the park. Where the boundaries are. Where the water table is, because the water table has changed over time. What the railroad is. So they have the background."

About a month after that meeting, Lola Zinke, the secretary's wife and now president of the foundation, signed a letter of intent to allow the developers to build a parking lot on its land in Whitefish, a move that could increase property values for parcels the Zinkes own nearby and that a city planner said could result in Zinke running a microbrewery on the site. Zinke did not address the microbrewery or his other real estate holdings in Whitefish on the radio program Wednesday.

House Democrats are calling for Interior's inspector general to investigate whether the deal may have violated conflict of interest rules. Zinke's role at Interior places him as one of the chief regulators overseeing oil and gas drilling activities, including those performed by Halliburton, one of the world's largest fracking and offshore drilling services companies. The inspector general's office is looking into the lawmakers' request before determining whether to launch a full investigation, a spokesperson for the internal watchdog told POLITICO Wednesday.

Zinke launched the Great Northern Veterans Peace Park Foundation after receiving his first donation of railroad land from BNSF in 2008. The land remains largely undeveloped, but Zinke told the Montana radio host Wednesday that his foundation has "added 27,000 tons of material. We've redone roads. We groom it."

In the interview, Zinke said he resigned from the park foundation board after joining Interior. He

told POLITICO earlier that he had no involvement in the park's business, though one of the developers in question, Casey Malmquist, said he visited Zinke in Washington, D.C., in August to discuss the development plans. Malmquist also emailed project development maps to Zinke, according to Interior emails.

Zinke attacked reports on the project without disputing any particular details.

"Clearly, I'm not on the board anymore. My wife runs the board. And they make a letter of intent for my wife that, you know what, the community is for this project, the city approves it, it's a good project for Whitefish, we'll share some parking lots with you. That's it. And this nefarious reporter comes to Whitefish — my hometown — lies to the city on record, lies to the developer on record, takes pictures of an inner tube in the park, and promulgates this story that somehow it's about Interior and Halliburton. This is exactly what's wrong with the press, and the president has it right. It's fake news. It's knowing, it's willing, to willingly promulgate fake news."

An Interior spokesperson did not immediately reply to questions. Interior spokeswoman Heather Swift has said in the past that the matter was not a department issue.

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EPA pulls methane information request Back

By Alex Guillén | 03/02/2017 04:36 PM EDT

EPA says more than 15,000 oil and gas companies no longer have to report detailed technical information about methane emissions from their operations.

The move was announced via a Federal Register notice that will be published on March 7 but will take immediate effect.

It is the agency's first step away from an Obama-era plan to regulate methane emissions from existing oil and gas operations. EPA in November directed oil and gas operators to respond to an "information collection request" on the topic that the agency estimated would cost companies, which are required by law to respond, about $42 million in total.

"By taking this step, EPA is signaling that we take these concerns seriously and are committed to strengthening our partnership with the states," EPA Administrator Scott Pruitt said in a release. "Today's action will reduce burdens on businesses while we take a closer look at the need for additional information from this industry."

EPA also noted it received a letter on Wednesday from eleven state attorneys general or

governors, including new Oklahoma Attorney General Mike Hunter, asking EPA to drop the "onerous" request.

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Highlights

Leading the News

CDC Finds Fluorochemicals May Pose Risk at Levels Lower than EPA

By *Pat Rizzuto*

Exposure to two fluorochemicals increasingly detected in drinking water across the U.S. may pose health risks at exposure levels lower than those recommended by the EPA, according to information the Centers for Disease Control and Prevention released.

Trump's Superfund Nominee Makes Climate Pledge

By *Sylvia Carignan*

Plans to clean up some of the most contaminated sites in the U.S. will be more sensitive to severe weather risks and the effects of climate change, the White House's nominee to lead the EPA's Superfund cleanups promised senators June 20.

Pruitt's Ethics Allegations Dog Nominees for EPA Posts at Hearing

By *Sylvia Carignan*

Members of a Senate panel pressed two nominees for EPA posts, including Superfund program chief, for assurances they wouldn't fall prey to unethical behavior.

Puerto Rican Grid Upgrades, Response Plan Urged by Energy Agency

By *Rebecca Kern*

An Energy Department report recommends updating the agency's response plans for future electricity-grid emergencies and replacing transmission towers with updated equipment as ways to make Puerto Rico's grid more resilient.

Today's News

Taxpayer Groups Warm to Coolant Deal, Splitting Conservatives (Corrected)

By *Abby Smith*

A global deal to limit climate-warming coolants has its newest backers: a team of conservative taxpayer advocacy groups.

Low-Income Residents Forgotten in Climate Resilience Plans: Study

By *Ayanna Alexander*

Growing threats from climate change are putting city dwellers—particularly in low-income areas—at a higher risk of being affected.

Exxon Still Isn't Complying With Climate Subpoenas, N.Y. Says

By *Erik Larson*

Exxon Mobil Corp. is refusing to turn over documents crucial to New York's investigation into whether the oil giant's public statements about climate change misled investors, the state's top lawyer said.

Senate GOP Ally of Pruitt's Says Concerns Allayed After Meeting (1)

By *Ari Natter*

EPA Administrator Scott Pruitt's longtime friend and political ally on Capitol Hill is walking back his criticism of the embattled agency leader after the two met June 19 evening.

EPA Is Said to Propose Redistributing Waived Biofuel Quotas

By Mario Parker

The EPA is set to propose reallocating waived biofuel requirements from exempted refineries as part of a slate of renewable fuel quotas, according to a person briefed on the plans who asked not to be named before a formal announcement.

Syngenta Eyes 'A World With Less Pesticides'

By *Stephen Gardner*

Pesticide giant Syngenta AG has a vision to improve the efficiency of farming to a degree that some agricultural land can be handed back to nature, a company official told Bloomberg Environment.

Puerto Rico Signs Law to Overhaul Storm-Battered Energy Utility

By Yalixa Rivera

Puerto Rico Gov. Ricardo Rossello signed into law June 20 a bill that clears the way for the partial privatization of the island's bankrupt electric company, which has been plagued by aging infrastructure and mismanagement that left millions in the dark after Hurricane Maria.

TransCanada Keystone XL May Be One Oil Pipeline Too Many

By *Robert Tuttle*

TransCanada Corp.'s Keystone XL may be one pipeline too many for Canada, at least for now.

Solar Prices Nosedive After China Pullback Floods Global Market

By *Christopher Martin*

Solar panels were already getting cheaper this year, and then China pulled the plug this month on about 20 gigawatts of domestic installations. The result was a glut of global inventories, and now prices are plunging even faster.

OPEC Told by Climate Czar to Pivot from Oil or Prepare to Suffer

By *Jonathan Tirone*

The world's biggest crude exporters need to support the transition away from oil or prepare for growing climate-induced destabilization that could wreck their markets, the United Nation's top environment official said.

Protectionism to Incentivize Countries to Adopt Carbon Pricing

By Mathew Carr

Protectionist politics is increasing the likelihood that more nations will adopt carbon pricing to help safeguard their industry from regions with limited climate policies, according to Equinor ASA's chief economist.

Oil and Gas Environmental Analysis Trimmed in Bill Panel OKs

By *Alan Kovski*

Federal obligations for environmental impact analyses in oil and gas fields would be reduced in some circumstances by a bill approved by the House Natural Resources Committee, the occasion for another round of argument over the National Environmental Policy Act.

Occidental Gets a $350 Million Edge as Permian Pipelines Fill Up

By *Ryan Collins* and *Kevin Crowley*

As many of its rivals struggle to move oil from the Permian Basin to the Gulf Coast in search of higher prices, Occidental Petroleum Corp. is sitting pretty at a time when pipeline space is at a premium.

Carmakers Seen Wasting Billions on Electric, Autonomous Cars

By David Welch

Automakers are in a pickle. If they don't invest in electric cars and self-driving technology, investors shun them. If they do, they risk burning billions of dollars on cars that won't make money, according to a new study from consulting firm AlixPartners.

Petrobras Recovery Clouded by Candidates Attacking Fuel Prices

By *Vinicius Andrade* and *Sabrina Valle*

The political backlash to rising fuel prices in Brazil has wiped out nearly half of Petrobras' market value and delivered investors a harsh reminder of the perils facing government-controlled oil companies in an election year.

EPA: No Decision Yet on Tar Creek Audit Suit

By *Peter Hayes*

The EPA hasn't decided whether to release information about Administrator Scott Pruitt's refusal to make the results of audits finding potentially criminal conduct in the operation of a hazardous waste fund public.

Daimler Faces German Shareholder Suit Over Diesel Emissions

By *Stephanie Bodoni*

Daimler AG was sued by a shareholder over whether the carmaker misled investors about the severity of the diesel emissions scandal that has enveloped most of the German auto industry.

Copperbelt Energy of Zambia Eyes $250 Million Power Investment

By *Kamlesh Bhuckory*

Copperbelt Energy Corp.—the Zambian electricity supplier with customers including Glencore Plc's copper mines—may invest as much as $250 million in solar projects and transmission lines in the neighboring Democratic Republic of Congo, Chief Executive Officer Owen Silavwe said.

Anglo American Gets Authorization to Prospect for Copper in Amazon

By *Michael Kepp*

Anglo American PLC received authorization to prospect for copper in two

Amazon states in northern Brazil along rivers that flow through nearby Indian lands.

Icahn Expected to Speed Push for Sandridge Sale After Board Win

By *Scott Deveau* and *Alex Nussbaum*

Carl Icahn's takeover of SandRidge Energy Inc.'s board means the shale gas explorer's days are likely numbered.

Mobile Phone Apps Emerge as Latest Threat to Electric Utilities

By *Rachel Morison*

Utilities need to be more like technology companies to survive.

Engie Gets $139 Million Tax Bill as EU Bans Luxembourg Pact

By *Stephanie Bodoni*

French energy utility Engie SA faces a 120 million-euro ($139 million) tax bill after the European Union said it benefited from an unfair fiscal arrangement with Luxembourg.

Shale Giant Says Permian Oil Faces Shut Ins on Pipe Shortage

By *Javier Blas*

The biggest U.S. shale region will have to shut wells within four months because there aren't enough pipelines to get the oil to customers, the head of one of the industry's largest producers said.

Tuesday Night Wrapup

Nova Chemicals Makes Plea to Reduce Patent Charge Lost to Dow

By *James Munson*

A global petrochemical company owned by the emirate of Abu Dhabi made a pitch to reduce a C$645 million ($485.5 million) patent charge by more than half in a Canadian court.

Exelon, First Solar Bankroll Campaign to Push a U.S. Carbon Tax

By Jennifer A. Dlouhy

Major energy companies, including the largest U.S. nuclear power generator, are putting millions of dollars into a new political campaign to push for a tax on carbon dioxide emissions—a measure President Donald Trump has said he opposes.

Natural Gas Export Boom Brings Challenges for Top Energy Regulator

By *Stephen Cunningham*

The top U.S. energy regulator is hiring private contractors for the first time to help clear a growing backlog of LNG export applications.

EPA Stands Pat on Chemical Spill Regulations, Despite Suit

By *David Schultz*

The status quo will likely remain for companies that store chemicals in above-ground tanks.

Japan's New Ivory Trade Rules Lack Adequate Teeth, Critics Say (Corrected)

By Brian Yap

Japanese businesses that sell ivory products, such as print-stamp seals used in contract work, will have stricter registration requirements and other obligations under new regulations, but loopholes weaken the revised ivory trade rule, critics say.

House GOP Budget Plan Calls for More Strategic Oil Reserve Sales

By *Ari Natter*

House Republicans are calling for an additional sale of 100 million barrels of oil from the Strategic Petroleum Reserve.

One Amendment Could Help a Vulnerable Republican's Re-election

By *Katherine Scott*

A House Republican facing a tough re-election contest has a lot on the line as Senate leaders consider when to schedule a vote on a bill that would order the Army Corps of Engineers to expedite $78 million worth of work in one Iowa district.

EPA Sued For Permitting More Air Pollution Near National Parks

By *Amena H. Saiyid*

The EPA is facing a lawsuit for allowing factories and power plants that are expanding or constructing new facilities near national parks and wilderness areas to emit more pollution.

White House Weighs Long-Sought Environmental Review Changes

By *Alan Kovski*

The White House Council on Environmental Quality is ready to consider fundamental revisions to the implementing regulations of the National Environmental Policy Act, a law that has been the centerpiece of countless legal fights.

GOP Chairman Bows to Pressure, Will Hold Hearing on EPA's Pruitt (1)

By *Dean Scott*

The chairman of the Senate environment panel bowed to pressure from Democratic and Republican critics alike June 19, agreeing to hold a hearing in August on embattled EPA head Scott Pruitt.

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To: Bolen, Brittany[bolen.brittany@epa.gov]
From: EPA Press Office
Sent: Tue 3/20/2018 8:05:00 PM
Subject: Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup

Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to Tar Creek, for decades one of the oldest, largest and most complex toxic sites in the nation.

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Tulsa World

Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup

Jim Meyers
March 20, 2018
http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html

Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to Tar Creek, for decades one of the oldest, largest and most complex toxic sites in the nation.

"It is really unacceptable," Pruitt said as he recalled the history of the Tar Creek, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there.

"You don't list a site in the mid-1980s and you don't take the kind of steps we have taken historically and still have issues today in 2018."

He blamed inconsistency, even within EPA's 10 regions, as well as a lack of attention and focus for slowing outcomes.

"It is one of the things that seemed to be languishing as we arrived," Pruitt said, making it clear the lack of urgency was something he found "palpable" at Superfund sites across the country.

"When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable."

...

Pruitt's emphasis on Tar Creek and the other Superfund sites across the country grew out of a task force he created in 2017, just months after being sworn in as administrator.

Members of the Superfund Task Force came back with a list of specific recommendations under major goals ranging from expediting cleanup and remediation to promoting redevelopment and community revitalization.

As part of that process, Tar Creek landed on a list Pruitt says he will use going forward to keep the emphasis on the program.

“To me there are some very fundamental, significant things we can do to provide clarity to citizens there. I think it has started to take root over the last several months,” he said, adding that some of those steps could come “in the near term.”

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To: Bolen, Brittany[bolen.brittany@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 6/8/2018 9:44:29 AM
Subject: Morning Energy: Dam fight tests states' infrastructure projects — Pruitt to speak today — Don't block the MOX

By Kelsey Tamborrino | 06/08/2018 05:42 AM EDT

With help from Anthony Adragna, Ben Lefebvre, Darius Dixon and Annie Snider

THE DAM THING: A brawl is brewing between Maryland's Republican governor, Larry Hogan, and Exelon Corp. over one of the country's largest privately owned dams, Pro's Annie Snider reports — and it could determine how assertive states can be when regulating major infrastructure projects.

Hogan's administration is trying to force the utility to pay up to $7 billion to reduce pollution flowing through its Conowingo dam, which is located just upstream of the Chesapeake Bay, as a condition of renewing its operating license for another 50 years. Exelon says it may shut down the dam rather than pay to fix a problem it did not cause. But first, it's heading to court.

The Supreme Court has given states broad leeway to set environmental requirements for infrastructure through authority granted by the Clean Water Act. And Maryland says it is stepping in because the Conowingo facility would raise pollution levels in violation of state water quality standards. But Exelon retorts the state's approach exceeds the boundaries of the federal water law, setting up a key test that will be closely watched around the country.

The ensuing fight is a perfect example of what critics say is some states using the water law to block projects they oppose for other reasons. "If there's a state who just doesn't like something, an application that's been made, they can stall it for the year and then they hold the applicant over a barrel by saying, 'We'll either deny it or you withdraw it,'" Sen. Jim Inhofe said during an infrastructure hearing last month. Read more here.

WE MADE IT TO FRIDAY! I'm your host Kelsey Tamborrino. No one was able to guess that the 95th Congress had the largest number of veterans. Between 1977 and 1978, and just after the draft ended in 1973, the 95th Congress had 412 veterans. For today: Before President Donald Trump, who was the last president to propose a rescissions package? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy, and @POLITICOPro.

Register for the Pro Summit: Join Pro subscribers, expert reporters and key decision-makers from the executive branch, federal agencies and Congress for a full day of incisive policy conversations on July 17. Speakers include: Rep. Joe Crowley (D-N.Y.), Chairman, House Democratic Caucus, Kevin McAleenan, Commissioner, U.S. Customs and Border Patrol, and others. Register today.

Join the **Global Public Affairs Club**, a new global community dedicated to **C-level public affairs professionals** launched by POLITICO's sister company, DII. Members receive the

GPAC weekly newsletter, including original reporting and analysis on **new transparency standards, recent lobbying regulation, risk management and industry best practices.** In addition, members have access to the **Global Public Affairs Forum on Sept. 28 in Paris.** For additional information on GPAC, email Chloé Mimault-Talagrand at cmimault@dii.eu.

PRUITT SPEAKS: EPA Administrator Scott Pruitt is scheduled to deliver remarks this morning at the Faith and Freedom Coalition "Road to Majority" conference, an annual event where proverbial conservative activists take the stage to discuss issues of faith and the "pro-family majority" in Washington. The conference kicked off Thursday, and Vice President Mike Pence will speak Saturday.

ON TAP TODAY: The House late Thursday made it through the energy and water spending amendments to the chamber's "minibus" appropriations package. A final vote on the overall bill, which also includes legislative branch and military construction-VA spending, is expected today. Here's a look at how some of the amendments did:

— **The Trump administration's** proposal to sell off electric transmission assets owned by the Tennessee Valley Authority and DOE's power marketing administration got the bipartisan boot Thursday. Nineteen lawmakers ranging from Oregon Rep. Earl Blumenauer to Texas Rep. Louie Gohmert secured an unopposed amendment to block any sale.

— **Yucca Mountain opponents still overwhelmed.** Nevada's three Democratic representatives were defeated on two amendments seeking to block the long-stalled nuclear waste project and didn't bother seeking to put them up for a vote.

— **Lawmakers shot down** an effort to punish Western Area Power Administration chief Mark Gabriel by slashing his salary to $1.

— **GOP lawmakers squelched efforts** by Democrats to strip hot-button policy riders, including one blocking the Army Corps of Engineers from requiring a permit for wetlands damage in certain agricultural areas.

THE CHICKEN OR THE IG: Three Democratic senators asked EPA's inspector general Thursday to review whether Pruitt used his office to seek out business opportunities benefiting his wife, citing recent reports that the embattled administrator had an aide contact Chick-fil-A executives to explore whether his wife could open a franchise. Sens. Tom Udall, Tom Carper and Sheldon Whitehouse also pointed to his wife's work for the New York nonprofit Concordia, which paid her $2,000 to help set up a conference last year at which Pruitt spoke. Pro's Alex Guillén has more here.

Following news this week that coal magnate Bob Murray delivered drafts of six executive orders to the president at the beginning of his administration, Whitehouse and Carper separately asked the EPA IG to investigate whether EPA withheld documents, or misrepresented to Congress, the influence of Murray and others. Read that letter here.

POPE MEETS BIG OIL: Pope Francis and Vatican officials plan to meet today and Saturday

with leading oil executives, in what is expected to be an attempt to persuade them to take action on global warming. Vatican spokesman Greg Burke previously told the AP today's meeting is a follow-up to the pope's encyclical three years ago calling for action to address climate change. Cardinal Peter Turkson, who spearheaded the encyclical, set up today's conference with the executives. The pope himself will speak to the leaders on the second day of the summit, Burke said. Officials haven't confirmed today's line-up, but BP previously confirmed to AP that its CEO Robert Dudley plans to attend, as well as Exxon Mobil CEO Darren Woods.

MURKOWSKI'S THOUGHTS ON PRUITT: GOP Sen. Lisa Murkowski said she hadn't seen the most recent allegations concerning used mattresses and Chick-fil-A, but called the unending stream of revelations distracting. "What I'd really like to know is how we coming on our small and remote incinerators rule? What are we doing with the fish waste grinding regs?" she told ME, referring to regulations of particular importance to her state of Alaska. "When you're distracted, how do you make sure that the expectations that we all have about what's coming out the agency are met?" At a budget hearing last month, Murkowski warned Pruitt's deregulatory efforts were being "overshadowed" due to "legitimate questions that need to be answered" related to his management of the agency.

G-7 BEGINS WITH FRUSTRATION: The G-7 summit kicks off today in Quebec — and already Trump's positions on climate have become a sticking point. French President Emmanuel Macron told Bloomberg this week he wants to make progress in discussions on tariffs , the Paris climate agreement and the Iran nuclear deal before signing the usual joint statement, which details a range of policy issues.

Trump — who will depart early and skip some sessions focused on climate change — is so far out of step with his fellow leaders that one official involved in the drafting of the leaders' declaration said there was concern that the U.S. would object to any use of the phrase "climate change," our European colleague David Herszenhorn reports.

DON'T BLOCK THE MOX: A district judge in South Carolina granted the state a preliminary injunction Thursday preventing the Energy Department from winding down the long-troubled MOX nuclear project in the Palmetto State. "Without a preliminary injunction, the State will suffer irreparable harm," District Judge J. Michelle Childs wrote in the 36-page order , noting how DOE intended to issue a full stop work order to start winding down MOX and terminating employees at the Savannah River Site early next week. Terminating the project is one of the few big decisions where the Trump and Obama administrations are in agreement. The judge vacated a partial stop work order DOE issued in May, blocked any full stop order and were ordered to "maintain the status quo by continuing the MOX Project" until the state's lawsuit to protect the effort runs its course.

MAKING WALKER TIP TOE: The Energy Department's top electricity policy official was put on the spot Thursday when he was asked to square the Trump administration's push to use federal emergency powers to help struggling coal and nuclear plants with his own comments that suggested his skepticism. In February, Bruce Walker, who has spent his whole career in the electricity sector and quickly won the respect of staff in his office, told reporters that his office "would never use a 202 to stave [off] an economic issue. ... It's not designed for that."

Since then, however, FirstEnergy has filed an emergency request for power plants and DOE drafted a document suggesting that Energy Secretary Rick Perry invoke the so-called 202(c) authorities to keep them running. And when Rep. Don Beyer asked Walker at a House Science Committee hearing if his earlier comments implied that he wouldn't authorize a 202, Walker would only say that FirstEnergy's application was under review and otherwise gave the Virginia Democratic terse responses.

WAR OF WORDS: The Interstate Natural Gas Association of America said it was "deeply troubled" by the administration's proposed coal-and-nuclear bailout on Thursday, accusing the administration of attempting to punish gas. "There is absolutely no justification for the extreme intervention in energy markets suggested in the draft National Security Council memo," INGAA President and CEO Don Santa said. "Such a move would be bad public policy, costly to American consumers and the economy, and legally questionable."

In a response, DOE spokeswoman Shaylyn Hynes said that the "assertion that this Administration is attempting to 'punish' natural gas is absurd." She added that DOE "views natural gas as a vital part of our energy mix" and that it also "recognizes that there are serious threats and vulnerabilities to critical infrastructure nationwide, including pipelines." Hynes said all of which is why the department is "undergoing a review of all of the nation's defense critical energy infrastructure under the FAST Act of 2015," adding that resilience of the electric grid "is influenced by everything from cyber threats to the availability of solar power and the retirement of fuel secure units."

WHERE'S PERRY? The Energy secretary is scheduled to tour the Oak Ridge National Laboratory in Tennessee today, where he'll meet with employees and deliver remarks.

PHSMA INVESTIGATING PIPELINE EXPLOSION: PHMSA has started its investigation into yesterday's explosion at TransCanada's Leach Xpress pipeline in West Virginia and "will determine the cause of the incident and compliance with Federal pipeline safety regulations," an agency spokesman told ME. The accident occurred on a relatively new piece of state-of-the-art pipeline TransCanada had added to its Columbia Gas Transmission system. FERC signed off on construction of the $1.5 billion, 160-mile project in February 2017, agency documents show, and TransCanada only started shipments along it just shy of a year later, calling it at the time a "best-in-class pipeline." TransCanada, the company behind the planned Keystone XL pipeline, told ME it is cooperating with the investigation.

NPS SUPERINTENDENT SAYS HE WAS FORCED OUT: After more than four decades with the National Park Service, Yellowstone National Park's superintendent told the Associated Press he's being forced out as a "punitive action" following disagreements he had with Secretary Ryan Zinke over how many bison the park can sustain. "I feel this is a punitive action but I don't know for sure," Dan Wenk said. Wenk last week announced he would retire March 30, 2019, after being offered a transfer he didn't want to take. He was then informed this week by NPS Acting Director Dan Smith that a new superintendent will be in place in August and that he would be gone by then, Wenk said. Read more.

HEARTLAND LENDS PRUITT A HELPING HAND: In response to a federal judge who ordered EPA to search for records to a FOIA request related to Pruitt's March 2017 interview, where he said carbon dioxide is not a "primary contributor" to global warming, the Heartland Institute — a group that lobbies against climate action — said it sent copies of "Climate Change Reconsidered" reports to Pruitt. In a letter from the group's president, Tim Huelskamp, he urges Pruitt to use the more than 3,000 pages to provide support to the conclusion that human activity is not the largest factor driving global climate change. Read the letter here.

NEW LAWYER IN BLANKENSHIP CASE: The administration has once again changed lawyers in former Massey Energy CEO Don Blankenship's effort to have his criminal mine safety conviction thrown out, the Charleston Gazette-Mail reports via court records. Assistant U.S. Attorney for the Southern District of Ohio Douglas Squires filed a formal notice that he would be handling the case, which is still pending before U.S. District Judge Irene C. Berger, the outlet reports. That's the second time in as many weeks that the Trump administration has changed lawyers. Read more.

MAIL CALL! BAILOUT 'FALSE': More than 30 Democratic lawmakers are calling it a "false narrative" that the president needs to bail out economically struggling coal and nuclear power plants in the interest of electrical grid resilience. The lawmakers call on Perry to stop such rhetoric and "to cease attempting to use emergency authorities to intervene in planned power plant retirements." Read the letter here.

— **The League of Conservation Voters** sent this letter to lawmakers, urging them to vote against the "minibus" bill on the floor today.

— **More than 20 state manufacturing groups**, led by National Association of Manufacturers, sent a letter Thursday to the the U.S. Conference of Mayors, calling on them to stop undermining job creators. "Mayors are signing their names to lawsuits that will do more to undermine the resurgence of the manufacturing sector than to address the issues they intend to solve through the courts," they write.

— **Twelve environmental organizations** signed a letter in opposition to H.R. 3 (115) — the president's rescissions package. Read that here.

TESTER ON THE ATTACK: Montana Sen. Jon Tester began airing attack ads against newly minted GOP nominee Matt Rosendale in the race for his seat, according to Advertising Analytics. The ad labels the Republican "Maryland Matt" and hits him for being a real estate developer, who "pushed to transfer our public lands knowing our state would have to sell them off so developers like himself can buy them and cash in while restricting our access to our public lands." See it.

QUICK HITS

— Billions in U.S. solar projects shelved after Trump panel tariff, Reuters.

— Pruitt enlisted security detail in picking up dry cleaning, moisturizing lotion, The Washington

Post.

— The chemical industry scores a big win at the EPA, The New York Times.

— Truck emissions study aimed at EPA limits all along, records show, Bloomberg BNA.

— Pruitt made public servants fetch his protein bars and Greek yogurt, The Daily Beast.

— Record oil exports help cut U.S. trade gap, The Wall Street Journal.

HAPPENING TODAY

9:00 a.m. — U.S. Energy Association hosts Kenyan energy minister, 1300 Pennsylvania Ave NW

12:00 p.m. — Atlantic Council conversation with Vincent DeVito, counselor to the secretary for energy policy at Interior, 1030 15th Street

12:00 p.m. — The Lexington Institute forum on "Cybersecurity of the Electric Grid," CVC-201

12:00 p.m. — The Environmental and Energy Study Institute briefing on "The State of Germany's Energy Transition," G-50 Dirksen

12:00 p.m. — NCAC luncheon on "So, you want to be a renewable energy entrepreneur?" 618 H St NW

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https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/dam-fight-tests-states-infrastructure-projects-246240

Stories from POLITICO Pro

Dam fight tests states' ability to set requirements for infrastructure projects Back

By Annie Snider | 06/08/2018 05:01 AM EDT

A brawl between a Republican governor and a major utility company over one of the country's largest privately owned dams could determine how aggressively states can regulate major infrastructure projects.

Maryland Gov. Larry Hogan's administration is trying to force Exelon Corp. to pay up to $7 billion to reduce pollution flowing through its Conowingo dam, located just upstream of the Chesapeake Bay, as a condition of allowing the company to renew its operating license for another 50 years. The company says it may shut down the dam rather than pay to fix a problem it

did not cause. First, though, it is taking Maryland to court to try to reverse its proposal.

The fight over the Conowingo dam isn't just a fight about one dam, as utilities seek to extend the operation of massive hydroelectric dams that will for the first time face requirements of modern environmental laws. And Exelon's lawsuit is one flank of a larger political fight over states' rights that could have major implications for pipelines, nuclear power plants and other major pieces of infrastructure that the Trump administration wants to promote.

The Supreme Court has given states broad leeway to set environmental requirements for major infrastructure projects through authority granted by the Clean Water Act.

"As long as the state is imposing conditions that are reasonably related to those water quality standards, they have the authority to do that," said Pat Parenteau, a professor at Vermont Law School.

Maryland says it is stepping in because the Conowingo facility would raise pollution levels above the state water quality standards it is empowered to protect. But Exelon says the state's approach exceeds the boundaries of the federal water law, setting up a key test that will be closely watched around the country.

Critics say some states use the water law to block projects they oppose for other reasons. For example, New York, which has resisted the fracking boom, is using the same authority to block pipelines that would carry natural gas from shale fields in Pennsylvania. It's a nascent issue that Congress may address in the coming years.

"If there's a state who just doesn't like something, an application that's been made, they can stall it for the year and then they hold the applicant over a barrel by saying, 'We'll either deny it or you withdraw it,'" said Sen. Jim Inhofe (R-Okla.), a senior member of the Senate Environment and Public Works Committee, during an infrastructure hearing last month.

Exelon has asked the Federal Energy Regulatory Commission to put its consideration of the Conowingo relicensing on hold while the litigation and administrative process play out in Maryland. The state's demands could have "widespread economic consequences for the hydroelectric industry" if they set a precedent that is applied elsewhere, Exelon warned in a May 25 letter to FERC. Environmentalists say the company's fears are overblown.

The Conowingo dam has been in operation along the Susquehanna River since 1928, providing enough power to serve nearly 200,000 homes. Exelon has pointed out that it provides 55 percent of Maryland's renewable power, contributing to the state's climate change goals.

The Chesapeake Bay is just 10 miles downstream, and for decades the dam has played a key role in catching nutrient pollution that has washed off farm fields in New York, Pennsylvania and Maryland that would otherwise flow into the already overburdened estuary.

State and federal officials had counted on the dam to continue keeping that fertilizer runoff and other pollution out of the bay when they signed on to a landmark cleanup plan in 2010. But the

reservoir behind Conowingo has already reached its capacity, years ahead of schedule. That means not only that the dam has lost its ability to trap pollution, but that during major storms, more of it can be released, washing downstream and overwhelming the bay all at once. Climate change is expected to make these problems worse, and the bay cleanup effort is already woefully behind schedule, according to an analysis released by the Chesapeake Bay Foundation last week.

The federal-state bay cleanup partnership estimates that roughly 6 million additional pounds of nitrogen and 260,000 additional pounds of phosphorus will reach the bay each year because of the dam's lost trapping capacity — that's about 5 percent of all the pollution flowing into the waterway.

The Hogan administration has long argued that the company must bear some of the burden for cleaning up the pollution washing through its facility in order for Maryland to grant the water quality certification it needs for relicensing.

This spring, with Maryland and Exelon still miles apart after months of closed-door negotiations, Maryland ordered Exelon to offset the additional pollution that is estimated to be coming from the dam if it is to progress with relicensing.

The 59-page water quality certification issued by the state gives the company three options for doing that: by dredging the reservoir so it could regain its trapping capacity; by planting trees, restoring wetlands and implementing other best management practices upstream; or by paying the state as much as $172 million annually to do that conservation work itself, a tab that would add up to more than $7 billion over the 50-year license.

Ben Grumbles, secretary of Maryland's Department of Natural Resources, said the certification is "detailed, science-based and also flexible," and that its adaptive management approach "will help launch a restoration economy in the Susquehanna watershed."

But Exelon says the certification is unfair because the pollution originates with farmers and cities upstream, and argues the state's demands would make Conowingo too expensive to operate.

"The Dam does not produce any pollution. Rather, the science clearly shows that the pollutants that travel down the Susquehanna River, from New York and Pennsylvania, are the source of the nutrients and sediment that flows into the Bay," the company said in a statement.

At the end of May, Exelon sued Hogan's administration in state and federal court, contending that the certification and its requirements are violations of the law.

Green groups are dubious that Exelon would truly consider abandoning the dam. They expect the cost of offsetting the pollution would come in well below Maryland's $172 million-a-year cap and that the company can afford it. A December 2017 economic analysis commissioned by environmental groups concluded that the Conowingo dam is bringing in $115 million to $121 million annually in revenues.

Moreover, if Exelon decided not to pursue relicensing, the company would face a complex

decommissioning process, which would bring its own financial liabilities. Removing the dam altogether is likely not an option, since it is part of an interconnected engineering system on the river that helps keep water levels in check for a number of purposes, including an upstream nuclear power plant and another hydropower dam owned by Exelon.

The outcome of the fight is likely to affect other states, which are contemplating major new environmental requirements for decades-old dams, ranging from pollution reduction to fish passage to flow and temperature requirements. In some cases, the cost of such upgrades is so much that the operator opts to close the facility, leading to a wave of dam removals across the country.

But the courts have largely sided with states in these fights so far.

A 1994 Supreme Court decision upheld restrictions Washington state placed on a hydroelectric dam to protect salmon and steelhead, and in 2016 the high court upheld New York's denial of a water quality certification for the proposed Constitution Pipeline, which would carry natural gas from Pennsylvania.

In a recent closely watched case, FERC and New York took different interpretations of how long the state had to act on a certification for the Millennium Pipeline Co., and FERC gave the project the green light before state regulators had finished their review. The U.S. Court of Appeals for the 2nd Circuit upheld FERC's actions in March, but the case hinged on procedural issues rather than an interpretation of the state's underlying authority to use water quality certifications to stymie development.

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Democrats ask EPA IG to review Pruitt's Chick-fil-A, Concordia connections Back

By Alex Guillén | 06/07/2018 03:52 PM EDT

Three Senate Democrats today asked EPA's inspector general to review whether Administrator Scott Pruitt used his office to seek out business opportunities benefiting his wife.

The lawmakers cite recent reports that Pruitt had an aide contact Chick-fil-A executives to explore the possibility of his wife, Marlyn, opening a franchise of the chicken eatery. They also cited her work for the New York nonprofit Concordia. It paid Pruitt's wife $2,000 to help set up a conference last year at which Pruitt spoke.

The IG should review whether Pruitt "used his position — acting in his own capacity or through his official staff — to pursue private business opportunities to enrich himself or any members of his family regarding these two cases and any other financial opportunities for Administrator Pruitt's family," wrote Sens. Tom Udall (N.M.), Tom Carper (Del.) and Sheldon Whitehouse

(R.I.).

They also raised the question of whether Pruitt had any "other, as yet unknown, business pursuits as well."

To view online click here.

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Murray delivered executive orders on coal rules to Trump administration Back

By Darius Dixon | 06/06/2018 07:05 PM EDT

Coal magnate Bob Murray delivered six draft executive orders ready for President Donald Trump to sign to roll back Obama-era environmental regulations in the early weeks of the administration, according to newly released Energy Department documents.

The documents released Wednesday after a Freedom of Information Act request include a letter to Energy Secretary Rick Perry from Murray praising Trump's March 2017 energy independence executive order, which largely aimed to help the coal industry. And to bolster that effort, Murray wrote, "we have developed the enclosed materials for your review and consideration, consisting of: six (6) Executive Orders further rescinding anti-coal regulations of the Obama administration; and one (1) memorandum outlining the legal rationale for each of these action, and others."

Those executive orders were also sent to EPA Administrator Scott Pruitt, whose agency had jurisdiction over most of the issues they involved, such as ozone rules and regulations on coal ash.

Trump has not signed executive orders resembling Murray's, but the administration has moved to enact the policies, such as pulling U.S. out of the Paris climate agreement. The documents, which were sent to DOE the day Trump signed his energy independence order and one day before Murray met with Perry and DOE chief of staff Brian McCormack, also included concepts about grid security and "resiliency" that Perry later touted as part of his push to stop coal power plants from closing.

"The Department of Energy ("DOE") must issue an emergency directive to have an immediate study done of the security and resiliency of our electric power grids," the document states. "DOE will direct that no power plants having an available fuel supply of at least forty-five (45) days be closed during the study period, or a minimum of two (2) years."

Perry later ordered his staff to write a study about the electric grid that was eventually tied to a regulatory proposal that FERC create financial rewards for power plants with a 90-day supply of fuel on-site. That condition would have overwhelming benefited coal and nuclear generators, but it was shot down by FERC in January.

Critics have said Murray would be the biggest beneficiary of Trump's efforts, since his company supplies coal to many of the power plants at risk of closing because of stiff competition from cheap natural gas and renewable power as well as lagging electricity demand from consumers.

Murray spokesman Gary Broadbent confirmed the company had submitted the documents to Perry "to assist in the reversal of the illegal, job-killing, anti-coal regulations of the Obama Administration."

"Mr. Murray has always sought to secure reliable, low-cost electricity for all Americans, as well as to preserve and protect the jobs and family livelihoods of thousands of coal mining families," he said in a statement. "We applaud the actions taken by President Trump's Administration, to date, to protect these jobs and to advance the energy security of the United States."

Murray has repeatedly called on DOE to issue must-run orders for FirstEnergy power plants that consume his coal, and he blasted the FERC commissioners who opposed the on-site fuel proposal.

On Tuesday, a top DOE official said the agency is still formulating a plan to keep struggling coal and nuclear power plants from closing, and it had no deadline to meet Trump's demand to rescue them.

"We are evaluating options," Energy Undersecretary Mark Menezes told reporters. Last week, Trump called on DOE to take "immediate steps" to stop a wave of coal and nuclear power plant retirements, and like Perry, he cast the shutdowns as a threat to national security.

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Senator to Pruitt: EPA meddling in health study 'unconscionable' Back

By Annie Snider, Alex Guillén and Anthony Adragna | 05/16/2018 10:10 AM EDT

Senate Democrats tore into Scott Pruitt on Wednesday, blasting the Environmental Protection Agency's meddling in a report on toxic chemicals as "unconscionable" and calling the EPA administrator's mounting ethics controversies an embarrassment to the agency.

"You're trailing a string of ethical lapses and controversies, they're an embarrassment to the agency, an embarrassment to Republicans and Democrats alike," Sen. Pat Leahy (D-Vt.) told Pruitt at a Senate hearing. "Forget about your own ego and your first class travel and your special phone booths and all these things that just make you a laughingstock and your agency a laughingstock."

Pruitt has faced a wave of scandals over the past few months, with scrutiny focused on his

expensive flights, round-the-clock security detail, privacy phone booth, and below-market condo rental from an energy lobbyist. With news this week that EPA's Inspector General would look into Pruitt's use of multiple email accounts, he is now facing more than a dozen probes and investigations from Congress, the White House and his agency's internal watchdog.

And earlier this week, POLITICO reported that EPA helped to bury a federal study that would have increased warnings about toxic chemicals found in hundreds of water supplies across the country. That report showed Pruitt's senior aides intervened in the release of the Health and Human Services Department assessment into PFOA and PFOS after the White House warned of a "public relations nightmare."

Leahy said efforts by the White House and political officials at EPA to block the chemicals assessment "unconscionable," and he pointed to a community in his state that is grappling with chemical contamination.

"It's incomprehensible to the people in Bennington and in Vermont why an agency that works for them — their tax dollars are paying for it — whose charge it is to protect their health, turns their back on them and tries to hide health dangers," Leahy said in his opening statement.

West Virginia Republican Sen. Shelley Moore Capito also pressed Pruitt on his agency's intervention on the study, prompting him to deny that he had a hand in it.

"I was not aware that there had been some holding back of the report. I think it is important to have all information in the marketplace," Pruitt said.

Capito encouraged Pruitt to get that study released before an EPA summit on the chemicals next week. "I appreciate the fact that you are trying to reach the scientific limit that would impact any kind of health impacts in our areas, regardless of who has to remediate and what the remediation costs are going to be," she said, alluding to the fact that cleanup requirements would create major costs for the Defense Department and chemicals manufacturers.

Leahy also mocked Pruitt's security concerns as a justification for flying first class for more than a year. "Nobody even knows who you are," he said, adding later, "it's ego run amok."

Much like appearance last month in front of two House panels, Pruitt shifted the blame for many of the recent scandals, blaming "processes" at the agency not being followed for some of his ongoing spending and ethical issues, and he told Senate Appropriators he had taken steps to avoid similar issues going forward.

"There have been decisions over the last 16 or so months, that as I look back, I would not make those same decisions again," Pruitt said. But he stopped short of apologizing, and blamed critics of his deregulation agenda for the negative publicity.

"I want to rectify those going forward," Pruitt continued. "I also want to highlight for you that some of the criticism is unfounded and I think exaggerated. And I think it feeds this division that we've seen around very important issues affecting the environment."

Pruitt also confirmed media reports that he had established a legal defense fund amid the spate of federal investigations. Donations to the fund would be made public pursuant to disclosure requirements and Pruitt said he would not solicit money from lobbyists or corporations with business before the agency. He later noted he would not personally seek contributions himself "since that's done by attorneys and others."

The EPA chief said his attorney "who's done this for a number of years" has worked with Government Accountability Office "to make sure it's done properly."

Despite criticism from lawmakers from both parties and frustration from White House aides, Pruitt has continued to receive the support of President Donald Trump, who's praised the former Oklahoma attorney general for rolling back many of the Obama administration's environmental policies.

Sen. Tom Udall (D-N.M.) pressed Pruitt on his requests that his security detail use his vehicle's lights and sirens to beat Washington traffic and get to a restaurant.

"I don't recall that happening," Pruitt answered. But Udall shot back by referencing an email from Pruitt's former security chief, Pasquale "Nino" Perrotta, that said "Administrator Pruitt encourages the use" of those lights and sirens. POLITICO has reported that Perrotta goaded and encouraged such behavior on security matters.

Udall later accused Pruitt of violating federal law by having an aide search for apartment rentals for him on personal time without being paid. The aide, Millan Hupp, an EPA scheduler and advance staffer who has worked for Pruitt since he was Oklahoma attorney general, is "a long-time friend of my wife and myself," Pruitt said, and she took those actions entirely "on personal time."

"It doesn't cut it that they're a friend or that kind of thing," Udall replied, since federal law requires that any subordinate — even if they volunteer — be paid fair market value for their work or it's considered a gift.

"That's in violation of federal law," Udall said.

Even Sen. Lisa Murkowski, chairwoman of the Appropriations panel hosting Pruitt, said at the start of the hearing she saw "legitimate questions that need to be answered" about the ethics scandals plaguing Administrator Scott Pruitt.

"Unfortunately, I am concerned that many of the important policy efforts that you are engaged in are being overshadowed because of a series of issues related to you and your management of the agency," Murkowski said at the opening the budget hearing.

Udall also peppered Pruitt about his contacts with conservative political commentator Hugh Hewitt over a polluted California site. POLITICO first reported that EPA added the Orange County North Basin site to Pruitt's list of sites targeted for "immediate and intense" action just

weeks after Hewitt arranged a meeting with Pruitt and his law firm.

But Pruitt said the agency had been discussing potential action on the Superfund site "well before" Hewitt arranged a meeting on the issue. "I'm not entirely sure why there would be criticism around us taking concerted action to address Superfund sites and get accountability — whomever brings that to our attention," he said.

That didn't placate Udall.

"The idea is that here's been scientific analysis and through analysis on the list, and then special friends get to get on the list that's been created by the agency," Udall said. "Looks a little bit fishy to me."

Udall, who called on Pruitt to resign because of the recent controversies, said Pruitt was unfit to lead the agency because he didn't believe in its mission to protect human health and the environment.

"It needs to be said that your tenure at the EPA is a betrayal of the American people," he said, criticizing not just the ethics scandals, but also his regulatory rollbacks.

"This isn't cooperative federalism, it's flat-out abandonment," he said.

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Trump tariffs stir up angst ahead of G-7 summit Back

By Andrew Restuccia, Megan Cassella and Lorraine Woellert | 06/05/2018 07:17 PM EDT

Foreign diplomats and U.S. officials are looking ahead to this week's G-7 summit with a sense of dread amid growing international tensions with President Donald Trump and little hope of reaching consensus.

With just three days until Trump arrives in Canada for the annual meeting with America's closest foreign allies, member countries are fuming over the president's decision to impose steep tariffs on steel and aluminum imports, a move that could have dire economic consequences for every other member of the Group of Seven major industrial nations.

Canada, Japan and key European Union nations have long sought to win over the U.S. president by playing nice on the world stage. But after nearly a year and a half, the G-7 countries' frustrations are bursting into public view.

Prime Minister Justin Trudeau of Canada, who is hosting the summit, excoriated Trump's recent tariff decision, responding with dollar-for-dollar tariffs of his own and calling the president's

decision "insulting" and "totally unacceptable."

Japan has grown increasingly concerned that it is being pushed to the side as Trump prepares to meet with North Korea's dictator, Kim Jong Un. And France, whose president, Emmanuel Macron, had worked hard to build rapport with Trump, is reeling from a "terrible" phone call with the American president that went south after Macron bluntly criticized U.S. tariffs.

Trump is expected to get an earful from his foreign counterparts during the meeting, which starts on Friday. U.S. officials acknowledged privately that the gathering could be rife with awkward moments, with one official predicting that it will be a "mess."

"I think they will be ganging up on him," said Bill Reinsch, a trade expert at the Center for Strategic and International Studies. "But in addition to the immediate issue of the tariffs, there is an underlying debate that is going to go on ... and that is a growing concern that the entire rules-based international system and the institutions that underlie it are increasingly at risk."

G-7 negotiators remain deeply divided over the joint statement that countries usually release at the end of the annual event. The statement is meant to project unity among the world's biggest economies, detailing a range of policy issues on which they can all agree.

"The G-7 traditionally, for 20-plus years, has been a group of like-minded developed countries that sit together and figure out what do we do to address key global problems," said Robert Fisher, a consultant with Hills & Company and a former U.S. trade official who helped negotiate NAFTA. "Now trade has become, perhaps more than anything, the major dividing line between the G-6 and the one. And we are the one."

Another U.S. official told POLITICO that he thought there was no chance the U.S. and the other G-7 members could reach common ground on crucial issues like trade and climate change, adding that it was increasingly likely there wouldn't be a joint statement at all at the end of the meeting. Multiple U.S. officials have complained privately that early drafts of the statement were far too liberal, arguing that there was little the administration could latch on to.

Some foreign officials, meanwhile, have begun wondering whether it's better for Trump to skip the G-7 altogether rather than risk his making a spectacle at the event.

"If the president were not to go, that would be a major snub," Fisher said. "I would see that as a further escalation in tensions between the U.S. and, normally, our allies."

Trade is expected to be a central topic of discussion throughout the summit, and G-7 leaders will sit down for a session on "economic growth, the future of work and trade" as one of their first meetings, according to a background document released by the Council of the EU, which represents the executive governments of European Union member states.

A senior EU official sought to moderate expectations that any progress would be made with Trump over the tariffs, saying the potential for progress was "extremely low."

"We do not expect any breakthrough on the trade dispute with the U.S," the official told reporters. He added that "the tariffs imposed ... last week have significantly increased tensions" between the U.S. and its G-7 partners, which are "united" in their ambition to retaliate against the Trump tariffs.

A summit this past weekend among the G-7 finance ministers offered a preview of what could be in store for Trump, after leaders faced off over unprecedented divisions on policy and failed to reach consensus on a joint concluding statement.

In a rare show of disunity, a chair's summary written by Canada and released at the close of the event highlighted concerns over "tariffs imposed by the United States on its friends and allies" that "undermine open trade and confidence in the global economy." The summary said ministers of the six other countries — all of which are now paying tariffs on their steel and aluminum exports to the U.S. — requested that Treasury Secretary Steven Mnuchin, who represented the U.S. at the finance meeting, communicate to Trump their "unanimous concern and disappointment."

"I've been to these meetings for a long time," the Japanese finance minister, Taro Aso, told reporters, according to Reuters. "But this is a very rare case where opposition against the United States was unanimous."

Trump, for his part, is already looking past the G-7, focusing much of his attention on the summit next week with Kim, according to administration officials. The president is scheduled to depart for Singapore, the summit site, from Canada at the end of the G-7 gathering.

Trump administration officials have publicly sought to tamp down concerns that tariff blowback will dominate and derail the summit agenda, even as anxiety builds across the Atlantic that the two-day event will ultimately produce nothing at all.

Larry Kudlow, director of the National Economic Council, rejected the idea earlier Tuesday that the steel and aluminum tariffs had any damaging effects and praised Trump's trade policies generally, calling the president a "trade reformer." He also lauded the strength of the U.S. economy and said officials would "take that story to the G-7 meeting."

"I hope it's a G-7 meeting," he added in an interview on Fox News. "I hope it's not a G-1-plus-six meeting, and I hope we can make some sense out of the whole story."

Michael Crowley and Hans von der Burchard contributed to this report.

To view online click here.

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Trump to depart G-7 summit early Back

By Brent D. Griffiths | 06/07/2018 08:36 PM EDT

President Donald Trump will leave the G-7 summit before its conclusion, the White House announced on Thursday night, following a day of back-and-forth with fellow world leaders that foreshadowed confrontations during the meeting of the world's largest advanced economies.

Trump will be depart the summit in Quebec at 10:30 a.m. Saturday and head directly to Singapore, the site of his June 12 meeting with the North Korean leader, Kim Jong Un, White House press secretary Sarah Huckabee Sanders said in a statement. The G-7 summit is scheduled to wrap up later on Saturday.

Before the announcement, President Emmanuel Macron of France and Prime Minister Justin Trudeau of Canada both promised to confront Trump over his recent decision to impose tariffs on U.S. allies.

Trump, in response, laid into the two leaders on Thursday evening over those plans.

"Please tell Prime Minister Trudeau and President Macron that they are charging the U.S. massive tariffs and create non-monetary barriers," Trump wrote on Twitter. "The EU trade surplus with the U.S. is $151 Billion, and Canada keeps our farmers and others out. Look forward to seeing them tomorrow."

By pulling out early, Trump will skip sessions focused on climate change, the oceans and clean energy. He will also miss the traditional group-photo opportunity among fellow heads of state. The president may also miss the opportunity to host a summit-ending news conference, something world leaders traditionally do. The leader of the host nation, in this case Trudeau, also takes questions and gives closing remarks. Trump chose not to hold a news conference last year, becoming the only G-7 leader not to do so before leaving Italy, according to The Hill . He opted instead for a speech at a nearby naval air station.

The summit traditionally concludes with a joint statement spelling out the areas of agreement on the wide range of policy issues discussed. But before Trump's announcement, Macron urged the other five nations to hold strong and not let potential U.S. opposition water down their communiqué.

The 2017 statement, for example was notable for its explicit mention that the U.S. did not share its allies' support of the Paris Climate Accord. Less than a week later, Trump announced in the White House Rose Garden that the U.S. would be exiting the climate agreement.

"Maybe the American president doesn't care about being isolated today, but we don't mind being six, if needs be," Macron said, part of his plea to confront Trump head-on.

Trump later upped the ante, accusing Trudeau of being "so indignant" on the topic. The U.S. and its allies have been at loggerheads in recent days as the EU, Canada and Mexico continue to bristle over the president's decision to levy 10 percent tariffs on aluminum imports and 25 percent tariffs on steel imports from the two countries and Europe. The move, which reportedly

came with little warning, has also caused Republicans on Capitol Hill to consider reining in Trump's trade powers.

Suggesting that the world powers could continue on without the U.S. is a stark departure from the chummy relationship Macron and Trump had during the French president's state visit to Washington in April.

For his part, Trudeau continued to call the tariffs "ridiculous." Last week, he repeatedly invoked the fact that Canadians fought alongside U.S. soldiers in Afghanistan in characterizing Trump's decision as a slap in the face.

The thought of allies ganging up on him has reportedly left Trump uneasy about attending the summit. But for now, Trudeau says that he expects his American counterpart to show up.

"We know that President Trump likes to be unpredictable," the Canadian leader said on Thursday, "but everything suggests that he will be there for the G7 summit, including his tweets this morning."

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DOE official: Agency would 'never' use must-run order for economic reasons Back

By Darius Dixon | 02/20/2018 02:52 PM EDT

The Energy Department's top electricity official says the agency would not exercise its emergency authority to keep a power plant operating just because it might be losing money.

"A 202(c) has some very specific rules and a process," Bruce Walker, DOE's assistant secretary for the Office of Electricity Delivery and Energy Reliability, told reporters, referring to the section of the Federal Power Act that gives Energy Secretary Rick Perry authority to keep plants running.

"The economic rules are what they are today. We would never use a 202 to stave [off] an economic issue," he said, adding, "it's not designed for that."

President Donald Trump backer and coal magnate Bob Murray has repeatedly called on DOE to issue must-run orders for FirstEnergy power plants that consume his coal. He reiterated that call after FERC's January rejection of Perry's proposal to prop up coal-fired and nuclear plants that were losing money in the power markets. Just last week, FirstEnergy announced that will close its 1,300-megawatt Pleasants coal-fired power plant — a large Murray customer — by Jan. 1.

"Since I would be the one writing it, I can tell you it's never come to my attention," said Walker, a former executive at Consolidated Edison, noting that he regularly has meetings with Perry and

other top DOE officials. "Nobody has talked about it. Nobody in my department is doing anything with it. It doesn't exist."

To view online click here.

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Trump calls for coal, nuclear power plant bailout Back

By Eric Wolff | 06/01/2018 05:17 PM EDT

President Donald Trump pressed for a quick regulatory bailout for struggling coal power plants on Friday — a move that would buoy a mining industry that offered him crucial support in 2016, but is riling other energy companies and even some free-market conservatives.

The White House called on Energy Secretary Rick Perry to take immediate steps to keep both coal and nuclear power plants running, backing Perry's claim that plant closures threaten national security. An administration strategy to do that laid out in a memo to the National Security Council circulated widely among industry groups on Friday, but it was not clear that intervention could survive the inevitable political and legal challenges.

It was the latest step in more than a year of efforts by the administration to compel power companies to keep operating the money-losing plants that are suffering from the rise of competing energy sources like natural gas. Those proposals have drawn opposition from most utilities, along with environmentalists, gas producers, power grid operators and conservatives who say it would be an unwarranted intrusion to the energy markets.

The White House statement calling for action came after days of Trump making similarly aggressive moves on international trade, slapping tariffs on the European Union, Canada and Mexico to protect U.S. industries like aluminum and steel. In this case, the president is acting on behalf of what he likes to call "beautiful, clean coal," a once-dominant fuel that still plays a major role in his stump speeches.

Trump "has directed Secretary of Energy Rick Perry to prepare immediate steps to stop the loss of these resources," White House press secretary Sarah Huckabee Sanders said in a statement Friday, referring to coal and nuclear plants.

She added that Trump believes "keeping America's energy grid and infrastructure strong and secure protects our national security... Unfortunately, impending retirements of fuel-secure power facilities are leading to a rapid depletion of a critical part of our nation's energy mix, and impacting the resilience of our power grid."

The statement came five months after federal energy regulators rejected Perry's call that they adopt his proposal to keep the struggling coal and nuclear power plants operating. That proposal would have overwhelmingly benefited mining magnate Bob Murray, an outspoken Trump

supporter whose operations supply coal to several endangered plants in the Midwest and Northeast, according to a POLITICO analysis.

Trump's National Security Council gathered Friday to discuss the draft memo that lays out arguments why the administration should use federal authority to keep the money-losing power plants open — despite the assurances from some of the nation's grid operators that no such emergency exists.

"Any federal intervention in the market to order customers to buy electricity from specific power plants would be damaging to the markets and therefore costly to consumers," said the PJM Interconnection, which operates the nation's largest power grid and stretches from the Midwest the Atlantic Coast, in a statement. "There is no need for any such drastic action."

A broad swath of trade associations representing oil and gas, wind and solar power, consumer groups and advanced energy technologies slammed the plan, and they were joined by some congressional Democrats.

"This would be an egregious abuse of power," Sen. Ron Wyden (D-Ore.) said in a statement. "I fought this proposal before, and I will continue to fight this corrupt scheme to prop up the coal industry at the expense of American consumers."

That new 41-page memo, first revealed by Bloomberg News on Thursday evening, says that under the 2015 highway and transit bill known as the FAST Act, DOE must identify critical energy infrastructure, a process the agency is undertaking now with the help of its national labs. But because that is likely to take two years, DOE in the meantime should use the 1950 Defense Production Act and the Federal Power Act to require the plants to keep operating, the memo says.

Power sector experts have said using the two laws to keep specific plants operating would stretch both those measures, and would certainly trigger a major legal fight. Critics of the administration's strategy said the memo appears to signal that the White House is preparing for a fight.

"One way to view the release of this draft is that it is a trial balloon to see how fierce and fast the opposition will be," said Dena Wiggins, CEO of the industry lobby group Natural Gas Supply Association, which opposes the DOE plan. "We've known for some time that all of these federal authorities ... were in play, so the fact that we've now seen it in writing doesn't really change anything. It does, however, underscore how hard it is to cobble together a sound legal rationale to bail out otherwise uneconomic coal and nuclear plants."

And critics say the push to bail out the plants is simply Trump's effort to reward backers like Murray, the coal baron, and live up to his campaign promise to revive coal country. Perry first began work on the power plant issue in March 2017, when he met with Murray at DOE, and Trump himself personally directed Perry to take action on the issue since last summer.

Murray's coal mines have been a major supplier for power plants owned by FirstEnergy

Solutions, a unit of Ohio-based utility giant FirstEnergy that sank into bankruptcy this spring. FirstEnergy Solutions has said it plans to close or sell five of its money-losing coal and nuclear power plants.

But the Federal Energy Regulatory Commission and the grid operator have said that even with the planned closures, the region has ample power to supply the market's needs. Stagnant power consumption growth, coupled with the rise of natural gas and renewable power sources like wind, has displaced many of the older coal and nuclear facilities in the markets.

The memo also calls for establishing a new requirement for the electric grid based on "resilience," a term Perry injected into the regulatory conversation last fall with a proposed rule that would have rewarded plants that could keep 90 days of fuel on site. FERC rejected that rule, but it also created a new proceeding to try to define "resilience," which some in the industry say pertains to the grid's ability to withstand and recover from a physical or cyberattack.

The memo largely focuses on the issue of resilience, which it says would suffer if coal and nuclear power plants retire. It specifically targets natural gas as a weakness, because the plants that burn the fuel rely on pipelines that could be disrupted, while coal and nuclear power plants can keep months' worth of fuel on site.

"Natural gas pipelines are increasingly vulnerable to cyber and physical attacks," the memo says. "The incapacitation of certain pipelines through the United States would have severe effects on electric generation necessary to supply critical infrastructure facilities."

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Judge blasts EPA for 'hyperbolic' refusal to back up Pruitt's climate stance Back

By Alex Guillén | 06/01/2018 05:18 PM EDT

A federal judge today blasted EPA for refusing to search for any records related to Administrator Scott Pruitt's televised statement that carbon dioxide is not a "primary contributor" to global warming, a break from the scientific consensus and his own agency's position.

Chief Judge Beryl Howell of the U.S. District Court for D.C. gave the agency until next month to search for records in response to the Freedom of Information Act request filed by the group Public Employees for Environmental Responsibility after Pruitt's March 2017 interview.

EPA had argued that PEER's request was both too broad and too burdensome, arguing it would require considering everything Pruitt has ever read on climate change. But the judge was not convinced.

"This hyperbolic objection strays far afield from the actual text" of the FOIA requests, Howell

concluded.

PEER's request provided an appropriate target for specific documents, Howell wrote. And she rejected the agency's argument that it would be impossible to determine the evidence that led Pruitt to make his claim.

"EPA's strained attempt to raise an epistemological smokescreen will not work here to evade its obligations under the FOIA," she wrote.

Howell also ordered EPA to respond to PEER's request for any agency records that concluded human-caused CO2 emissions are not causing climate change.

"EPA has failed to demonstrate a viable legal basis for its refusal to conduct any search whatsoever in response to the plaintiff's straightforward FOIA request," Howell concluded.

WHAT'S NEXT: Howell ordered EPA to finish its records search by July 2 and hand over any responsive documents to PEER "promptly" on a rolling basis. She also ordered EPA to say by July 11 whether any records are being withheld in full or in part.

To view online click here.

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Tester attacks Rosendale in new TV ad Back

By James Arkin | 06/07/2018 05:32 PM EDT

Sen. Jon Tester's (D-Mont.) campaign began airing an attack ad against newly minted GOP nominee Matt Rosendale today, according to Advertising Analytics.

The service captured the ad running on broadcast TV two days after Rosendale, the state auditor, won the Republican primary to face Tester in the general election. The ad labels the Republican "Maryland Matt" — picking up on attacks from Rosendale's former Republican primary rivals, who hammered him as a carpetbagger because he moved to Montana from Maryland in 2002. All three of Rosendale's former opponents endorsed his campaign today.

"Meet Maryland Matt Rosendale," the Tester ad's narrator says. "A millionaire real estate developer from Maryland where he made a lot of money turning farmland into developments. Now he's in Montana to develop real estate here, too. He pushed to transfer our public lands knowing our state would have to sell them off so developers like himself can buy them and cash in while restricting our access to our public lands. Defend Montana from Maryland Matt before it's too late."

View the ad here.

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Sent: Fri 4/13/2018 9:44:45 AM
Subject: Morning Energy, presented by the American Petroleum Institute: Pruitt's security blanket — EPA gets its second-in-command — National park fees less than expected

By Kelsey Tamborrino | 04/13/2018 05:42 AM EDT

With help from Anthony Adragna

PRUITT'S SECURITY BLANKET: EPA Administrator Scott Pruitt has come under fire for his various ethics scandals — but current and former agency officials say he wasn't alone in some of the decisions. Instead, they say, Pruitt was goaded by his security guard, a colorful figure who has laid out his own questionable ethics in a self-published autobiography. Pasquale "Nino" Perrotta, a former Secret Service agent, who also played a key role in the investigation into mobster John "Junior" Gotti in the 1990s, has been running Pruitt's security shop, often egging him on when others raised questions about his decisions, Pro's Emily Holden and Alex Guillén report.

Agency spokesman Jahan Wilcox defended EPA's moves on Pruitt's security arrangements, calling them "similar to security protocol across the federal government." But Perrotta's forceful personality and Pruitt's expectations are both likely driving EPA's security spending, several sources tell Emily and Alex. Perrotta has accompanied Pruitt on flights and offered him advice on environmental policy and other agency matters, according to two of the sources. And one career official who recently retired, Ron Slotkin, said Perrotta repeatedly railed against any restrictions, including longstanding federal limits on spending and conduct. "They would object to anything when we said, 'No, you can't do that' or 'That would be wrong,'" Slotkin said. He added: "We'd say, 'It's not a matter of legality, it's ethics, it's the way things look.' But they went out of their way to do something different."

Now, Perrotta has come under increased scrutiny from Congress — just like his boss. Former Trump EPA political appointee Kevin Chmielewski — the subject of letter released Thursday by Democrats — met with House Oversight Committee staff to discuss allegations against Pruitt, particularly of mismanagement and ethical lapses, a spokeswoman confirmed to Pro's Anthony Adragna on Thursday. Chmielewski also told Democratic lawmakers that Perrotta played a role and threatened to go to his home to seize his EPA parking pass — adding that he "didn't give a f---" who might be listening to their phone call. Read more.

IT'S FRIDAY THE 13TH! I'm your host Kelsey Tamborrino and I had a calculation error in Thursday's trivia question. Far more than five former presidents were also teachers: John Quincy Adams, Millard Fillmore, James Garfield, Chester Alan Arthur, Grover Cleveland, William Howard Taft, Woodrow Wilson and Lyndon Johnson, to name a few. But Entergy's Rob Hall gets the win today — he was the quickest to identify at least five. For today: Who were the only (I promise) father and son to serve in the Senate at the same time? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

EPA GETS ITS SECOND-IN-COMMAND: The Senate confirmed former coal lobbyist Andrew Wheeler as EPA deputy administrator on Thursday, instilling a crucial No. 2 official at the agency as Pruitt's future comes into question. Wheeler, a long-time former Senate aide, cleared the chamber by a vote of 53-45, with Democrats Joe Manchin, Heidi Heitkamp and Joe Donnelly joining the Republicans in the majority, Pro's Anthony Adragna reports. Pruitt welcomed Wheeler in a tweet: "Andrew has spent his entire career advancing sound environmental policies & I look forward to working with him to implement President Trump's environmental agenda."

THERE'S NO GRAND PLAN: But 10 Republican and Democratic lawmakers ME spoke to don't expect Wheeler's confirmation to have any impact on whether President Donald Trump removes Pruitt. "I don't think the president is looking for an incentive to get rid of Administrator Pruitt," Rep. Kevin Cramer told ME. "I don't think he's thinking about how this could give him more options, if you will. I think he's got the best option in the country in the job right now." Democrats arrived in the same place, albeit with different reasoning. "I don't think the president is that nuanced in his thinking," Sen. Chris Murphy said.

Some Democrats and other Washington insiders have floated the theory in recent days that Trump could have been waiting for the Senate to OK Wheeler before making a break with Pruitt. "If Wheeler is in place and approved, then it may well be that he just decides to let Pruitt go," Sen. Tom Udall told ME. "If they have a deputy that's Senate approved, then he can serve. So, that puts them in a much better position."

But most lawmakers simply said Wheeler's ascension at EPA should be viewed as the administration filling an important slot that's been vacant for too long. "Obviously having a No. 2 there is pretty important if anything should happen," said Sen. John Thune, a member of Republican leadership. Others said they thought Wheeler, a long-time Washington fixture, could help the Trump administration stabilize the ship at EPA. "You certainly have a familiarity with the legislative process, which I think is helpful," Sen. Lisa Murkowski, who oversees EPA's budget on an Appropriations subcommittee, told ME. "Administrator Pruitt — as much as he brings to the office with the credentials he acquired in Oklahoma as an attorney general — it's a different process. The legislative process is just different. And I think that's one of the assets that Wheeler brings to the job."

Sen. Jim Inhofe, Wheeler's former employer and a close ally of Pruitt, said he'd spoken with the embattled EPA chief earlier this week and told him "help is on the way" in the form of Wheeler. "The real beneficiary is [chief of staff] Ryan Jackson because he's had to do everything himself," he said. "No one knows the job better than Andrew. So he's going to be a godsend."

PAY (ONLY A LITTLE MORE) TO PLAY: The National Park Service announced changes Thursday to entrance fees at national parks, increasing existing fares by $5 per vehicle in most instances — a figure far under the $70 vehicle fee Interior Secretary Ryan Zinke had previously suggested, to public outcry. The agency said most seven-day vehicle passes would be affected by the $5 increase, beginning at many parks on June 1. The agency stipulated that more than two-thirds of national parks will remain free to enter. "I want to thank the American people who made their voices heard through the public comment process on the original fee proposal," Zinke

said in a statement, adding that the revenue gathered from the fare would go toward fixing the agency's maintenance backlog.

The announcement garnered a collective sigh of relief from many conservationists and Democrats, but still left a poor taste in the mouths of some. Senate Energy ranking member Maria Cantwell said in a statement the plan "once again lacks any transparency, public input, or full analysis of the impact new fee increases will have on park visitation and local economies." Udall said he'd ask Zinke to provide a more detailed explanation of the decision in writing.

House Natural Resources Chairman Rob Bishop is supportive of the move to raise money for park maintenance, but thinks the move should go through Congress first. "There's no way an agency of government should be able to raise fees on people just by their own fiat. It's just wrong," Bishop told ME, though he admitted that Zinke does have the authority.

SPEAKER-IN-WAITING? Some have rumbled that Bishop could be a so-called caretaker speaker once Paul Ryan departments, but he didn't take the bait when ME asked if he'd be interested. "The body has to be dead first. [Ryan] has eight more months," he quipped.

**** A message from the American Petroleum Institute:** Safe energy exploration and development in the Outer Continental Shelf could bring significant jobs, investments, and state revenue for public education and infrastructure to coastal states and across the nation, as well as strengthen our national security. Recently released studies highlight the potential economic benefits here: http://bit.ly/2FPgybN **

BIG SPENDER: Pruitt showed a penchant for spending during his time as attorney general of Oklahoma, according to a report in The Intercept. In particular, spending at the AG's office in 2014 came in at $27.7 million higher than his predecessor Drew Edmondson, according to a state audit published in 2016. Almost $23 million of Pruitt's total budget fell into a category called "administrative expenses."

Pruitt also upgraded the AG office's vehicles. According to numbers provided by Oklahoma's Office of Management and Enterprise Services. When Pruitt left for EPA, "his state agency had 303 cars and trucks, up from 277 when Edmondson left office in 2011," the Intercept reports. The EPA chief also rode in a nicer car than his predecessor, state auditor Gary Jones told the Intercept. "He went and got himself a big, black SUV just like the governor's," said Jones, who noted that Edmondson had made do with a Ford Crown Victoria. Read the story.

SOMETHING NICE TO SAY: Oregon Gov. Kate Brown visited the offices of media company Willamette Week, where she offered kind words for Pruitt's Superfund efforts, when asked where she agreed with the Trump administration. "The one thing that I am actually pleased that we are working together on is with the administrator of the EPA, and that is cleaning up the Portland Harbor," she said. "He's absolutely committed to making this happen, as am I. It's a job creator." Read more.

ETHANOL INDUSTRY GETS A WIN: The president Thursday pledged support for year-round sales of 15 percent ethanol blends in gasoline, marking a win for the ethanol industry.

"We're going to raise it up to 15 percent and raise it to a 12-month period," Trump told reporters in response to questions about the biofuel, adding that "makes a lot of farmers very happy." Pro's Eric Wolff reports Trump's remarks mark a policy change long-sought by ethanol producers and their farm-state allies to win year-round sales of higher blends of ethanol in all states.

TRUMP AIMS TO CUT RED TAPE: Trump also issued a memorandum Thursday ordering EPA to abate some of its procedures regulating six key air pollutants under the Clean Air Act, Eric reports, including a requirement for the agency to consider rescinding all of its past rules, guidance, and orders from the NAAQS program. Read more.

MAIL CALL! FROM GRIJALVA'S PEN: In response to the Interior Department's inspector general report this week, which could not determine why more than two dozen senior executives were reassigned in 2017, House Natural Resources ranking member Raúl Grijalva called on Bishop to hold an oversight hearing. Specifically, Grijalva is seeking further information from Deputy Secretary David Bernhardt and Associate Deputy Secretary James Cason. Read the letter here.

— **Separately, Grijalva wrote to Zinke Thursday** asking for "a detailed description of the vetting process at DOI for acting and permanent political appointees, including any review of relevant qualifications, background, and ethical considerations." Grijalva expressed concern with agency officials who are reported to have made conspiratorial or racist remarks. He mentioned Kevin Sabo, acting chief of the Office of Congressional and Legislative Affairs at the Bureau of Reclamation, who compared students who survived the Parkland school shooting to Nazis and promoted conspiracy theories on his personal Facebook page. Interior spokeswoman Heather Swift called the premise of the letter "factually incorrect," and pointed out that "neither individual identified or cited was in a high-ranking leadership position." Swift said Sabo isn't a political appointee and was brought on by the previous administration. Read the letter.

MARCH FOR SCIENCE KICKS OFF: The annual March for Science will convene this Saturday across the globe, and will feature more than 230 satellite events, according to maps of those registered to participate. The march, which is meant to amplify the role of science and evidence-based policy, will feature events ranging "from science expos and festivals to rallies and large-scale marches."

In Washington D.C., festivities begin at 9 a.m. at the National Mall with teach-in and expo tents. From 12:30 p.m. until 3:30 p.m. a host of speakers will take the stage including Vinton Cerf, vice president and Chief Internet Evangelist for Google and Mari Copeny, known as "Little Miss Flint." Gulf coast soul band The Suffers will also perform. The march portion of the day will kick into gear around 3:30 p.m.

HIGH-OCTANE LOVE: Renewable Fuels Association President Bob Dinneen sent a lengthy letter to House Energy and Commerce subcommittee Chairman John Shimkus and ranking member Paul Tonko on the role of ethanol in the future of high-octane low carbon fuels. The subcommittee will hold a hearing today on challenges and opportunities in high octane fuels and high efficiency vehicles. **If you go:** It begins at 9 a.m. in 2123 Rayburn.

QUICK HITS

— Pruitt's lobbyist landlord being pressured to leave his firm, The Daily Beast.

— A bird's fate sharpens focus on ESA — and on key official, E&E News.

— Pruitt borrowed a few paintings from the Smithsonian. Here they are, The New Republic.

— The climate stakes of nuclear plant retirements, Axios.

— Chevron, Exxon seek 'small refinery' waivers from U.S. biofuels law, Reuters.

— Mining company fights 'bad actor' polluter label in Montana, Associated Press.

HAPPENING TODAY

8:00 a.m. — The Johns Hopkins University Paul H. Nitze School of Advanced International Studies discussion on "Canadian Natural Gas Energy Frontiers: How Canadian Firms and Governments are Responding," 1619 Massachusetts Avenue NW

9:00 a.m. — House Energy and Commerce Environment Subcommittee hearing on "High Octane Fuels and High Efficiency Vehicles: Challenges and Opportunities," 2123 Rayburn

9:00 a.m. — The University of Chicago's Booth School of Business holds Energy Forward conference, Chicago

11:00 a.m. — House Appropriations Homeland Security Subcommittee hearing on the FY 2019 budget for FEMA, 2359 Rayburn

1:00 p.m. — The National Audubon Society teleconference on the Migratory Bird Treaty Act

CORRECTION: The April 12 edition of Morning Energy misidentified the rank of a Democrat on the Foreign Relations Committee. Sen. Ben Cardin is a senior Democrat on the panel.

THAT'S ALL FOR ME!

**** A message from the American Petroleum Institute:** The oil and natural gas industry supports over 10 million jobs and almost 8 percent of the U.S. GDP. We support common-sense energy policies that promote safe energy development that will advance America's energy and economic future, while strengthening our national security. Recent studies find that opening up the Outer Continental Shelf (OCS) for U.S. energy exploration and development could bring significant jobs, investments, and state revenue for public education and infrastructure to coastal states and across the nation. Natural gas and oil non-station jobs pay an average salary of $101,000 with many not requiring college degrees. The Atlantic OCS alone could support 265,000 new jobs, an additional $20 billion per year in new private investment, and contribute $22 billion per year to the U.S. economy. Studies on the Eastern Gulf of Mexico, Pacific, and

Alaska found similar benefits to opening up the OCS for offshore development. Read the highlights of the economic impact studies: http://bit.ly/2FPgybN **

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https://www.politicopro.com/newsletters/morning-energy/2018/04/pruitts-security-blanket-168376

Stories from POLITICO Pro

Former staffer: EPA fired him for refusing to OK first-class flight Back

By Alex Guillén | 04/12/2018 11:42 AM EDT

A former top EPA staffer has told Democratic lawmakers that the agency fired him after he refused to retroactively approve the first-class travel of one of Administrator Scott Pruitt's closest aides, according to letters made public Thursday.

The dismissed political appointee, Kevin Chmielewski, also alleged that Pruitt flouted price limits on hotel stays and office decor, put an aide to work house-hunting for him, arranged taxpayer-funded trips to his native Oklahoma and other destinations just because he wanted to travel there and lied last week when he denied knowing about backdoor raises the agency had granted to two of his top aides, the lawmakers said Thursday in a letter to the agency.

In addition, Chmielewski detailed allegations of lavish spending on Pruitt's personal security and a possible conflict of interest involving his top bodyguard, as well a $100,000-per-month private jet rental that he says EPA looked into at Pruitt's direction. He also said, as POLITICO reported last week, that Pruitt was frequently late in paying the $50-a-night rent on his lobbyist-owned Capitol Hill condo last year.

The lawmakers, including Sens. Tom Carper (D-Del.) and Sheldon Whitehouse (D-R.I.), separately wrote to President Donald Trump and urged him to rethink his public support for the embattled EPA chief.

"... [I]t appears you may not have received all the facts surrounding Administrator Pruitt's spending, security arrangements, travel, living arrangements, and personnel actions, among other things," they wrote.

Carper and Sen. Jeff Merkley (D-Ore.) separately asked EPA's inspector general on Thursday to look into Pruitt's alleged use of four different email accounts at EPA, and whether federal record-keeping laws were followed.

EPA spokesman Jahan Wilcox declined to specifically dispute the allegations from Chmielewski outlined in the letter, saying the agency would respond to the lawmakers "through the proper channel." When Chmielewski's dismissal was first reported last week, Wilcox called him one of "a group of disgruntled employees who have either been dismissed or reassigned."

Chmielewski, a former Trump campaign staffer, was EPA's deputy chief of staff for operations and handled many of Pruitt's travel and logistics coordination. He has emerged as the best-known internal agency critic of Pruitt's lavish spending and other practices, which have led lawmakers of both parties — and key White House aides — to push for the administrator's firing.

Among his specific charges, Chmielewski told the lawmakers this week that Pruitt had requested that his aide Samantha Dravis, the head of EPA's Office of Policy, join him in first class on a return flight from Morocco in December, where Pruitt had gone to promote U.S. natural gas.

Chmielewski told the lawmakers he refused to sign paperwork justifying Dravis' first-class travel "because it violated federal travel regulations," the Democrats wrote. He said another EPA staffer eventually signed off on the travel retroactively.

Chmielewski said his refusal to bless Dravis' upgraded travel "appears to him to have been the final straw that caused you to remove him," the lawmakers wrote to Pruitt. Ryan Jackson, Pruitt's chief of staff, subsequently informed Chmielewski that Pruitt "wished to fire or reassign him," they wrote.

Dravis disputed Chmielewski's allegations, telling POLITICO that she never spoke with him about the upgrade approval, that she did not request the upgrade and that it was not approved retroactively. Dravis said she flew coach for three of the four legs of the trip, and was upgraded to business class for one of them in keeping with federal regulations about travel exceeding 14 hours.

Democrats and environmental groups have questioned the entire purpose of the Morocco trip, noting that EPA's mission doesn't include promoting U.S. natural gas exports. Energy Secretary Rick Perry declined to weigh in on that issue at a House Energy and Commerce Committee hearing Thursday, saying it would be "a little inappropriate for me to be making a public or private observation" about whether Pruitt's trip was justified.

Chmielewski also disputed Pruitt's statement last week to Fox News that he did not know about raises that two of his aides, who had accompanied him to EPA from Oklahoma, received despite the White House's disapproval. Pruitt told Fox that the raises were entirely carried out by unidentified staffers, and that he was correcting the matter after learning of it.

But Chmielewski said the raises were "100% Pruitt himself," according to a quote included in the Democrats' letter.

Chmielewski told the lawmakers that his dismissal came in February when the head of Pruitt's security detail, Nino Perrotta, asked him to give up his government credentials when he returned to the agency after an unrelated overseas trip with Vice President Mike Pence.

According to the letter, Jackson told Chmielewski that Pruitt wanted him removed and one of the Oklahoma aides, Millan Hupp, promoted to his job and pay scale. Chmielewski said the White House would not approve of that arrangement, but that he later was removed and Hupp received the promotion and pay raise via special hiring authority in the Safe Drinking Water Act.

Other allegations made by Chmielewski, according to the letters, include:

— Pruitt's security detail has purchased bulletproof vests, weapons and biometric locks and new SUVs to transport Pruitt, as opposed to getting vehicles via the General Services Administration. Chmielewski also alleges EPA has awarded security contracts to at least one person who works at the private security firm run by Perrotta.

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— EPA staff, at Pruitt's direction, considered a $100,000-per month private jet rental for the administrator. Chmielewski "claimed he successfully prevented this from occurring, as it would have been far in excess of the total travel budget of the office," the Democrats wrote.

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— Pruitt "frequently" stayed in pricey hotels that exceeded allowable per diem spending, and that while Pruitt was reimbursed even when costs went over a 300 percent cap for exceptional circumstances, his bodyguards sometimes were not.

— Pruitt declined to plan to stay at hotels recommended by U.S. embassies during two planned international trips, choosing instead "more expensive hotels with fewer standard security resources."

"The new information provided by Mr. Chmielewski, if accurate, leaves us certain that your leadership at EPA has been fraught with numerous and repeated unethical and potentially illegal actions on a wide range of consequential matters that you and some members of your staff directed," the lawmakers wrote to Pruitt in asking for more documents.

Besides Carper and Whitehouse, the letters were signed by Reps. Elijah Cummings (D-Md.), Gerry Connolly (D-Va.) and Don Beyer (D-Va.).

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Exclusive: EPA removes staffer who OK'd report on Pruitt's security Back

By Emily Holden | 04/10/2018 12:45 PM EDT

EPA removed a career staffer Tuesday who approved an internal report that undermined

Administrator Scott Pruitt's claims that he needed around-the-clock bodyguards and other expensive security protection, according to two former agency employees familiar with the situation.

Mario Caraballo was the deputy associate administrator of EPA's Office of Homeland Security, which in February concluded that an earlier assessment failed to identify credible direct threats against the administrator that would justify his heavy security spending.

Sens. Tom Carper (D-Del.), the ranking member on the Environment and Public Works Committee, and Sheldon Whitehouse (D-R.I.) wrote to Chairman John Barrasso (R-Wyo.) on Tuesday requesting oversight hearings and quoting the report, making public its doubts about the need for the heightened security.

One source with direct knowledge of Caraballo's dismissal said the agency claimed he was let go because of a personnel issue from a previous military job nearly a decade ago that had been resolved then and already been reviewed by EPA several years ago. That source said senior officials also were not happy with the report from Caraballo's office.

"They're trying right now to just keep pressure on the wound," the source said. "They're trying to find out where these leaks are coming from ... They're in full panic mode right now."

EPA Principal Deputy Assistant Administrator Donna Vizian said the agency would not comment on personnel matters. But she added that today's action "was based on a recommendation by the Office of Administration and Resources Management. I am not aware of any connection between the personnel matter and the document mentioned in media reports."

A career EPA staffer who has worked with Caraballo described him as a "standout manager," and a "veteran and dedicated public servant and intelligence official to boot."

The source predicted Caraballo's dismissal would stiffen the resolve of Pruitt's critics within the agency.

"This isn't going to frighten staff, this is going to embolden us to leak more to get these criminals out," the employee said Tuesday. "They need to know we're not intimidated and we're going to blow the whistle on anything even borderline questionable."

In their letter to Barrasso, the two Senate Democrats said the records from the EPA, Secret Service and a terrorism task force fail to justify Pruitt's use of the multimillion-dollar security detail.

Instead, according to the internal EPA memo, the "threats" include protesters attempting to disrupt one of Pruitt's closed-door speeches, a letter from a prisoner, and a postcard that included the greeting: "CLIMATE CHANGE IS REAL!!! We are watching you," Carper and Whitehouse wrote to Environment and Public Works Chairman John Barrasso (R-Wyo.).

The two Democrats demanded oversight hearings into Pruitt's security spending, citing an

internal EPA review, Secret Service threat assessments and a Joint Terrorism Task Force report.

But Barrasso rejected their request, while bashing the two Democrats for releasing "sensitive information."

"I am deeply troubled that members of the committee would publicly release law enforcement sensitive information regarding the safety and security of a cabinet member and his family," Barrasso said in a statement. "This letter selectively quotes non-public documents."

Barrasso added that "any reasonable reading" of those documents supported a conclusion that Pruitt faced a "variety of direct death threats."

To the contrary, Carper and Whitehouse said the Secret Service identified no "reports of behaviors of interest" against Pruitt, and internal EPA reviews dispute "the administrator's claims that the nature of the threats against him justify his expenditures."

Pruitt has drawn widespread scrutiny for demanding a round-the-clock security detail, flying first-class to limit contact with threatening passengers, and having a soundproof booth installed in his office, among other steps — all of which offered far greater protection and privacy than his predecessors received. The Associated Press, citing an unnamed EPA official, said last week Pruitt's "total security costs approached $3 million when pay is added to travel expenses."

EPA has said Pruitt has experienced a sharp increase in threats compared with his immediate predecessor, Obama-era Administrator Gina McCarthy. Among specific incidents, the agency said one person had approached Pruitt in the Atlanta airport while yelling, "Scott Pruitt, you're f---ing up the environment."

In one of the nonpublic documents Carper and Whitehouse cited, the EPA Office of Homeland Security's intelligence team concluded that an earlier threat assessment prepared by Pruitt's security team "***DOES NOT*** employ sound analysis or articulate relevant 'threat specific' information appropriate to draw any resource or level of threat conclusions regarding the protection posture for the administrator," according to a section of the Feb. 14 memo reproduced in the senators' letter (emphasis included). The memo concluded that EPA intelligence officials had "not identified any specific credible direct threat to the EPA administrator," according to the letter.

None of the incidents listed concern air travel, according to the letter.

The senators said the records don't match public statements from EPA and President Donald Trump, who tweeted Saturday that Pruitt's expenses are justified.

One view is "that certain factions within EPA have justified the exorbitant taxpayer spending incurred by the administrator's first-class travel and large entourage of security personnel through unsubstantiated claims about threats to his security, either at the direction of the administrator himself or others in the agency," the senators said.

EPA spokesman Jahan Wilcox said Tuesday that "Scott Pruitt has faced an unprecedented amount of death threats against him and these threat assessments are conducted within [Office of Enforcement and Compliance Assurance] using information collected from the [Protective Service Detail], EPA's Office of Homeland Security, and Inspector General." He pointed to interviews with EPA's inspector general office discussing an increase in threats compared to the previous administrator's tenure.

Alex Guillen contributed to this report.

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Lobbyist couple had to change the locks on Pruitt Back

By Eliana Johnson | 04/06/2018 03:13 PM EDT

Scott Pruitt was only supposed to be living in the Capitol Hill condominium that has become a focal point of his latest ethics controversy for six weeks last year while he got settled in Washington - but the new Environmental Protection Agency administrator didn't leave when his lease ended.

Instead, he asked the lobbyist couple who became his disgruntled landlords to revise his lease several times, according to two people with knowledge of the situation.

The couple, Vicki and Steve Hart, became so frustrated by their lingering tenant that they eventually pushed him out and changed their locks. After trying to nudge Pruitt out of their home over the course of several months, the Harts finally told Pruitt in July that they had plans to rent his room to another tenant.

"The original arrangement was that he would be there living out of a suitcase ... and it just kept going and going," said one of the people with knowledge of the arrangement.

The condo, in which Pruitt rented a bedroom for $50 a night, has attracted the attention of the EPA's inspector general, which said Thursday it was considering opening an investigation. The agency is already reviewing Pruitt's taxpayer-funded first-class travel, his use of a special hiring authority to grant raises to aides and his spending on a soundproof phone booth for his office.

The president has dismissed two Cabinet secretaries in recent weeks — his former secretary of state, Rex Tillerson, and his former secretary of Veterans Affairs, David Shulkin — as well as a senior White House aide, national security adviser H.R. McMaster, making Pruitt the latest in a series of top Trump officials to risk losing their job.

The president denied in a tweet Friday that he had plans to get rid of him: "Do you believe that the Fake News Media is pushing hard on a story that I am going to replace A.G. Jeff Sessions

with EPA Chief Scott Pruitt, who is doing a great job but is TOTALLY under siege? Do people really believe this stuff? So much of the media is dishonest and corrupt!"

The former Oklahoma attorney general, who has played an integral role in Trump's efforts to slash federal regulations, is a favorite of some of Trump's conservative backers. They have encouraged the president to keep him, while chief of staff John Kelly has encouraged Trump to let him go.

Pruitt has been the target of a number of damaging media reports this week, including one Thursday from The New York Times that detailed how at least five EPA officials were pushed out of their jobs or resigned after questioning the EPA chief's expensive spending habits.

Both people familiar with the condo arrangement described Pruitt as a difficult tenant who, intoxicated by his newfound power, paid little attention to the headaches he was causing others.

Prior to Pruitt's arrival in Washington, Steve Hart — an energy lobbyist who, like Pruitt, is a native Oklahoman — had been a friend and supporter of the EPA administrator. He and his wife, a health care lobbyist, viewed the six-week living arrangement as a favor for a friend.

They drew up a lease running from February through April 1, 2017, said the people familiar with it, in order to make sure neither they nor Pruitt ran afoul of ethics rules, which prohibit political appointees from accepting gifts from lobbyists. Under the terms of that lease, Pruitt paid a cut rate of $50 per night to stay in the condominium.

That favor turned into a headache for the couple when Pruitt repeatedly asked to extend his lease. "There were gentle questions regarding, OK, when are you going to leave and what have you ... and they even started sending him ads of places close by that he could rent," said the first person.

"Scott Pruitt is the Kato Kaelin of Capitol Hill. He is the long-term house guest who takes advantage of his hosts and refuses to take a hint about when it's time to leave," the second person said.

A spokesman for Pruitt did not immediately reply to a request for comment.

The Harts eventually told Pruitt, who had to be reminded repeatedly to pay his rent, that they had plans to rent the room to somebody else — and that he needed to find another place to live, according to the people familiar with events. They also informed him in early August that they were changing the locks on their door.

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Former staffer: EPA fired him for refusing to OK first-class flight Back

By Alex Guillén | 04/12/2018 11:42 AM EDT

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Former Trump EPA official met Oversight Republican staff today Back

By Anthony Adragna | 04/12/2018 04:06 PM EDT

A former Trump EPA political appointee, Kevin Chmielewski, met with House Oversight Committee staff today to discuss his allegations of mismanagement and ethical lapses by Administrator Scott Pruitt, a spokeswoman confirmed.

That comes on the same day as congressional Democrats released a letter after meeting with Chmielewski detailing lavish spending habits, retaliation against aides who questioned Pruitt's actions and other ethically dubious behavior. Chmielewski, formerly EPA's deputy chief of staff for operations who handled many of Pruitt's travel and logistics coordination, told them he was fired after refusing to sign off on first-class travel for one of Pruitt's closest aides.

Oversight Chairman Trey Gowdy (R-S.C.) has been looking into Pruitt's behavior. He sent a

letter Wednesday demanding additional records on the administrator's first-class travel arrangements and Capitol Hill condo agreement with a Washington lobbyist couple.

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Pruitt's security chief goaded spending, employees say Back

By Emily Holden and Alex Guillén | 04/12/2018 08:13 PM EDT

Environmental Protection Agency Administrator Scott Pruitt has had a willing partner in pushing for his massive spending on bodyguards and first-class flights, current and former EPA officials say — the Secret Service veteran who heads his security detail.

Pasquale "Nino" Perrotta played a key role in the investigation into mobster John "Junior" Gotti in the 1990s, and he's boasted of his exploits with women, firearms and luxury watches in a self-published autobiography. Now he's running security for the nation's top environmental regulator like a lavishly funded SWAT team, according to interviews with seven people who have worked with him under both the Trump and Obama administrations.

The current and former staffers say that rather than acting as a restraint on Pruitt, who came into the agency a year ago demanding round-the-clock bodyguards, Perrotta has instead egged him on — indulging his requests for a 19-person security detail, high-performance SUV, $43,000 soundproof booth and bug-sweep of his offices, as well as first-class flights to limit his exposure to potential threats from fellow passengers. Perrotta has even barred all but a select group of agency employees from entering rooms and corridors near Pruitt's offices, according to Ron Slotkin, a career official who recently retired as director of the EPA's multimedia office.

Perrotta has also accompanied Pruitt on flights and offered him advice on environmental policy and other agency matters, according to two of the sources.

Slotkin said Perrotta and others around Pruitt strained repeatedly against any restrictions on their activity, including longstanding federal limits on spending and conduct.

"They would object to anything when we said, 'No, you can't do that' or 'That would be wrong,'" Slotkin said. He added: "We'd say, 'It's not a matter of legality, it's ethics, it's the way things look.' But they went out of their way to do something different."

Now Perrotta's own ethics are drawing scrutiny from members of Congress looking into Pruitt's actions. Five Democratic lawmakers alleged in a letter sent to President Donald Trump on Thursday that EPA issued at least one contract to an employee of Perrotta's private security firm, and that other contracts may have gone to Perrotta's "friends or associates," based on allegations from former agency deputy chief of staff Kevin Chmielewski.

Chmielewski, a former Trump campaign aide, has told lawmakers EPA fired him after he refused to retroactively approve first-class travel for one of Pruitt's closest aides, former agency policy chief Samantha Dravis, according to the letter from Democrats including Sens. Tom Carper of Delaware and Sheldon Whitehouse of Rhode Island. He also told the lawmakers that Perrotta threatened to go to his home to seize his EPA parking pass — adding that he "didn't give a f---" who might be listening to their phone call.

Perrotta did not respond to multiple requests for comment.

Agency spokesman Jahan Wilcox defended EPA's decisions on Pruitt's security arrangements, calling them "similar to security protocol across the federal government." He added that the agency had done similar security sweeps for former President Barack Obama's two EPA administrators, Lisa Jackson and Gina McCarthy.

"According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail," Wilcox said in a statement. "Americans should all agree that members of the President's cabinet should be kept safe from these violent threats."

Pruitt's spending, relationships with industry lobbyists and reputation for excessive secrecy have generated calls for his firing from Democratic lawmakers, some Republicans and even White House staff. But he still has at least a public champion in Trump, who tweeted last weekend that "Scott is doing a great job!"

To the contrary, the current and former agency employees say Pruitt has fostered an atmosphere of chaos, mistrust and disregard for optics — and that Perrotta has been a crucial part of it.

Several said Perrotta's personality and Pruitt's expectations are both probably driving EPA's security spending, adding that other key aides have signed off on the administrator's expenses either willingly or begrudgingly.

"He'll do anything to satisfy his boss," said one departed career staffer.

Perrotta was born to Italian immigrants in New York and has spent his life in law enforcement, including in the Secret Service, where he said he protected presidents and dignitaries and investigated financial and organized crimes, according to "Dual Mission," the autobiography he self-published in 2016.

In the book, he calls himself "completely misunderstood by most," including family, friends and coworkers, in large part because of his "high level of energy." Former and current colleagues have described Perrotta as rigidly loyal but also enthusiastic to push boundaries to get what he wants — an impression his book supports.

He recalls "creatively" finding ways to show probable cause to get warrants, providing financial incentives to police, and making sources of female "friends," "showering them with gifts that I was easily able to afford."

Perrotta said he also let women hold his government-issued firearm in romantic situations. "It was, in some ways, like a dangerous, forbidden sex toy to some, and I played right along," he recalled.

He said he liked the finer things, including a Rolex Submariner watch that he wore in his youth. When working for the Secret Service in Bulgaria, he wrote, he dressed "more like a gangster than law enforcement," clad in square-toed, black biker boots and a black, Italian-made turtleneck sweater with a ".380 Sig" gun tucked underneath.

He joined EPA in 2004. That eventually brought him into Pruitt's orbit.

Pruitt, a former Oklahoma attorney general, had built a reputation in conservative Republican circles for his frequent lawsuits against the EPA's Obama-era regulations, putting him at odds with much of the agency's workforce. And his penchant for lavish spending was documented even before he arrived in Washington: An audit in Oklahoma showed that expenses at the attorney general's office surged during his tenure compared with his predecessor's, The Intercept reported Thursday.

When Pruitt arrived at EPA after his confirmation in February 2017, his transition team had already made it clear that he expected around-the-clock security, a former agency employee who was there at the time said.

A week after Pruitt's first day at the agency, top staffers had a meeting on "24/7 security," according to calendars obtained by the watchdog group American Oversight. Chief of staff Ryan Jackson met for half an hour with security officials including Henry Barnet, the director of the criminal enforcement office where Pruitt's security detail is housed.

Perrotta was soon promoted to replace a career staffer who had pushed back on the administrator's desire to use sirens to navigate D.C. traffic. He quickly developed a close relationship with Pruitt.

As head of Pruitt's security detail, Perrotta has been instrumental in decisions for him to fly only first-class, upgrade to a souped-up SUV and have his office swept for bugs, a former Trump administration official said. Perrotta has also overseen Pruitt's 19-person crew of bodyguards, which is three times the size of the team that protected McCarthy — and offers 24/7 protection that exceeds what most Cabinet members receive.

"Mr. Pruitt thinks he's the president of the United States," said the first former career staffer. "He's big on image."

The office sweep for listening devices — which was conducted by a company linked to Perrotta — rankled some career staffers and led to a scuffle between Perrotta and a member of the agency's homeland security office at a meeting last summer, The New York Times reported Thursday.

Despite EPA's argument that Pruitt has received a record number of death threats, an internal

report from the agency's Office of Homeland Security suggests that the threats mainly consist of letters and criticism on social media that don't warrant such blanket protection. (On Tuesday, the agency dismissed a staffer who had signed off on the memo and argued with Perrotta, for what it insists were issues dating back several years.)

But several current and former EPA staffers say they also consider the security fears overblown.

"We never saw any threat, never heard any threat," said Slotkin, the former multimedia director. "If anything, it came from Pruitt, we would hear him speak about it. But there was no evidence that anybody could even get near him."

That included many EPA employees: Slotkin said Perrotta cordoned off Pruitt's suite of offices inside EPA's headquarters at Federal Triangle, posting security guards to keep out anyone who wasn't on an approved list. One restricted area was a chandelier-decorated conference room named after environmentalist Rachel Carson where agency employees had previously been allowed to hold events, Slotkin said.

"He didn't want anybody near him," Slotkin said.

Soon Perrotta was flying with Pruitt and discussing matters that went beyond security, two former employees said.

"It wasn't uncommon that given travel and Nino's proximity, he would always weigh in on matters beyond his scope as security, leveraging his institutional knowledge," one said. "He often would say what he recalled prior administrators doing."

By the spring of last year, Perrotta was regularly attending travel planning meetings with top political staff, including a March 30 international scheduling discussion and an April 10 talk on international travel, according to EPA records.

He and other security agents were closely involved in planning in May for a trip the following month to Italy, where Pruitt visited the Vatican and then attended G-7 environment meetings in Bologna. Perrotta had lived for two years in Rome on Secret Service assignment, where he made many connections, according to his book.

Wilcox said the security arrangements on the Italy trip were not novel. "EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015," he wrote.

Thursday's congressional letter offered a new detail about Perrotta: The Democratic senators said Chmielewski reported that Perrotta entered into a $30,000 contract with private Italian security personnel for that trip. Records have revealed that expense but did not disclose whether it was for a private detail.

One of the former EPA staffers said Perrotta was friends with those guards. That source described Pruitt's protection while in Italy as extensive, with security agents from EPA and the

U.S. Embassy, in addition to a large group of local agents.

News reports have revealed Pruitt also had a soundproof booth constructed for his office and considered having bulletproof desks installed.

And the spending isn't over. EPA also appears to be planning to purchase bulletproof vests specially designed to blend in underneath regular clothing for his security detail, according to a solicitation issued on Friday. The solicitation calls for 16 white-colored vests of varying sizes manufactured by Velocity Systems, along with corresponding armor made of "special threat enhanced steel" and cummerbunds that provide enhanced protection.

The armor requested is just over a quarter-inch thick and can protect against the type of bullets shot from AK-47 rifles and some AR-15 semi-automatics, according to Velocity Systems' website.

EPA would not confirm to POLITICO whether the armor is for Pruitt's protective detail or for other agents, saying only that all agents in EPA's criminal enforcement division, which includes Pruitt's detail, "are assigned bulletproof vests" and that the effectiveness of the vests expires every five years. But a source familiar with EPA's security operations said the vests are likely for Pruitt's bodyguards because of their unusual specifications and the number requested. Other enforcement agents wouldn't need their vests to be concealed, that source said.

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Senate confirms Wheeler as EPA deputy Back

By Anthony Adragna | 04/12/2018 04:32 PM EDT

The Senate today confirmed lobbyist Andrew Wheeler to be deputy EPA administrator, sending the beleaguered agency a second-in-command as Administrator Scott Pruitt faces an uncertain future amid a torrent of ethics scandals.

Wheeler, a long-time former Senate aide, cleared the chamber by a vote 53-45. Democrats Joe Manchin of West Virginia, Heidi Heitkamp of North Dakota and Joe Donnelly of Indiana supported him, as did every Republican who voted.

Democrats and the environmental community rallied hard against the nomination, pointing to Wheeler's work as a coal lobbyist and his time working as an aide to the climate change-denying Sen. Jim Inhofe (R-Okla.). And they argued he hasn't undergone sufficient scrutiny in the event he must step in to run the agency indefinitely should the Senate have to launch the uphill battle to confirm a replacement for Pruitt.

Wheeler has worked at the law firm Faegre Baker Daniels since 2009, where his past lobbying

clients included coal producer Murray Energy, Xcel Energy, Bear Head LNG and Energy Fuels Resources. He provided advice and counsel, but not lobbying work, to International Paper, Archer Daniels Midland and General Mills.

WHAT'S NEXT: Wheeler will be sworn in at EPA, where he would be next in line to run the agency in the event of a vacancy.

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Trump pledges to expand ethanol sales Back

By Eric Wolff | 04/12/2018 12:37 PM EDT

President Donald Trump said today the administration would allow year-round sales of 15 percent ethanol blends in gasoline, handing the ethanol industry a big victory.

"We're going to raise it up to 15 percent and raise it to a 12-month period," Trump told reporters said in response to questions about the biofuel today, adding that "makes a lot of farmers very happy."

Trump's statement endorses a policy change long-sought by ethanol producers and their farm-state allies in Congress to win year-round sales of higher blends of ethanol in all states. The Clean Air Act restricts when the ethanol blends above 10 percent can be sold to exclude the summer months in order to reduce air pollution.

EPA has already begun the groundwork that could lead to a proposed rule for a waiver for the higher ethanol blends. USDA has been pushing for such a waiver in light of news that EPA has been granting exemptions from the Renewable Fuel Standard for at least 25 small refineries, at least twice as many as in previous years.

Granting such a waiver will be vigorously opposed by oil companies, who are expected to challenge change in court.

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Back

Trump orders EPA to review Clean Air Act orders and speed permits Back

By Eric Wolff | 04/12/2018 02:55 PM EDT

President Donald Trump issued an executive order today ordering EPA to ease some of its

procedures around the regulating of six key air pollutants under the Clean Air Act.

"These actions are intended to ensure that EPA carries out its core missions of protecting the environment and improving air quality in accord with statutory requirements, while reducing unnecessary impediments to new manufacturing and business expansion essential for a growing economy," the order says.

Highlights from the order include:

— EPA must complete reviews of state plans to reduce pollution within 18 months.
— It must complete reviews of project pre-construction permits within a year.
— Review the federal plans imposed on some states under the regional haze program to see if they can be replaced with state plans.
— When considering emissions levels, EPA must take into account pollution from other countries, even in states that are not on U.S. borders. It also must consider whether states have reduced pollution to "background levels."
— Allow states to engage in trading of pollution offsets.

The order also requires EPA to consider rescinding all of its past rules, guidance, and orders from the NAAQS program.

"This memorandum helps ensure that EPA carries out its core mission, while reducing regulatory burdens for domestic manufacturing," EPA Administrator Scott Pruitt said in a statement.

The Clean Air Act requires EPA to conduct reviews every five years of acceptable pollution levels for lead, carbon monoxide, nitrogen oxides, sulfur oxide, particulates and ground-level ozone.

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Interior watchdog: Personnel moves were not properly documented Back

By Ben Lefebvre | 04/11/2018 02:46 PM EDT

The Interior Department's internal watchdog on Wednesday said it could not determine why more than two dozen senior executives were reassigned last year, but a substantial share of the employees forced into new jobs blamed the moves on politics or clashes with agency leadership.

The Inspector General's report shows Interior officials kept no documentation of why the senior executive service employees were reassigned, preventing investigators from reaching a conclusion on whether the personnel moves complied with federal law. Investigators interviewed members of an Executive Resources Board Interior Secretary Ryan Zinke established last year and 31 employees who received reassignment notices but came away with little more than broad

justifications for the reassignments.

"When we asked the ERB members who in the Department leadership ordered the reassignment of senior executives, no one could provide an answer," the IG report stated.

Furthermore, investigators "found no documented evidence — nor were we provided a methodology or record of discussion — that the ERB reviewed the senior executives' qualifications before proposing reassignments."

One of the major purposes of the broader reorganization was to move more staff members out of D.C. and into field offices, Zinke has said.

But of the senior executive staff members originally marked for reassignment, four received proposed reassignments to put them out of the Washington, D.C., area while the same number were supposed to move from a field office to Washington, D.C., "effectively negating the ERB's stated reason to move senior executives to field offices," the report states.

The lack of record-keeping went against recommendations the OMB issued in September 2009, the inspector's report said.

Interior Deputy Secretary David Bernhardt blamed the Obama administration and Senate Democrats for the department's failure to comply with those guidelines.

"While I cannot begin to guess why the recommendation to adopt the guidelines was either rejected or simply ignored between September 9, 2009 and January 20, 2017, I do believe delays in confirming key presidentially nominated, Senate confirmed officers ... means that there are fewer principal officers to carefully evaluate existing practices and drive improvements within the Department," Bernhardt wrote in a reply to the IG's office included with the report.

Joel Clement, a climate scientist who was reassigned to work as an accountant for oil and gas royalties and has since become a top Zinke critic, blasted the report and called for the secretary to step down.

"This report sends up a red flag that indicates a deeper investigation is necessary. I hope that Congress will seek more information from the ERB members at Interior, and consider how and when Interior should do right by the executives who were impacted by discrimination or retaliation," Clement said in a statement. "In the meantime, Secretary Zinke, the only Senate-confirmed employee at Interior when these reassignments took place, should resign."

Interior sent reassignment notices to 35 employees and ultimately moved 27 of them into new jobs between June and October of last year. The IG's office interviewed 31 of those who had received the notices.

Twelve of the senior executives reassigned last year believed their moves may have been related to their prior work assignments, including climate change, energy or conservation, according to the report. Ten blamed political or punitive reasons, and eight cited conflict with department

leadership. Some employees listed more than one reason, and eight others said they had positive feelings about being moved to a new job.

In most of the cases, Interior leadership did not notify an employee's supervisor, the acting bureau director or the assistant secretary the person would be reassigned "until hours before the ERB sent the reassignment notifications," the report states. At least one employee who was told he was being considered for a move was then not notified that the move would be canceled, according to the report.

"He negotiated a lease breakage option on his new lease because of uncertainty after he received notification for a geographic reassignment that the ERB ultimately canceled" the inspector general wrote in its report.

The Inspector General is expected to release the results of its separate investigation into Zinke's use of official travel to attend campaign and fundraising events within the next week.

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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Morning Score
Sent: Fri 7/6/2018 2:04:40 PM
Subject: POLITICO's Morning Score, presented by AARP: Four takeaways from Trump's Montana rally — Hawley attacks McCaskill over SCOTUS — FEC goes five years without a general counsel

By Zach Montellaro | 07/06/2018 10:00 AM EDT

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You can email the rest of the great Campaign Pro team at sbland@politico.com, jarkin@politico.com, mseverns@politico.com, eschneider@politico.com and dstrauss@politico.com. Follow us on Twitter: @PoliticoScott, @JamesArkin, @MaggieSeverns, @ec_schneider and @DanielStrauss4.

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— **And to further pump the brakes,** Democrats are saying that the moderate wing has (largely) been winning out over progressives. From NPR's Kelsey Snell and Scott Detrow: "In interviews with more than a dozen Democrats running in Pennsylvania, Illinois, Texas, California, Nebraska and Washington State, as well as party strategists, campaign managers and elected Democrats, NPR found that pragmatism is winning out over progressivism in the key races that will decide control of Congress."

ANYONE HOME? — The FEC has now gone five years without a "duly appointed" general counsel. The Center for Public Integrity's Dave Levinthal and Suhauna Hussain dig in on why the job remains unfilled and how it's been hurting the agency: "[Thursday] marks five years since the FEC employed a bona fide, duly appointed general counsel to oversee its attorneys and orchestrate the agency's legal efforts -- a void that is a 'reflection of the dysfunction at the FEC,' says the last man to hold the job, Tony Herman, now senior counsel at Washington, D.C.-based law firm Covington & Burling. ...

"It's a situation, several former leading FEC lawyers contend, that continues to keep the ideologically divided and oft-gridlocked agency from fully executing is mission. Notably, it 'hurts the morale of the staff and the credibility of the agency,' said Larry Noble, a former FEC general counsel from 1987 to 2000."

FIRST IN SCORE — 2020 WATCH — Sen. Tammy Baldwin (D-Wis.) and Sen. Bernie Sanders (I-Vt.) will jointly host a rally in Eau Claire, Wis., on July 14.

ALL ABOUT THE MONEY — POLITICO California's Carla Marinucci and Jeremy White: "California Republicans are banking on a ballot measure this fall that the embattled state party believes can stave off a Democratic wave in November — and perhaps even spark a GOP revival

in the run-up to 2020. Carl DeMaio, a former San Diego city council member, announced this week he's raised more than $1.1 million online for his campaign to repeal the 12-cent-a-gallon gas tax backed by Gov. Jerry Brown — and polls suggest it may be heading for a November victory. ...

"The repeal effort — known as Proposition 6 on the November ballot — has also attracted backing from state and national Republican leaders, including House Speaker Paul Ryan and Majority Leader Kevin McCarthy. They are counting on it to energize enough voters to save a handful of endangered California GOP House members — which could prevent the House from flipping [to Democrats]."

MORE EARLY FUNDRAISING NUMBERS — CA-39: Democrat Gil Cisneros announced he raised $479,000 and has $715,000 on hand.

IL-06: Democrat Sean Casten announced that he raised just under $790,000 earlier this week.

— OH-01: Democrat Aftab Pureval raised $885,000 and has more than $1 million cash on hand, via the Cincinnati Enquirer.

ON THE AIRWAVES — Ads from Demand Justice, a Democratic group working against President Donald Trump's eventual Supreme Court nominee, are out, via CNN's Dan Merica. The ads say a vote for Trump's pick is a vote against abortion rights. POLITICO's Burgess Everett reported earlier this week that the group planned to spend $5 million.

— In Ohio's 12th District, Democrat Danny O'Connor released a new television ad about a Trump voter who backs him in the special election. "I voted for John Kasich the last 3 times, I voted for Trump because I didn't like the way things were going in Washington, and now I'm supporting Danny O'Connor," says voter Shannon Ward in the ad. "John Kasich and Danny O'Connor both don't worry about the labels of Democrat or Republican, they're going to get things done either way."

— Democrats have now outspent Republicans on Obamacare for the first time. HuffPost's Amanda Terkel: "Affordable Care Act supporters have spent $13,950,400 on pro-Obamacare ads this cycle (through June 30), just more than the $13,441,570 spent on anti-Obamacare ads. It's the first time total spending on pro-Obamacare ads has surpassed anti-Obamacare ads in an election cycle."

LABOR PROBLEMS — A right-to-work group is threatening states that are still collecting union dues from non-union public employees in the wake of *Janus v. AFSCME*. The Cleveland Plain Dealer's Jeremy Pelzer : "A 'right-to-work' advocacy group has threatened to launch a class-action suit against Ohio and 19 other states if they don't immediately stop deducting union dues from non-union public employees' paychecks following a recent U.S. Supreme Court ruling. ... In a July 2 letter to Ohio Treasurer Josh Mandel, National Right to Work Legal Defense Foundation Vice President Raymond LaJeunesse stated that unless there's an 'immediate cessation' of union-due collections from state workers who aren't [union members], the group will file a civil-rights lawsuit on behalf of any non-union workers who request the group's help."

Ohio's largest public employee union said it will make sure non-members aren't paying dues.

CODA — "Do you know what Rapini means in Italian? Broccoli rabe. When you Google my name, you get recipes for broccoli rabe." -- Connecticut GOP Senate candidate Dominic Rapini to the Connecticut Post.

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— **And to further pump the brakes,** Democrats are saying that the moderate wing has (largely) been winning out over progressives. From NPR's Kelsey Snell and Scott Detrow: "In interviews with more than a dozen Democrats running in Pennsylvania, Illinois, Texas, California, Nebraska and Washington State, as well as party strategists, campaign managers and elected Democrats, NPR found that pragmatism is winning out over progressivism in the key races that will decide control of Congress."

ANYONE HOME? — The FEC has now gone five years without a "duly appointed" general counsel. The Center for Public Integrity's Dave Levinthal and Suhauna Hussain dig in on why the job remains unfilled and how it's been hurting the agency: "[Thursday] marks five years since the FEC employed a bona fide, duly appointed general counsel to oversee its attorneys and orchestrate the agency's legal efforts -- a void that is a 'reflection of the dysfunction at the FEC,' says the last man to hold the job, Tony Herman, now senior counsel at Washington, D.C.-based law firm Covington & Burling. ...

"It's a situation, several former leading FEC lawyers contend, that continues to keep the ideologically divided and oft-gridlocked agency from fully executing is mission. Notably, it 'hurts the morale of the staff and the credibility of the agency,' said Larry Noble, a former FEC general counsel from 1987 to 2000."

FIRST IN SCORE — 2020 WATCH — Sen. Tammy Baldwin (D-Wis.) and Sen. Bernie Sanders (I-Vt.) will jointly host a rally in Eau Claire, Wis., on July 14.

ALL ABOUT THE MONEY — POLITICO California's Carla Marinucci and Jeremy White: "California Republicans are banking on a ballot measure this fall that the embattled state party believes can stave off a Democratic wave in November — and perhaps even spark a GOP revival

in the run-up to 2020. Carl DeMaio, a former San Diego city council member, announced this week he's raised more than $1.1 million online for his campaign to repeal the 12-cent-a-gallon gas tax backed by Gov. Jerry Brown — and polls suggest it may be heading for a November victory. ...

"The repeal effort — known as Proposition 6 on the November ballot — has also attracted backing from state and national Republican leaders, including House Speaker Paul Ryan and Majority Leader Kevin McCarthy. They are counting on it to energize enough voters to save a handful of endangered California GOP House members — which could prevent the House from flipping [to Democrats]."

MORE EARLY FUNDRAISING NUMBERS — CA-39: Democrat Gil Cisneros announced he raised $479,000 and has $715,000 on hand.

IL-06: Democrat Sean Casten announced that he raised just under $790,000 earlier this week.

— OH-01: Democrat Aftab Pureval raised $885,000 and has more than $1 million cash on hand, via the Cincinnati Enquirer.

ON THE AIRWAVES — Ads from Demand Justice, a Democratic group working against President Donald Trump's eventual Supreme Court nominee, are out, via CNN's Dan Merica. The ads say a vote for Trump's pick is a vote against abortion rights. POLITICO's Burgess Everett reported earlier this week that the group planned to spend $5 million.

— In Ohio's 12th District, Democrat Danny O'Connor released a new television ad about a Trump voter who backs him in the special election. "I voted for John Kasich the last 3 times, I voted for Trump because I didn't like the way things were going in Washington, and now I'm supporting Danny O'Connor," says voter Shannon Ward in the ad. "John Kasich and Danny O'Connor both don't worry about the labels of Democrat or Republican, they're going to get things done either way."

— Democrats have now outspent Republicans on Obamacare for the first time. HuffPost's Amanda Terkel: "Affordable Care Act supporters have spent $13,950,400 on pro-Obamacare ads this cycle (through June 30), just more than the $13,441,570 spent on anti-Obamacare ads. It's the first time total spending on pro-Obamacare ads has surpassed anti-Obamacare ads in an election cycle."

LABOR PROBLEMS — A right-to-work group is threatening states that are still collecting union dues from non-union public employees in the wake of *Janus v. AFSCME*. The Cleveland Plain Dealer's Jeremy Pelzer : "A 'right-to-work' advocacy group has threatened to launch a class-action suit against Ohio and 19 other states if they don't immediately stop deducting union dues from non-union public employees' paychecks following a recent U.S. Supreme Court ruling. ... In a July 2 letter to Ohio Treasurer Josh Mandel, National Right to Work Legal Defense Foundation Vice President Raymond LaJeunesse stated that unless there's an 'immediate cessation' of union-due collections from state workers who aren't [union members], the group will file a civil-rights lawsuit on behalf of any non-union workers who request the group's help."

Ohio's largest public employee union said it will make sure non-members aren't paying dues.

CODA — "Do you know what Rapini means in Italian? Broccoli rabe. When you Google my name, you get recipes for broccoli rabe." -- Connecticut GOP Senate candidate Dominic Rapini to the Connecticut Post.

** **Presented by AARP:** Americans 50 and over are the nation's most powerful voting bloc. In fact, more than 60 million of them voted in 2016—and this year, they're more motivated than ever to making sure that their voices are heard in Washington.
They're frustrated with broken government. And they're fed up with politicians who'd rather get into fights than get results. The issues they care about most including Medicare, Social Security, support for family caregivers and prescription drug costs, are all on the line. America's 50-plus voters have put the candidates on notice. Anyone who ignores them will feel it on Election Day. aarp.org/vote **

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Here are the key health-care questions I'll be watching in the months ahead

BY PAIGE WINFIELD CUNNINGHAM
with Paulina Firozi and Colby Itkowitz

THE PROGNOSIS

(iStock)

A year and a half into the Trump presidency, Republicans haven't managed to dramatically remake the U.S. health-care system as they promised. That said, there's a whole bucket of smaller ways their rule is reshaping the way government health-care programs work and the coverage and care that is available to Americans.

We've covered many of these efforts in The Health 202 — from all the drama over cost-sharing subsidies to Medicaid work requirements to the

You are reading The Health 202, our must-read

Colby Itkowitz will taking the reins during my absence with help from our stellar researcher Paulina Firozi, so you'll be in good hands. I'll be back and at 'em in October, but in the meantime, here are some health policy questions I'll be watching from afar.

1. How are the Obamacare marketplaces shaping up for next year?

Expect a rather convoluted debate over this question, as Democrats are now focused on highlighting any and all premium hikes so they can blame Republicans during the election season for trying to sabotage the Affordable Care Act. Republicans are either trying to ignore the whole [illegible]

[illegible] humanitarian crisis created by the Trump administration's "zero tolerance" immigration policy — said his staff is working "expeditiously" to meet an "extreme" court-appointed deadline to reunite children with their parents [illegible]

It's true the administration has taken some steps that could certainly weaken the marketplaces, including revamping rules around how they work and expanding the availability of association and short-term health plans that could lure healthier consumers. Some top insurance [illegible]

He said the federal judge's deadline to reunite the youngest children with their parents by next week and the rest of the children by the end of month is forcing his agency to break standard vetting protocol because there's no time for a thorough verification process. Parents of the children under five-years-old are being relocated to facilities near where their kids are sheltered to speed up the reunions, he said.

[illegible] there are also some signs that costs [illegible] next year. Insurers are still in the middle of filing their proposed 2019 rates, but the hikes look less dramatic overall compared to this year, according to a recent analysis [illegible]

Part of the struggle in putting families back together, Azar said, is concern that they'd release a child to someone posing as a parent. Without time to wait for birth certificates from their home countries, which is normally how [illegible] DNA tests.

As of now, no child has been reunited with a parent in a detention center. The several hundred separated children who have been released from HHS custody were either deported with their parent or picked up by another family member already living in the United States.

[redacted]

But lobbyists say the talk of more attempts to pass health-care legislation is mostly hype. A package of measures to combat the opioid epidemic stands the best chance of final passage (the House approved a batch of bills last week), as lawmakers want to leverage the issue for political gain in November. But Democrats in the Senate would almost certainly block anything else related to Obamacare or abortion rights, and Republicans aren't likely to venture there anyway as they try to retain control of Congress.

newsletter on health policy.
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AGENCY ALERT

But so far, Congress hasn't had much luck getting answers either.

AHH, OOF, OUCH

environmental legislation.

As a lobbyist, Wheeler commented on a 2010 National Journal blog post that the Intergovernmental Panel on Climate Change has functioned more as a political body than a scientific body, and that the group should revisit its 2008 finding that carbon-dioxide emissions posed a threat to public health.

Environmental groups are happy Pruitt — who during his time running the federal agency rolled back many Obama administration environmental regulations — is gone, but they're not optimistic about Wheeler as a replacement.

"Like Pruitt, this veteran coal lobbyist has shown only disdain for the EPA's vital mission to protect Americans' health and our environment," said Ana Unruh Cohen, managing director for government affairs at the Natural Resources Defense Council, in a statement. "Make no mistake, we'll fight Wheeler's pollution agenda with the same vigor as we did Pruitt's."

[redacted]

three states admitted to misleading federal auditors. . . . A number of the implicated states had worked with the same private consultant, who advertised that she could help agencies lower their error rates and win performance bonuses."

TRUMP TEMPERATURE

Seung Min Kim and Robert Costa write:

Schumer expressed concerns with whether the president's next nominee would try to overturn the controversial 1973 ruling making abortion legal. Schumer also warned the president that nominating a jurist who would be hostile to Roe vs. Wade, the landmark 1973 decision that established a woman's right to an abortion, and to Obama's signature health-care law, would be "catastrophic" and damage Trump's legacy," Seung Min and Robert report.

Schumer also emphasized the importance of health care and abortion issues in the next high court selection in a New York Times op-ed this week. "Perhaps the most consequential issues at stake in this Supreme Court vacancy are affordable health care and a woman's freedom to make the most sensitive medical decisions about her body," Schumer wrote. "The views of President Trump's new court nominee on these issues could well determine whether the Senate approves or rejects them."

HEALTH ON THE HILL

told Hill TV's "Rising" yesterday that Republicans

could still repeal and replace the health-care law if they can just keep the House majority and gain seats in the Senate.

McEnany pointed to the health-care bill offered by Sens. Bill Cassidy and Lindsey Graham that Republicans faxed to move forward last fall. "We were a big proponent of Graham-Cassidy," McEnany told Krystal Ball and Buck Sexton. "That, of course, was the Senate bill that gave the states the power and allowed each state to select what the best way forward was for them on health care."

"That was one vote short, and if we maintain the House as we expect we will pick up a few Senate seats, Graham-Cassidy can become a reality," she said.

John

Wagner reports:

Trump was scheduled to appear at a rally in Great Falls to campaign for Tester's Republican challenger, State Auditor Matt Rosendale. Montana is one of a handful of states that Trump won by a large margin in 2016 and that Republicans see as targets to pick up Senate seats this fall. John writes: "Tester's ad, which ran in a dozen newspapers, highlights legislation related to veterans affairs and other issues on which the senator and Trump have worked together."

"Welcome to Montana & THANK YOU PRESIDENT TRUMP for supporting Jon's legislation to help veterans, hold the VA accountable, and get rid of waste, fraud and abuse in the federal government," the ad reads.

It also features a picture of the two-term senator with a large smile. "Washington's a mess — but that's not stopping Jon from getting things done for Montana," it says.

— In an interview earlier this week, Sen. Rand Paul (R-Ky.) and his wife told local ABC affiliate WBKO about being attacked by his neighbor in November and the eight months since the incident. "Obviously nobody deserves this; he certainly did not," Paul's wife, Kelley, said. "And we never knew that we live next to a person that had this kind of rage toward us."

Paul said his doctors told him they'd never seen such an ho injury from an assault — "It's usually a car accident," Paul said.

"He was running so hard that the two of us, by the time he hit me, probably carried me 10 feet down the hill," Paul said. "I had six broken ribs, I also had bleeding from n pinned arteries, around the ribs. I had fluid around the lungs and then I had sort of a condensation, an area in the lungs about this big that sort of collapsed upon itself, and I couldn't get air into that."

Paul said he hopes for a longer sentence for neighbor Rene Boucher, whose sentence of 30 days in prison has been appealed. "I think 21 months would send a message both to him, but also to other people who are out there that are really angry and upset — no matter what they're upset about — that there are repercussions," he told WBKO.

OPIOID OPTICS

Alex

Daugherty reports: "Critics argue the companies that farm out calls to clinics aren't concerned with the patient's specific needs and best path to recovery," he writes.

"Too many Americans suffering as a result of the opioid epidemic are exploited by illicit actors seeking to make a profit from addiction," Rubio said in a statement. "My bill will help stop the cash flow for middlemen involved in illicit sober homes and paid referrals. I remain committed to addressing this important issue that has left no part of the state."

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— A few more good reads from The Post and beyond:

Illinois seeks to expand Obamacare coverage of opioid addiction treatment, prevention

Insurers on the state's Obamacare exchange will be required to cover more services for opioid addiction starting in 2020, if the state has its way.
Chicago Tribune • Read more »

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Johns Hopkins Hospital sites evacuated after possible tuberculosis exposure

[redacted]

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Texas Clinics Busting Traditional Silos Of Mental And Physical Health Care

[redacted]

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STATE SCAN

Sununu Signs Bill For Year Supply of Birth Control Pills

New Hampshire Gov. Chris Sununu has signed a bill into law to give women a full year supply of birth control pills with a single prescription. The bill, like a three-month cap for contraceptive prescriptions, taking it to 12 months.

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Nebraska Voters Will Get To Decide On Medicaid Expansion At The Ballot Box

90,000 low-income people could qualify for health coverage if the measure passes in November.

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BRAINWAVES

America is a nation of narcissists, according to two new studies

In a study of collective narcissism, Virginia and Massachusetts ranked first. But almost every state fell self-important.

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DAYBOOK

- [illegible] event on "The Affordable Care Act's twisted path through implementation, litigation, and reinterpretation" on July 9.
- The House Energy and Commerce Subcommittee on Health holds a hearing on "Opportunities to Improve the 340B Drug Pricing Program" on July 11.
- The Brookings Institution holds an event on "Destabilizing the ACA's individual market" on July 13.

Watch Trump's Montana rally in 3 minutes

-

Trump's Montana rally in 3 minutes

At his Montana rally, Trump joked about Sen. Elizabeth Warren (D-Mass.) and the #MeToo movement:

-

Trump jokes about Sen. Warren and the #MeToo movement

A giant blimp depicting Trump in a diaper is will greet Trump when he visits London:

-

British protesters inflate mocking Trump blimp

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Democracy Dies in Darkness

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07/06/2018 08:01 AM EDT

By Nolan D. McCaskill (nmccaskill@politico.com or @NolanDMcCaskill)

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Related: Full text of Pruitt's resignation letter: https://politi.co/2zdSM6l; "How Scott Pruitt blew it," by Alex Guillén and Andrew Restuccia: https://politi.co/2IWMuI4; and "Environmentalists: Pruitt's replacement 'should scare anyone who breathes,'" from Eric Wolff: https://politi.co/2KAsCQK

FLASHBACK -- Burgess and Anthony Adragna reported in April that confirming a new EPA chief might be, well, impossible. "There's no question that GOP senators are growing tired of defending Pruitt," they wrote at the time. "But turning on him would likely backfire, as the shrunken Republican majority would struggle to confirm any EPA administrator, let alone another one as conservative and driven to overturn former President Barack Obama's environmental rules and regulations." From April 9: https://politi.co/2GQ2Cuu

SCHUMER'S SCOTUS CHALLENGE -- With the president set to announce his second Supreme Court nominee on Monday, Senate Minority Leader Chuck Schumer (D-N.Y.) has a seemingly impossible task ahead of him: keeping his caucus united. Sens. Joe Manchin (D-W.Va.), Heidi Heitkamp (D-N.D.) and Joe Donnelly (D-Ind.) are most likely to defect. The trio of red-state senators is up for reelection this year and supported the president's first Supreme Court pick, Neil Gorsuch. "Keeping them in the Democratic fold -- in the face of withering pressure from a liberal base that expects nothing less -- amounts to the biggest challenge of Schumer's 18-month tenure as Democratic leader," Elana reports.

With 24 Democratic seats up this year, including 10 in states Trump won in 2016, the caucus is rarely unified on an issue. No Democrat voted for Republicans' tax cuts in December, but Obamacare repeal is the last issue Senate Democrats stuck together through in an all-consuming fight. Schumer "has preferred to take a hands-off approach to his moderate members, rather than twisting arms on big votes," Elana notes. "Yet it's far from clear that will work this time. ... After taking some heat from the left during this year's bruising immigration and CIA confirmation battles, Schumer is emphasizing unity to his party's agitated activists." More: https://politi.co/2IWiIDe

Schumer and Trump spoke briefly by phone Tuesday. He urged the president to tap Merrick Garland, President Barack Obama's nominee, to unite the country and warned that nominating a jurist hostile to Roe v. Wade and Obamacare would be "cataclysmic." Senate Majority Leader Mitch McConnell's (R-Ky.) team found that laughable, as evidenced by a gif it posted on Twitter of Michael Jordan laughing. From the Washington Post: https://wapo.st/2IYkjs5

Related reads: "Trump pushing for another reality-show reveal of Supreme Court pick," via Andrew Restuccia: https://politi.co/2zg8ttU; "Kethledge gets 11th hour push as potential consensus pick for Supreme Court," per Christopher Cadelago, Eliana Johnson and Josh Gerstein: https://politi.co/2NteLcN; and "Brett Kavanaugh, Supreme Court Front-Runner, Once Argued Broad Grounds for Impeachment," by The New York Times' Mark Landler and Matt Apuzzo: https://nyti.ms/2u96d1G

HAPPY FRIDAY! Thanks for reading Huddle, the play-by-play guide to all things Capitol Hill, on this July 6.

** **A message from Wells Fargo:** Buying a home for the first time can be both exciting and overwhelming. For Homeownership Month this June, Wells Fargo Home Mortgage leader Liz Bryant shares a few ways to simplify the process: https://stories.wf.com/ **

THURSDAY'S MOST CLICKED: Rachael and Bres' interview with Rep. Jim Jordan (R-Ohio), who rejected claims from former Ohio State University wrestlers that he knew about ongoing sexual abuse from the team doctor when he coached there, was the winner.

TWO MORE WRESTLERS CLAIM JORDAN KNEW OF ABUSE -- A fourth former Ohio State University wrestler told NBC News that Jordan participated in conversations about team doctor Richard Strauss' sexual abuse. Shawn Dailey said he was groped a half-dozen times by

Strauss in the mid-1990s when Jordan was an assistant coach. He said he was too embarrassed to report it directly to Jordan but maintains he was aware at the time. "Dailey spoke out two days after NBC News reported that three former wrestlers who were coached by Jordan ... accused the GOP congressman of turning a blind eye to Strauss' alleged abuse and then lying about it," Corky Siemaszko reports. "Jordan denied knowing anything about the abuse and continues to do so." More: https://nbcnews.to/2NsfH0N

A fifth former wrestler, former UFC world champion Mark Coleman, told The Wall Street Journal that Jordan knew of the abuse but didn't respond to allegations. "There's no way unless he's got dementia or something that he's got no recollection of what was going on at Ohio State," Coleman said. A spokesman for House Speaker Paul Ryan (R-Wis.) said the allegations are "serious" but that Ryan would let the investigation play out. Trump told reporters he didn't believe the former wrestlers "at all." "I believe Jim Jordan 100 percent," Trump added. More: https://on.wsj.com/2tZ8GN0

SCOTUS TAKES CENTER STAGE IN MISSOURI -- Sen. Claire McCaskill (D-Mo.) will likely oppose the president's Supreme Court pick. And her GOP opponent for reelection is unsurprised. "She's been wrong on every single court nominee since she has been running for the Senate or in the Senate," said Josh Hawley, the state attorney general and former constitutional lawyer who once clerked for Chief Justice John Roberts. The high court, Hawley insists, "is the defining issue of this campaign."

"If the pre-nomination clash between McCaskill and Hawley is any sign, the Supreme Court confirmation battle over Trump's high court nominee will reverberate in Missouri more than any other Senate battleground this year," Burgess reports from Marshfield. McCaskill voted against Neil Gorsuch, and Republicans and Democrats expect the same result this time around. A "no" vote, however, would play right into the hands of Hawley, who wants to paint her as a member of the "resistance." "The timing of Justice Anthony Kennedy's retirement could not have worked out better for Hawley, who is being vastly outraised and outspent by McCaskill and her Democratic allies," Burgess adds. "Missouri has morphed ... into a reliable Republican vote at the presidential level, though its Senate contests are often competitive." More: https://politi.co/2KEtRhu

TRUMP ATTACKS TESTER, ET AL. -- Sen. Jon Tester's (D-Mont.) welcome wagon didn't insulate himself from sharp attacks during the president's rally in Great Falls. Tester welcomed Trump to the state by purchasing a full-page ad in a dozen-plus newspapers thanking him for signing bills he sponsored or co-sponsored. The president's response? "It's time to retire liberal Democrat Jon Tester," he told the crowd at a rally to boost state Auditor Matt Rosendale. "Trump slammed Tester for voting against the repeal of the Affordable Care Act, voting against a major tax cuts bill and for voting no on legislation to ban late-term abortions," Matthew Nussbaum reports.

"How did he get elected?" Trump wondered aloud. "You can right your wrong in November." In a campaign-style speech that included attacks on President George H.W. Bush and Sen. John McCain (R-Ariz.), the president also made time to go after Rep. Maxine Waters (D-Calif.) and Sen. Elizabeth Warren (D-Mass.). He claimed Waters' IQ is in the "60s" and suggested he would

get ancestry kit for "Pocahontas," his derisive nickname for Warren, while sarcastically invoking the #MeToo era. Warren advised Trump to "focus on fixing the lives you're destroying" by separating migrant families at the southern border. More: https://politi.co/2zhFCoU

Speaking of migrant families, HHS says under 3,000 children are still separated from their parents at the border. Dan Diamond's report: https://politi.co/2tYUVxI

RYAN TO CAMPAIGN FOR WISCONSIN SENATE CANDIDATE -- House Speaker Paul Ryan will appear at a rally for Republican Wisconsin Senate candidate Leah Vukmir today. Ryan endorsed Vukmir, a state senator, last week. "Vukmir is among five Republicans seeking a spot on the November ballot, but analysts consider Marine Corps veteran Kevin Nicholson her most formidable GOP opponent," the Washington Examiner's Susan Ferrechio reports. "Nicholson has the backing of the conservative group Club for Growth as well as Sen. Ted Cruz, R-Texas. Either candidate will have a difficult time winning in November. The Cook Political Report rates Sen. Tammy Baldwin's (D-Wis.) seat "likely Democrat." More: https://washex.am/2tYhoeb

TODAY IN CONGRESS -- The House and Senate are out.

THURSDAY'S TRIVIA WINNER -- Casey Burgat was first to correctly guess that there were 59 members at the beginning of the 1st Congress in 1789.

TODAY'S TRIVIA -- From Casey: Harvard has famously produced the most presidents, with five future commanders in chief receiving undergraduate degrees and three others earning advanced degrees from the college. But who was the first future president to graduate from a non-private school, and what was the college? The first person to correctly guess gets a mention in the next edition of Huddle. Send your best guess my way: nmccaskill@politico.com.

GET HUDDLE emailed to your phone each morning.

** **A message from Wells Fargo:** Retired U.S. Army veteran Dominic Perrotte and his family of Hampton, Virginia, were recently awarded the deed to their mortgage-free home at the White House Correspondents' Association Brunch by Wells Fargo and the Military Warriors Support Foundation. Wells Fargo is proud to support the foundation's Homes4WoundedHeroes program by donating homes for veterans, with more than 350 homes donated to veterans in all 50 states and more than $100 million donated to military community causes since 2012.
A Pittsburgh native, Dominic served in Afghanistan and Iraq and received a Purple Heart after being injured in combat. The foundation also provided Dominic and his family with three years of family and financial mentoring to help them prepare for long-term homeownership.
Learn more about Wells Fargo's work to support the military community: https://stories.wf.com/
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"A handful of moderate Republican lawmakers called for Pruitt to be ousted early on, but congressional leaders supportive of his deregulatory agenda prevented the hot water Pruitt was in from increasing beyond a gentle simmer," they write. "Pruitt's support among Republicans began to wane after emails and testimony from close aides showed that Pruitt on multiple occasions had used EPA resources and personnel to carry out errands and search for a job for his wife, Marlyn." Much more: https://politi.co/2KP2vEH

Related: Full text of Pruitt's resignation letter: https://politi.co/2zdSM6l; "How Scott Pruitt blew it," by Alex Guillén and Andrew Restuccia: https://politi.co/2IWMuI4; and "Environmentalists: Pruitt's replacement 'should scare anyone who breathes,'" from Eric Wolff: https://politi.co/2KAsCQK

FLASHBACK -- Burgess and Anthony Adragna reported in April that confirming a new EPA chief might be, well, impossible. "There's no question that GOP senators are growing tired of defending Pruitt," they wrote at the time. "But turning on him would likely backfire, as the shrunken Republican majority would struggle to confirm any EPA administrator, let alone another one as conservative and driven to overturn former President Barack Obama's environmental rules and regulations." From April 9: https://politi.co/2GQ2Cuu

SCHUMER'S SCOTUS CHALLENGE -- With the president set to announce his second Supreme Court nominee on Monday, Senate Minority Leader Chuck Schumer (D-N.Y.) has a seemingly impossible task ahead of him: keeping his caucus united. Sens. Joe Manchin (D-W.Va.), Heidi Heitkamp (D-N.D.) and Joe Donnelly (D-Ind.) are most likely to defect. The trio of red-state senators is up for reelection this year and supported the president's first Supreme Court pick, Neil Gorsuch. "Keeping them in the Democratic fold -- in the face of withering pressure from a liberal base that expects nothing less -- amounts to the biggest challenge of Schumer's 18-month tenure as Democratic leader," Elana reports.

With 24 Democratic seats up this year, including 10 in states Trump won in 2016, the caucus is rarely unified on an issue. No Democrat voted for Republicans' tax cuts in December, but Obamacare repeal is the last issue Senate Democrats stuck together through in an all-consuming fight. Schumer "has preferred to take a hands-off approach to his moderate members, rather than twisting arms on big votes," Elana notes. "Yet it's far from clear that will work this time. ... After taking some heat from the left during this year's bruising immigration and CIA confirmation battles, Schumer is emphasizing unity to his party's agitated activists." More: https://politi.co/2IWiIDe

Schumer and Trump spoke briefly by phone Tuesday. He urged the president to tap Merrick Garland, President Barack Obama's nominee, to unite the country and warned that nominating a jurist hostile to Roe v. Wade and Obamacare would be "cataclysmic." Senate Majority Leader Mitch McConnell's (R-Ky.) team found that laughable, as evidenced by a gif it posted on Twitter of Michael Jordan laughing. From the Washington Post: https://wapo.st/2IYkjs5

Related reads: "Trump pushing for another reality-show reveal of Supreme Court pick," via Andrew Restuccia: https://politi.co/2zg8ttU; "Kethledge gets 11th hour push as potential consensus pick for Supreme Court," per Christopher Cadelago, Eliana Johnson and Josh Gerstein: https://politi.co/2NteLcN; and "Brett Kavanaugh, Supreme Court Front-Runner, Once Argued Broad Grounds for Impeachment," by The New York Times' Mark Landler and Matt Apuzzo: https://nyti.ms/2u96d1G

HAPPY FRIDAY! Thanks for reading Huddle, the play-by-play guide to all things Capitol Hill, on this July 6.

** **A message from Wells Fargo:** Buying a home for the first time can be both exciting and overwhelming. For Homeownership Month this June, Wells Fargo Home Mortgage leader Liz Bryant shares a few ways to simplify the process: https://stories.wf.com/ **

THURSDAY'S MOST CLICKED: Rachael and Bres' interview with Rep. Jim Jordan (R-Ohio), who rejected claims from former Ohio State University wrestlers that he knew about ongoing sexual abuse from the team doctor when he coached there, was the winner.

TWO MORE WRESTLERS CLAIM JORDAN KNEW OF ABUSE -- A fourth former Ohio State University wrestler told NBC News that Jordan participated in conversations about team doctor Richard Strauss' sexual abuse. Shawn Dailey said he was groped a half-dozen times by

Strauss in the mid-1990s when Jordan was an assistant coach. He said he was too embarrassed to report it directly to Jordan but maintains he was aware at the time. "Dailey spoke out two days after NBC News reported that three former wrestlers who were coached by Jordan ... accused the GOP congressman of turning a blind eye to Strauss' alleged abuse and then lying about it," Corky Siemaszko reports. "Jordan denied knowing anything about the abuse and continues to do so." More: https://nbcnews.to/2NsfH0N

A fifth former wrestler, former UFC world champion Mark Coleman, told The Wall Street Journal that Jordan knew of the abuse but didn't respond to allegations. "There's no way unless he's got dementia or something that he's got no recollection of what was going on at Ohio State," Coleman said. A spokesman for House Speaker Paul Ryan (R-Wis.) said the allegations are "serious" but that Ryan would let the investigation play out. Trump told reporters he didn't believe the former wrestlers "at all." "I believe Jim Jordan 100 percent," Trump added. More: https://on.wsj.com/2tZ8GN0

SCOTUS TAKES CENTER STAGE IN MISSOURI -- Sen. Claire McCaskill (D-Mo.) will likely oppose the president's Supreme Court pick. And her GOP opponent for reelection is unsurprised. "She's been wrong on every single court nominee since she has been running for the Senate or in the Senate," said Josh Hawley, the state attorney general and former constitutional lawyer who once clerked for Chief Justice John Roberts. The high court, Hawley insists, "is the defining issue of this campaign."

"If the pre-nomination clash between McCaskill and Hawley is any sign, the Supreme Court confirmation battle over Trump's high court nominee will reverberate in Missouri more than any other Senate battleground this year," Burgess reports from Marshfield. McCaskill voted against Neil Gorsuch, and Republicans and Democrats expect the same result this time around. A "no" vote, however, would play right into the hands of Hawley, who wants to paint her as a member of the "resistance." "The timing of Justice Anthony Kennedy's retirement could not have worked out better for Hawley, who is being vastly outraised and outspent by McCaskill and her Democratic allies," Burgess adds. "Missouri has morphed ... into a reliable Republican vote at the presidential level, though its Senate contests are often competitive." More: https://politi.co/2KEtRhu

TRUMP ATTACKS TESTER, ET AL. -- Sen. Jon Tester's (D-Mont.) welcome wagon didn't insulate himself from sharp attacks during the president's rally in Great Falls. Tester welcomed Trump to the state by purchasing a full-page ad in a dozen-plus newspapers thanking him for signing bills he sponsored or co-sponsored. The president's response? "It's time to retire liberal Democrat Jon Tester," he told the crowd at a rally to boost state Auditor Matt Rosendale. "Trump slammed Tester for voting against the repeal of the Affordable Care Act, voting against a major tax cuts bill and for voting no on legislation to ban late-term abortions," Matthew Nussbaum reports.

"How did he get elected?" Trump wondered aloud. "You can right your wrong in November." In a campaign-style speech that included attacks on President George H.W. Bush and Sen. John McCain (R-Ariz.), the president also made time to go after Rep. Maxine Waters (D-Calif.) and Sen. Elizabeth Warren (D-Mass.). He claimed Waters' IQ is in the "60s" and suggested he would

get ancestry kit for "Pocahontas," his derisive nickname for Warren, while sarcastically invoking the #MeToo era. Warren advised Trump to "focus on fixing the lives you're destroying" by separating migrant families at the southern border. More: https://politi.co/2zhFCoU

Speaking of migrant families, HHS says under 3,000 children are still separated from their parents at the border. Dan Diamond's report: https://politi.co/2tYUVxI

RYAN TO CAMPAIGN FOR WISCONSIN SENATE CANDIDATE -- House Speaker Paul Ryan will appear at a rally for Republican Wisconsin Senate candidate Leah Vukmir today. Ryan endorsed Vukmir, a state senator, last week. "Vukmir is among five Republicans seeking a spot on the November ballot, but analysts consider Marine Corps veteran Kevin Nicholson her most formidable GOP opponent," the Washington Examiner's Susan Ferrechio reports. "Nicholson has the backing of the conservative group Club for Growth as well as Sen. Ted Cruz, R-Texas. Either candidate will have a difficult time winning in November. The Cook Political Report rates Sen. Tammy Baldwin's (D-Wis.) seat "likely Democrat." More: https://washex.am/2tYhoeb

TODAY IN CONGRESS -- The House and Senate are out.

THURSDAY'S TRIVIA WINNER -- Casey Burgat was first to correctly guess that there were 59 members at the beginning of the 1st Congress in 1789.

TODAY'S TRIVIA -- From Casey: Harvard has famously produced the most presidents, with five future commanders in chief receiving undergraduate degrees and three others earning advanced degrees from the college. But who was the first future president to graduate from a non-private school, and what was the college? The first person to correctly guess gets a mention in the next edition of Huddle. Send your best guess my way: nmccaskill@politico.com.

GET HUDDLE emailed to your phone each morning.

** **A message from Wells Fargo:** Retired U.S. Army veteran Dominic Perrotte and his family of Hampton, Virginia, were recently awarded the deed to their mortgage-free home at the White House Correspondents' Association Brunch by Wells Fargo and the Military Warriors Support Foundation. Wells Fargo is proud to support the foundation's Homes4WoundedHeroes program by donating homes for veterans, with more than 350 homes donated to veterans in all 50 states and more than $100 million donated to military community causes since 2012.
A Pittsburgh native, Dominic served in Afghanistan and Iraq and received a Purple Heart after being injured in combat. The foundation also provided Dominic and his family with three years of family and financial mentoring to help them prepare for long-term homeownership.
Learn more about Wells Fargo's work to support the military community: https://stories.wf.com/
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To view online:
https://www.politico.com/newsletters/huddle/2018/07/06/dems-cheer-pruitts-exit-court-fight-seizes-mccaskills-senate-race-schumers-scotus-struggle-more-osu-wrestlers-contradict-jim-jordan-283765

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Today's Playbook Power Briefing presented by the U.S. Chamber of Commerce

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and AKELA LACY (alacy@politico.com; @akela_lacy)

TRADE WARS -- DOUG PALMER: "New duties on Chinese goods take effect at midnight": "An additional 25 percent tariff on about $34 billion worth of Chinese goods will be imposed as of midnight, the Office of the U.S. Trade Representative confirmed Thursday.

"A USTR spokeswoman said U.S. Customs and Border Protection has been instructed to begin collecting the duties, which President Donald Trump ordered earlier this year after a USTR Section 301 investigation blamed China for the loss of U.S. valuable intellectual property, either through forced technology transfers or outright theft. ...

"The Trump administration is also preparing to hit another $16 billion worth of Chinese exports with additional duties once it completes a public comment period. That could be as early as August. Beijing has also prepared a list of another $16 billion worth of U.S. goods that it will hit with duties in response to that." https://politi.co/2ze2xBx

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"Most of Mexico's retaliatory tariffs will be imposed on U.S. agricultural exports, such as apples, cranberries and various cheeses. Mexico is also targeting a number of American steel products. The majority of products on the list will face tariffs between 15 and 25 percent." https://politi.co/2Nu9hP1

-- SCMP'S AMANDA LEE: "China tries to ease retaliation fears with pledges to

help foreign businesses weather trade war": "Asked on Thursday whether China would target U.S.-funded businesses in China to counter U.S. restrictions on Chinese products, Chinese Ministry of Commerce spokesman Gao Feng said it was not part of Beijing's plan and, instead, China might compensate foreign businesses for losses from a trade war. ...

"The comments come a day before Washington and Beijing plan to implement tariffs against each others' goods in an escalating trade conflict that has rippled out to financial markets.

"Gao said China would not bow to threats or blackmail and would have to fight back if the U.S. went ahead and imposed the tariffs. ... Gao also said U.S. business interests would suffer from the first set of tariffs, with about $20 billion of the targeted goods, or 59 percent, produced by foreign firms, including U.S. ones." https://politi.co/2IUU9Xk

SUPREME COURT REPORT -- NBC'S PETER ALEXANDER and **DARTUNORRO CLARK: "Trump narrows Supreme Court short list, top 3 contenders emerge":** "President Donald Trump has narrowed his list of contenders to replace retiring Supreme Court Justice Anthony Kennedy to three serious candidates, a source familiar with the selection process told NBC News on Thursday.

"Those candidates are appeals court judges Brett Kavanaugh, Raymond Kethledge and Amy Coney Barrett, the source, who was not authorized to speak publicly, said. Kavanaugh, 53, and Kethledge, 51, are both former law clerks to Kennedy, as was Neil Gorsuch, Trump's first Supreme Court nominee, who succeeded Antonin Scalia. Kavanaugh, also a veteran of George W. Bush's White House, currently serves on the U.S. Court of Appeals for the District of Columbia." https://nbcnews.to/2u8jqaV ... ***Roger Meyers in National Review on Kethledge's views on immigration law*** http://bit.ly/2tYs38T

****** **A message from the U.S. Chamber of Commerce:** There are no winners in a global trade war. Here's a breakdown of the states and industries hardest hit by retaliatory tariffs on American exports. www.TheWrongApproach.com. ******

Good Thursday afternoon. WHAT'S ON THE PRESIDENT'S MIND -- @realDonaldTrump at 10:08 a.m.: 'Congress must pass smart, fast and reasonable Immigration Laws now. Law Enforcement at the Border is doing a great job, but the laws they are forced to work with are insane. When people, with or without children, enter our Country, they must be told to leave without our....."

... at 10:16 a.m.: ".....Country being forced to endure a long and costly trial. Tell the people 'OUT,' and they must leave, just as they would if they were standing on your front lawn. Hiring thousands of 'judges' does not work and is not acceptable -- only Country in the World that does this!"

... at 10:17 a.m.: "Congress - FIX OUR INSANE IMMIGRATION LAWS NOW!"

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"[Tester's ad] ran in the Great Falls Tribune and in newspapers across rural northern and eastern Montana ... 'Welcome to Montana, and thank you President Trump for supporting Jon's legislation to help veterans and first responders, hold the VA accountable, and get rid of waste, fraud and abuse in the federal government,' the ad read." https://bit.ly/2J0pJTo

THE INVESTIGATIONS ...

-- "Inside the Online Campaign to Whitewash the History of Donald Trump's Russian Business Associates," by The Daily Beast's Lachlan Markay and Dean Sterling Jones: "Spokespeople for online reputation management companies in the two countries confirmed that they had been paid to write articles attempting to whitewash Trump's ties to Felix Sater, a Russian-born businessman who, with former Russian trade minister Tevfik Arif, collaborated with the Trump Organization on numerous real estate deals from New York to the former Soviet Union.

"The campaign appears designed to influence Google search results pertaining to Trump's relationship with Sater, Arif, and the Bayrock Group, a New York real estate firm that collaborated with Trump on a series of real estate deals, and recruited Russian investors for potential Trump deals in Moscow. ...

"Sater—who once had an office at New York's Trump Tower, Trump Organization business cards, and claims to have worked as a senior adviser to Trump—has recently emerged as a key figure in the federal investigation led by special counsel Robert Mueller into Russian meddling in the 2016 presidential election." https://thebea.st/2ITih3g

-- AP'S GARANCE BURKE and **STEPHEN BRAUN: "Sanctioned Russian oligarch linked to Cohen has vast U.S. ties":** "Working closely with an American cousin who heads the New York investment management firm Columbus Nova, [Viktor] Vekselberg backed a $1.6 million lobbying campaign to aid Russian interests in Washington. ...His cousin Andrew Intrater served as CEO of a Vekselberg company on that project, and the two men have collaborated on numerous other investments involving Vekselberg's extensive holdings.

"Now, Intrater's investment firm is wrestling with the fallout from financial sanctions the U.S. Treasury Department lodged in April against Vekselberg, one of a group of oligarchs tied to Russian President Vladimir Putin. ... Vekselberg also has cemented tech deals using a Kremlin-funded foundation — raising national security concerns years before special counsel Robert Mueller began probing contacts between Donald Trump's presidential campaign and Russian intermediaries. His opaque corporate structure, which includes an array of hard-to-trace shell companies, has fallen under Mueller's scrutiny, according to several media reports.

"Vekselberg hired Trump's lawyer Michael Cohen as a consultant in January 2017, just months after Cohen paid off the adult film actress known as Stormy Daniels, who has alleged she had an affair with Trump." https://bit.ly/2zeRfgq

ON THE WORLD STAGE -- "Saudis Lower Most Oil Pricing as Iran Taunts Trump on Tweets," by Bloomberg's Anthony DiPaola: "Saudi Arabia cut pricing for most of its oil grades as the world's biggest crude exporter is increasing production to assure buyers there is sufficient supply following U.S. President Donald Trump's demands that OPEC do more to stabilize oil markets. ...

"Iran's OPEC governor, Hossein Kazempour Ardebili, had earlier on Thursday urged Trump to stop tweeting about oil, saying his missives were backfiring and driving prices higher." https://bloom.bg/2tX37yC

FOR YOUR RADAR -- "Five years ago, the FEC's top lawyer resigned. No permanent replacement has yet been named." by The Center for Public Integrity's Dave Levinthal and Suhauna Hussain: "[T]oday marks five years since the FEC employed a bona fide, duly appointed general counsel to oversee its attorneys and orchestrate the agency's legal efforts — a void that is a 'reflection of the dysfunction at the FEC,' says the last man to hold the job, Tony Herman, now senior counsel at Washington, D.C.-based law firm Covington & Burling." https://bit.ly/2KUMdas

THURSDAY LISTEN -- "Does the city of the future know too much about you?" by Ben White: "In this week's POLITICO Money podcast, POLITICO's Nancy Scola takes you on a virtual tour of Quayside, the futuristic smart neighborhood that Google plans to build in Toronto." https://apple.co/2nUA2Dc ... ***Nancy's magazine story*** https://politi.co/2KmcIZP

COMING ATTRACTIONS - "Hillary Clinton joins star-studded lineup for Ozy Fest in Central Park," by N.Y. Daily News' Spencer Dukoff: "Clinton will be interviewed by Laurene Powell Jobs, president and founder of the Emerson Collective, a nonprofit organization that advocates for progressive causes. ... [She] joins a lineup that already includes newsmakers like comedians Michelle Wolf and Chelsea Handler, actress Laverne Cox, Sen. Kirsten Gillibrand, writer Malcolm Gladwell, sportscaster Jemele Hill, billionaire Tom Steyer, author Salman Rushdie and more." https://nydn.us/2KC3bhF

AFTERNOON READ -- "Instead of a Ban, Transgender Military Recruits Hit

Endless Red Tape," by NYT's Dave Philipps: "Nicholas Bade showed up at an Air Force recruiting office on an icy morning in January, determined to be one of the first transgender recruits to enlist in the military. ... [H]e expected to be called for basic training in a month, maybe two at the most.

"Six months later, he's still waiting. And so are nearly all other transgender recruits who have tried to join up since a federal court ordered the Trump administration not to ban them from the military. ... Since then, scores have applied — but it appears almost none are being accepted. ... The applicants are being stalled or turned away at a time when some branches of the military face a shortage of recruits, and when recruiters have been ordered to work Saturdays to try to make up the shortfall.

"[Transgender groups] initially hailed the court injunctions last fall as victories. But their optimism has melted as months have passed with so few recruits actually being allowed to enlist. ... [S]ome are beginning to question whether the delays are evidence of a concerted effort to keep transgender recruits out, despite the court rulings." https://nyti.ms/2Ntdwu8

MEDIAWATCH -- Megan Heckerman is heading to the New York Times as a talent and inclusion partner for its newsroom. She most recently was an HR business partner at Politico.

TRANSITIONS -- Elisa Massimino is now a senior fellow at the Carr Center for Human Rights Policy at the Kennedy School of Government. She previously was president of Human Rights First. ... **Caleb Hull** is heading to Targeted Victory as director of content. He most recently was senior editor at IJR.

ENGAGED - Cogan Schneier, social media editor at NRECA and a Politico alum, got engaged to **Mike Rooney,** an account manager at software company Tableau. "He proposed on the beach yesterday at my family home in Cape Cod after a round of golf. Friends and family were waiting back at the house with a surprise party." ***Instapics*** http://bit.ly/2KLz1ry

WEEKEND WEDDING -- Lissette Flores, a supervisory community development specialist at HUD and a CBPP alum, married **Amilcar Guzman,** director of data and evaluation at Casa de Maryland and national president of the alumni association of the Congressional Hispanic Caucus Institute. ***Wedding pics*** http://bit.ly/2tUabvG ... http://bit.ly/2z6vBuU ... ***NYT announcement*** https://nyti.ms/2IPY3aH

WELCOME TO THE WORLD - KERRY ALUMNI: Jamesine Rogers Gibson, Western states senior climate analyst at the Union of Concerned Scientists and a John Kerry and EPA alum, and **Bennett Gibson,** senior recruiter at Google and an Apple and Yahoo alum, welcomed Emma Gibson.

****** **A message from the U.S. Chamber of Commerce:** Trade works. Tariffs don't. See how hard your state will be hit by retaliatory tariffs on American exports at

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Today's Playbook Power Briefing presented by the U.S. Chamber of Commerce

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and AKELA LACY (alacy@politico.com; @akela_lacy)

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-- "Inside the Online Campaign to Whitewash the History of Donald Trump's Russian Business Associates," by The Daily Beast's Lachlan Markay and Dean Sterling Jones: "Spokespeople for online reputation management companies in the two countries confirmed that they had been paid to write articles attempting to whitewash Trump's ties to Felix Sater, a Russian-born businessman who, with former Russian trade minister Tevfik Arif, collaborated with the Trump Organization on numerous real estate deals from New York to the former Soviet Union.

"The campaign appears designed to influence Google search results pertaining to Trump's relationship with Sater, Arif, and the Bayrock Group, a New York real estate firm that collaborated with Trump on a series of real estate deals, and recruited Russian investors for potential Trump deals in Moscow. ...

"Sater—who once had an office at New York's Trump Tower, Trump Organization business cards, and claims to have worked as a senior adviser to Trump—has recently emerged as a key figure in the federal investigation led by special counsel Robert Mueller into Russian meddling in the 2016 presidential election." https://thebea.st/2ITih3g

-- AP'S GARANCE BURKE and **STEPHEN BRAUN: "Sanctioned Russian oligarch linked to Cohen has vast U.S. ties":** "Working closely with an American cousin who heads the New York investment management firm Columbus Nova, [Viktor] Vekselberg backed a $1.6 million lobbying campaign to aid Russian interests in Washington. ...His cousin Andrew Intrater served as CEO of a Vekselberg company on that project, and the two men have collaborated on numerous other investments involving Vekselberg's extensive holdings.

"Now, Intrater's investment firm is wrestling with the fallout from financial sanctions the U.S. Treasury Department lodged in April against Vekselberg, one of a group of oligarchs tied to Russian President Vladimir Putin. ... Vekselberg also has cemented tech deals using a Kremlin-funded foundation — raising national security concerns years before special counsel Robert Mueller began probing contacts between Donald Trump's presidential campaign and Russian intermediaries. His opaque corporate structure, which includes an array of hard-to-trace shell companies, has fallen under Mueller's scrutiny, according to several media reports.

"Vekselberg hired Trump's lawyer Michael Cohen as a consultant in January 2017, just months after Cohen paid off the adult film actress known as Stormy Daniels, who has alleged she had an affair with Trump." https://bit.ly/2zeRfgq

ON THE WORLD STAGE -- "Saudis Lower Most Oil Pricing as Iran Taunts Trump on Tweets," by Bloomberg's Anthony DiPaola: "Saudi Arabia cut pricing for most of its oil grades as the world's biggest crude exporter is increasing production to assure buyers there is sufficient supply following U.S. President Donald Trump's demands that OPEC do more to stabilize oil markets. ...

"Iran's OPEC governor, Hossein Kazempour Ardebili, had earlier on Thursday urged Trump to stop tweeting about oil, saying his missives were backfiring and driving prices higher." https://bloom.bg/2tX37yC

FOR YOUR RADAR -- "Five years ago, the FEC's top lawyer resigned. No permanent replacement has yet been named." by The Center for Public Integrity's Dave Levinthal and Suhauna Hussain: "[T]oday marks five years since the FEC employed a bona fide, duly appointed general counsel to oversee its attorneys and orchestrate the agency's legal efforts — a void that is a 'reflection of the dysfunction at the FEC,' says the last man to hold the job, Tony Herman, now senior counsel at Washington, D.C.-based law firm Covington & Burling." https://bit.ly/2KUMdas

THURSDAY LISTEN -- "Does the city of the future know too much about you?" by Ben White: "In this week's POLITICO Money podcast, POLITICO's Nancy Scola takes you on a virtual tour of Quayside, the futuristic smart neighborhood that Google plans to build in Toronto." https://apple.co/2nUA2Dc ... ***Nancy's magazine story*** https://politi.co/2KmcIZP

COMING ATTRACTIONS - "Hillary Clinton joins star-studded lineup for Ozy Fest in Central Park," by N.Y. Daily News' Spencer Dukoff: "Clinton will be interviewed by Laurene Powell Jobs, president and founder of the Emerson Collective, a nonprofit organization that advocates for progressive causes. ... [She] joins a lineup that already includes newsmakers like comedians Michelle Wolf and Chelsea Handler, actress Laverne Cox, Sen. Kirsten Gillibrand, writer Malcolm Gladwell, sportscaster Jemele Hill, billionaire Tom Steyer, author Salman Rushdie and more." https://nydn.us/2KC3bhF

AFTERNOON READ -- "Instead of a Ban, Transgender Military Recruits Hit

Endless Red Tape," by NYT's Dave Philipps: "Nicholas Bade showed up at an Air Force recruiting office on an icy morning in January, determined to be one of the first transgender recruits to enlist in the military. ... [H]e expected to be called for basic training in a month, maybe two at the most.

"Six months later, he's still waiting. And so are nearly all other transgender recruits who have tried to join up since a federal court ordered the Trump administration not to ban them from the military. ... Since then, scores have applied — but it appears almost none are being accepted. ... The applicants are being stalled or turned away at a time when some branches of the military face a shortage of recruits, and when recruiters have been ordered to work Saturdays to try to make up the shortfall.

"[Transgender groups] initially hailed the court injunctions last fall as victories. But their optimism has melted as months have passed with so few recruits actually being allowed to enlist. ... [S]ome are beginning to question whether the delays are evidence of a concerted effort to keep transgender recruits out, despite the court rulings." https://nyti.ms/2Ntdwu8

MEDIAWATCH -- Megan Heckerman is heading to the New York Times as a talent and inclusion partner for its newsroom. She most recently was an HR business partner at Politico.

TRANSITIONS -- Elisa Massimino is now a senior fellow at the Carr Center for Human Rights Policy at the Kennedy School of Government. She previously was president of Human Rights First. ... **Caleb Hull** is heading to Targeted Victory as director of content. He most recently was senior editor at IJR.

ENGAGED - Cogan Schneier, social media editor at NRECA and a Politico alum, got engaged to **Mike Rooney,** an account manager at software company Tableau. "He proposed on the beach yesterday at my family home in Cape Cod after a round of golf. Friends and family were waiting back at the house with a surprise party." ***Instapics*** http://bit.ly/2KLz1ry

WEEKEND WEDDING -- Lissette Flores, a supervisory community development specialist at HUD and a CBPP alum, married **Amilcar Guzman,** director of data and evaluation at Casa de Maryland and national president of the alumni association of the Congressional Hispanic Caucus Institute. ***Wedding pics*** http://bit.ly/2tUabvG ... http://bit.ly/2z6vBuU ... ***NYT announcement*** https://nyti.ms/2IPY3aH

WELCOME TO THE WORLD - KERRY ALUMNI: Jamesine Rogers Gibson, Western states senior climate analyst at the Union of Concerned Scientists and a John Kerry and EPA alum, and **Bennett Gibson,** senior recruiter at Google and an Apple and Yahoo alum, welcomed Emma Gibson.

****** **A message from the U.S. Chamber of Commerce:** Trade works. Tariffs don't. See how hard your state will be hit by retaliatory tariffs on American exports at

www.TheWrongApproach.com. ******

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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Bloomberg BNA
Sent: Thur 7/5/2018 12:37:56 PM
Subject: July 05 -- EHS State Regulatory Alert

EHS State Regulatory Alert

July 05, 2018 - Number 129

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Florida

WATER
Southwest Florida WMD/Guidance and Minimum Levels for Lakes
Florida WATER

Notice of the Southwest Florida Water Management District announces a workshop to consider amendments to regulations under FAC 40D-8 regarding proposed guidance and minimum levels for lakes Allen, Harvey, and Virginia in Hillsborough County. The workshop is scheduled for July 16, 2018, in Lutz. Contact: Donna Campbell; SWFWMD; 352-796-7211

—Florida Publication Date: 07/02/2018.

Regulatory Update

Michigan

OIL AND GAS INDUSTRY
Oil and Gas Operations/Injection Wells
Michigan OIL AND GAS INDUSTRY

Final rule of the Department of Environmental Quality, Oil, Gas, and Mineral Division, amends and adopts regulations under MAC 324 to establish requirements for protection of underground sources of drinking water for injection well drilling and operations. The rule also revises single well bond amounts to require companies to submit a financial assurance for any new well adequate to cover current anticipated plugging costs. In addition, the rule addresses minor surface location changes and permit extensions. The rule is issued in anticipation of the state receiving Class II primacy under the federal Safe Drinking Water Act, Section 1425. The rule is effective June 7, 2018. Contact: Adam Wygant; DEQ, Oil, Gas, and Minerals Division; 517-897-4828; wyganta@michigan.gov

—Michigan Publication Date: 07/01/2018. Citations: R 324.103 (amended); R 324.201 (amended); R 324.206 (amended); R 324.208 (amended); R 324.212 (amended); R 324.703 (amended); R 324.704 (amended); R 324.801 (amended); R 324.802 (amended); R 324.803 (amended); R 324.804 (amended); R 324.805 (amended); R 324.806 (amended); R 324.807 (amended); R 324.808 (amended); R 324.809 (new); R 324.810 (new); R 324.811 (new); R 324.812 (new); R 324.813 (new); R 324.814 (new); R 324.815 (new); R 324.816 (new); R 324.1002 (amended)

Regulatory Update

WATER
Public Water Supplies/Lead Action Level
Michigan WATER

Final rule of the Department of Environmental Quality, Drinking Water and Municipal Assistance Division, amends regulations under MAC 325 to reduce the 90th percentile lead level exceedance standard to 0.012 milligram/liter, effective Jan. 1, 2025. The rule also requires water suppliers to examine customers' entire water systems to determine the source of lead if test results exceed 0.010 milligram/liter. In addition, the rule requires collection of two compliance samples per site, establishes deadlines for lead service line replacement based on the size of the population served, and increases water quality parameter monitoring. Finally, the rule requires community supplies serving a population of 50,000 or more to establish a water system advisory council, requires distribution system materials inventories to be updated and submitted to the department, and limits the ability of municipal water supplies to reduce monitoring. The rule is effective June 14, 2018. Contact: Suzann Ruch; DEQ; Drinking Water and Municipal Assistance Division; 517-284-6544; DEQ-LCR-Comments@michigan.gov

—Michigan Publication Date: 07/01/2018. Citations: R 325.10102 (amended); R 325.10105 (amended); R 325.10108 (amended); R 325.10401a (amended); R 325.10405 (amended); R 325.10410 (amended); R 325.10413 (amended); R 325.10420 (amended); R 325.10604f (amended); R 325.10710a (amended); R 325.10710b (amended); R 325.10710d (amended); R 325.11506 (amended); R 325.11604 (amended); R 325.11606 (amended)

Regulatory Update

Nevada

MINING
Mining Facilities and Operations/Permit Notification
Nevada MINING

Notice announces the intention of the State Environmental Commission to amend regulations under NAC 445A and 519A regarding notice of intent to issue permits for mining facilities and mining operations or exploration projects. The rule would update the process for public notification of permitting decisions to allow the agency to post application denial and permit notices online. A comment due date is not specified. Contact: Valerie King; SEC; 775-687-9374

—Nevada Publication Date: 07/01/2018. Citations: NAC 445A.402 (amended); NAC 519A.185 (amended)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Historic Power Boilers
Nevada OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Business and Industry, Division of Industrial Relations, to amend and adopt regulations under NAC 455C to define and establish requirements for design, testing, and operation of historic power boilers. The rule would require prior authorization from the Mechanical Compliance Section before operation of a historic power boiler and specify application requirements, including reports of the maximum allowable working pressure calculations and ultrasonic testing. The rule also would specify a process for determining whether publications adopted by reference should be updated following revision. In addition, the rule would specify the maximum allowable working pressure and the minimum safety factor calculations and require maintenance of an operational log. Finally, the rule would address inspections, repairs, and alterations. A comment due date is not specified. Contact: DIR, Mechanical Compliance Section; 775-688-3750

—Nevada Publication Date: 07/01/2018. Citations: NAC 455C (amended); NAC 455C.064 (amended); NAC 455C.156 (amended); NAC 455C.182 (amended); NAC 455C.184 (amended); NAC 455C.232 (amended); NAC 455C.234 (amended); NAC 455C.270 (amended); NAC 455C.278 (amended)

Regulatory Update

New Jersey

GENERAL ENVIRONMENT AND SAFETY
Department of Environmental Protection Practice and Procedure
New Jersey GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Environmental Protection readopts with amendments regulations under NJAC 7:1D to update provisions concerning general practice and procedure. The rule updates language for gender neutrality and corrects department addresses. The rule is effective July 2, 2018. Contact: DEP; 609-777-3373

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 7:1D-2.4 (amended); NJAC 7:1D-2.7 (amended)

Regulatory Update

SOLID WASTE
Electronic Waste Management
New Jersey SOLID WASTE

Notice of the Department of Environmental Protection, Office of Legal Affairs, announces action on a rulemaking petition to amend regulations under NJAC 7:26A-13 regarding electronic waste management to implement 2017 legislation. The petitioner, the Consumer Technology Association, requests that the department clarify how it will obtain, verify, and use data to

calculate and enforce manufacturers' market share in weight obligations; provide criteria for any convenience requirements, such as the number of permanent collection sites required per county; and allow manufacturers or their designated organizations to audit recyclers and collectors to ensure the accuracy of data reported. The petitioner also requests that the department provide procedures and time frames for calculating market share in weight obligations for upcoming program years and determining compliance and to provide guidance on when manufacturers may apply additional covered electronic device collection and recycling pounds toward their market share in weight obligations. The department has determined to refer the petition for further deliberation. Contact: DEP, Office of Legal Affairs; 609-292-0716

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 7:26A-13

Regulatory Update

TOXIC SUBSTANCES
Fireworks/Sparkling Devices and Novelties
New Jersey TOXIC SUBSTANCES

Proposed rule of the Department of Community Affairs, Division of Fire Safety, would amend regulations under NJAC 5:70 to update the definition of "fireworks" to exclude "sparkling devices and novelties" and define such devices separately. The rule also would set forth requirements for storage and retail sales to the public of sparkling devices and novelties in any temporary or permanent structure when the pyrotechnic content exceeds 125 pounds. Comments are due Aug. 31, 2018. Contact: Geraldine Callahan; DCA, Division of Fire Safety; 609-633-6106; Geraldine.Callahan@dca.nj.gov

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 5:70-2.7 (amended); NJAC 5:70-3.2 (amended)

Regulatory Update

WATER
List of Water Quality Limited Waters
New Jersey WATER

Notice of the Department of Environmental Protection, Division of Water Monitoring and Standards, requests water quality data and information to be considered in the development of the 2020 list of Section 303(d) water quality limited waters. The notice addresses data quality requirements and specifies repositories for data submission. The notice also includes the biennial deadlines for data submittal for lists through the 2030 list. Submissions are due Sept. 30, 2018. Contact: Jack Pflaumer; DEP, Bureau of Environmental Analysis, Restoration, and Standards; 609-633-1441; Jack.Pflaumer@dep.nj.gov

—New Jersey Publication Date: 07/02/2018.

Regulatory Update

WATER
Sale of Water from the Manasquan Reservoir Water Supply System
New Jersey WATER

Final rule of the Department of Environmental Protection, Water Supply Authority, amends regulations under NJAC 7:11 to update references to the fiscal year in the schedule of rates, charges, and debt service assessments for the sale of water from the Manasquan Reservoir water supply system. The rule replaces references to FY 2018 with FY 2019 but does not change rates. The rule is effective July 2, 2018. Contact: Beth Gates; DEP, Water Supply Authority; 908-638-6121; info@njwsa.org

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 7:11-4.3 (amended); NJAC 7:11-4.4 (amended); NJAC 7:11-4.5 (amended); NJAC 7:11-4.6 (amended)

Regulatory Update

WATER
Sale of Water from the Raritan Basin System
New Jersey WATER

Final rule of the Department of Environmental Protection, Water Supply Authority, amends regulations under NJAC 7:11 to update references to the fiscal year in the schedule of rates, charges, and debt service assessments for the sale of water from the Raritan Basin system. The rule replaces references to FY 2018 with FY 2019 but does not change rates. The rule is effective July 2, 2018. Contact: Beth Gates; DEP, Water Supply Authority; 908-638-6121; info@njwsa.org

—New Jersey Publication Date: 07/02/2018. Citations: NJAC 7:11-2.3 (amended); NJAC 7:11-2.4 (new); NJAC 7:11-2.5 (new); NJAC 7:11-2.6 (new)

Regulatory Update

North Carolina

WATER
Water Treatment Facility Operators/Applicants, Facility Classification
North Carolina WATER

Proposed rule of the Department of Environmental Quality, Water Treatment Facility Operators Certification Board, would amend regulations under 15A NCAC 18D to update provisions concerning qualifications of applicants and classification of public water systems. The rule would require owners of public water facilities to notify the board of vacancies that result in noncompliance with public water systems provisions within 10 days and make editorial and technical revisions. A hearing is scheduled for Aug. 7, 2018, in Raleigh. Comments are due Aug. 31, 2018. Contact: Jay Frick; DEQ; 919-707-9102

—North Carolina Publication Date: 07/02/2018. Citations: 15A NCAC 18D .0206 (amended)

Regulatory Update

Ohio

HAZARDOUS WASTE MANAGEMENT

HAZARDOUS WASTE MANAGEMENT
Hazardous Recyclable Materials/Contaminated Wipes and Apparel
Ohio HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Ohio EPA would amend regulations under OAC 3745-51 to revise hazardous recyclable materials requirements by conditionally excluding certain contaminated wipes and apparel from state and federal standards. The rule would exclude rags, mops, drop cloths, and apparel made of certain materials that are laundered and intended for reuse and are not already excluded under the Solvent Wipes Rule. The rule also would update and clarify storage and transportation requirements for such materials and update citations to federal standards. A hearing is scheduled for July 31, 2018, in Columbus. Comments are due July 31, 2018. Contact: Jacquelyn Keller; Ohio EPA, Division of Hazardous Waste; 614-644-2924; Jacquelyn.Keller@epa.ohio.gov

—Ohio Publication Date: 07/02/2018. Citations: OAC 3745-51-06 (amended)

Regulatory Update

Oregon

OCCUPATIONAL SAFETY AND HEALTH
Outdoor Production Pesticide Applications
Oregon OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Consumer and Business Services, Occupational Safety and Health Division, adopts regulations under OAR 437-004 to establish restrictions associated with outdoor production pesticide applications for workers or others who are adjacent to pesticides being applied in outdoor production areas. The rule specifies that if drift makes contact with labor housing areas, including enclosed agricultural structures within an application exclusion zone, employers must ensure that it is cleaned up with a minimum of employee or housing occupant exposure. The rule is effective Jan. 1, 2019. Contact: Heather Case; DCBS, Occupational Safety and Health Division; 503-947-7449; heather.case@oregon.gov

—Oregon Publication Date: 07/01/2018. Citations: OAR 437-004-6405 (new); OAR 437-004-6406 (new)

Regulatory Update

WATER
Nonmotorized In-Stream Placer Mining Authorizations
Oregon WATER

Final rule of the Department of State Lands adopts regulations under OAR 141-089 to specify that nonmotorized in-stream placer mining authorizations within indigenous anadromous salmonid habitat will expire on Dec. 31 of each calendar year. The rule also specifies that such authorizations are nontransferrable. The rule is effective July 1, 2018. Contact: Anne Friend; DSL; 503-986-5245; anne.m.friend@state.or.us

—Oregon Publication Date: 07/01/2018. Citations: OAR 141-089-0827 (new)

Regulatory Update

WATER
Watershed Enhancement Technical Assistance Grants
Oregon WATER

Final rule of the Watershed Enhancement Board adopts and repeals regulations under OAR 695-030 to revise administrative rules for technical assistance grants. The rule establishes eligibility and application requirements and specifies evaluation criteria for technical design and engineering, resource assessment and planning, and organizational technical assistance grant applications. The rule also establishes procedures for technical review, funding decisions, and staff funding recommendations for grant applications that require the board to make a funding decision and grant applications seeking grant funds that have been delegated by the board to the executive director. In addition, the rule addresses the waiver and periodic review of rules and grant agreement conditions. The rule is effective June 28, 2018. Contact: Eric Hartstein; WEB; 503-986-0029; eric.hartstein@oregon.gov

—Oregon Publication Date: 07/01/2018. Citations: OAR 695-030-0005 (new); OAR 695-030-0015 (new); OAR 695-030-0025 (new); OAR 695-030-0035 (new); OAR 695-030-0045 (new); OAR 695-030-0050 (repealed); OAR 695-030-0055 (new); OAR 695-030-0060 (repealed); OAR 695-030-0065 (new); OAR 695-030-0075 (new); OAR 695-030-0085 (new); OAR 695-030-0095 (new); OAR 695-030-0100 (repealed)

Regulatory Update

Rhode Island

OCCUPATIONAL SAFETY AND HEALTH
Boilers and Pressure Vessel Inspection
Rhode Island OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Training would amend regulations under 260-RICR-30-10-2 to incorporate by reference the 2017 American Society of Mechanical Engineers and the National Board of Boiler and Pressure Vessel Inspectors. The rule also would revise fee requirements for certificate inspection by the state inspector, existing power boilers, and GR-1 inspection of boilers and pressure vessels. A hearing is scheduled for July 20, 2018, in Cranston. Comments are due July 30, 2018. Contact: Sean Fontes; DLT; 401-462-8890; sean.fontes@dlt.ri.gov

—Rhode Island Publication Date: 07/01/2018. Citations: 260-RICR-30-10-2 (amended)

Regulatory Update

Utah

AIR
Definitions/PM-2.5 Precursors
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces changes to an April 1, 2018, proposed rule to revise regulations under R307-101 to update the definition of PM-2.5 precursor to reflect federal standards. The rule would add ammonia as a precursor to fine particulate matter (PM-2.5), except where a demonstration satisfying 40 CFR 51.1006(a)(3) has determined otherwise. The rule also would specify that ammonia is exempted in the Logan PM-2.5 nonattainment area. The changes clarify that ammonia precursor exemptions are exempt upon EPA approval. Contact: Thomas Gunter; DEQ, Division of Air Quality; 801-536-4419; thomasgunter@utah.gov

—Utah Publication Date: 07/01/2018. Citations: R307-101-2 (amended)

Regulatory Update

AIR
Nonattainment Area New Source Review
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces changes to an April 1, 2018, proposed rule to revise the nonattainment new source review (NNSR) permitting program to allow for control of fine particulate matter (PM-2.5). The rule would clarify lowest achievable emission rate requirements and applicable offset requirements and update definitions. The rule also would exempt ammonia as a PM-2.5 precursor in the Logan nonattainment area where a demonstration supporting that conclusion has been submitted to the EPA. The changes specify which portion of the rule supplements permitting requirements; clarify the EPA's role in approving demonstrations; and address potential increases of nitrogen oxides, sulfur dioxide, and PM-2.5 precursors. The changes also require that emission offsets be surplus, permanent, quantifiable, and federally enforceable; clarify that offsets may not be traded between pollutants except under specified conditions; and clarify one-to-one ratio requirements. Contact: Thomas Gunter; DEQ, Division of Air Quality; 801-536-4419; thomasgunter@utah.gov

—Utah Publication Date: 07/01/2018. Citations: R307-403

Regulatory Update

AIR
State Implementation Plan/Control Measures Area and Point Sources
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, would amend regulations under R307-110 regarding Section IX, Part H, of the state implementation plan (SIP) concerning control measures for area and point sources and emission limits and operating practices. The rule would change the amendment date to Sept. 5, 2018, to match the anticipated Air Quality Board approval date of amendments to that portion of the SIP. Comments are due Aug. 15, 2018. Contact: Thomas Gunter; DEQ, Division of Air Quality; 801-536-4419; thomasgunter@utah.gov

—Utah Publication Date: 07/01/2018. Citations: R307-110-17 (amended)

Regulatory Update

Washington

AIR
Agricultural Burning
Washington AIR

Notice announces the intention of the Department of Ecology to amend regulations under WAC 173-430 to update agricultural burning standards. The rule would address inadequacies that were raised in an October 2016 letter by the State Auditor's Office and relocate provisions under the agricultural burning fee schedule and permit fee distribution standards. The rule also would update and clarify provisions. Comments are requested, but a due date is not specified. Contact: Caroline Sun; Department of Ecology, Air Quality Program; 360-407-7528; Caroline.Sun@ecy.wa.gov

—Washington Publication Date: 07/04/2018. Citations: WAC 173-430 (amended)

Regulatory Update

AIR
Kraft Pulping Mills, Sulfite Pulping Mills, and Primary Aluminum Plants
Washington AIR

Notice announces the intention of the Department of Ecology to amend regulations under WAC 173-405, -410, and -415 to update air quality standards for kraft pulping mills, sulfite pulping mills, and primary aluminum plants. The rule would conform with revisions to general air pollution source requirements under WAC 173-400 that were made in response to the EPA's June 12, 2015, startup, shutdown, or malfunction state implementation plan call final rule. The rule also would update and clarify provisions. Comments are requested, but a due date is not specified. Contact: Caroline Sun; Department of Ecology, Air Quality Program; 360-407-7528; Caroline.Sun@ecy.wa.gov

—Washington Publication Date: 07/04/2018. Citations: WAC 173-410 (amended); WAC 173-415 (amended); WAC 173-405 (amended)

Regulatory Update

AIR
Southwest Clean Air Agency/Asbestos Standards
Washington AIR

Final rule of the Southwest Clean Air Agency amends regulations under SWCAA 476-040 through · 80 to update requirements for asbestos surveys, notification, emission control, and disposal. The rule clarifies and updates inspection and sampling procedures, adds an alternative procedure, and adds inspection reporting requirements. The rule also reduces the notification period for asbestos removal and demolition to 10 calendar days, adds procedures for abandoned asbestos-

containing materials, and adds state of emergency procedures for public disasters. In addition, the rule requires asbestos-containing materials to be stored in leak tight containers, adds waste tracking requirements, and increases the notification period for fire training burns to 10 calendar days. The rule is effective July 14, 2018. Contact: Gerald Strawn; SWCAA; 360-574-3058; gerry@swclearnair.org

—Washington Publication Date: 07/04/2018. Citations: Uncodified

Regulatory Update

OIL AND GAS INDUSTRY
Utilities and Transportation Commission
Washington OIL AND GAS INDUSTRY

Final rule of the Utilities and Transportation Commission amends regulations under WAC 480-14 through -120 (nonconsecutive) to revise standards for solid waste and refuse collection companies, hazardous liquids pipelines, and gas companies. The rule updates the incorporation by reference of federal standards and other adopted publications. The rule is effective July 20, 2018. Contact: Gregory Kopta; UTC; 360-664-1355

—Washington Publication Date: 07/04/2018. Citations: WAC 480-14-999 (amended); WAC 480-15-999 (amended); WAC 480-30-999 (amended); WAC 480-31-999 (amended); WAC 480-70-201 (amended); WAC 480-70-999 (amended); WAC 480-73-999 (amended); WAC 480-75-999 (amended); WAC 480-90-999 (amended); WAC 480-93-999 (amended); WAC 480-100-999 (amended); WAC 480-108-999 (amended); WAC 480-109-999 (amended); WAC 480-120-999 (amended)

Regulatory Update

West Virginia

GENERAL ENVIRONMENT AND SAFETY
Exchange of Information Agreement/Tax and Environmental Protection Departments
West Virginia GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Tax Department would repeal regulations under 110 WVCSR 50A to remove obsolete provisions concerning the exchange of information agreement between the Tax Department and the Department of Environmental Protection. The provisions would be consolidated under 110 WVCSR 50C in a concurrent proposed rule. Comments are due July 27, 2018. Contact: Mark Morton; Tax Department; 304-558-5330; taxlegal@wv.gov

—West Virginia Publication Date: 06/29/2018. Citations: 110-50A-1 (repealed); 110-50A-2 (repealed); 110-50A-3 (repealed)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Interagency Exchange of Information Agreement

West Virginia GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Tax Department would adopt regulations under 110 WVCSR 50C to authorize the exchange of certain information under a written interagency agreement between the Tax Department and other state agencies. The rule would address the sharing of confidential taxpayer information for purposes of premium collection, tax collection, or licensure requirements. The rule also would consolidate existing provisions for such agreements with individual agencies, including the Department of Environmental Protection under 110 WVCSR 50A, which is proposed for repeal concurrently. Comments are due July 26, 2018. Contact: Mark Morton; Tax Department; 304-558-5330; taxlegal@wv.gov

—West Virginia Publication Date: 06/29/2018. Citations: 110-50C-1 (new); 110-50C-2 (new); 110-50C-3 (new); 110-50C-4 (new); 110-50C-5 (new)

Regulatory Update

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EHS State Regulatory Alert

To: Bowman, Liz[Bowman.Liz@epa.gov]
From: POLITICO Huddle
Sent: Thur 7/5/2018 11:57:07 AM
Subject: POLITICO Huddle: JIM JORDAN SPEAKS -- Trump narrows SCOTUS shortlist -- OCASIO-CORTEZ PLAYS KINGMAKER -- K Street eyes Dem staffers

07/05/2018 07:55 AM EDT

By Nolan D. McCaskill (nmccaskill@politico.com or @NolanDMcCaskill)

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report: http://bit.ly/2tTZhq4

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Today's guide to the WSJ
Good Morning. Welcome to your daily guide to the news from the editors of The Wall Street Journal.

— Matt Murray, Editor in Chief

1.

Tariff Fight: Stocks in Europe and U.S. futures rose Thursday as investors shrugged off a looming deadline for the implementation of trade restrictions between the U.S. and China. Beijing is expected to counter with corresponding tariffs on U.S. imports immediately after U.S. tariffs take effect. The U.S. plans to roll out tariffs of 25% on $50 billion of Chinese products in two steps:

$34 billion

The amount of Chinese imports on which the U.S. is set to impose tariffs Friday in its first round against Beijing. Another round, on $16 billion of Chinese goods, will get industry comment at a public hearing July 24.

U.S. exports of sport-utility vehicles, as well as soybeans and other cash crops, are among the goods that will be hit by the Chinese tariffs. The trade war is melting profits for American cheese overseas. About $1 billion in U.S. dairy products are threatened by tariffs from China and Mexico.

Follow the story: Subscribe to our Markets newsletter, and visit WSJ.com today for updates.

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2.

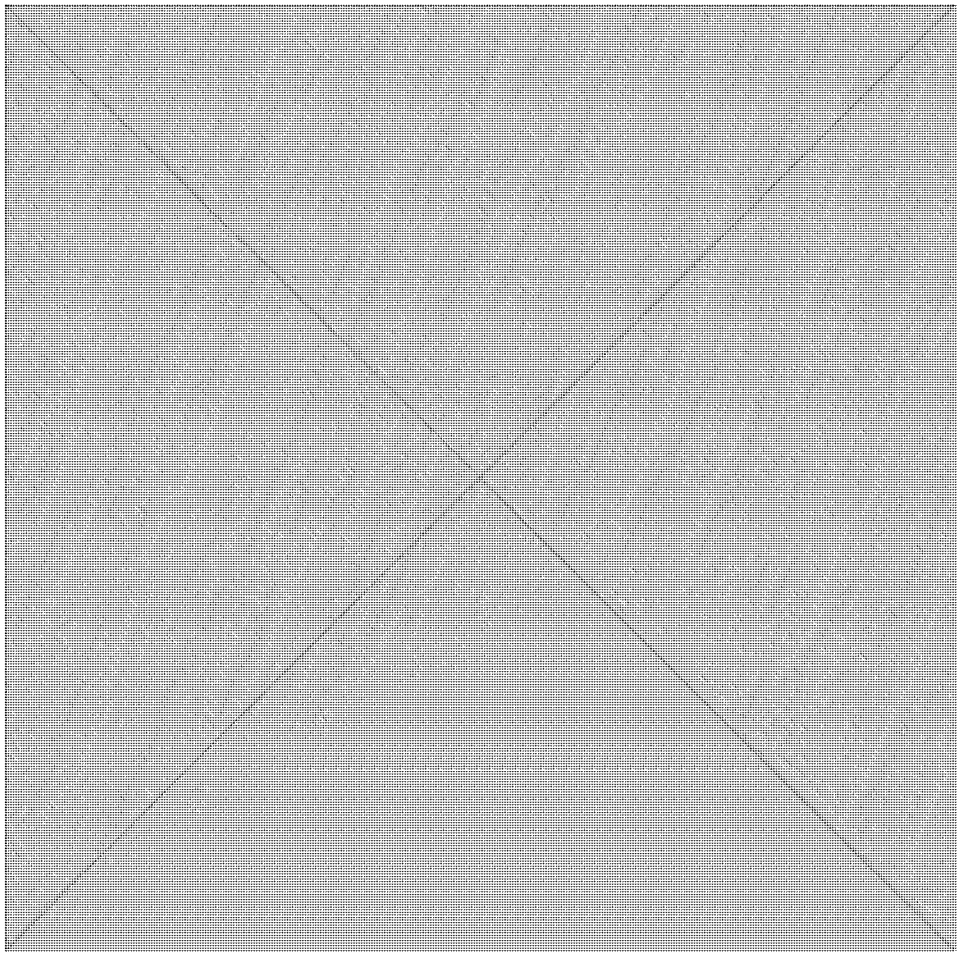
Trump Winnows List of Potential Court Picks: President Trump's search for a Supreme Court justice to succeed Anthony Kennedy is focusing on a trio of federal judges:

- Brett Kavanaugh of Maryland, of the D.C. Circuit
- Raymond Kethledge of Michigan, of the Sixth Circuit
- Amy Coney Barrett of Indiana, of the Seventh Circuit

A decision is expected this week in anticipation of an announcement on Monday, the Journal reports. Some want to see the president follow the model used in picking Neil Gorsuch for the court in 2017, a process that leaned heavily on judicial writings in the belief that is the best way to predict a judge's behavior on the bench.

3.

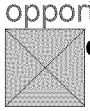
In This Economy, Quitters Are Winning



A strong U.S. economy is spurring more to job-hop. Workers are choosing to leave their jobs at the **fastest rate since the internet boom 17 years ago and getting rewarded for it with bigger paychecks and/or more satisfying work, Journal reporters David Harrison and Eric Morath write. Having a job opening to fill is one thing. Convincing someone to fill it is quite another, Heard on the Street columnist Justin Lahart says.**

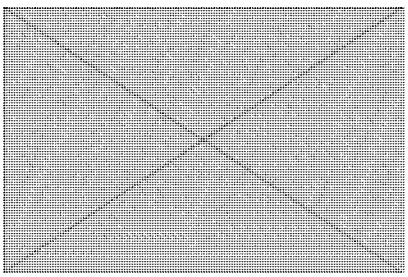
From David Harrison:

More and more Americans are quitting their jobs looking for better opportunities and that's good news for the economy.



david.harrison@wsj.com

4.



Some investors are bolting from hedge-fund manager David Einhorn. Investors called him King David, and didn't mind the all-nighters in Vegas and on the New York City club scene—until Mr. Einhorn's Greenlight Capital fell into a slump. It lost billions, and is now losing investors, The Journal's Gregory Zuckerman writes.

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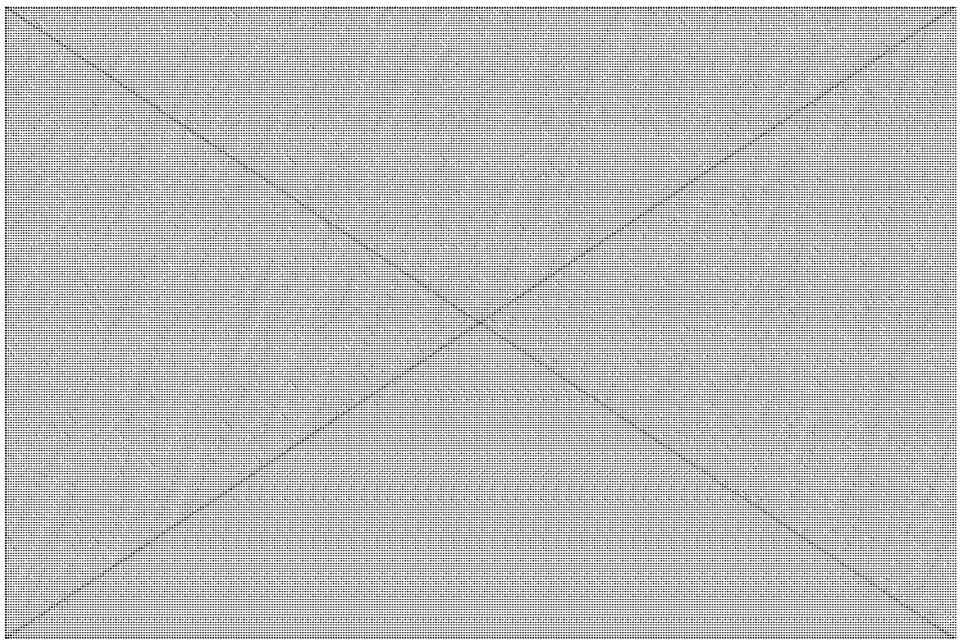
5.

Rescuers in Thailand Race to Free Youth Soccer Team



It's a drama that is keeping the world on edge. Twelve boys and their soccer coach were found alive Monday after spending 10 days underground in a flooded cave complex in Thailand. Rescuers are **racing to drain an escape route ahead of worsening weather. A Thai government spokesman called for caution over time pressures to extract the boys. Others involved in the operation suggested an extraction could be imminent.**

6.

Defiance in Poland After Supreme Court Overhaul. Malgorzata Gersdorf, the head of the country's Supreme Court, defied a judicial overhaul on Wednesday, showing up to work despite a government order calling for the retirement of 27 of the court's 82 judges, herself included. The overhaul has put the nationalist government on a **collision course with the European Union.**

7.

What We're Following

Pompeo Visits North Korea: Secretary of State Mike Pompeo will leave Thursday for North Korea to engage in the **first high-level talks on eliminating Pyongyang's nuclear weapons and programs since the Singapore summit in June, U.S. officials said.**

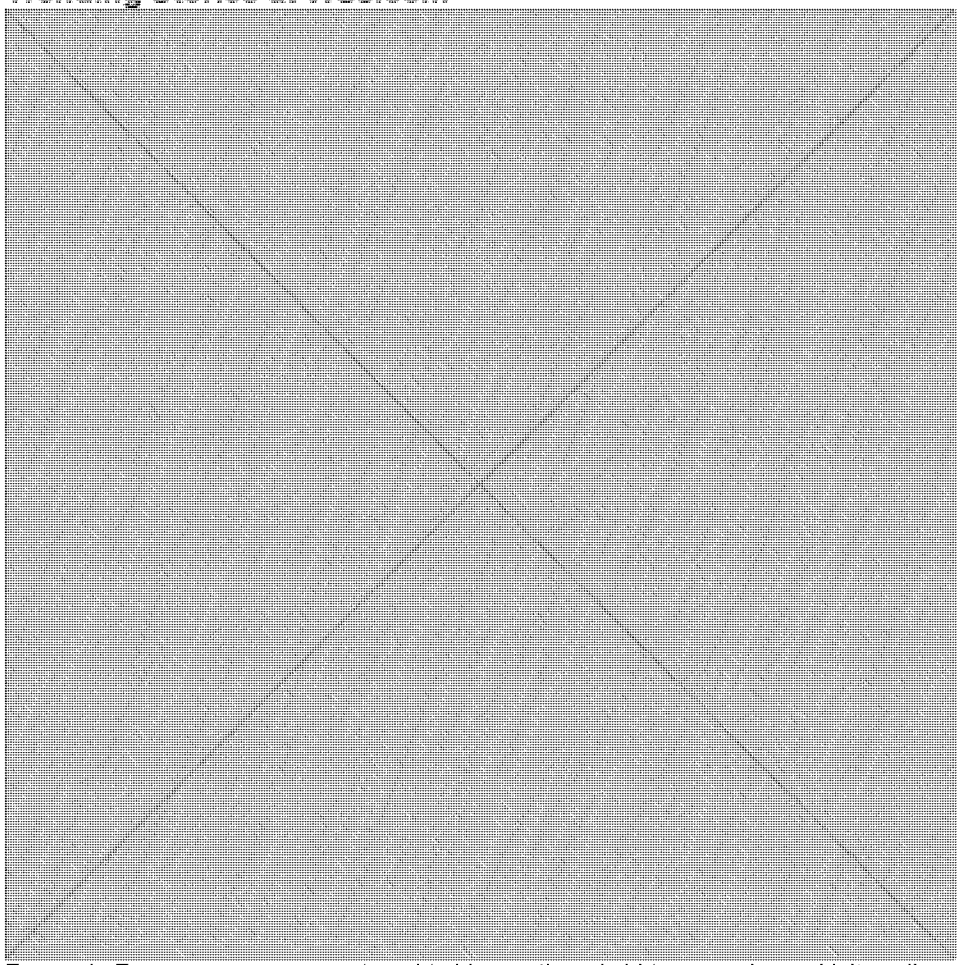
China's ZTE Replaces Executives: The telecom giant named a slate of new top executives, including a **new chief executive, as it presses ahead with its U.S.-mandated leadership purge.**

Fed Minutes: More details of **policy makers' outlook for the second half of the year are on tap later today when the Federal Reserve releases the minutes of its June meeting, ahead of the Labor Department's monthly employment report Friday.**

Trump Heads to Montana: The president will **host a campaign rally in Big Sky Country today in an effort to corral his supporters behind Matt Rosendale, the Republican state auditor who hopes to quash Democratic Sen. Jon Tester's hopes for a third term.**

8.

Trending Stories at WSJ.com



Fernando Ferrer wore messages taped to his mouth and shirt so people wouldn't spoil World Cup results before he could see the matches. PHOTO: FERNANDO FERRER

- A lot of soccer fans end up finding out who wins in the World Cup before they can watch the games. Fans are going to extreme lengths to avoid spoilers. (Read)

- **An email inbox is a vault of secrets. In recent years, millions of users have been giving out the combination. (Read)**

- **Remember when phone calls meant people wanted to talk to you? When your phone rings these days, it's often a robocall. Here's how to get fewer of them. (Read)**

9.

What Else We're Reading

- China National Petroleum Corp. plans to help complete a refinery in Rio de Janeiro that already cost Brazil's state-controlled oil company Petrobras $14 billion before it was halted amid a widespread graft investigation. (Bloomberg)
- **Long before Viktor Vekselberg was tied to a scandal over the president and a porn star, the Russian oligarch had been positioning himself to extend his influence in the U.S. (AP)**

10.

Today's Question and Answer

Responding to Tuesday's question on how you planned to spend the Fourth of July, and whether you would **play Wiffle ball, Dave Whisner** of Arizona wrote: "Almost. I'll be playing pickleball, which some say is America's fastest growing sport....The game has been described as like playing ping-pong while standing on the table." **Christen Varley** of Ohio shared: "My daughter and I planned to finally rescue our badminton net from my brother's garage where it has been for 5 years. He has informed me he got rid of it a couple years ago. So Independence Day is ruined....I still have the rackets and shuttlecocks!" And **Tony and Mary Beth Mediavilla** of Florida said: "My wife and I will spend Fourth of July the same as any other Wednesday—as volunteers at our local Sarasota Medical Hospital!"

Question for tomorrow's 10-Point: Going back to **our story**

above, are you finding it easier to job-hop? Why or why not? Email us your comments, which we may edit before publication, to 10point@wsj.com, and make sure to include your name and location.

The 10-Point was the name given to the news column that runs on the front page of The Wall Street Journal.

Today's 10-Point was compiled and edited by Jessica Menton (@JessicaMenton; jessica.menton@wsj.com) in New York.

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Highlights

Leading the News

CDC Finds Fluorochemicals May Pose Risk at Levels Lower than EPA

By *Pat Rizzuto*

Exposure to two fluorochemicals increasingly detected in drinking water across the U.S. may pose health risks at exposure levels lower than those recommended by the EPA, according to information the Centers for Disease Control and Prevention released.

Trump's Superfund Nominee Makes Climate Pledge

By *Sylvia Carignan*

Plans to clean up some of the most contaminated sites in the U.S. will be more sensitive to severe weather risks and the effects of climate change, the White House's nominee to lead the EPA's Superfund cleanups promised senators June 20.

Pruitt's Ethics Allegations Dog Nominees for EPA Posts at Hearing

By *Sylvia Carignan*

Members of a Senate panel pressed two nominees for EPA posts, including Superfund program chief, for assurances they wouldn't fall prey to unethical behavior.

Puerto Rican Grid Upgrades, Response Plan Urged by Energy Agency

By *Rebecca Kern*

An Energy Department report recommends updating the agency's response plans for future electricity-grid emergencies and replacing transmission towers with updated equipment as ways to make Puerto Rico's grid more resilient.

Today's News

Taxpayer Groups Warm to Coolant Deal, Splitting Conservatives (Corrected)

By *Abby Smith*

A global deal to limit climate-warming coolants has its newest backers: a team of conservative taxpayer advocacy groups.

Low-Income Residents Forgotten in Climate Resilience Plans: Study

By *Ayanna Alexander*

Growing threats from climate change are putting city dwellers—particularly in low-income areas—at a higher risk of being affected.

Exxon Still Isn't Complying With Climate Subpoenas, N.Y. Says

By *Erik Larson*

Exxon Mobil Corp. is refusing to turn over documents crucial to New York's investigation into whether the oil giant's public statements about climate change misled investors, the state's top lawyer said.

Senate GOP Ally of Pruitt's Says Concerns Allayed After Meeting (1)

By *Ari Natter*

EPA Administrator Scott Pruitt's longtime friend and political ally on Capitol Hill is walking back his criticism of the embattled agency leader after the two met June 19 evening.

EPA Is Said to Propose Redistributing Waived Biofuel Quotas

By Mario Parker

The EPA is set to propose reallocating waived biofuel requirements from exempted refineries as part of a slate of renewable fuel quotas, according to a person briefed on the plans who asked not to be named before a formal announcement.

Syngenta Eyes 'A World With Less Pesticides'

By *Stephen Gardner*

Pesticide giant Syngenta AG has a vision to improve the efficiency of farming to a degree that some agricultural land can be handed back to nature, a company official told Bloomberg Environment.

Puerto Rico Signs Law to Overhaul Storm-Battered Energy Utility

By Yalixa Rivera

Puerto Rico Gov. Ricardo Rossello signed into law June 20 a bill that clears the way for the partial privatization of the island's bankrupt electric company, which has been plagued by aging infrastructure and mismanagement that left millions in the dark after Hurricane Maria.

TransCanada Keystone XL May Be One Oil Pipeline Too Many

By *Robert Tuttle*

TransCanada Corp.'s Keystone XL may be one pipeline too many for Canada, at least for now.

Solar Prices Nosedive After China Pullback Floods Global Market

By *Christopher Martin*

Solar panels were already getting cheaper this year, and then China pulled the plug this month on about 20 gigawatts of domestic installations. The result was a glut of global inventories, and now prices are plunging even faster.

OPEC Told by Climate Czar to Pivot from Oil or Prepare to Suffer

By *Jonathan Tirone*

The world's biggest crude exporters need to support the transition away from oil or prepare for growing climate-induced destabilization that could wreck their markets, the United Nation's top environment official said.

Protectionism to Incentivize Countries to Adopt Carbon Pricing

By Mathew Carr

Protectionist politics is increasing the likelihood that more nations will adopt carbon pricing to help safeguard their industry from regions with limited climate policies, according to Equinor ASA's chief economist.

Oil and Gas Environmental Analysis Trimmed in Bill Panel OKs

By *Alan Kovski*

Federal obligations for environmental impact analyses in oil and gas fields would be reduced in some circumstances by a bill approved by the House Natural Resources Committee, the occasion for another round of argument over the National Environmental Policy Act.

Occidental Gets a $350 Million Edge as Permian Pipelines Fill Up

By *Ryan Collins* and *Kevin Crowley*

As many of its rivals struggle to move oil from the Permian Basin to the Gulf Coast in search of higher prices, Occidental Petroleum Corp. is sitting pretty at a time when pipeline space is at a premium.

Carmakers Seen Wasting Billions on Electric, Autonomous Cars

By David Welch

Automakers are in a pickle. If they don't invest in electric cars and self-driving technology, investors shun them. If they do, they risk burning billions of dollars on cars that won't make money, according to a new study from consulting firm AlixPartners.

Petrobras Recovery Clouded by Candidates Attacking Fuel Prices

By *Vinicius Andrade* and *Sabrina Valle*

The political backlash to rising fuel prices in Brazil has wiped out nearly half of Petrobras' market value and delivered investors a harsh reminder of the perils facing government-controlled oil companies in an election year.

EPA: No Decision Yet on Tar Creek Audit Suit

By *Peter Hayes*

The EPA hasn't decided whether to release information about Administrator Scott Pruitt's refusal to make the results of audits finding potentially criminal conduct in the operation of a hazardous waste fund public.

Daimler Faces German Shareholder Suit Over Diesel Emissions

By *Stephanie Bodoni*

Daimler AG was sued by a shareholder over whether the carmaker misled investors about the severity of the diesel emissions scandal that has enveloped most of the German auto industry.

Copperbelt Energy of Zambia Eyes $250 Million Power Investment

By *Kamlesh Bhuckory*

Copperbelt Energy Corp.—the Zambian electricity supplier with customers including Glencore Plc's copper mines—may invest as much as $250 million in solar projects and transmission lines in the neighboring Democratic Republic of Congo, Chief Executive Officer Owen Silavwe said.

Anglo American Gets Authorization to Prospect for Copper in Amazon

By *Michael Kepp*

Anglo American PLC received authorization to prospect for copper in two

Amazon states in northern Brazil along rivers that flow through nearby Indian lands.

Icahn Expected to Speed Push for Sandridge Sale After Board Win

By *Scott Deveau* and *Alex Nussbaum*

Carl Icahn's takeover of SandRidge Energy Inc.'s board means the shale gas explorer's days are likely numbered.

Mobile Phone Apps Emerge as Latest Threat to Electric Utilities

By *Rachel Morison*

Utilities need to be more like technology companies to survive.

Engie Gets $139 Million Tax Bill as EU Bans Luxembourg Pact

By *Stephanie Bodoni*

French energy utility Engie SA faces a 120 million-euro ($139 million) tax bill after the European Union said it benefited from an unfair fiscal arrangement with Luxembourg.

Shale Giant Says Permian Oil Faces Shut Ins on Pipe Shortage

By *Javier Blas*

The biggest U.S. shale region will have to shut wells within four months because there aren't enough pipelines to get the oil to customers, the head of one of the industry's largest producers said.

Tuesday Night Wrapup

Nova Chemicals Makes Plea to Reduce Patent Charge Lost to Dow

By *James Munson*

A global petrochemical company owned by the emirate of Abu Dhabi made a pitch to reduce a C$645 million ($485.5 million) patent charge by more than half in a Canadian court.

Exelon, First Solar Bankroll Campaign to Push a U.S. Carbon Tax

By Jennifer A. Dlouhy

Major energy companies, including the largest U.S. nuclear power generator, are putting millions of dollars into a new political campaign to push for a tax on carbon dioxide emissions—a measure President Donald Trump has said he opposes.

Natural Gas Export Boom Brings Challenges for Top Energy Regulator

By *Stephen Cunningham*

The top U.S. energy regulator is hiring private contractors for the first time to help clear a growing backlog of LNG export applications.

EPA Stands Pat on Chemical Spill Regulations, Despite Suit

By *David Schultz*

The status quo will likely remain for companies that store chemicals in above-ground tanks.

Japan's New Ivory Trade Rules Lack Adequate Teeth, Critics Say (Corrected)

By Brian Yap

Japanese businesses that sell ivory products, such as print-stamp seals used in contract work, will have stricter registration requirements and other obligations under new regulations, but loopholes weaken the revised ivory trade rule, critics say.

House GOP Budget Plan Calls for More Strategic Oil Reserve Sales

By *Ari Natter*

House Republicans are calling for an additional sale of 100 million barrels of oil from the Strategic Petroleum Reserve.

One Amendment Could Help a Vulnerable Republican's Re-election

By *Katherine Scott*

A House Republican facing a tough re-election contest has a lot on the line as Senate leaders consider when to schedule a vote on a bill that would order the Army Corps of Engineers to expedite $78 million worth of work in one Iowa district.

EPA Sued For Permitting More Air Pollution Near National Parks

By *Amena H. Saiyid*

The EPA is facing a lawsuit for allowing factories and power plants that are expanding or constructing new facilities near national parks and wilderness areas to emit more pollution.

White House Weighs Long-Sought Environmental Review Changes

By *Alan Kovski*

The White House Council on Environmental Quality is ready to consider fundamental revisions to the implementing regulations of the National Environmental Policy Act, a law that has been the centerpiece of countless legal fights.

GOP Chairman Bows to Pressure, Will Hold Hearing on EPA's Pruitt (1)

By *Dean Scott*

The chairman of the Senate environment panel bowed to pressure from Democratic and Republican critics alike June 19, agreeing to hold a hearing in August on embattled EPA head Scott Pruitt.

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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Morning Score
Sent: Mon 6/18/2018 2:12:27 PM
Subject: POLITICO's Morning Score, presented by AARP: Trump takes center stage in North Dakota Senate race — U.S. Chamber boosts Donovan in NY-11 TV ad — Elsewhere on the whistlestop tour

By Zach Montellaro | 06/18/2018 10:00 AM EDT

With Daniel Strauss

THE WHITE HOUSE IS TRYING TO HEAL a wound opened up with Rep. Kevin Cramer (R-N.D.), one of the GOP's best hopes at picking off an endangered Democrat in the Senate.

Cramer tweeted that the president will host a campaign rally with him in Fargo on June 27. The announcement came on Friday, the same day Cramer visited the White House for a meeting between Secretary of Commerce Wilbur Ross and a group of North Dakota farmers.

The plans came after a week of unusual public sniping between the White House and a Senate nominee in a top target state. Cramer expressed frustration that the president is being too kind to his opponent, incumbent Sen. Heidi Heitkamp (D-N.D.), telling The Washington Post last week that because she's a woman the president might not "want to be that aggressive." He has also lashed out at White House legislative affairs director Marc Short (who, by the way, told colleagues he plans to leave the White House soon, via POLITICO's Nancy Cook).

But if Cramer is frustrated, he may have Heitkamp to blame more than Trump. The president did make an initial tweet endorsing Cramer, but Heitkamp has given the tweetstorm-friendly Trump relatively few targets compared to some of her fellow Senate Democrats. She has voted with the president more than 50 percent of the time, according to a tracker from FiveThirtyEight. This includes major votes in contested confirmation battles, like for Supreme Court Justice Neil Gorsuch and CIA Director Gina Haspel.

And until the attacks on Heitkamp ramp up (and we're sure they will at the rally — bets on nicknames, anyone?), North Dakota Democrats have been all too happy to rub it in Cramer's nose. Heitkamp's campaign released an ad touting her voting record last week. "I voted over half the time with President Trump," she said in the ad. "And that made a lot of people in Washington mad, but when I agree with him, I vote with him." The state Democratic Party has also sent out videos mocking Cramer while highlighting the president praising Heitkamp.

FIRST IN SCORE — U.S. Chamber boosts Donovan in NY-11 TV ad: The U.S. Chamber of Commerce is out with a TV ad supporting Rep. Dan Donovan in his GOP primary bid against former Rep. Michael Grimm. "Why did President Donald Trump endorse Dan Donovan? Because Dan Donovan is a true conservative," the TV ad's narrator says, flashing a picture of the pair. "He's the ally President Trump needs in Washington." **Watch the ad here.**

Good Monday morning. I'm Zach Montellaro, and I'm very excited to be your new, permanent host for Morning Score. Email me your tips, musings and introductions to zmontellaro@politico.com, and follow me on Twitter at @ZachMontellaro. Today I had help

from Daniel Strauss (dstrauss@politico.com; @DanielStrauss4).

You can email the rest of the great Campaign Pro team at sbland@politico.com, eschneider@politico.com,, mseverns@politico.com and jarkin@politico.com. Follow us on Twitter: @PoliticoScott, @ec_schneider, @MaggieSeverns and @JamesArkin.

Join POLITICO Playbook co-authors Anna Palmer and Jake Sherman and Playbook Florida author Marc Caputo for a special Playbook Elections event in the battleground state of Florida to discuss the 2018 midterm cycle and issues shaping the races. Part of the POLITICO-AARP Deciders series, this event will feature exclusive interviews with Debbie Mucarsel-Powell, David Richardson and Donna Shalala about their candidacies and campaign efforts to address the issues that matter most to voters. The event will take place Friday, June 29 at InterContinental Miami. Doors will open at 8 a.m. RSVP here.

Days until the 2018 election: 141.

Upcoming election dates — June 26: Colorado, Maryland, New York (congressional), Oklahoma and Utah primaries and Mississippi and South Carolina primary runoffs.

Upcoming filing deadlines — New Hampshire: June 15. — **Rhode Island:** June 27. — **Delaware:** July 10.

** **Presented by AARP:** There's only one true deciding factor in this year's elections: 50-plus voters. They won't be ignored and their votes are up for grabs. Medicare, Social Security, support for family caregivers, and prescription drug costs are all on the line—so you can be sure they'll be voting in record numbers.
aarp.org/vote **

ELSEWHERE ON THE WHISTLESTOP TOUR — The president will headline a fundraiser on behalf of Sen. Dean Heller (R-Nev.) on Saturday in Las Vegas, CNN's Rebecca Berg reports: "Tickets start at $15,000 per couple for a photo reception with the President, according to an invite obtained by CNN from a state Republican source, while donors of at least $50,000 can attend a "private roundtable" with the President. Trump is also slated to address the Nevada State Republican Convention, the source said."

— ClearPath Action Fund announced it is planning to spend $500,000 to support Heller. The support will include a new digital buy praising Heller as a "clean energy champion."

— The NRSC launched a new digital ad praising Heller's work with veterans. The buy backing it is five figures.

FROM THE BADGER STATE — Wisconsin Democrats are flush with cash and hoping to stage a comeback in the state this year to pave the way for 2020. POLITICO's David Siders reports from Oshkosh, Wisc.: "[T]wo years after [Trump's] stunning victory in the state, shell-shocked Democrats are beginning to pick up the pieces, pouring money and resources into the state in a test run for a rematch with Trump in 2020. Interviews with nearly two dozen local

party officials, candidates and operatives here describe an ongoing effort marked by unprecedented organizing and millions of dollars from out-of-state donors — a reflection of the party's urgency in reshaping the 2020 landscape in the upper Midwest, a Democratic bulwark that Trump toppled in 2016. ...

"Already, more than $7 million has been committed this year toward efforts to reclaim Wisconsin. In recent months, billionaire Democrat Tom Steyer's NextGen America has designated $2.5 million to register and turn out young voters. Eric Holder's National Democratic Redistricting Committee has spent $675,000 on the midterm elections so far. The Democratic Governors Association has reserved about $4 million in air time in preparation for a top-of-the-ticket brawl with Gov. Scott Walker in the fall."

EXPANDING THE BATTLEFIELD — The DCCC named 10 more candidates to its "Red to Blue" program, the top targets across the country. The program now has 53 candidates. **The new 10:** Josh Harder (CA-10), Katie Hill (CA-25), Katie Porter (CA-45), Mike Levin (CA-49), Cindy Axne (IA-03), Scott Wallace (PA-01), Susan Wild (PA-07), Abigail Spanberger (VA-07), Jennifer Wexton (VA-10) and Dan Kohl (WI-06). All but Kohl have already won their primaries, and he's running unopposed.

— **The Congressional Progressive Caucus PAC** also endorsed five more candidates: Hill, Gil Cisneros (CA-39), Porter, Deb Haaland (NM-01) and Madeleine Dean (PA-04).

COMING TO AN AD NEAR YOU — If you live in a Republican-held swing district, chances are you'll see an ad from your incumbent representative touting their leadership on the opioid crisis. POLITICO's Brianna Ehley and Jennifer Haberkorn : "House leadership will bring more than 70 such bills to the floor by the end of the month, many sponsored by the most vulnerable members of the GOP conference. The schedule allows lawmakers to show they're trying to combat a public health emergency that claims 115 lives per day and is a top concern of midterm voters. But it's a cumbersome, piecemeal approach involving hours of votes on narrow bills that Democrats complain don't go far enough and are being rushed through the legislative mill."

FUNDRAISING CIRCUIT — Donald Trump Jr. will headline a fundraiser in Montana for Republican Senate nominee Matt Rosendale, Campaign Pro's James Arkin reports: "The fundraiser is hosted by Rosendale, Montana's state auditor, along with Sen. Steve Daines and Rep. Greg Gianforte , according to the invitation. The event will benefit Rosendale's joint fundraising committee with the state Republican Party. Immediately following the June 22 fundraiser, Trump Jr. will give the keynote speech at the Montana Republican Party's platform convention dinner, where Rosendale, Daines and Gianforte will all be speaking." The invitation.

NEW INTERNAL IN MO-SEN — A fresh internal poll from Senate Majority PAC has Sen. Claire McCaskill (D-Mo.) leading Republican state Attorney General Josh Hawley 47 percent to 41 percent. The poll was conducted by Global Strategy Group. It was a live telephone poll of likely midterm voters and was in the field June 11-13. An April survey from SMP had her lead at 2 percent, while an internal from Hawley's camp at the end of April had him up one.

— **FIRST IN SCORE:** Missouri Rising Action is up with a new digital ad bashing McCaskill over her use of a private plane (which was reported last week) featuring late night host Seth Meyers cracking a joke at her expense. See the ad.

WORTH NOTING — The president will meet with House Republicans Tuesday evening to talk about where he stands on legislation that would protect DREAMers, POLITICO's Rachel Bade reports.

2020 ALREADY? — The DNC announced that it will hold its 2020 national convention July 13-16, ahead of that year's summer Olympics. The announcement from the committee notes the move will allow "the nominee more time to use general election funds and travel across the country." CNN's Dan Merica (who broke the news) notes that it comes about two weeks earlier in the calendar than the 2016 convention and that it will be the earliest held by either party in more than two decades. Campaign Pro's own Daniel Strauss reported that cities including Atlanta, Birmingham, Denver, Houston, Miami Beach, Milwaukee, New York and San Francisco are in the mix to host.

— **One of the Dems that could be on that stage?** New Jersey Sen. Cory Booker. CNN's Eric Bradner interviewed the junior senator from the Garden State (while they were riding the Acela) and Booker was fairly candid: "I'm not going to play coy. I'm sure after the midterm elections, I'll give it a look. ... But to me, my momentum, my energy, my focus is 2018 and making sure I get re-elected in 2020." He also reflected on the stain of a his political career — "of all the titles that I sincerely seek in my life, more than anything else is ... to be a husband, and a father. And I've made tremendous sacrifices" — and how his party can return from the political wilderness: "My party has got to focus on not being anti-Trump. It's not about what you're against in life. It's what you're for."

— **Plus, Cambridge Analytica is still kicking** in Trumpworld, and has begun doing early 2020 work. The AP's Jeff Horowitz reports that a new firm called Data Propria, which is run by ex-Cambridge staffers, has quietly been working on the president's reelection efforts. Matt Oczkowski, the Cambridge exec who is leading the new company, "denied a link to the Trump campaign, but acknowledged that his new firm has agreed to do 2018 campaign work for the Republican National Committee. ...

"The AP learned of Data Propria's role in Trump's re-election effort as a result of conversations held with political contacts and prospective clients in recent weeks by Oczkowski. In one such conversation, which took place in a public place and was overheard by two AP reporters, Oczkowski said he and Trump's 2020 campaign manager, Brad Parscale, were 'doing the president's work for 2020.'" Oczkowski told that AP that whatever was overheard about 2020 was speculative, but the AP reported that a source has confirmed that 2020 work has already begun.

STAFFING UP — Dayton press secretary joins Ellison campaign for MN attorney general: Sam Fettig, who has served as press secretary and senior communications adviser to Minnesota Gov. Mark Dayton, is joining Rep. Keith Ellison's campaign for attorney general as communications director.

CODA — QUOTE OF THE DAY: "It's sort of a weird experience. I wrote to one of my sons - I said the good part of a funeral is you get the eulogies," Rep. Mark Sanford (R-S.C.) on talking to his colleagues after losing his primary, to Rolling Stone.

** **Presented by AARP:** Americans 50 and over are the nation's most powerful voting bloc. In fact, more than 60 million of them voted in 2016—and this year, they're more motivated than ever to making sure that their voices are heard in Washington.
They're frustrated with broken government. And they're fed up with politicians who'd rather get into fights than get results. The issues they care about most including Medicare, Social Security, support for family caregivers and prescription drug costs, are all on the line. America's 50-plus voters have put the candidates on notice. Anyone who ignores them will feel it on Election Day. aarp.org/vote **

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Sent: Mon 6/18/2018 2:12:19 PM
Subject: POLITICO's Morning Score, presented by AARP: Trump takes center stage in North Dakota Senate race — U.S. Chamber boosts Donovan in NY-11 TV ad — Elsewhere on the whistlestop tour

By Zach Montellaro | 06/18/2018 10:00 AM EDT

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The plans came after a week of unusual public sniping between the White House and a Senate nominee in a top target state. Cramer expressed frustration that the president is being too kind to his opponent, incumbent Sen. Heidi Heitkamp (D-N.D.), telling The Washington Post last week that because she's a woman the president might not "want to be that aggressive." He has also lashed out at White House legislative affairs director Marc Short (who, by the way, told colleagues he plans to leave the White House soon, via POLITICO's Nancy Cook).

But if Cramer is frustrated, he may have Heitkamp to blame more than Trump. The president did make an initial tweet endorsing Cramer, but Heitkamp has given the tweetstorm-friendly Trump relatively few targets compared to some of her fellow Senate Democrats. She has voted with the president more than 50 percent of the time, according to a tracker from FiveThirtyEight. This includes major votes in contested confirmation battles, like for Supreme Court Justice Neil Gorsuch and CIA Director Gina Haspel.

And until the attacks on Heitkamp ramp up (and we're sure they will at the rally — bets on nicknames, anyone?), North Dakota Democrats have been all too happy to rub it in Cramer's nose. Heitkamp's campaign released an ad touting her voting record last week. "I voted over half the time with President Trump," she said in the ad. "And that made a lot of people in Washington mad, but when I agree with him, I vote with him." The state Democratic Party has also sent out videos mocking Cramer while highlighting the president praising Heitkamp.

FIRST IN SCORE — U.S. Chamber boosts Donovan in NY-11 TV ad: The U.S. Chamber of Commerce is out with a TV ad supporting Rep. Dan Donovan in his GOP primary bid against former Rep. Michael Grimm. "Why did President Donald Trump endorse Dan Donovan? Because Dan Donovan is a true conservative," the TV ad's narrator says, flashing a picture of the pair. "He's the ally President Trump needs in Washington." **Watch the ad here.**

Good Monday morning. I'm Zach Montellaro, and I'm very excited to be your new, permanent host for Morning Score. Email me your tips, musings and introductions to zmontellaro@politico.com, and follow me on Twitter at @ZachMontellaro. Today I had help

from Daniel Strauss (dstrauss@politico.com; @DanielStrauss4).

You can email the rest of the great Campaign Pro team at sbland@politico.com, eschneider@politico.com,, mseverns@politico.com and jarkin@politico.com. Follow us on Twitter: @PoliticoScott, @ec_schneider, @MaggieSeverns and @JamesArkin.

Join POLITICO Playbook co-authors Anna Palmer and Jake Sherman and Playbook Florida author Marc Caputo for a special Playbook Elections event in the battleground state of Florida to discuss the 2018 midterm cycle and issues shaping the races. Part of the POLITICO-AARP Deciders series, this event will feature exclusive interviews with Debbie Mucarsel-Powell, David Richardson and Donna Shalala about their candidacies and campaign efforts to address the issues that matter most to voters. The event will take place Friday, June 29 at InterContinental Miami. Doors will open at 8 a.m. RSVP here.

Days until the 2018 election: 141.

Upcoming election dates — June 26: Colorado, Maryland, New York (congressional), Oklahoma and Utah primaries and Mississippi and South Carolina primary runoffs.

Upcoming filing deadlines — New Hampshire: June 15. — **Rhode Island:** June 27. — **Delaware:** July 10.

** **Presented by AARP:** There's only one true deciding factor in this year's elections: 50-plus voters. They won't be ignored and their votes are up for grabs. Medicare, Social Security, support for family caregivers, and prescription drug costs are all on the line—so you can be sure they'll be voting in record numbers.
aarp.org/vote **

ELSEWHERE ON THE WHISTLESTOP TOUR — The president will headline a fundraiser on behalf of Sen. Dean Heller (R-Nev.) on Saturday in Las Vegas, CNN's Rebecca Berg reports: "Tickets start at $15,000 per couple for a photo reception with the President, according to an invite obtained by CNN from a state Republican source, while donors of at least $50,000 can attend a "private roundtable" with the President. Trump is also slated to address the Nevada State Republican Convention, the source said."

— ClearPath Action Fund announced it is planning to spend $500,000 to support Heller. The support will include a new digital buy praising Heller as a "clean energy champion."

— The NRSC launched a new digital ad praising Heller's work with veterans. The buy backing it is five figures.

FROM THE BADGER STATE — Wisconsin Democrats are flush with cash and hoping to stage a comeback in the state this year to pave the way for 2020. POLITICO's David Siders reports from Oshkosh, Wisc.: "[T]wo years after [Trump's] stunning victory in the state, shell-shocked Democrats are beginning to pick up the pieces, pouring money and resources into the state in a test run for a rematch with Trump in 2020. Interviews with nearly two dozen local

party officials, candidates and operatives here describe an ongoing effort marked by unprecedented organizing and millions of dollars from out-of-state donors — a reflection of the party's urgency in reshaping the 2020 landscape in the upper Midwest, a Democratic bulwark that Trump toppled in 2016. ...

"Already, more than $7 million has been committed this year toward efforts to reclaim Wisconsin. In recent months, billionaire Democrat Tom Steyer's NextGen America has designated $2.5 million to register and turn out young voters. Eric Holder's National Democratic Redistricting Committee has spent $675,000 on the midterm elections so far. The Democratic Governors Association has reserved about $4 million in air time in preparation for a top-of-the-ticket brawl with Gov. Scott Walker in the fall."

EXPANDING THE BATTLEFIELD — The DCCC named 10 more candidates to its "Red to Blue" program, the top targets across the country. The program now has 53 candidates. **The new 10:** Josh Harder (CA-10), Katie Hill (CA-25), Katie Porter (CA-45), Mike Levin (CA-49), Cindy Axne (IA-03), Scott Wallace (PA-01), Susan Wild (PA-07), Abigail Spanberger (VA-07), Jennifer Wexton (VA-10) and Dan Kohl (WI-06). All but Kohl have already won their primaries, and he's running unopposed.

— **The Congressional Progressive Caucus PAC** also endorsed five more candidates: Hill, Gil Cisneros (CA-39), Porter, Deb Haaland (NM-01) and Madeleine Dean (PA-04).

COMING TO AN AD NEAR YOU — If you live in a Republican-held swing district, chances are you'll see an ad from your incumbent representative touting their leadership on the opioid crisis. POLITICO's Brianna Ehley and Jennifer Haberkorn : "House leadership will bring more than 70 such bills to the floor by the end of the month, many sponsored by the most vulnerable members of the GOP conference. The schedule allows lawmakers to show they're trying to combat a public health emergency that claims 115 lives per day and is a top concern of midterm voters. But it's a cumbersome, piecemeal approach involving hours of votes on narrow bills that Democrats complain don't go far enough and are being rushed through the legislative mill."

FUNDRAISING CIRCUIT — Donald Trump Jr. will headline a fundraiser in Montana for Republican Senate nominee Matt Rosendale, Campaign Pro's James Arkin reports: "The fundraiser is hosted by Rosendale, Montana's state auditor, along with Sen. Steve Daines and Rep. Greg Gianforte , according to the invitation. The event will benefit Rosendale's joint fundraising committee with the state Republican Party. Immediately following the June 22 fundraiser, Trump Jr. will give the keynote speech at the Montana Republican Party's platform convention dinner, where Rosendale, Daines and Gianforte will all be speaking." The invitation.

NEW INTERNAL IN MO-SEN — A fresh internal poll from Senate Majority PAC has Sen. Claire McCaskill (D-Mo.) leading Republican state Attorney General Josh Hawley 47 percent to 41 percent. The poll was conducted by Global Strategy Group. It was a live telephone poll of likely midterm voters and was in the field June 11-13. An April survey from SMP had her lead at 2 percent, while an internal from Hawley's camp at the end of April had him up one.

— **FIRST IN SCORE:** Missouri Rising Action is up with a new digital ad bashing McCaskill over her use of a private plane (which was reported last week) featuring late night host Seth Meyers cracking a joke at her expense. See the ad.

WORTH NOTING — The president will meet with House Republicans Tuesday evening to talk about where he stands on legislation that would protect DREAMers, POLITICO's Rachel Bade reports.

2020 ALREADY? — The DNC announced that it will hold its 2020 national convention July 13-16, ahead of that year's summer Olympics. The announcement from the committee notes the move will allow "the nominee more time to use general election funds and travel across the country." CNN's Dan Merica (who broke the news) notes that it comes about two weeks earlier in the calendar than the 2016 convention and that it will be the earliest held by either party in more than two decades. Campaign Pro's own Daniel Strauss reported that cities including Atlanta, Birmingham, Denver, Houston, Miami Beach, Milwaukee, New York and San Francisco are in the mix to host.

— **One of the Dems that could be on that stage?** New Jersey Sen. Cory Booker. CNN's Eric Bradner interviewed the junior senator from the Garden State (while they were riding the Acela) and Booker was fairly candid: "I'm not going to play coy. I'm sure after the midterm elections, I'll give it a look. ... But to me, my momentum, my energy, my focus is 2018 and making sure I get re-elected in 2020." He also reflected on the stain of a his political career — "of all the titles that I sincerely seek in my life, more than anything else is ... to be a husband, and a father. And I've made tremendous sacrifices" — and how his party can return from the political wilderness: "My party has got to focus on not being anti-Trump. It's not about what you're against in life. It's what you're for."

— **Plus, Cambridge Analytica is still kicking** in Trumpworld, and has begun doing early 2020 work. The AP's Jeff Horowitz reports that a new firm called Data Propria, which is run by ex-Cambridge staffers, has quietly been working on the president's reelection efforts. Matt Oczkowski, the Cambridge exec who is leading the new company, "denied a link to the Trump campaign, but acknowledged that his new firm has agreed to do 2018 campaign work for the Republican National Committee. ...

"The AP learned of Data Propria's role in Trump's re-election effort as a result of conversations held with political contacts and prospective clients in recent weeks by Oczkowski. In one such conversation, which took place in a public place and was overheard by two AP reporters, Oczkowski said he and Trump's 2020 campaign manager, Brad Parscale, were 'doing the president's work for 2020.'" Oczkowski told that AP that whatever was overheard about 2020 was speculative, but the AP reported that a source has confirmed that 2020 work has already begun.

STAFFING UP — Dayton press secretary joins Ellison campaign for MN attorney general: Sam Fettig, who has served as press secretary and senior communications adviser to Minnesota Gov. Mark Dayton, is joining Rep. Keith Ellison's campaign for attorney general as communications director.

CODA — QUOTE OF THE DAY: "It's sort of a weird experience. I wrote to one of my sons - I said the good part of a funeral is you get the eulogies," Rep. Mark Sanford (R-S.C.) on talking to his colleagues after losing his primary, to Rolling Stone.

** **Presented by AARP:** Americans 50 and over are the nation's most powerful voting bloc. In fact, more than 60 million of them voted in 2016—and this year, they're more motivated than ever to making sure that their voices are heard in Washington.
They're frustrated with broken government. And they're fed up with politicians who'd rather get into fights than get results. The issues they care about most including Medicare, Social Security, support for family caregivers and prescription drug costs, are all on the line. America's 50-plus voters have put the candidates on notice. Anyone who ignores them will feel it on Election Day. aarp.org/vote **

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Highlights

Leading the News

Trump Pick for Environment Council Faces Easier Confirmation Path
By *Abby Smith*
Democratic senators and environmentalists agree that President Donald Trump's new pick to chair the White House environment shop is a step in a better—or at least more tolerable—direction.

EPA's Pruitt Got Rose Bowl Tickets. Democrats Want to Know How (1)
By Terrence Dopp (Bloomberg) and Jennifer A. Dlouhy (Bloomberg)
Environmental Protection Agency Administrator Scott Pruitt obtained tickets to the Rose Bowl with the help of a firm that does public affairs and communications work for energy companies—and a top congressional Democrat wants to know the details.

Trump Happy With Pruitt's Performance, But Not His Scandals (1)
By *Jennifer A. Dlouhy*
President Donald Trump says Scott Pruitt's done "a fantastic job" but that he's "not happy" about some of the EPA administrator's actions, amid numerous ethics probes that have cast doubt on Pruitt's continued tenure at the agency.

Stormy Sailing Expected When Marine Fuel Standard Changes

By *Alan Kovski*

A surge in demand is coming for diesel and related fuels as shipping companies close in on a deadline to reduce sulfur emissions.

Today's News

Trump Solar Tariffs Shine on After Court Challenge

By *Brian Flood*

A group of Canadian manufacturers lost their bid to temporarily escape the blanket "safeguard" tariffs the Trump administration imposed on imported solar power products.

Trump's Tariffs Are a 'Glancing Blow' for Wind Power, Batteries

By *Brian Eckhouse* and *Jim Efstathiou Jr.*

President Donald Trump's tariffs on $50 billion in Chinese imports include duties on components for wind turbines, nuclear reactors and batteries—but they are unlikely to cripple any of those industries.

Conservatives May Withhold Support in Farm Bill Revote

By *Teaganne Finn*

Conservative lawmakers remain non-committal a week before the deadline to revive the House farm bill after its May defeat over an unrelated immigration bill and tighter eligibility rules for federal food assistance.

U.S. 'Hashing Out' Details of Coal-Nuclear Rescue Plan: Perry

By *Alex Nussbaum* and *Jonathan Gilbert*

The Energy Department is still working on a proposed Trump administration plan to stem closures of U.S. coal and nuclear plants, Energy Secretary Rick Perry said from the Group of 20 summit in Bariloche, Argentina.

Sensient Colors Strikes Deal With EPA to Clean Up St. Louis Site (1)

By *Sylvia Carignan*

Sensient Colors LLC, a food and cosmetic dye company, is agreeing to clean up contamination and pay penalties for environmental violations stemming from its Missouri operations.

EPA Calls for Cleanups at 26 Sites Near Colorado's Gold King Mine

By *Tripp Baltz*

Cleanup actions costing nearly $10 million have been proposed by the EPA for 26 sites in the Colorado Superfund district where Gold King Mine—the source of a large wastewater release in 2015—is located.

Smelly Hog Farm Lawsuit Limits Unite Critics on Left, Right in N.C.

By *Andrew M. Ballard*

North Carolina lawmakers are looking to further restrict damage awards stemming from lawsuits against smelly hog farms.

Another Problem for Pruitt: Deadline in Tar Creek Audit Suit

By *Peter Hayes*

The EPA faces a June 19 deadline to tell a federal court if it will release information about Administrator Scott Pruitt's refusal to release the results of audits finding potentially criminal conduct in the operation of a hazardous waste fund.

New York Chemical Disclosure Rule Vexes Companies, May Fail Public

By *Pat Rizzuto*

New York state's regulation requiring cleaning product manufacturers to publicly disclose the chemicals in their products could fail to achieve its goals, said a senior director at Seventh Generation Inc.

Northeast Carbon Allowance Prices Up Slightly at Latest Auction

By *Gerald B. Silverman*

The cost for electric power companies to comply with the Northeast's carbon trading program rose by 6 percent in the latest auction of carbon allowances by the Regional Greenhouse Gas Initiative.

Shut Spigot at Foxconn's Flat Screen Plant Could Challenge Operation

By *Stephen Joyce*

Foxconn's proposed $10 billion manufacturing facility in southern Wisconsin could be in jeopardy after a state agency granted an environmental group's request for a hearing about a state-approved water permit.

Exxon Doubles Down on Oil

By Kevin Crowley

In the late 19th century, inventors including Thomas Edison created electric lighting that all but ended demand for kerosene, then the biggest product made from petroleum. Oil magnate John D. Rockefeller, the forefather of Exxon Mobil Corp., was unmoved, seeing any price dip as a chance to buy up competitors.

Ontario Premier-Elect to End Carbon Plan in Challenge to Trudeau

By Greg Quinn

Ontario's Progressive Conservatives will scrap the province's cap-and-trade program and pull out of the carbon-trading market with Quebec and California in

its first act of government.

Ontario Scraps Carbon-Reduction Plan as It Expands Elsewhere

By *Greg Quinn* and *Jim Efstathiou Jr.*

Ontario will scrap its cap-and-trade program and pull out of the carbon-trading market with Quebec and California, even as pollution pricing expands in other regions of the world.

Cambridge University Sees Need for Yield From Fossil-Fuel Assets

By Mathew Carr and Anna Hirtenstein

Cambridge University can't immediately divest from fossil-fuel assets held by the school's 3 billion-pound ($4 billion) endowment because it needs the yield to finance its academic program.

Sweden Seeking EU-wide Ban on Chemical Paraffins

By *Marcus Hoy*

A chemical commonly used in electrical cable insulation as a plasticizer and flame retardant would be banned across the European Union if regulators agree to a proposal by Sweden.

China's Silk Road to Back $3.9 Billion Solar Project, ACWA Says

By Anna Hirtenstein and Vinicy Chan

China's Silk Road Fund Co Ltd. is investing in the world's largest solar thermal plant that's under development in Dubai, an executive at the company promoting the project said.

Coping With Eskom's Cuts: South Africans Brace for Power Outages

By *Marcia Klein* (Bloomberg Environment), *Ntando Thukwana* (Bloomberg), and *Paul Burkhardt* (Bloomberg)

What happens when a country's largest utility can't pay its bills? That's what South Africans are finding out as state-owned utility, Eskom, struggles to keep power stations running while workers protesting over stagnant wages hamper block access to its facilities.

Eskom Says Implementation of Stage 1 Power Cuts Lifted

By Hilton Shone

South Africa's state-owned power utility has halted rolling power cuts announced June 15.

Wellington Pushes ESG 2.0 Focusing on Alpha More Than Altruism

By Charles Stein

About 30 analysts and portfolio managers at Wellington Management get together every couple of weeks to discuss climate change.

Thursday Night Wrapup

Daniel Simmons Tapped to Head Energy Department Renewables Office

By *Rebecca Kern*

Daniel Simmons, current acting head of the Energy Department's Energy

Efficiency and Renewable Energy Office, was tapped by the White House to become assistant secretary for solar and wind development.

Farmworkers Get Updated Pesticide Training With New EPA Guidance

By *Ayanna Alexander*

Farmworkers will get updated training on handling pesticides after the EPA June 14 released long-sought updates to the requirements.

EPA Adopting New Policies for Lead Paint After Whistleblower Case

By *Adam Allington*

The Environmental Protection Agency released new guidelines designed to help prevent exposing children and pregnant women to lead dust during repairs or renovations of older housing.

Climate Impacts Need to be Considered in Oil, Gas Lease: Court

By *Alan Kovski*

Federal agencies leasing properties for oil and gas drilling must analyze the foreseeable impacts of greenhouse gases—not only from the lease sites but from downstream activities such as automotive fuel combustion and from cumulative emissions of any sources, a court ruled.

Avangrid Confident on Approval of New England Hydropower Project (1)

By *Adrianne Appel*

Avangrid Inc. says it is confident it can overcome environmentalists' opposition and receive Massachusetts' approval early next year for a project that would deliver hydropower to Bay State residents for about 20 years.

Heavy-Duty Vehicle Rules in Canada Target Next Decade's Emissions

By *James Munson*

Buses, trucks, and vans will have to be sleeker, smarter, and more efficient to meet new carbon emissions rules in Canada.

Canada Court Dismisses Ciba Appeal Over Mine Waste Patent

By *James Munson*

Canada's top court decided not to hear a patent case involving two global wastewater treatment companies June 14, depriving one of the firms of its last chance to reinstate a patent used in mining.

Industry Voices Concern as Norway Adopts EU Ship Recycling Rule

By *Marcus Hoy*

The Norwegian shipping industry objected to some elements of the European Union's approach to ship recycling after the government announced it will adopt the EU Ship Recycling Regulation.

Blowback Over Japanese Plan to Reuse Tainted Soil From Fukushima

By *Brian Yap*

Japan's plan to reuse soil contaminated with radiation from the Fukushima-

Daiichi nuclear power plant accident for agriculture is sparking something of its own nuclear reaction.

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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Morning Score
Sent: Thur 6/14/2018 2:07:17 PM
Subject: POLITICO's Morning Score: Anti-Trump candidates retreat — NDRC affiliate supports challenges in three districts — Senate GOP shuns Stewart

By Daniel Strauss | 06/14/2018 10:00 AM EDT

With Zach Montellaro

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races — and for a more comprehensive aggregation of the day's most important campaign news — sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

LAST STAND — "This is the new Republican Party" by POLITICO's Edward-Isaac Dovere: "Put a blond combover on the elephant. Take down the pictures of Abraham Lincoln and Ronald Reagan. It's over. It's Donald Trump's GOP. The anti-Trump candidates are fleeing, and the ones who stick around are getting trampled.

"The chill has gone out among whoever's left: there's no more speaking up, and if there is, it's just for the sake of a speech, a protest quote that quickly disappears. They chalk it up to party loyalty, or staying unified for the midterms. They say they still believe in the principles, but they don't tend to do more than say the words. Then, when the microphones are off, they confide. They complain. They nurse fantasies that there's a reckoning coming, that maybe this will all end with the Republican Party nominating someone like Eisenhower. Or at least like Paul Ryan.

"And each time they watch another of their own go down, they wince, try to move on. Don't look back. Try to forget. 'This business is a lot like being a professional fighter: Over the course of it, you get a lot of shots to the head, and sooner or later, you're knocked out,' said Rep. Tom Cole (R-Okla.), mourning fellow Rep. Mark Sanford's loss in Tuesday's primary." **Full story.**

THE CAVALRY — "Cole: GOP members 'racing' to help Roby in primary" by Campaign Pro's Scott Bland and Jennifer Scholtes: "Rep. Tom Cole (R-Okla.) said in an interview that House Republicans are marshaling behind Rep. Martha Roby (R-Ala.) ahead of her primary runoff against ex-Rep. Bobby Bright, the Democrat-turned-Republican Roby defeated in 2010. 'It was announced today at the Republican political conference ... that a fundraiser was being done for her, members are being encouraged to participate, and so a lot of members are racing to her defense,' Cole said, noting that he had donated to Roby. 'If you know Martha Roby, you like Martha Roby.'" **Full story.**

NDRC GETS IN — "NDRC affiliate challenges House districts in 3 states" by Campaign Pro's Maggie Severns: "The National Redistricting Foundation, a 501(c)(3) group affiliated with the National Democratic Redistricting Committee, is supporting challenges to congressional maps in Alabama, Georgia and Louisiana, seeking to create additional majority-minority congressional districts for African-American voters in each state. The suits, filed by groups of citizens in each state, challenge redistricting bills that passed in each state in 2011. They allege

the laws violate Section 2 of the Voting Rights Act. ... Read the complaints for Alabama, Georgia and Louisiana." **Full story.**

MCCONNELL GROUPS ACTIVATED — "McConnell-aligned groups launching ads in three states" by Campaign Pro's James Arkin: "Republican outside groups allied with Majority Leader Mitch McConnell are launching new ads in three top Senate races, according to Advertising Analytics. One Nation, a nonprofit organization, is airing ads in Missouri and Arizona starting Thursday, while Senate Leadership Fund, an affiliated super PAC, is launching its first ad of the cycle in Indiana.

"In Arizona, One Nation is putting at least $505,000 behind ads, according to data from Advertising Analytics. It is the first spending there this cycle from a group allied with Senate GOP leadership. The advertising will address border security, according to contracts filed with local TV stations, though it's not clear which candidate it will be about. ... In Missouri, One Nation has previously spent $1.4 million on an ad praising Republican Attorney General Josh Hawley but has booked new ad reservations starting Thursday that take the group's total spending over $2 million, per Advertising Analytics." **Full story.**

PERSONNEL NEWS — Morning Score is getting a new author: Zach Montellaro, who has been on the POLITICO Playbook team for over a year, is taking over your favorite morning newsletter next week! Send him tips and ideas — or just commiserate about the struggling New York Mets — at zmontellaro@politico.com. And you can follow him on Twitter at @zachmontellaro.

Days until the 2018 election: 145

Upcoming election dates — June 26: Colorado, Maryland, New York (congressional), Oklahoma and Utah primaries and Mississippi and South Carolina primary runoffs.

Upcoming filing deadlines — New Hampshire: June 15. — **Rhode Island:** June 27. — **Delaware:** July 10.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, dstrauss@politico.com, mseverns@politico.com and jarkin@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @danielstrauss4, @maggieseverns and @jamesarkin.

FIRST IN SCORE — EMILY's List backs Bush in CO-03: EMILY's List announced Thursday that it's endorsing state Rep. Diane Mitsch Bush in her primary bid to take on GOP Rep. Scott Tipton, per a statement from the group.

NEW THIS MORNING — WEB WARS — CLF attacks Pelosi in new digital ad: The Congressional Leadership Fund released a new digital ad attacking Nancy Pelosi as "Negative Nancy," using her comments about the economy. "Hip hip hurray, unemployment is down," the

clip says. **Watch the ad here.**

NO LOVE LOST — "Senate GOP shuns Stewart in Virginia" by POLITICO's Burgess Everett: "President Donald Trump may be excited about Corey Stewart's primary win in the Virginia Senate race, but Senate Republicans certainly aren't. The Senate GOP's campaign arm hasn't endorsed Stewart, who has made defending Confederate monuments a central plank of his political career. And its chairman said that the committee has 'no plans' to spend any money on Stewart in his race against Democratic Sen. Tim Kaine (D-Va.).

"'At the senatorial committee we're focusing on Missouri, Indiana, North Dakota, Montana, West Virginia and Florida. There are great races around the country. [Virginia] is not the map,' said National Republican Senatorial Committee Chairman Cory Gardner (R-Colo.). 'We have a big map this year, and what I've laid out in races that I've talked about, Virginia's not on it.' Other Republicans expressed ignorance of Stewart. 'No idea who he is. Not at all,' added Sen. Tim Scott (R-S.C.).

"The feeling is mutual. Stewart held a press conference outside the NRSC in May to rail against party leaders for not supporting his campaign." **Full story.**

BIG SPENDING — "RAGA reserves $4.7M of TV time in three battleground states" by Campaign Pro's Daniel Strauss: "The Republican Attorneys General Association is reserving $4.7 million in TV advertising time in a trio of battleground states for the general election. RAGA, the umbrella organization for Republican attorneys general, is reserving advertising in Arizona, Nevada and Ohio. The organization is investing $1.4 million each in Ohio and Nevada each and $1.9 million in Arizona. They are the group's first fall TV reservations of 2018. ...

"The $1.9 million in Arizona is meant to boost Attorney General Mark Brnovich. In Ohio, RAGA is spending in support of state Auditor Dave Yost, the attorney general nominee there. And in Nevada, the group is spending to boost Wes Duncan, who won the GOP nomination on Tuesday and will compete against Democratic state Sen. Aaron Ford." **Full story.**

POLL NUMBERS — "Ohio Quinnipiac poll: Brown comfortably ahead, Cordray locked in tight race with DeWine" by Daniel and James: "A new Quinnipiac University poll of Ohio found Democratic Sen. Sherrod Brown with a comfortable lead for reelection but former Consumer Financial Protection Bureau Director Richard Cordray and Ohio Attorney General Mike DeWine locked in a much tighter race. Brown leads Rep. Jim Renacci 51 percent to 34 percent in the Senate race, according to the poll, including a sizable 21-point advantage among independent voters. ...

"Cordray, the Democratic nominee, had 42 percent to DeWine's 40 percent in the governor's race. Thirty-two percent of those surveyed said they had a favorable opinion of Cordray while 15 percent said they had an unfavorable opinion. Another 51 percent said they hadn't heard enough about him. Meanwhile, 39 percent said they had a favorable opinion of DeWine while 31 percent said they had an unfavorable view of him. Another 27 percent said they hadn't heard of the Ohio attorney general and Republican nominee for governor." **Full story.**

— "Cuomo ahead of Nixon by 35 points in latest Siena poll" by Politico New York's Bill Mahoney: "Gov. Andrew Cuomo is much more popular among New York Democrats than his celebrated primary challenger Cynthia Nixon, according to a Siena College Research Institute poll released Wednesday. Cuomo led Nixon 61-26 overall in the poll, and he came out on top in each of the 23 demographic categories broken out in the poll." **Full story.**

FIRST IN SCORE: ON THE AIRWAVES — Senate Majority PAC is launching a new ad in Montana attacking state Auditor Matt Rosendale: The 30-second ad goes after Rosendale for his Maryland roots and attempts to paint him as a carpetbagger. "Matt Rosendale likes to dress up as a Montanan, but he's really an East Coast millionaire developer," a narrator says. SMP is spending $600,000 on the ad. Watch it here.

— Rep. Jacky Rosen releases Spanish-language ad ahead of World Cup: The new 30-second Spanish-language TV ad will run on Telemundo in Las Vegas starting Thursday, the first day of the 2018 FIFA World Cup. "This is our moment of pride, when our teams leave everything on the field," a narrator says, speaking in Spanish. "And here in Nevada, we will do the same. Jacky Rosen is the Democratic Congresswoman who is not afraid to stand up to Trump. Fighting for a path for Dreamers toward a secure future. And against Trump's dirty game of separating mothers from their children." Watch the ad here.

CODA — QUOTE OF THE DAY: "It's becoming a cultish thing, isn't it?" — Sen. Bob Corker on the Republican Party's loyalty to President Donald Trump, according to The Washington Post.

To view online:
https://www.politico.com/newsletters/morning-score/2018/06/14/anti-trump-candidates-retreat-250774

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Sent: Thur 6/14/2018 2:07:17 PM
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By Daniel Strauss | 06/14/2018 10:00 AM EDT

With Zach Montellaro

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LAST STAND — "This is the new Republican Party" by POLITICO's Edward-Isaac Dovere: "Put a blond combover on the elephant. Take down the pictures of Abraham Lincoln and Ronald Reagan. It's over. It's Donald Trump's GOP. The anti-Trump candidates are fleeing, and the ones who stick around are getting trampled.

"The chill has gone out among whoever's left: there's no more speaking up, and if there is, it's just for the sake of a speech, a protest quote that quickly disappears. They chalk it up to party loyalty, or staying unified for the midterms. They say they still believe in the principles, but they don't tend to do more than say the words. Then, when the microphones are off, they confide. They complain. They nurse fantasies that there's a reckoning coming, that maybe this will all end with the Republican Party nominating someone like Eisenhower. Or at least like Paul Ryan.

"And each time they watch another of their own go down, they wince, try to move on. Don't look back. Try to forget. 'This business is a lot like being a professional fighter: Over the course of it, you get a lot of shots to the head, and sooner or later, you're knocked out,' said Rep. Tom Cole (R-Okla.), mourning fellow Rep. Mark Sanford's loss in Tuesday's primary." **Full story.**

THE CAVALRY — "Cole: GOP members 'racing' to help Roby in primary" by Campaign Pro's Scott Bland and Jennifer Scholtes: "Rep. Tom Cole (R-Okla.) said in an interview that House Republicans are marshaling behind Rep. Martha Roby (R-Ala.) ahead of her primary runoff against ex-Rep. Bobby Bright, the Democrat-turned-Republican Roby defeated in 2010. 'It was announced today at the Republican political conference ... that a fundraiser was being done for her, members are being encouraged to participate, and so a lot of members are racing to her defense,' Cole said, noting that he had donated to Roby. 'If you know Martha Roby, you like Martha Roby.'" **Full story.**

NDRC GETS IN — "NDRC affiliate challenges House districts in 3 states" by Campaign Pro's Maggie Severns: "The National Redistricting Foundation, a 501(c)(3) group affiliated with the National Democratic Redistricting Committee, is supporting challenges to congressional maps in Alabama, Georgia and Louisiana, seeking to create additional majority-minority congressional districts for African-American voters in each state. The suits, filed by groups of citizens in each state, challenge redistricting bills that passed in each state in 2011. They allege

the laws violate Section 2 of the Voting Rights Act. ... Read the complaints for Alabama, Georgia and Louisiana." **Full story.**

MCCONNELL GROUPS ACTIVATED — "McConnell-aligned groups launching ads in three states" by Campaign Pro's James Arkin: "Republican outside groups allied with Majority Leader Mitch McConnell are launching new ads in three top Senate races, according to Advertising Analytics. One Nation, a nonprofit organization, is airing ads in Missouri and Arizona starting Thursday, while Senate Leadership Fund, an affiliated super PAC, is launching its first ad of the cycle in Indiana.

"In Arizona, One Nation is putting at least $505,000 behind ads, according to data from Advertising Analytics. It is the first spending there this cycle from a group allied with Senate GOP leadership. The advertising will address border security, according to contracts filed with local TV stations, though it's not clear which candidate it will be about. ... In Missouri, One Nation has previously spent $1.4 million on an ad praising Republican Attorney General Josh Hawley but has booked new ad reservations starting Thursday that take the group's total spending over $2 million, per Advertising Analytics." **Full story.**

PERSONNEL NEWS — Morning Score is getting a new author: Zach Montellaro, who has been on the POLITICO Playbook team for over a year, is taking over your favorite morning newsletter next week! Send him tips and ideas — or just commiserate about the struggling New York Mets — at zmontellaro@politico.com. And you can follow him on Twitter at @zachmontellaro.

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Upcoming filing deadlines — New Hampshire: June 15. — **Rhode Island:** June 27. — **Delaware:** July 10.

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FIRST IN SCORE — EMILY's List backs Bush in CO-03: EMILY's List announced Thursday that it's endorsing state Rep. Diane Mitsch Bush in her primary bid to take on GOP Rep. Scott Tipton, per a statement from the group.

NEW THIS MORNING — WEB WARS — CLF attacks Pelosi in new digital ad: The Congressional Leadership Fund released a new digital ad attacking Nancy Pelosi as "Negative Nancy," using her comments about the economy. "Hip hip hurray, unemployment is down," the

clip says. **Watch the ad here.**

NO LOVE LOST — "Senate GOP shuns Stewart in Virginia" by POLITICO's Burgess Everett: "President Donald Trump may be excited about Corey Stewart's primary win in the Virginia Senate race, but Senate Republicans certainly aren't. The Senate GOP's campaign arm hasn't endorsed Stewart, who has made defending Confederate monuments a central plank of his political career. And its chairman said that the committee has 'no plans' to spend any money on Stewart in his race against Democratic Sen. Tim Kaine (D-Va.).

"'At the senatorial committee we're focusing on Missouri, Indiana, North Dakota, Montana, West Virginia and Florida. There are great races around the country. [Virginia] is not the map,' said National Republican Senatorial Committee Chairman Cory Gardner (R-Colo.). 'We have a big map this year, and what I've laid out in races that I've talked about, Virginia's not on it.' Other Republicans expressed ignorance of Stewart. 'No idea who he is. Not at all,' added Sen. Tim Scott (R-S.C.).

"The feeling is mutual. Stewart held a press conference outside the NRSC in May to rail against party leaders for not supporting his campaign." **Full story.**

BIG SPENDING — "RAGA reserves $4.7M of TV time in three battleground states" by Campaign Pro's Daniel Strauss: "The Republican Attorneys General Association is reserving $4.7 million in TV advertising time in a trio of battleground states for the general election. RAGA, the umbrella organization for Republican attorneys general, is reserving advertising in Arizona, Nevada and Ohio. The organization is investing $1.4 million each in Ohio and Nevada each and $1.9 million in Arizona. They are the group's first fall TV reservations of 2018. ...

"The $1.9 million in Arizona is meant to boost Attorney General Mark Brnovich. In Ohio, RAGA is spending in support of state Auditor Dave Yost, the attorney general nominee there. And in Nevada, the group is spending to boost Wes Duncan, who won the GOP nomination on Tuesday and will compete against Democratic state Sen. Aaron Ford." **Full story.**

POLL NUMBERS — "Ohio Quinnipiac poll: Brown comfortably ahead, Cordray locked in tight race with DeWine" by Daniel and James: "A new Quinnipiac University poll of Ohio found Democratic Sen. Sherrod Brown with a comfortable lead for reelection but former Consumer Financial Protection Bureau Director Richard Cordray and Ohio Attorney General Mike DeWine locked in a much tighter race. Brown leads Rep. Jim Renacci 51 percent to 34 percent in the Senate race, according to the poll, including a sizable 21-point advantage among independent voters. ...

"Cordray, the Democratic nominee, had 42 percent to DeWine's 40 percent in the governor's race. Thirty-two percent of those surveyed said they had a favorable opinion of Cordray while 15 percent said they had an unfavorable opinion. Another 51 percent said they hadn't heard enough about him. Meanwhile, 39 percent said they had a favorable opinion of DeWine while 31 percent said they had an unfavorable view of him. Another 27 percent said they hadn't heard of the Ohio attorney general and Republican nominee for governor." **Full story.**

— "Cuomo ahead of Nixon by 35 points in latest Siena poll" by Politico New York's Bill Mahoney: "Gov. Andrew Cuomo is much more popular among New York Democrats than his celebrated primary challenger Cynthia Nixon, according to a Siena College Research Institute poll released Wednesday. Cuomo led Nixon 61-26 overall in the poll, and he came out on top in each of the 23 demographic categories broken out in the poll." **Full story.**

FIRST IN SCORE: ON THE AIRWAVES — Senate Majority PAC is launching a new ad in Montana attacking state Auditor Matt Rosendale: The 30-second ad goes after Rosendale for his Maryland roots and attempts to paint him as a carpetbagger. "Matt Rosendale likes to dress up as a Montanan, but he's really an East Coast millionaire developer," a narrator says. SMP is spending $600,000 on the ad. Watch it here.

— Rep. Jacky Rosen releases Spanish-language ad ahead of World Cup: The new 30-second Spanish-language TV ad will run on Telemundo in Las Vegas starting Thursday, the first day of the 2018 FIFA World Cup. "This is our moment of pride, when our teams leave everything on the field," a narrator says, speaking in Spanish. "And here in Nevada, we will do the same. Jacky Rosen is the Democratic Congresswoman who is not afraid to stand up to Trump. Fighting for a path for Dreamers toward a secure future. And against Trump's dirty game of separating mothers from their children." Watch the ad here.

CODA — QUOTE OF THE DAY: "It's becoming a cultish thing, isn't it?" — Sen. Bob Corker on the Republican Party's loyalty to President Donald Trump, according to The Washington Post.

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From: Morning Score
Sent: Fri 6/8/2018 2:06:29 PM
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Subject: Morning Energy: Dam fight tests states' infrastructure projects — Pruitt to speak today — Don't block the MOX

By Kelsey Tamborrino | 06/08/2018 05:42 AM EDT

With help from Anthony Adragna, Ben Lefebvre, Darius Dixon and Annie Snider

THE DAM THING: A brawl is brewing between Maryland's Republican governor, Larry Hogan, and Exelon Corp. over one of the country's largest privately owned dams, Pro's Annie Snider reports — and it could determine how assertive states can be when regulating major infrastructure projects.

Hogan's administration is trying to force the utility to pay up to $7 billion to reduce pollution flowing through its Conowingo dam, which is located just upstream of the Chesapeake Bay, as a condition of renewing its operating license for another 50 years. Exelon says it may shut down the dam rather than pay to fix a problem it did not cause. But first, it's heading to court.

The Supreme Court has given states broad leeway to set environmental requirements for infrastructure through authority granted by the Clean Water Act. And Maryland says it is stepping in because the Conowingo facility would raise pollution levels in violation of state water quality standards. But Exelon retorts the state's approach exceeds the boundaries of the federal water law, setting up a key test that will be closely watched around the country.

The ensuing fight is a perfect example of what critics say is some states using the water law to block projects they oppose for other reasons. "If there's a state who just doesn't like something, an application that's been made, they can stall it for the year and then they hold the applicant over a barrel by saying, 'We'll either deny it or you withdraw it,'" Sen. Jim Inhofe said during an infrastructure hearing last month. Read more here.

WE MADE IT TO FRIDAY! I'm your host Kelsey Tamborrino. No one was able to guess that the 95th Congress had the largest number of veterans. Between 1977 and 1978, and just after the draft ended in 1973, the 95th Congress had 412 veterans. For today: Before President Donald Trump, who was the last president to propose a rescissions package? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy, and @POLITICOPro.

Register for the Pro Summit: Join Pro subscribers, expert reporters and key decision-makers from the executive branch, federal agencies and Congress for a full day of incisive policy conversations on July 17. Speakers include: Rep. Joe Crowley (D-N.Y.), Chairman, House Democratic Caucus, Kevin McAleenan, Commissioner, U.S. Customs and Border Patrol, and others. Register today.

Join the **Global Public Affairs Club**, a new global community dedicated to **C-level public affairs professionals** launched by POLITICO's sister company, DII. Members receive the

GPAC weekly newsletter, including original reporting and analysis on **new transparency standards, recent lobbying regulation, risk management and industry best practices.** In addition, members have access to the **Global Public Affairs Forum on Sept. 28 in Paris.** For additional information on GPAC, email Chloé Mimault-Talagrand at cmimault@dii.eu.

PRUITT SPEAKS: EPA Administrator Scott Pruitt is scheduled to deliver remarks this morning at the Faith and Freedom Coalition "Road to Majority" conference, an annual event where proverbial conservative activists take the stage to discuss issues of faith and the "pro-family majority" in Washington. The conference kicked off Thursday, and Vice President Mike Pence will speak Saturday.

ON TAP TODAY: The House late Thursday made it through the energy and water spending amendments to the chamber's "minibus" appropriations package. A final vote on the overall bill, which also includes legislative branch and military construction-VA spending, is expected today. Here's a look at how some of the amendments did:

— **The Trump administration's** proposal to sell off electric transmission assets owned by the Tennessee Valley Authority and DOE's power marketing administration got the bipartisan boot Thursday. Nineteen lawmakers ranging from Oregon Rep. Earl Blumenauer to Texas Rep. Louie Gohmert secured an unopposed amendment to block any sale.

— **Yucca Mountain opponents still overwhelmed.** Nevada's three Democratic representatives were defeated on two amendments seeking to block the long-stalled nuclear waste project and didn't bother seeking to put them up for a vote.

— **Lawmakers shot down** an effort to punish Western Area Power Administration chief Mark Gabriel by slashing his salary to $1.

— **GOP lawmakers squelched efforts** by Democrats to strip hot-button policy riders, including one blocking the Army Corps of Engineers from requiring a permit for wetlands damage in certain agricultural areas.

THE CHICKEN OR THE IG: Three Democratic senators asked EPA's inspector general Thursday to review whether Pruitt used his office to seek out business opportunities benefiting his wife, citing recent reports that the embattled administrator had an aide contact Chick-fil-A executives to explore whether his wife could open a franchise. Sens. Tom Udall, Tom Carper and Sheldon Whitehouse also pointed to his wife's work for the New York nonprofit Concordia, which paid her $2,000 to help set up a conference last year at which Pruitt spoke. Pro's Alex Guillén has more here.

Following news this week that coal magnate Bob Murray delivered drafts of six executive orders to the president at the beginning of his administration, Whitehouse and Carper separately asked the EPA IG to investigate whether EPA withheld documents, or misrepresented to Congress, the influence of Murray and others. Read that letter here.

POPE MEETS BIG OIL: Pope Francis and Vatican officials plan to meet today and Saturday

with leading oil executives, in what is expected to be an attempt to persuade them to take action on global warming. Vatican spokesman Greg Burke previously told the AP today's meeting is a follow-up to the pope's encyclical three years ago calling for action to address climate change. Cardinal Peter Turkson, who spearheaded the encyclical, set up today's conference with the executives. The pope himself will speak to the leaders on the second day of the summit, Burke said. Officials haven't confirmed today's line-up, but BP previously confirmed to AP that its CEO Robert Dudley plans to attend, as well as Exxon Mobil CEO Darren Woods.

MURKOWSKI'S THOUGHTS ON PRUITT: GOP Sen. Lisa Murkowski said she hadn't seen the most recent allegations concerning used mattresses and Chick-fil-A, but called the unending stream of revelations distracting. "What I'd really like to know is how we coming on our small and remote incinerators rule? What are we doing with the fish waste grinding regs?" she told ME, referring to regulations of particular importance to her state of Alaska. "When you're distracted, how do you make sure that the expectations that we all have about what's coming out the agency are met?" At a budget hearing last month, Murkowski warned Pruitt's deregulatory efforts were being "overshadowed" due to "legitimate questions that need to be answered" related to his management of the agency.

G-7 BEGINS WITH FRUSTRATION: The G-7 summit kicks off today in Quebec — and already Trump's positions on climate have become a sticking point. French President Emmanuel Macron told Bloomberg this week he wants to make progress in discussions on tariffs , the Paris climate agreement and the Iran nuclear deal before signing the usual joint statement, which details a range of policy issues.

Trump — who will depart early and skip some sessions focused on climate change — is so far out of step with his fellow leaders that one official involved in the drafting of the leaders' declaration said there was concern that the U.S. would object to any use of the phrase "climate change," our European colleague David Herszenhorn reports.

DON'T BLOCK THE MOX: A district judge in South Carolina granted the state a preliminary injunction Thursday preventing the Energy Department from winding down the long-troubled MOX nuclear project in the Palmetto State. "Without a preliminary injunction, the State will suffer irreparable harm," District Judge J. Michelle Childs wrote in the 36-page order , noting how DOE intended to issue a full stop work order to start winding down MOX and terminating employees at the Savannah River Site early next week. Terminating the project is one of the few big decisions where the Trump and Obama administrations are in agreement. The judge vacated a partial stop work order DOE issued in May, blocked any full stop order and were ordered to "maintain the status quo by continuing the MOX Project" until the state's lawsuit to protect the effort runs its course.

MAKING WALKER TIP TOE: The Energy Department's top electricity policy official was put on the spot Thursday when he was asked to square the Trump administration's push to use federal emergency powers to help struggling coal and nuclear plants with his own comments that suggested his skepticism. In February, Bruce Walker, who has spent his whole career in the electricity sector and quickly won the respect of staff in his office, told reporters that his office "would never use a 202 to stave [off] an economic issue. ... It's not designed for that."

Since then, however, FirstEnergy has filed an emergency request for power plants and DOE drafted a document suggesting that Energy Secretary Rick Perry invoke the so-called 202(c) authorities to keep them running. And when Rep. Don Beyer asked Walker at a House Science Committee hearing if his earlier comments implied that he wouldn't authorize a 202, Walker would only say that FirstEnergy's application was under review and otherwise gave the Virginia Democratic terse responses.

WAR OF WORDS: The Interstate Natural Gas Association of America said it was "deeply troubled" by the administration's proposed coal-and-nuclear bailout on Thursday, accusing the administration of attempting to punish gas. "There is absolutely no justification for the extreme intervention in energy markets suggested in the draft National Security Council memo," INGAA President and CEO Don Santa said. "Such a move would be bad public policy, costly to American consumers and the economy, and legally questionable."

In a response, DOE spokeswoman Shaylyn Hynes said that the "assertion that this Administration is attempting to 'punish' natural gas is absurd." She added that DOE "views natural gas as a vital part of our energy mix" and that it also "recognizes that there are serious threats and vulnerabilities to critical infrastructure nationwide, including pipelines." Hynes said all of which is why the department is "undergoing a review of all of the nation's defense critical energy infrastructure under the FAST Act of 2015," adding that resilience of the electric grid "is influenced by everything from cyber threats to the availability of solar power and the retirement of fuel secure units."

WHERE'S PERRY? The Energy secretary is scheduled to tour the Oak Ridge National Laboratory in Tennessee today, where he'll meet with employees and deliver remarks.

PHSMA INVESTIGATING PIPELINE EXPLOSION: PHMSA has started its investigation into yesterday's explosion at TransCanada's Leach Xpress pipeline in West Virginia and "will determine the cause of the incident and compliance with Federal pipeline safety regulations," an agency spokesman told ME. The accident occurred on a relatively new piece of state-of-the-art pipeline TransCanada had added to its Columbia Gas Transmission system. FERC signed off on construction of the $1.5 billion, 160-mile project in February 2017, agency documents show, and TransCanada only started shipments along it just shy of a year later, calling it at the time a "best-in-class pipeline." TransCanada, the company behind the planned Keystone XL pipeline, told ME it is cooperating with the investigation.

NPS SUPERINTENDENT SAYS HE WAS FORCED OUT: After more than four decades with the National Park Service, Yellowstone National Park's superintendent told the Associated Press he's being forced out as a "punitive action" following disagreements he had with Secretary Ryan Zinke over how many bison the park can sustain. "I feel this is a punitive action but I don't know for sure," Dan Wenk said. Wenk last week announced he would retire March 30, 2019, after being offered a transfer he didn't want to take. He was then informed this week by NPS Acting Director Dan Smith that a new superintendent will be in place in August and that he would be gone by then, Wenk said. Read more.

HEARTLAND LENDS PRUITT A HELPING HAND: In response to a federal judge who ordered EPA to search for records to a FOIA request related to Pruitt's March 2017 interview, where he said carbon dioxide is not a "primary contributor" to global warming, the Heartland Institute — a group that lobbies against climate action — said it sent copies of "Climate Change Reconsidered" reports to Pruitt. In a letter from the group's president, Tim Huelskamp, he urges Pruitt to use the more than 3,000 pages to provide support to the conclusion that human activity is not the largest factor driving global climate change. Read the letter here.

NEW LAWYER IN BLANKENSHIP CASE: The administration has once again changed lawyers in former Massey Energy CEO Don Blankenship's effort to have his criminal mine safety conviction thrown out, the Charleston Gazette-Mail reports via court records. Assistant U.S. Attorney for the Southern District of Ohio Douglas Squires filed a formal notice that he would be handling the case, which is still pending before U.S. District Judge Irene C. Berger, the outlet reports. That's the second time in as many weeks that the Trump administration has changed lawyers. Read more.

MAIL CALL! BAILOUT 'FALSE': More than 30 Democratic lawmakers are calling it a "false narrative" that the president needs to bail out economically struggling coal and nuclear power plants in the interest of electrical grid resilience. The lawmakers call on Perry to stop such rhetoric and "to cease attempting to use emergency authorities to intervene in planned power plant retirements." Read the letter here.

— **The League of Conservation Voters** sent this letter to lawmakers, urging them to vote against the "minibus" bill on the floor today.

— **More than 20 state manufacturing groups**, led by National Association of Manufacturers, sent a letter Thursday to the the U.S. Conference of Mayors, calling on them to stop undermining job creators. "Mayors are signing their names to lawsuits that will do more to undermine the resurgence of the manufacturing sector than to address the issues they intend to solve through the courts," they write.

— **Twelve environmental organizations** signed a letter in opposition to H.R. 3 (115) — the president's rescissions package. Read that here.

TESTER ON THE ATTACK: Montana Sen. Jon Tester began airing attack ads against newly minted GOP nominee Matt Rosendale in the race for his seat, according to Advertising Analytics. The ad labels the Republican "Maryland Matt" and hits him for being a real estate developer, who "pushed to transfer our public lands knowing our state would have to sell them off so developers like himself can buy them and cash in while restricting our access to our public lands." See it.

QUICK HITS

— Billions in U.S. solar projects shelved after Trump panel tariff, Reuters.

— Pruitt enlisted security detail in picking up dry cleaning, moisturizing lotion, The Washington

Post.

— The chemical industry scores a big win at the EPA, The New York Times.

— Truck emissions study aimed at EPA limits all along, records show, Bloomberg BNA.

— Pruitt made public servants fetch his protein bars and Greek yogurt, The Daily Beast.

— Record oil exports help cut U.S. trade gap, The Wall Street Journal.

HAPPENING TODAY

9:00 a.m. — U.S. Energy Association hosts Kenyan energy minister, 1300 Pennsylvania Ave NW

12:00 p.m. — Atlantic Council conversation with Vincent DeVito, counselor to the secretary for energy policy at Interior, 1030 15th Street

12:00 p.m. — The Lexington Institute forum on "Cybersecurity of the Electric Grid," CVC-201

12:00 p.m. — The Environmental and Energy Study Institute briefing on "The State of Germany's Energy Transition," G-50 Dirksen

12:00 p.m. — NCAC luncheon on "So, you want to be a renewable energy entrepreneur?" 618 H St NW

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https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/dam-fight-tests-states-infrastructure-projects-246240

Stories from POLITICO Pro

Dam fight tests states' ability to set requirements for infrastructure projects Back

By Annie Snider | 06/08/2018 05:01 AM EDT

A brawl between a Republican governor and a major utility company over one of the country's largest privately owned dams could determine how aggressively states can regulate major infrastructure projects.

Maryland Gov. Larry Hogan's administration is trying to force Exelon Corp. to pay up to $7 billion to reduce pollution flowing through its Conowingo dam, located just upstream of the Chesapeake Bay, as a condition of allowing the company to renew its operating license for another 50 years. The company says it may shut down the dam rather than pay to fix a problem it

did not cause. First, though, it is taking Maryland to court to try to reverse its proposal.

The fight over the Conowingo dam isn't just a fight about one dam, as utilities seek to extend the operation of massive hydroelectric dams that will for the first time face requirements of modern environmental laws. And Exelon's lawsuit is one flank of a larger political fight over states' rights that could have major implications for pipelines, nuclear power plants and other major pieces of infrastructure that the Trump administration wants to promote.

The Supreme Court has given states broad leeway to set environmental requirements for major infrastructure projects through authority granted by the Clean Water Act.

"As long as the state is imposing conditions that are reasonably related to those water quality standards, they have the authority to do that," said Pat Parenteau, a professor at Vermont Law School.

Maryland says it is stepping in because the Conowingo facility would raise pollution levels above the state water quality standards it is empowered to protect. But Exelon says the state's approach exceeds the boundaries of the federal water law, setting up a key test that will be closely watched around the country.

Critics say some states use the water law to block projects they oppose for other reasons. For example, New York, which has resisted the fracking boom, is using the same authority to block pipelines that would carry natural gas from shale fields in Pennsylvania. It's a nascent issue that Congress may address in the coming years.

"If there's a state who just doesn't like something, an application that's been made, they can stall it for the year and then they hold the applicant over a barrel by saying, 'We'll either deny it or you withdraw it,'" said Sen. Jim Inhofe (R-Okla.), a senior member of the Senate Environment and Public Works Committee, during an infrastructure hearing last month.

Exelon has asked the Federal Energy Regulatory Commission to put its consideration of the Conowingo relicensing on hold while the litigation and administrative process play out in Maryland. The state's demands could have "widespread economic consequences for the hydroelectric industry" if they set a precedent that is applied elsewhere, Exelon warned in a May 25 letter to FERC. Environmentalists say the company's fears are overblown.

The Conowingo dam has been in operation along the Susquehanna River since 1928, providing enough power to serve nearly 200,000 homes. Exelon has pointed out that it provides 55 percent of Maryland's renewable power, contributing to the state's climate change goals.

The Chesapeake Bay is just 10 miles downstream, and for decades the dam has played a key role in catching nutrient pollution that has washed off farm fields in New York, Pennsylvania and Maryland that would otherwise flow into the already overburdened estuary.

State and federal officials had counted on the dam to continue keeping that fertilizer runoff and other pollution out of the bay when they signed on to a landmark cleanup plan in 2010. But the

reservoir behind Conowingo has already reached its capacity, years ahead of schedule. That means not only that the dam has lost its ability to trap pollution, but that during major storms, more of it can be released, washing downstream and overwhelming the bay all at once. Climate change is expected to make these problems worse, and the bay cleanup effort is already woefully behind schedule, according to an analysis released by the Chesapeake Bay Foundation last week.

The federal-state bay cleanup partnership estimates that roughly 6 million additional pounds of nitrogen and 260,000 additional pounds of phosphorus will reach the bay each year because of the dam's lost trapping capacity — that's about 5 percent of all the pollution flowing into the waterway.

The Hogan administration has long argued that the company must bear some of the burden for cleaning up the pollution washing through its facility in order for Maryland to grant the water quality certification it needs for relicensing.

This spring, with Maryland and Exelon still miles apart after months of closed-door negotiations, Maryland ordered Exelon to offset the additional pollution that is estimated to be coming from the dam if it is to progress with relicensing.

The 59-page water quality certification issued by the state gives the company three options for doing that: by dredging the reservoir so it could regain its trapping capacity; by planting trees, restoring wetlands and implementing other best management practices upstream; or by paying the state as much as $172 million annually to do that conservation work itself, a tab that would add up to more than $7 billion over the 50-year license.

Ben Grumbles, secretary of Maryland's Department of Natural Resources, said the certification is "detailed, science-based and also flexible," and that its adaptive management approach "will help launch a restoration economy in the Susquehanna watershed."

But Exelon says the certification is unfair because the pollution originates with farmers and cities upstream, and argues the state's demands would make Conowingo too expensive to operate.

"The Dam does not produce any pollution. Rather, the science clearly shows that the pollutants that travel down the Susquehanna River, from New York and Pennsylvania, are the source of the nutrients and sediment that flows into the Bay," the company said in a statement.

At the end of May, Exelon sued Hogan's administration in state and federal court, contending that the certification and its requirements are violations of the law.

Green groups are dubious that Exelon would truly consider abandoning the dam. They expect the cost of offsetting the pollution would come in well below Maryland's $172 million-a-year cap and that the company can afford it. A December 2017 economic analysis commissioned by environmental groups concluded that the Conowingo dam is bringing in $115 million to $121 million annually in revenues.

Moreover, if Exelon decided not to pursue relicensing, the company would face a complex

decommissioning process, which would bring its own financial liabilities. Removing the dam altogether is likely not an option, since it is part of an interconnected engineering system on the river that helps keep water levels in check for a number of purposes, including an upstream nuclear power plant and another hydropower dam owned by Exelon.

The outcome of the fight is likely to affect other states, which are contemplating major new environmental requirements for decades-old dams, ranging from pollution reduction to fish passage to flow and temperature requirements. In some cases, the cost of such upgrades is so much that the operator opts to close the facility, leading to a wave of dam removals across the country.

But the courts have largely sided with states in these fights so far.

A 1994 Supreme Court decision upheld restrictions Washington state placed on a hydroelectric dam to protect salmon and steelhead, and in 2016 the high court upheld New York's denial of a water quality certification for the proposed Constitution Pipeline, which would carry natural gas from Pennsylvania.

In a recent closely watched case, FERC and New York took different interpretations of how long the state had to act on a certification for the Millennium Pipeline Co., and FERC gave the project the green light before state regulators had finished their review. The U.S. Court of Appeals for the 2nd Circuit upheld FERC's actions in March, but the case hinged on procedural issues rather than an interpretation of the state's underlying authority to use water quality certifications to stymie development.

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Democrats ask EPA IG to review Pruitt's Chick-fil-A, Concordia connections Back

By Alex Guillén | 06/07/2018 03:52 PM EDT

Three Senate Democrats today asked EPA's inspector general to review whether Administrator Scott Pruitt used his office to seek out business opportunities benefiting his wife.

The lawmakers cite recent reports that Pruitt had an aide contact Chick-fil-A executives to explore the possibility of his wife, Marlyn, opening a franchise of the chicken eatery. They also cited her work for the New York nonprofit Concordia. It paid Pruitt's wife $2,000 to help set up a conference last year at which Pruitt spoke.

The IG should review whether Pruitt "used his position — acting in his own capacity or through his official staff — to pursue private business opportunities to enrich himself or any members of his family regarding these two cases and any other financial opportunities for Administrator Pruitt's family," wrote Sens. Tom Udall (N.M.), Tom Carper (Del.) and Sheldon Whitehouse

(R.I.).

They also raised the question of whether Pruitt had any "other, as yet unknown, business pursuits as well."

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Murray delivered executive orders on coal rules to Trump administration Back

By Darius Dixon | 06/06/2018 07:05 PM EDT

Coal magnate Bob Murray delivered six draft executive orders ready for President Donald Trump to sign to roll back Obama-era environmental regulations in the early weeks of the administration, according to newly released Energy Department documents.

The documents released Wednesday after a Freedom of Information Act request include a letter to Energy Secretary Rick Perry from Murray praising Trump's March 2017 energy independence executive order, which largely aimed to help the coal industry. And to bolster that effort, Murray wrote, "we have developed the enclosed materials for your review and consideration, consisting of: six (6) Executive Orders further rescinding anti-coal regulations of the Obama administration; and one (1) memorandum outlining the legal rationale for each of these action, and others."

Those executive orders were also sent to EPA Administrator Scott Pruitt, whose agency had jurisdiction over most of the issues they involved, such as ozone rules and regulations on coal ash.

Trump has not signed executive orders resembling Murray's, but the administration has moved to enact the policies, such as pulling U.S. out of the Paris climate agreement. The documents, which were sent to DOE the day Trump signed his energy independence order and one day before Murray met with Perry and DOE chief of staff Brian McCormack, also included concepts about grid security and "resiliency" that Perry later touted as part of his push to stop coal power plants from closing.

"The Department of Energy ("DOE") must issue an emergency directive to have an immediate study done of the security and resiliency of our electric power grids," the document states. "DOE will direct that no power plants having an available fuel supply of at least forty-five (45) days be closed during the study period, or a minimum of two (2) years."

Perry later ordered his staff to write a study about the electric grid that was eventually tied to a regulatory proposal that FERC create financial rewards for power plants with a 90-day supply of fuel on-site. That condition would have overwhelming benefited coal and nuclear generators, but it was shot down by FERC in January.

Critics have said Murray would be the biggest beneficiary of Trump's efforts, since his company supplies coal to many of the power plants at risk of closing because of stiff competition from cheap natural gas and renewable power as well as lagging electricity demand from consumers.

Murray spokesman Gary Broadbent confirmed the company had submitted the documents to Perry "to assist in the reversal of the illegal, job-killing, anti-coal regulations of the Obama Administration."

"Mr. Murray has always sought to secure reliable, low-cost electricity for all Americans, as well as to preserve and protect the jobs and family livelihoods of thousands of coal mining families," he said in a statement. "We applaud the actions taken by President Trump's Administration, to date, to protect these jobs and to advance the energy security of the United States."

Murray has repeatedly called on DOE to issue must-run orders for FirstEnergy power plants that consume his coal, and he blasted the FERC commissioners who opposed the on-site fuel proposal.

On Tuesday, a top DOE official said the agency is still formulating a plan to keep struggling coal and nuclear power plants from closing, and it had no deadline to meet Trump's demand to rescue them.

"We are evaluating options," Energy Undersecretary Mark Menezes told reporters. Last week, Trump called on DOE to take "immediate steps" to stop a wave of coal and nuclear power plant retirements, and like Perry, he cast the shutdowns as a threat to national security.

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Senator to Pruitt: EPA meddling in health study 'unconscionable' Back

By Annie Snider, Alex Guillén and Anthony Adragna | 05/16/2018 10:10 AM EDT

Senate Democrats tore into Scott Pruitt on Wednesday, blasting the Environmental Protection Agency's meddling in a report on toxic chemicals as "unconscionable" and calling the EPA administrator's mounting ethics controversies an embarrassment to the agency.

"You're trailing a string of ethical lapses and controversies, they're an embarrassment to the agency, an embarrassment to Republicans and Democrats alike," Sen. Pat Leahy (D-Vt.) told Pruitt at a Senate hearing. "Forget about your own ego and your first class travel and your special phone booths and all these things that just make you a laughingstock and your agency a laughingstock."

Pruitt has faced a wave of scandals over the past few months, with scrutiny focused on his

expensive flights, round-the-clock security detail, privacy phone booth, and below-market condo rental from an energy lobbyist. With news this week that EPA's Inspector General would look into Pruitt's use of multiple email accounts, he is now facing more than a dozen probes and investigations from Congress, the White House and his agency's internal watchdog.

And earlier this week, POLITICO reported that EPA helped to bury a federal study that would have increased warnings about toxic chemicals found in hundreds of water supplies across the country. That report showed Pruitt's senior aides intervened in the release of the Health and Human Services Department assessment into PFOA and PFOS after the White House warned of a "public relations nightmare."

Leahy said efforts by the White House and political officials at EPA to block the chemicals assessment "unconscionable," and he pointed to a community in his state that is grappling with chemical contamination.

"It's incomprehensible to the people in Bennington and in Vermont why an agency that works for them — their tax dollars are paying for it — whose charge it is to protect their health, turns their back on them and tries to hide health dangers," Leahy said in his opening statement.

West Virginia Republican Sen. Shelley Moore Capito also pressed Pruitt on his agency's intervention on the study, prompting him to deny that he had a hand in it.

"I was not aware that there had been some holding back of the report. I think it is important to have all information in the marketplace," Pruitt said.

Capito encouraged Pruitt to get that study released before an EPA summit on the chemicals next week. "I appreciate the fact that you are trying to reach the scientific limit that would impact any kind of health impacts in our areas, regardless of who has to remediate and what the remediation costs are going to be," she said, alluding to the fact that cleanup requirements would create major costs for the Defense Department and chemicals manufacturers.

Leahy also mocked Pruitt's security concerns as a justification for flying first class for more than a year. "Nobody even knows who you are," he said, adding later, "it's ego run amok."

Much like appearance last month in front of two House panels, Pruitt shifted the blame for many of the recent scandals, blaming "processes" at the agency not being followed for some of his ongoing spending and ethical issues, and he told Senate Appropriators he had taken steps to avoid similar issues going forward.

"There have been decisions over the last 16 or so months, that as I look back, I would not make those same decisions again," Pruitt said. But he stopped short of apologizing, and blamed critics of his deregulation agenda for the negative publicity.

"I want to rectify those going forward," Pruitt continued. "I also want to highlight for you that some of the criticism is unfounded and I think exaggerated. And I think it feeds this division that we've seen around very important issues affecting the environment."

Pruitt also confirmed media reports that he had established a legal defense fund amid the spate of federal investigations. Donations to the fund would be made public pursuant to disclosure requirements and Pruitt said he would not solicit money from lobbyists or corporations with business before the agency. He later noted he would not personally seek contributions himself "since that's done by attorneys and others."

The EPA chief said his attorney "who's done this for a number of years" has worked with Government Accountability Office "to make sure it's done properly."

Despite criticism from lawmakers from both parties and frustration from White House aides, Pruitt has continued to receive the support of President Donald Trump, who's praised the former Oklahoma attorney general for rolling back many of the Obama administration's environmental policies.

Sen. Tom Udall (D-N.M.) pressed Pruitt on his requests that his security detail use his vehicle's lights and sirens to beat Washington traffic and get to a restaurant.

"I don't recall that happening," Pruitt answered. But Udall shot back by referencing an email from Pruitt's former security chief, Pasquale "Nino" Perrotta, that said "Administrator Pruitt encourages the use" of those lights and sirens. POLITICO has reported that Perrotta goaded and encouraged such behavior on security matters.

Udall later accused Pruitt of violating federal law by having an aide search for apartment rentals for him on personal time without being paid. The aide, Millan Hupp, an EPA scheduler and advance staffer who has worked for Pruitt since he was Oklahoma attorney general, is "a long-time friend of my wife and myself," Pruitt said, and she took those actions entirely "on personal time."

"It doesn't cut it that they're a friend or that kind of thing," Udall replied, since federal law requires that any subordinate — even if they volunteer — be paid fair market value for their work or it's considered a gift.

"That's in violation of federal law," Udall said.

Even Sen. Lisa Murkowski, chairwoman of the Appropriations panel hosting Pruitt, said at the start of the hearing she saw "legitimate questions that need to be answered" about the ethics scandals plaguing Administrator Scott Pruitt.

"Unfortunately, I am concerned that many of the important policy efforts that you are engaged in are being overshadowed because of a series of issues related to you and your management of the agency," Murkowski said at the opening the budget hearing.

Udall also peppered Pruitt about his contacts with conservative political commentator Hugh Hewitt over a polluted California site. POLITICO first reported that EPA added the Orange County North Basin site to Pruitt's list of sites targeted for "immediate and intense" action just

weeks after Hewitt arranged a meeting with Pruitt and his law firm.

But Pruitt said the agency had been discussing potential action on the Superfund site "well before" Hewitt arranged a meeting on the issue. "I'm not entirely sure why there would be criticism around us taking concerted action to address Superfund sites and get accountability — whomever brings that to our attention," he said.

That didn't placate Udall.

"The idea is that here's been scientific analysis and through analysis on the list, and then special friends get to get on the list that's been created by the agency," Udall said. "Looks a little bit fishy to me."

Udall, who called on Pruitt to resign because of the recent controversies, said Pruitt was unfit to lead the agency because he didn't believe in its mission to protect human health and the environment.

"It needs to be said that your tenure at the EPA is a betrayal of the American people," he said, criticizing not just the ethics scandals, but also his regulatory rollbacks.

"This isn't cooperative federalism, it's flat-out abandonment," he said.

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Back

Trump tariffs stir up angst ahead of G-7 summit Back

By Andrew Restuccia, Megan Cassella and Lorraine Woellert | 06/05/2018 07:17 PM EDT

Foreign diplomats and U.S. officials are looking ahead to this week's G-7 summit with a sense of dread amid growing international tensions with President Donald Trump and little hope of reaching consensus.

With just three days until Trump arrives in Canada for the annual meeting with America's closest foreign allies, member countries are fuming over the president's decision to impose steep tariffs on steel and aluminum imports, a move that could have dire economic consequences for every other member of the Group of Seven major industrial nations.

Canada, Japan and key European Union nations have long sought to win over the U.S. president by playing nice on the world stage. But after nearly a year and a half, the G-7 countries' frustrations are bursting into public view.

Prime Minister Justin Trudeau of Canada, who is hosting the summit, excoriated Trump's recent tariff decision, responding with dollar-for-dollar tariffs of his own and calling the president's

decision "insulting" and "totally unacceptable."

Japan has grown increasingly concerned that it is being pushed to the side as Trump prepares to meet with North Korea's dictator, Kim Jong Un. And France, whose president, Emmanuel Macron, had worked hard to build rapport with Trump, is reeling from a "terrible" phone call with the American president that went south after Macron bluntly criticized U.S. tariffs.

Trump is expected to get an earful from his foreign counterparts during the meeting, which starts on Friday. U.S. officials acknowledged privately that the gathering could be rife with awkward moments, with one official predicting that it will be a "mess."

"I think they will be ganging up on him," said Bill Reinsch, a trade expert at the Center for Strategic and International Studies. "But in addition to the immediate issue of the tariffs, there is an underlying debate that is going to go on ... and that is a growing concern that the entire rules-based international system and the institutions that underlie it are increasingly at risk."

G-7 negotiators remain deeply divided over the joint statement that countries usually release at the end of the annual event. The statement is meant to project unity among the world's biggest economies, detailing a range of policy issues on which they can all agree.

"The G-7 traditionally, for 20-plus years, has been a group of like-minded developed countries that sit together and figure out what do we do to address key global problems," said Robert Fisher, a consultant with Hills & Company and a former U.S. trade official who helped negotiate NAFTA. "Now trade has become, perhaps more than anything, the major dividing line between the G-6 and the one. And we are the one."

Another U.S. official told POLITICO that he thought there was no chance the U.S. and the other G-7 members could reach common ground on crucial issues like trade and climate change, adding that it was increasingly likely there wouldn't be a joint statement at all at the end of the meeting. Multiple U.S. officials have complained privately that early drafts of the statement were far too liberal, arguing that there was little the administration could latch on to.

Some foreign officials, meanwhile, have begun wondering whether it's better for Trump to skip the G-7 altogether rather than risk his making a spectacle at the event.

"If the president were not to go, that would be a major snub," Fisher said. "I would see that as a further escalation in tensions between the U.S. and, normally, our allies."

Trade is expected to be a central topic of discussion throughout the summit, and G-7 leaders will sit down for a session on "economic growth, the future of work and trade" as one of their first meetings, according to a background document released by the Council of the EU, which represents the executive governments of European Union member states.

A senior EU official sought to moderate expectations that any progress would be made with Trump over the tariffs, saying the potential for progress was "extremely low."

"We do not expect any breakthrough on the trade dispute with the U.S," the official told reporters. He added that "the tariffs imposed ... last week have significantly increased tensions" between the U.S. and its G-7 partners, which are "united" in their ambition to retaliate against the Trump tariffs.

A summit this past weekend among the G-7 finance ministers offered a preview of what could be in store for Trump, after leaders faced off over unprecedented divisions on policy and failed to reach consensus on a joint concluding statement.

In a rare show of disunity, a chair's summary written by Canada and released at the close of the event highlighted concerns over "tariffs imposed by the United States on its friends and allies" that "undermine open trade and confidence in the global economy." The summary said ministers of the six other countries — all of which are now paying tariffs on their steel and aluminum exports to the U.S. — requested that Treasury Secretary Steven Mnuchin, who represented the U.S. at the finance meeting, communicate to Trump their "unanimous concern and disappointment."

"I've been to these meetings for a long time," the Japanese finance minister, Taro Aso, told reporters, according to Reuters. "But this is a very rare case where opposition against the United States was unanimous."

Trump, for his part, is already looking past the G-7, focusing much of his attention on the summit next week with Kim, according to administration officials. The president is scheduled to depart for Singapore, the summit site, from Canada at the end of the G-7 gathering.

Trump administration officials have publicly sought to tamp down concerns that tariff blowback will dominate and derail the summit agenda, even as anxiety builds across the Atlantic that the two-day event will ultimately produce nothing at all.

Larry Kudlow, director of the National Economic Council, rejected the idea earlier Tuesday that the steel and aluminum tariffs had any damaging effects and praised Trump's trade policies generally, calling the president a "trade reformer." He also lauded the strength of the U.S. economy and said officials would "take that story to the G-7 meeting."

"I hope it's a G-7 meeting," he added in an interview on Fox News. "I hope it's not a G-1-plus-six meeting, and I hope we can make some sense out of the whole story."

Michael Crowley and Hans von der Burchard contributed to this report.

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Trump to depart G-7 summit early Back

By Brent D. Griffiths | 06/07/2018 08:36 PM EDT

President Donald Trump will leave the G-7 summit before its conclusion, the White House announced on Thursday night, following a day of back-and-forth with fellow world leaders that foreshadowed confrontations during the meeting of the world's largest advanced economies.

Trump will be depart the summit in Quebec at 10:30 a.m. Saturday and head directly to Singapore, the site of his June 12 meeting with the North Korean leader, Kim Jong Un, White House press secretary Sarah Huckabee Sanders said in a statement. The G-7 summit is scheduled to wrap up later on Saturday.

Before the announcement, President Emmanuel Macron of France and Prime Minister Justin Trudeau of Canada both promised to confront Trump over his recent decision to impose tariffs on U.S. allies.

Trump, in response, laid into the two leaders on Thursday evening over those plans.

"Please tell Prime Minister Trudeau and President Macron that they are charging the U.S. massive tariffs and create non-monetary barriers," Trump wrote on Twitter. "The EU trade surplus with the U.S. is $151 Billion, and Canada keeps our farmers and others out. Look forward to seeing them tomorrow."

By pulling out early, Trump will skip sessions focused on climate change, the oceans and clean energy. He will also miss the traditional group-photo opportunity among fellow heads of state. The president may also miss the opportunity to host a summit-ending news conference, something world leaders traditionally do. The leader of the host nation, in this case Trudeau, also takes questions and gives closing remarks. Trump chose not to hold a news conference last year, becoming the only G-7 leader not to do so before leaving Italy, according to The Hill . He opted instead for a speech at a nearby naval air station.

The summit traditionally concludes with a joint statement spelling out the areas of agreement on the wide range of policy issues discussed. But before Trump's announcement, Macron urged the other five nations to hold strong and not let potential U.S. opposition water down their communiqué.

The 2017 statement, for example was notable for its explicit mention that the U.S. did not share its allies' support of the Paris Climate Accord. Less than a week later, Trump announced in the White House Rose Garden that the U.S. would be exiting the climate agreement.

"Maybe the American president doesn't care about being isolated today, but we don't mind being six, if needs be," Macron said, part of his plea to confront Trump head-on.

Trump later upped the ante, accusing Trudeau of being "so indignant" on the topic. The U.S. and its allies have been at loggerheads in recent days as the EU, Canada and Mexico continue to bristle over the president's decision to levy 10 percent tariffs on aluminum imports and 25 percent tariffs on steel imports from the two countries and Europe. The move, which reportedly

came with little warning, has also caused Republicans on Capitol Hill to consider reining in Trump's trade powers.

Suggesting that the world powers could continue on without the U.S. is a stark departure from the chummy relationship Macron and Trump had during the French president's state visit to Washington in April.

For his part, Trudeau continued to call the tariffs "ridiculous." Last week, he repeatedly invoked the fact that Canadians fought alongside U.S. soldiers in Afghanistan in characterizing Trump's decision as a slap in the face.

The thought of allies ganging up on him has reportedly left Trump uneasy about attending the summit. But for now, Trudeau says that he expects his American counterpart to show up.

"We know that President Trump likes to be unpredictable," the Canadian leader said on Thursday, "but everything suggests that he will be there for the G7 summit, including his tweets this morning."

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DOE official: Agency would 'never' use must-run order for economic reasons Back

By Darius Dixon | 02/20/2018 02:52 PM EDT

The Energy Department's top electricity official says the agency would not exercise its emergency authority to keep a power plant operating just because it might be losing money.

"A 202(c) has some very specific rules and a process," Bruce Walker, DOE's assistant secretary for the Office of Electricity Delivery and Energy Reliability, told reporters, referring to the section of the Federal Power Act that gives Energy Secretary Rick Perry authority to keep plants running.

"The economic rules are what they are today. We would never use a 202 to stave [off] an economic issue," he said, adding, "it's not designed for that."

President Donald Trump backer and coal magnate Bob Murray has repeatedly called on DOE to issue must-run orders for FirstEnergy power plants that consume his coal. He reiterated that call after FERC's January rejection of Perry's proposal to prop up coal-fired and nuclear plants that were losing money in the power markets. Just last week, FirstEnergy announced that will close its 1,300-megawatt Pleasants coal-fired power plant — a large Murray customer — by Jan. 1.

"Since I would be the one writing it, I can tell you it's never come to my attention," said Walker, a former executive at Consolidated Edison, noting that he regularly has meetings with Perry and

other top DOE officials. "Nobody has talked about it. Nobody in my department is doing anything with it. It doesn't exist."

To view online click here.

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Trump calls for coal, nuclear power plant bailout Back

By Eric Wolff | 06/01/2018 05:17 PM EDT

President Donald Trump pressed for a quick regulatory bailout for struggling coal power plants on Friday — a move that would buoy a mining industry that offered him crucial support in 2016, but is riling other energy companies and even some free-market conservatives.

The White House called on Energy Secretary Rick Perry to take immediate steps to keep both coal and nuclear power plants running, backing Perry's claim that plant closures threaten national security. An administration strategy to do that laid out in a memo to the National Security Council circulated widely among industry groups on Friday, but it was not clear that intervention could survive the inevitable political and legal challenges.

It was the latest step in more than a year of efforts by the administration to compel power companies to keep operating the money-losing plants that are suffering from the rise of competing energy sources like natural gas. Those proposals have drawn opposition from most utilities, along with environmentalists, gas producers, power grid operators and conservatives who say it would be an unwarranted intrusion to the energy markets.

The White House statement calling for action came after days of Trump making similarly aggressive moves on international trade, slapping tariffs on the European Union, Canada and Mexico to protect U.S. industries like aluminum and steel. In this case, the president is acting on behalf of what he likes to call "beautiful, clean coal," a once-dominant fuel that still plays a major role in his stump speeches.

Trump "has directed Secretary of Energy Rick Perry to prepare immediate steps to stop the loss of these resources," White House press secretary Sarah Huckabee Sanders said in a statement Friday, referring to coal and nuclear plants.

She added that Trump believes "keeping America's energy grid and infrastructure strong and secure protects our national security... Unfortunately, impending retirements of fuel-secure power facilities are leading to a rapid depletion of a critical part of our nation's energy mix, and impacting the resilience of our power grid."

The statement came five months after federal energy regulators rejected Perry's call that they adopt his proposal to keep the struggling coal and nuclear power plants operating. That proposal would have overwhelmingly benefited mining magnate Bob Murray, an outspoken Trump

supporter whose operations supply coal to several endangered plants in the Midwest and Northeast, according to a POLITICO analysis.

Trump's National Security Council gathered Friday to discuss the draft memo that lays out arguments why the administration should use federal authority to keep the money-losing power plants open — despite the assurances from some of the nation's grid operators that no such emergency exists.

"Any federal intervention in the market to order customers to buy electricity from specific power plants would be damaging to the markets and therefore costly to consumers," said the PJM Interconnection, which operates the nation's largest power grid and stretches from the Midwest the Atlantic Coast, in a statement. "There is no need for any such drastic action."

A broad swath of trade associations representing oil and gas, wind and solar power, consumer groups and advanced energy technologies slammed the plan, and they were joined by some congressional Democrats.

"This would be an egregious abuse of power," Sen. Ron Wyden (D-Ore.) said in a statement. "I fought this proposal before, and I will continue to fight this corrupt scheme to prop up the coal industry at the expense of American consumers."

That new 41-page memo, first revealed by Bloomberg News on Thursday evening, says that under the 2015 highway and transit bill known as the FAST Act, DOE must identify critical energy infrastructure, a process the agency is undertaking now with the help of its national labs. But because that is likely to take two years, DOE in the meantime should use the 1950 Defense Production Act and the Federal Power Act to require the plants to keep operating, the memo says.

Power sector experts have said using the two laws to keep specific plants operating would stretch both those measures, and would certainly trigger a major legal fight. Critics of the administration's strategy said the memo appears to signal that the White House is preparing for a fight.

"One way to view the release of this draft is that it is a trial balloon to see how fierce and fast the opposition will be," said Dena Wiggins, CEO of the industry lobby group Natural Gas Supply Association, which opposes the DOE plan. "We've known for some time that all of these federal authorities ... were in play, so the fact that we've now seen it in writing doesn't really change anything. It does, however, underscore how hard it is to cobble together a sound legal rationale to bail out otherwise uneconomic coal and nuclear plants."

And critics say the push to bail out the plants is simply Trump's effort to reward backers like Murray, the coal baron, and live up to his campaign promise to revive coal country. Perry first began work on the power plant issue in March 2017, when he met with Murray at DOE, and Trump himself personally directed Perry to take action on the issue since last summer.

Murray's coal mines have been a major supplier for power plants owned by FirstEnergy

Solutions, a unit of Ohio-based utility giant FirstEnergy that sank into bankruptcy this spring. FirstEnergy Solutions has said it plans to close or sell five of its money-losing coal and nuclear power plants.

But the Federal Energy Regulatory Commission and the grid operator have said that even with the planned closures, the region has ample power to supply the market's needs. Stagnant power consumption growth, coupled with the rise of natural gas and renewable power sources like wind, has displaced many of the older coal and nuclear facilities in the markets.

The memo also calls for establishing a new requirement for the electric grid based on "resilience," a term Perry injected into the regulatory conversation last fall with a proposed rule that would have rewarded plants that could keep 90 days of fuel on site. FERC rejected that rule, but it also created a new proceeding to try to define "resilience," which some in the industry say pertains to the grid's ability to withstand and recover from a physical or cyberattack.

The memo largely focuses on the issue of resilience, which it says would suffer if coal and nuclear power plants retire. It specifically targets natural gas as a weakness, because the plants that burn the fuel rely on pipelines that could be disrupted, while coal and nuclear power plants can keep months' worth of fuel on site.

"Natural gas pipelines are increasingly vulnerable to cyber and physical attacks," the memo says. "The incapacitation of certain pipelines through the United States would have severe effects on electric generation necessary to supply critical infrastructure facilities."

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Judge blasts EPA for 'hyperbolic' refusal to back up Pruitt's climate stance Back

By Alex Guillén | 06/01/2018 05:18 PM EDT

A federal judge today blasted EPA for refusing to search for any records related to Administrator Scott Pruitt's televised statement that carbon dioxide is not a "primary contributor" to global warming, a break from the scientific consensus and his own agency's position.

Chief Judge Beryl Howell of the U.S. District Court for D.C. gave the agency until next month to search for records in response to the Freedom of Information Act request filed by the group Public Employees for Environmental Responsibility after Pruitt's March 2017 interview.

EPA had argued that PEER's request was both too broad and too burdensome, arguing it would require considering everything Pruitt has ever read on climate change. But the judge was not convinced.

"This hyperbolic objection strays far afield from the actual text" of the FOIA requests, Howell

concluded.

PEER's request provided an appropriate target for specific documents, Howell wrote. And she rejected the agency's argument that it would be impossible to determine the evidence that led Pruitt to make his claim.

"EPA's strained attempt to raise an epistemological smokescreen will not work here to evade its obligations under the FOIA," she wrote.

Howell also ordered EPA to respond to PEER's request for any agency records that concluded human-caused CO2 emissions are not causing climate change.

"EPA has failed to demonstrate a viable legal basis for its refusal to conduct any search whatsoever in response to the plaintiff's straightforward FOIA request," Howell concluded.

WHAT'S NEXT: Howell ordered EPA to finish its records search by July 2 and hand over any responsive documents to PEER "promptly" on a rolling basis. She also ordered EPA to say by July 11 whether any records are being withheld in full or in part.

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Tester attacks Rosendale in new TV ad Back

By James Arkin | 06/07/2018 05:32 PM EDT

Sen. Jon Tester's (D-Mont.) campaign began airing an attack ad against newly minted GOP nominee Matt Rosendale today, according to Advertising Analytics.

The service captured the ad running on broadcast TV two days after Rosendale, the state auditor, won the Republican primary to face Tester in the general election. The ad labels the Republican "Maryland Matt" — picking up on attacks from Rosendale's former Republican primary rivals, who hammered him as a carpetbagger because he moved to Montana from Maryland in 2002. All three of Rosendale's former opponents endorsed his campaign today.

"Meet Maryland Matt Rosendale," the Tester ad's narrator says. "A millionaire real estate developer from Maryland where he made a lot of money turning farmland into developments. Now he's in Montana to develop real estate here, too. He pushed to transfer our public lands knowing our state would have to sell them off so developers like himself can buy them and cash in while restricting our access to our public lands. Defend Montana from Maryland Matt before it's too late."

View the ad here.

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From: POLITICO Pulse
Sent: Wed 6/6/2018 2:07:06 PM
Subject: POLITICO Pulse, presented by PhRMA: Alex Azar faces House committee to discuss HHS policies, strategy — Immigration officials change tune on visas for foreign doctors — Why is Medicare's trust fund running out of money faster than before?

View online version

06/06/2018 10:00 AM EDT

By DAN DIAMOND (ddiamond@politico.com; @ddiamond)

Results from last night's primaries are still arriving this morning, and immigration officials will accede to medical groups' requests after young doctors' visas were stalled.

But first: The HHS secretary is sitting down to explain his strategy to Congress.

ALEX AZAR ON THE HILL — The HHS secretary is testifying in front of the House Committee on Education and the Workforce this morning, in a hearing on his agency's policies and priorities.

What Republicans want to discuss. Chairwoman Virginia Foxx will use her opening statement to address antipoverty initiatives and the opioid epidemic, according to remarks shared with PULSE. She'll also ask about the Trump administration's push to encourage short-term health plans and other alternatives to ACA coverage.

"[W]e hope Secretary Azar can provide some update today on the status of his Department's efforts to reverse the damage of Obamacare and improve access to healthcare for millions of working families," Foxx will say.

Where Democrats will seek to take the conversation. According to plans shared with PULSE, they'll ask Azar:

— About efforts to "sabotage" the ACA through repealing the individual mandate and other moves

— Why the president has repeatedly sought cuts to Medicare and Medicaid after promising to protect the programs during his 2016 campaign

— If the administration is trying to undermine access to care for vulnerable populations, such as rolling back LGBT-friendly policies and making changes to the Title X family planning program

Advocates say they want answers on HHS immigration policies. The agency's Office of Refugee Resettlement will likely also be scrutinized this morning. The administration has separated undocumented children from their parents at the border, a

policy that's drawn widespread news coverage and raised comment and concern.

The agency "has refused to answer basic questions [like]... how will HHS work to reunite children with their parents as quickly as possible?" Equity Forward's Mary Alice Carter writes in a new memo.

It will be a shorter hearing than usual. Democrats are grumbling that Azar only agreed to appear for two hours, which means members will have three minutes for questions and not their usual five minutes.

It also will be the first time that Azar — or any HHS official in the Trump administration — appears in front of the committee, which has less health care jurisdiction than House Energy and Commerce or Ways and Means.

HHS Secretary Alex Azar faces the House Education & Workforce committee today. | AP Photo

WITH JUST WEEKS TO SPARE, IMMIGRATION OFFICIALS CHANGE TUNE ON VISAS FOR FOREIGN DOCTORS — U.S. Citizenship and Immigration Services will process stalled or denied H-1B visa applications from international medical graduates, sources with knowledge of the decision tell PULSE. The agency is expected to soon announce a formal fix.

Physician groups had raised concerns that USCIS had been slow-walking or denying visa applications from foreign doctors over technical questions related to wage data. "We are hoping this is just in time to prevent significant delays in medical residents and fellows starting programs in July," Matthew Shick of the Association of American Medical Colleges told PULSE.

About 3,000 medical residents and fellows train in the United States on H-1B visas, and AAMC estimates that about 1,000 were affected by the wage index questions.

... The news was cheered by Ohio Sen. Rob Portman, one of the lawmakers pressuring USCIS to find a fix.

"Senator Portman heard from various medical colleges in Ohio about the burden this was putting on them regarding filling critical specialty positions, and he is pleased that USCIS has made the common-sense decision to start processing applications," spokesperson Kevin Smith told PULSE.

** **A message from PhRMA: New analysis from IHS Markit shows providing access to discounted medicine prices at the pharmacy could save seniors with diabetes more than $350 annually.** Sharing negotiated rebates could also save Medicare nearly $1,000 annually for every senior taking diabetes medication, reducing total health care spending by approximately $20B over the next 10 years. https://letstalkaboutmedicare.org/ **

DEMS: SENATE SHOULD DO HEALTH LEGISLATION IN AUGUST — Senate Democratic leaders on Tuesday said they're happy to stay in town in August — to enact legislation reduce health care costs and prescription drug prices, POLITICO's Jennifer Haberkorn reports.

"We Democrats welcome this additional time because It gives us the opportunity to address an issue that's on the top of the mind of so many of the American people and one that Republicans have badly mishandled up to this point: health care," Minority Leader Chuck Schumer said Tuesday. He promised to ask for votes to "require our Republican colleagues to do something about it." It feeds into Democrats' broader narrative that Republicans are responsible for rising health care premiums.

Specifically, Democrats want to: allow people to buy into Medicare at age 55; increase ACA tax credits; create a national reinsurance program; "ensure people with pre-existing conditions don't get denied [care] due to the expansion of junk insurance plans"; and lower prescription drug costs.

WELCOME TO A SUPER-SIZED WEDNESDAY PULSE — Where we're still reeling from yesterday's big news: IHOP is changing its name , and the new one (IHOb) doesn't appear to be pancake-related. So what could it be possibly b? Give your b-b-b-best guess to ddiamond@politico.com.

With help from Rachana Pradhan (@RachanaDixit), Paul Demko (@PaulDemko), Victoria Colliver (@vcolliver), David Pittman (@David_Pittman) and Jennifer Haberkorn (@JenHab).

WHAT WE LEARNED FROM LAST NIGHT'S PRIMARIES

Health care is likely to be on the ballot this fall in the Montana Senate race and California governor's contest, after last night's primaries resulted in candidates with health care backgrounds.

CALIFORNIA — The front runner for the state's gubernatorial runoff will be a single-payer supporter. As expected, Lt. Gov. Gavin Newsom secured enough votes to assure him one of two spots on the November ballot. The former mayor of San Francisco helped implement the city's near-universal coverage ordinance, but the Democrat has cautioned that statewide single-payer make take years to enact.

Republican businessman John Cox, who was backed by President Trump and opposes single-payer health care, took the second slot. Cox's second-place finish could make Newsom a shoe-in in November.

Many of the state's contested House primaries were too close to call this morning. We're watching the California 45th, where a Democratic field is vying to take on GOP Rep. Mimi Walters. The front runner is Katie Porter, who has strongly embraced single payer and has the backing of national progressive groups.

MONTANA — State auditor and insurance commissioner Matt Rosendale will take on Democratic Sen. Jon Tester in November. Rosendale, an ardent opponent of Obamacare, is hoping to make the health law a point of contrast with Tester. He was responsible for approving rate hikes and welcomed a health sharing ministry into the state during his tenure — points that Democrats could use to neutralize rising health care premiums under Obamacare.

NEW MEXICO — Rep. Michelle Lujan Grisham clinched the Democratic nomination for governor after she faced criticism from rivals over how she profited from New Mexico's high-risk pool, one of the few programs for the seriously ill that remains open even after Obamacare made such programs virtually obsolete. Lujan Grisham was co-owner of the company that operates the high-risk pool -- the Delta Consulting Group -- until last June. She will go on to face GOP Rep. Steve Pearce in the general election.

IOWA — Bernie Sanders-backed Pete D'Alessandro, an advocate for single-payer health care, placed third in the Democratic race to take on GOP Rep. David Young in the Iowa 3rd. More.

ON THE HILL

Senate Finance Committee opioid markup may slide to next week. The panel, which originally planned to mark up its opioid bills this week, is now expected to take up the measures next week, sources tell POLITICO's Brianna Ehley. A date has not been set.

Business groups urge support of bipartisan HSA bill. Ahead of today's Ways and Means Health Subcommittee hearing, a coalition of business groups urged members to embrace the Bipartisan HSA Improvement Act (H.R. 5138), which would make a bunch of largely technical changes aimed at improving coverage and expanding availability. For example, it would make it easier for HSAs to cover services related to chronic disease prevention.

"As the workplace transforms to meet new trends and HSAs grow in the marketplace, we urge you to support legislation that can pass this year and begin helping Americans with HSAs," reads the letter, which was signed by the U.S. Chamber of Commerce, the Business Roundtable, the ERISA Industry Committee and the American Benefits Council, among others. Read the letter.

Among the witnesses due to testify are America's Health Insurance Plans CEO Matt Eyles and New York University's Sherry Glied, who was an HHS assistant secretary in the Obama administration.

Drama teed up around health care cybersecurity today. An HHS initiative to protect

the nation from health care cyberattacks will get attention on the Hill today, as the House Energy and Commerce Health subcommittee will look at the reauthorization of the Pandemic and All-Hazards Act. The act includes a section on the Healthcare Cybersecurity and Communications Integration Center designating it the lead with the department for cybersecurity incidents.

However, the center's been under scrutiny since last year, with HCCIC facing allegations of ethical improprieties by its former leadership, plus broad turnover of cybersecurity leadership in the department.

INSIDE THE HUMPHREY BUILDING

CMS says Obama-era safety efforts averted deaths, avoided costs. Hospital safety efforts begun under the Obama administration helped save 8,000 lives and almost $3 billion in health costs between 2014 and 2016, according to federal data released yesterday.

CMS in 2011 launched the Partnership for Patients campaign to improve care at the bedside, disseminate best practices and support initiatives like the agency's Hospital Improvement Innovation Networks. Meanwhile, the Affordable Care Act put in place penalties for hospital-acquired conditions, and private insurers and hospital systems also have ramped up quality improvement efforts in recent years.

Combined with previous studies, researchers concluded that hospitals saved nearly $23 billion in costs, avoided nearly 2.5 million hospital-acquired conditions and averted 95,000 deaths by improving patient safety between 2010 and 2016.

"Today's results show that this is a tremendous accomplishment by America's hospitals in delivering high-quality, affordable healthcare," CMS Administrator Seema Verma said in a statement. More for Pros.

Why is Medicare's trust fund running out of money faster than before? The program's trustees on Tuesday afternoon said that Medicare will run out of money in 2026, three years earlier than previously projected.

The trustees cited a decline in revenues from payroll and Social Security taxes and higher payments than expected to hospitals and private Medicare plans last year. But lawmakers had their own — widely ranging — perspectives on what the report revealed.

— Republicans: This is evidence that entitlement reforms are necessary. "Medicare has long needed reforms to ensure a strong fiscal future," House E&C Chairman Greg Walden and health subcommittee chairman Michael Burgess said in a joint statement. "It is important Congress works together, and we stand ready to find ways to put the program on more fiscally sound footing."

— Democrats: Blame Trump's tax cuts for Medicare's weaker position. "This deterioration in Medicare's finances is a direct result of President Trump and Congressional Republicans selling America's seniors down the river so that they could shower tax cuts on the ultra-rich and big corporations," ranking E&C member Frank Pallone said in a statement.

AROUND THE NATION

San Francisco: Flavored tobacco ban headed to victory. The tobacco industry vastly outspent its opponents in trying overturn the city's ban on flavored tobacco, but San Franciscans were siding with public health advocates in passing the most restrictive ordinance on these products in the country. The ban would extend not only to nicotine vaping liquids with such flavors as chicken-and-waffles and cotton candy, but to menthol cigarettes and even flavored hookah tobacco. More for Pros.

"There's a reason Big Tobacco panicked, pouring millions into fighting to keep flavored tobacco on store shelves in San Francisco," said Jim Knox, managing director of the American Cancer Society Cancer Action Network California. "As a national public health leader, what happens in San Francisco—often doesn't stay in San Francisco. This could start a trend that will make a big dent in the tobacco industry's profits while keeping kids from a lifetime addiction."

California: Legislators' health agenda focuses on undocumented coverage, more premium help. The state's most controversial health legislation of the year — a plan to set rates for hospitals, doctors and insurers — failed to advance before a key legislative deadline, but the legislature is pressing ahead with bills extending Medicaid coverage to undocumented immigrants and boosting premium subsidies, among other issues, POLITICO's Victoria Colliver reports.

Many of the remaining high-profile health care bills share a common theme: They would push back against the Trump administration's efforts to curtail Obamacare coverage. More for Pros.

Most states don't have laws to address kids being left in hot cars. That's according to a new National Safety Council report, which notes that only eight states consider felony charges for a parent or caregiver who intentionally leaves a child in a hot car. The council also is introducing model legislation. See the report.

More than 37 children per year die from heatstroke after being left in a vehicle, according to the council.

AROUND TOWN

NIHCM to rename most prestigious award in honor of Uwe Reinhardt. The Uwe E. Reinhardt Outstanding Leadership Award will honor the famed economist and Princeton professor, who served as a NIHCM adviser for 21 years before passing away last fall, NIHCM's Nancy Chockley announced last night.

The award has only been given out three times — to Dartmouth's Jack Wennberg, WellPoint founder Leonard Schaeffer and Reinhardt himself in 2013. A fourth honoree will be named in November at NIHCM's 25th anniversary dinner, NIHCM's Katie McDonald told PULSE.

WHAT WE'RE READING

By Victoria Colliver

Rural hospitals are in trouble, and some entrepreneurs are pitching a legally murky strategy to save them, Barbara Feder Ostrov writes for KHN/The Atlantic. More.

In a story also co-published with The Atlantic, ProPublica Illinois' Duaa Eldeib investigates how hundreds of children in Illinois languished in psychiatric hospitals even after they were cleared for release. More.

A physician whose young daughter is diagnosed with rare, degenerative disorder describes his frustrations with a drug company's compassionate use policy and concerns about the federal right-to-try process in STAT. More.

In NEJM, Michael Millenson explores the responsibilities and possibilities of "big data" in health care. More.

NPR's Richard Harris went to the American Society of Clinical Oncology meeting in Chicago and found oncologists focusing less on the newest treatments, and more on all the therapies that aren't working for patients. More.

A possible change to the "public charge" rules could harm access to care for safety-net immigrants, Billy Wynne and Dawn Joyce write at CHCF's blog. More.

** **A message from PhRMA:** For more than 10 years, Medicare has provided prescription drug coverage for seniors. Competition continues to keep premiums low, but seniors are facing higher out-of-pocket spending. Insurers negotiate significant discounts for medicines in Part D. Giving seniors 80% of those discounts at the pharmacy counter could save a senior with diabetes more than $350 per year on their health care costs. The change could also save Medicare nearly $1,000 per year for every senior taking diabetes medication. How? By helping patients afford the drugs they

need to stay healthy and stay out of the hospital. **Seniors share the cost. They should share the savings.** https://letstalkaboutmedicare.org/ **
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Sent: Wed 6/6/2018 2:03:56 PM
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By Elena Schneider and Scott Bland | 06/06/2018 10:00 AM EDT

With Zach Montellaro and Daniel Strauss

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06/06/2018 07:52 AM EDT

By Heather Caygle (hcaygle@politico.com and @heatherscope)

DEMS DON'T WHIFF IN GOLDEN STATE — After weeks of hand wringing and millions of rescue-mission dollars spent, Democrats are on track to avoid lockouts in a number of key battleground House districts in California. "With the votes still being tallied early Wednesday, Democratic candidates were in second place" in three critical Southern California districts seen as key to winning back the House, Elena Schneider and James Arkin report this morning. Key state-by-state results: https://politi.co/2xIP0RW

Top takeaways from Super Tuesday: 1. Bruised feelings but no lockouts in California ... 2. Trump scores symbolic victory as Republican advances in Golden State gubernatorial race ... 3. California Lt. Gov. Gavin Newsom expected to cruise to governorship ... 4. New Jersey voters send Sen. Bob Menendez a message ... 5. Another good night for Democratic women ... 6. Bernie Sanders' sputtering revolution ... 7. Roby pays after Trump diss. **David Siders, Natasha Korecki, Carla Marinucci and Steven Shepard with much more:** https://politi.co/2Jf49jf

It's not over yet: Votes are still being counted - and current tallies are very close in a number of key House races in California. Track live election results here.

Other election coverage not to miss: Alabama GOP Rep. Martha Roby forced into runoff against former Democrat, via Elena and Daniel Strauss; Feinstein romps to victory in Senate primary, the AP reports; Montana state Auditor Matt Rosendale will face Democratic Sen. Jon Tester, via Scott Bland.

MANCHIN: MAYBE MAGA AIN'T SO BAD — Sen. Joe Manchin really likes President Donald Trump - so much so, the vulnerable West Virginia Democrat hasn't ruled out endorsing him in the 2020 election. Yes, really. More than any other Democrat in Congress, Manchin has positioned himself as a vocal ally of the president, Burgess reports from Ranson, W. Va. "I'm open to supporting the person who I think is best for my country and my state," Manchin told Burgess this week from the driver's seat of his Grand Cherokee. "If his policies are best, I'll be right there."

But Manchin, whose state Trump won by more than 40 points, is a top target for Republicans this fall. "If Joe Manchin says that he votes with the president 50-60 percent of the time? In my book that's a failure," said Manchin's opponent, state Attorney General Patrick Morrisey.

And what about all that hugging? "The president recently mocked Manchin in front of the Senate GOP caucus as trying to hug him all the time — only a slight exaggeration, by Manchin's

telling. 'We just kind of do the man-bump type thing. That's it. And I think he's pulling me as much as I'm pulling him,' Manchin said in describing his physical embraces with the president." Much more from the Mountain State: https://politi.co/2JmexBu

GOP SCRAMBLES FOR DACA DEAL — Republican negotiators are scrambling to reach a DACA deal that would head off an immigration showdown on the House floor. With two Democratic holdouts relenting Tuesday, GOP moderates are now within three signatures of forcing a vote if they can't reach an agreement with Republican hardliners first. The outstanding issue is whether both sides can agree to some sort of legal status for Dreamers. "We want clear, concrete protections for Dreamers and a bridge into the legal immigration system. That's not negotiable," centrist Rep. Carlos Curbelo (R-Fla.) told Huddle while declining to say if he would accept a deal that didn't offer Dreamers a pathway to citizenship.

What's next: Negotiators for both sides will meet with Speaker Paul Ryan (R-Wis.) and other GOP leaders today to continue talks with a full Republican Conference meeting tomorrow. Bres and yours truly: https://politi.co/2M2a1tP

Related read: "I'm not writing one penny to any of them" until DACA is resolved, Florida GOP megadonor Mike Fernandez tells Natasha Korecki.

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To view online:
https://www.politico.com/newsletters/huddle/2018/06/06/manchin-embraces-maga-dems-dodge-lockout-in-california-gop-scrambles-for-daca-deal-minibus-hits-roadblock-in-house-278911

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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: POLITICO Huddle
Sent: Wed 6/6/2018 11:54:20 AM
Subject: POLITICO Huddle, presented by the American Clinical Laboratory Association: DEMS DODGE LOCKOUT IN CALIFORNIA — Manchin embraces MAGA — GOP SCRAMBLES FOR DACA DEAL — Minibus hits roadblock in the House

06/06/2018 07:52 AM EDT

By Heather Caygle (hcaygle@politico.com and @heatherscope)

DEMS DON'T WHIFF IN GOLDEN STATE — After weeks of hand wringing and millions of rescue-mission dollars spent, Democrats are on track to avoid lockouts in a number of key battleground House districts in California. "With the votes still being tallied early Wednesday, Democratic candidates were in second place" in three critical Southern California districts seen as key to winning back the House, Elena Schneider and James Arkin report this morning. Key state-by-state results: https://politi.co/2xIP0RW

Top takeaways from Super Tuesday: 1. Bruised feelings but no lockouts in California ... 2. Trump scores symbolic victory as Republican advances in Golden State gubernatorial race ... 3. California Lt. Gov. Gavin Newsom expected to cruise to governorship ... 4. New Jersey voters send Sen. Bob Menendez a message ... 5. Another good night for Democratic women ... 6. Bernie Sanders' sputtering revolution ... 7. Roby pays after Trump diss. **David Siders, Natasha Korecki, Carla Marinucci and Steven Shepard with much more:** https://politi.co/2Jf49jf

It's not over yet: Votes are still being counted - and current tallies are very close in a number of key House races in California. Track live election results here.

Other election coverage not to miss: Alabama GOP Rep. Martha Roby forced into runoff against former Democrat, via Elena and Daniel Strauss; Feinstein romps to victory in Senate primary, the AP reports; Montana state Auditor Matt Rosendale will face Democratic Sen. Jon Tester, via Scott Bland.

MANCHIN: MAYBE MAGA AIN'T SO BAD — Sen. Joe Manchin really likes President Donald Trump - so much so, the vulnerable West Virginia Democrat hasn't ruled out endorsing him in the 2020 election. Yes, really. More than any other Democrat in Congress, Manchin has positioned himself as a vocal ally of the president, Burgess reports from Ranson, W. Va. "I'm open to supporting the person who I think is best for my country and my state," Manchin told Burgess this week from the driver's seat of his Grand Cherokee. "If his policies are best, I'll be right there."

But Manchin, whose state Trump won by more than 40 points, is a top target for Republicans this fall. "If Joe Manchin says that he votes with the president 50-60 percent of the time? In my book that's a failure," said Manchin's opponent, state Attorney General Patrick Morrisey.

And what about all that hugging? "The president recently mocked Manchin in front of the Senate GOP caucus as trying to hug him all the time — only a slight exaggeration, by Manchin's

telling. 'We just kind of do the man-bump type thing. That's it. And I think he's pulling me as much as I'm pulling him,' Manchin said in describing his physical embraces with the president." Much more from the Mountain State: https://politi.co/2JmexBu

GOP SCRAMBLES FOR DACA DEAL — Republican negotiators are scrambling to reach a DACA deal that would head off an immigration showdown on the House floor. With two Democratic holdouts relenting Tuesday, GOP moderates are now within three signatures of forcing a vote if they can't reach an agreement with Republican hardliners first. The outstanding issue is whether both sides can agree to some sort of legal status for Dreamers. "We want clear, concrete protections for Dreamers and a bridge into the legal immigration system. That's not negotiable," centrist Rep. Carlos Curbelo (R-Fla.) told Huddle while declining to say if he would accept a deal that didn't offer Dreamers a pathway to citizenship.

What's next: Negotiators for both sides will meet with Speaker Paul Ryan (R-Wis.) and other GOP leaders today to continue talks with a full Republican Conference meeting tomorrow. Bres and yours truly: https://politi.co/2M2a1tP

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From: POLITICO Pro
Sent: Wed 6/6/2018 5:41:47 AM
Subject: POLITICO Pro Breaking News: Rosendale wins GOP nod to face Tester

State Auditor Matt Rosendale has won the Montana Republican Senate primary and will face Democratic Sen. Jon Tester in the general election.

Rosendale had 34 percent of the vote to former judge Russ Fagg's 29 percent when the Associated Press called the primary with 54 percent of precincts reporting. Veteran Troy Downing was in third place with 19 percent.

The closely watched Senate contest is one of five featuring a Democratic senator in a state President Donald Trump carried by double digits in 2016.

See live results here.

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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Morning Score
Sent: Mon 6/4/2018 2:05:49 PM
Subject: POLITICO's Morning Score, presented by MarketPredict: Montana marks first step in big Senate year for Club for Growth — Quarreling millionaires, crowded Democratic ballot in Orange County threaten key House district — Poll finds Democrats leading gener...

By Elena Schneider | 06/04/2018 10:00 AM EDT

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races — and for a more comprehensive aggregation of the day's most important campaign news — sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

BIG SKY TEST — "Montana marks first step in big Senate year for Club for Growth," by Campaign Pro's James Arkin: "Club for Growth President David McIntosh thinks Republicans are being far too bearish in their predictions for the Senate this cycle, and he says it will be a complete failure of party leadership if they lose the upper chamber. McIntosh hopes his conservative organization can help sway critical races for its favored candidates, from hard-fought Republican primaries to campaigns against Democratic incumbents in deep-red states.

"The group's most notable investment so far has been in Tuesday's Montana Senate primary, where it has spent $1.7 million backing state Auditor Matt Rosendale, widely viewed as the Republican front-runner, and attacking his chief opponent, former Judge Russ Fagg. The Club started spending in early May, and those investments helped set the tone for the final weeks of the race to take on Democratic Sen. Jon Tester. Montana is just the earliest preview of the Club's spending plans for this cycle." **Full story.**

ON TUESDAY — "'This is the weirdest race in the country,'" by Campaign Pro's Elena Schneider in Fullerton, Calif.: "Gil Cisneros and Andy Thorburn, two millionaire Democratic candidates for a battleground House district in Southern California, had been attacking each other so ruthlessly that party leaders encouraged them to meet at an Italian restaurant in Los Angeles earlier this month to force a truce: Play nice, or risk forfeiting a top district to Republicans. The armistice, brokered by California Democratic Party Chairman Eric Bauman and the Democratic Congressional Campaign Committee, altered the course of one of the stranger primaries of 2018, replete with party meddling and nasty attacks but few policy differences. Looming above it all is the possibility that two Republicans would advance to the general election to replace Republican Rep. Ed Royce in a district Hillary Clinton carried in 2016." **Full story.**

ICYMI — "California Democrats agonize over House primaries," via Schneider. Full story.

— "Democrats Hope an Asian Influx Will Help Turn Orange County Blue," by The New York Times' Vivian Yee. Full story.

— In CA-48: Democrat Harley Rouda gave his campaign another $300,000, per a new FEC

filing, and also took in several thousand dollars from five Democratic House members.

LAST WEEKEND — "GOP picks Denver Riggleman to replace Rep. Tom Garrett as nominee in Virginia's 5th District," by The Washington Post's Jenna Portnoy: "Republican activists chose Denver Riggleman at a meeting Saturday in central Virginia to replace Rep. Thomas Garrett (R) on the November ballot, following a frenzied five-day campaign. The craft distillery owner and former Air Force intelligence officer will face Democrat Leslie Cockburn, a journalist, author and first-time candidate trying to capitalize on opposition to President Trump in Charlottesville and other liberal enclaves in Virginia's 5th Congressional District." **Full story.**

FIRST IN SCORE — POLLING DATA — House Majority PAC poll finds Democrats leading generic ballot in WA-08: House Majority PAC confirmed to Campaign Pro that it conducted a poll in the open race, which found that Democrats lead the generic ballot, 48 percent to 42 percent. But Republican Dino Rossi, who is better known than the three Democratic candidates, leads the uninformed ballot with 41 percent, followed by Kim Schrier with 17 percent and Shannon Hader with 11 percent. But on the informed ballot, Democrat Jason Rittereiser is the only candidate who matches Rossi in a head-to-head matchup.

"The most important takeaway from this poll is that Dino Rossi can be beaten and, despite spending tens of millions of dollars losing three statewide elections, finds himself in an incredibly vulnerable position. The poll also shows that all of the leading Democrats are competitive with Rossi," HMP's spokesman Jeb Fain said in an emailed statement. **Check out the polling memo here.**

Days until the 2018 election: 155

Upcoming election dates — June 5: Alabama, California, Iowa, Mississippi, Montana, New Jersey, New Mexico and South Dakota primaries — **June 12:** Maine, Nevada, North Dakota, South Carolina and Virginia primaries. **June 26:** Colorado, Maryland, New York (congressional), Oklahoma and Utah primaries and Mississippi and South Carolina primary runoffs.

Upcoming filing deadlines — Hawaii and Minnesota: June 5 — **Connecticut:** June 12.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, dstrauss@politico.com, mseverns@politico.com and jarkin@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @danielstrauss4, @maggieseverns and @jamesarkin.

Join POLITICO Playbook Co-Authors Anna Palmer and Jake Sherman on Tuesday, June 12 at The D.C. Bar Headquarters, for a Playbook Interview featuring House Majority Whip Steve Scalise (R-La.). This conversation will provide intelligence and insight around Scalise's policy priorities and the Republican leadership agenda, along with politics and news of the day. Register today.

Join the **Global Public Affairs Club**, a new global community dedicated to **C-level public affairs professionals** launched by POLITICO's sister company, DII. Members receive the **GPAC weekly newsletter**, including original reporting and analysis on **new transparency standards, recent lobbying regulation, risk management and industry best practices.** In addition, members have access to the **Global Public Affairs Forum on Sept. 28 in Paris.** For additional information on GPAC, email Chloé Mimault-Talagrand at cmimault@dii.eu.

FIRST IN SCORE — ON THE AIRWAVES — Renacci pops new attack ad: Ohio Rep. Jim Renacci's Senate campaign is launching a new ad Monday hitting back against an attack ad from Democratic Sen. Sherrod Brown . "You're going to hear a lot from Sherrod 'Full-of-Bull' Brown because a lifelong politician who raises our taxes and broke his pledge on term limits will say anything to stay in Washington," Renacci says to the camera. "And Sherrod, next time you want to spread your bull around, look at the camera and do it yourself." Watch the ad here.

— Sisolak releases positive spot in Nevada governor's race: Democrat Steve Sisolak launched a positive TV ad on Monday, featuring Sisolak's daughters who say he taught them to "stand up to bullies ... like Trump." The ad will air on broadcast and cable stations in in Reno and Las Vegas. **Watch the ad here.**

— One Nation ad praises Hawley's Google investigation: "A new TV ad from One Nation, the nonprofit group allied with GOP Senate leadership, praises Missouri Attorney General Josh Hawley for his office's investigation into Google's privacy protections." **Full story.**

** **A message from MarketPredict:** Need live political data that is easy to understand and implement to help you win? With the launch of MarketPredict's live predictive modeling, data will be delivered to you when you need it. Covering Gubernatorial, Senate or Ballot and staffed with political-data and media experts to support your campaigns. Just consider us your extended team! info@market-predict.com | 202-408-2713 | Market-Predict.com **

FIRST IN SCORE — WEB WARS — The NRSC is launching a new digital ad in Tennessee today highlighting some of President Donald Trump's attacks against former Gov. Phil Bredesen during his rally in Nashville last week. "Bredesen donated a lot of money to the campaigns of Barack Obama and Hillary Clinton, Crooked HIllary," Trump says in the ad. **Watch the ad here.**

BAD HEADLINE — "Top Comstock Challenger Criticized for Fake Cops in Ad," by Roll Call's Griffin Connolly: "A new ad for Jennifer Wexton, a top Democratic challenger to Virginia GOP Rep. Barbara Comstock, briefly features three police officers signing a poster promising 'Change is Coming.' But none of them are actual law enforcement. In fact, one of them is Matt Leslie, Wexton's field director, who, according to his LinkedIn profile, has never been and is not currently police." **Full story.**

CLIP AND SAVE — POLITICO's handy state-by-state guide to primary and registration dates, complete with information on early voting and when polls close, is live. Bookmark it here.

TECH PROBLEMS — "Facebook Tried to Rein In Fake Ads. It Fell Short in a California

Race," by The New York Times' Sheera Frenkel: "Ms. Bateson, a Democrat running for Congress in the California primary on Tuesday, quickly opened up the social network. There, she saw what appeared to be a news article that painted her as underhandedly trying to torpedo the campaign of a rival Democratic candidate. When Ms. Bateson clicked through the article, she was directed to a Facebook page run by Sierra Nevada Revolution, a local progressive group she had clashed with in the past. ... Ms. Bateson's experience underscores Facebook's difficulties as the Silicon Valley company aims to prevent manipulation of its ad system in elections, especially as the midterms loom this November." **Full story.**

SECRET MONEY — "Judge delays order forcing Greitens' political nonprofit to hand over records," by the Kansas City Star's Jason Hancock: "A Cole County judge on Friday delayed an order forcing Gov. Eric Greitens' dark-money nonprofit to turn over documents to the House committee that's been investigating the governor for three months. Circuit Judge Jon Beetem said that because of 'the extraordinary events of this week,' he was delaying the order until after a hearing sought by the nonprofit, A New Missouri Inc. That hearing could come as early as Monday. Beetem on Tuesday had ordered A New Missouri to abide by a subpoena issued by the Missouri House and turn over documents that lawmakers believe might demonstrate efforts to illegally circumvent the state's campaign disclosure laws." **Full story.**

— **American Action Network** on Friday filed a motion for a stay in the case *CREW v. AAN*, in which the Center for Responsibility and Ethics in Washington is suing to force AAN to register as a political committee and disclose its donors. Read the filing **here**. Read the complaint **here**.

GETTING THE NOD — End Citizens United endorsed 5 House candidates: End Citizens United announced that the group is backing five Democratic House candidates: Harley Rouda (CA-48), Amy McGrath (KY-06), Kara Eastman (NE-02), Scott Wallace (PA-01) and Susan Wild (PA-07).

CODA — QUOTE OF THE DAY: "I'm stronger for Tester, I think, than Trump." — A Montana voter told The New York Times.

** **A message from MarketPredict:** MarketPredict provides a state-of-the-art way to optimize your media strategy. So what will you get? Our dashboards are interactive where you can adjust the outputs as you need to see them. Need to target females? Or just a 50+ demo? No Problem! We have you covered. Your dashboard will be focused on the three areas listed below (click links to see example):

- Media Optimization Recommendations**:** MarketPredict will focus your marketing where it will have the most impact on convertible voters.
- Program Ranker**:** Which programs should you be targeting?
- Station Ranker**:** Which stations should you be targeting?

We can also do custom analyses upon request. Our most popular is what we're calling a 50+1 analysis, wherein we show how much money you need to raise to hit different levels of voter conversion using optimal media spends. We can also do crisis analysis where we show you the impact on vote share for major events like hurricanes or terrorist strikes. All this is value-add for

our clients in Scripps markets! For those wanting a more robust approach covering all markets in a state, we offer competitive pricing and bulk purchase discounts! **

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Sent: Mon 6/4/2018 2:05:47 PM
Subject: POLITICO's Morning Score, presented by MarketPredict: Montana marks first step in big Senate year for Club for Growth — Quarreling millionaires, crowded Democratic ballot in Orange County threaten key House district — Poll finds Democrats leading gener...

By Elena Schneider | 06/04/2018 10:00 AM EDT

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races — and for a more comprehensive aggregation of the day's most important campaign news — sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

BIG SKY TEST — "Montana marks first step in big Senate year for Club for Growth," by Campaign Pro's James Arkin: "Club for Growth President David McIntosh thinks Republicans are being far too bearish in their predictions for the Senate this cycle, and he says it will be a complete failure of party leadership if they lose the upper chamber. McIntosh hopes his conservative organization can help sway critical races for its favored candidates, from hard-fought Republican primaries to campaigns against Democratic incumbents in deep-red states.

"The group's most notable investment so far has been in Tuesday's Montana Senate primary, where it has spent $1.7 million backing state Auditor Matt Rosendale, widely viewed as the Republican front-runner, and attacking his chief opponent, former Judge Russ Fagg. The Club started spending in early May, and those investments helped set the tone for the final weeks of the race to take on Democratic Sen. Jon Tester. Montana is just the earliest preview of the Club's spending plans for this cycle." **Full story.**

ON TUESDAY — "'This is the weirdest race in the country,'" by Campaign Pro's Elena Schneider in Fullerton, Calif.: "Gil Cisneros and Andy Thorburn, two millionaire Democratic candidates for a battleground House district in Southern California, had been attacking each other so ruthlessly that party leaders encouraged them to meet at an Italian restaurant in Los Angeles earlier this month to force a truce: Play nice, or risk forfeiting a top district to Republicans. The armistice, brokered by California Democratic Party Chairman Eric Bauman and the Democratic Congressional Campaign Committee, altered the course of one of the stranger primaries of 2018, replete with party meddling and nasty attacks but few policy differences. Looming above it all is the possibility that two Republicans would advance to the general election to replace Republican Rep. Ed Royce in a district Hillary Clinton carried in 2016." **Full story.**

ICYMI — "California Democrats agonize over House primaries," via Schneider. Full story.

— "Democrats Hope an Asian Influx Will Help Turn Orange County Blue," by The New York Times' Vivian Yee. Full story.

— In CA-48: Democrat Harley Rouda gave his campaign another $300,000, per a new FEC

filing, and also took in several thousand dollars from five Democratic House members.

LAST WEEKEND — "GOP picks Denver Riggleman to replace Rep. Tom Garrett as nominee in Virginia's 5th District," by The Washington Post's Jenna Portnoy: "Republican activists chose Denver Riggleman at a meeting Saturday in central Virginia to replace Rep. Thomas Garrett (R) on the November ballot, following a frenzied five-day campaign. The craft distillery owner and former Air Force intelligence officer will face Democrat Leslie Cockburn, a journalist, author and first-time candidate trying to capitalize on opposition to President Trump in Charlottesville and other liberal enclaves in Virginia's 5th Congressional District." **Full story.**

FIRST IN SCORE — POLLING DATA — House Majority PAC poll finds Democrats leading generic ballot in WA-08: House Majority PAC confirmed to Campaign Pro that it conducted a poll in the open race, which found that Democrats lead the generic ballot, 48 percent to 42 percent. But Republican Dino Rossi, who is better known than the three Democratic candidates, leads the uninformed ballot with 41 percent, followed by Kim Schrier with 17 percent and Shannon Hader with 11 percent. But on the informed ballot, Democrat Jason Rittereiser is the only candidate who matches Rossi in a head-to-head matchup.

"The most important takeaway from this poll is that Dino Rossi can be beaten and, despite spending tens of millions of dollars losing three statewide elections, finds himself in an incredibly vulnerable position. The poll also shows that all of the leading Democrats are competitive with Rossi," HMP's spokesman Jeb Fain said in an emailed statement. **Check out the polling memo here.**

Days until the 2018 election: 155

Upcoming election dates — June 5: Alabama, California, Iowa, Mississippi, Montana, New Jersey, New Mexico and South Dakota primaries — **June 12:** Maine, Nevada, North Dakota, South Carolina and Virginia primaries. **June 26:** Colorado, Maryland, New York (congressional), Oklahoma and Utah primaries and Mississippi and South Carolina primary runoffs.

Upcoming filing deadlines — Hawaii and Minnesota: June 5 — **Connecticut:** June 12.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, dstrauss@politico.com, mseverns@politico.com and jarkin@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @danielstrauss4, @maggieseverns and @jamesarkin.

Join POLITICO Playbook Co-Authors Anna Palmer and Jake Sherman on Tuesday, June 12 at The D.C. Bar Headquarters, for a Playbook Interview featuring House Majority Whip Steve Scalise (R-La.). This conversation will provide intelligence and insight around Scalise's policy priorities and the Republican leadership agenda, along with politics and news of the day. Register today.

Join the **Global Public Affairs Club**, a new global community dedicated to **C-level public affairs professionals** launched by POLITICO's sister company, DII. Members receive the **GPAC weekly newsletter**, including original reporting and analysis on **new transparency standards, recent lobbying regulation, risk management and industry best practices.** In addition, members have access to the **Global Public Affairs Forum on Sept. 28 in Paris.** For additional information on GPAC, email Chloé Mimault-Talagrand at cmimault@dii.eu.

FIRST IN SCORE — ON THE AIRWAVES — Renacci pops new attack ad: Ohio Rep. Jim Renacci's Senate campaign is launching a new ad Monday hitting back against an attack ad from Democratic Sen. Sherrod Brown . "You're going to hear a lot from Sherrod 'Full-of-Bull' Brown because a lifelong politician who raises our taxes and broke his pledge on term limits will say anything to stay in Washington," Renacci says to the camera. "And Sherrod, next time you want to spread your bull around, look at the camera and do it yourself." Watch the ad here.

— Sisolak releases positive spot in Nevada governor's race: Democrat Steve Sisolak launched a positive TV ad on Monday, featuring Sisolak's daughters who say he taught them to "stand up to bullies ... like Trump." The ad will air on broadcast and cable stations in in Reno and Las Vegas. **Watch the ad here.**

— One Nation ad praises Hawley's Google investigation: "A new TV ad from One Nation, the nonprofit group allied with GOP Senate leadership, praises Missouri Attorney General Josh Hawley for his office's investigation into Google's privacy protections." **Full story.**

** **A message from MarketPredict:** Need live political data that is easy to understand and implement to help you win? With the launch of MarketPredict's live predictive modeling, data will be delivered to you when you need it. Covering Gubernatorial, Senate or Ballot and staffed with political-data and media experts to support your campaigns. Just consider us your extended team! info@market-predict.com | 202-408-2713 | Market-Predict.com **

FIRST IN SCORE — WEB WARS — The NRSC is launching a new digital ad in Tennessee today highlighting some of President Donald Trump's attacks against former Gov. Phil Bredesen during his rally in Nashville last week. "Bredesen donated a lot of money to the campaigns of Barack Obama and Hillary Clinton, Crooked HIllary," Trump says in the ad. **Watch the ad here.**

BAD HEADLINE — "Top Comstock Challenger Criticized for Fake Cops in Ad," by Roll Call's Griffin Connolly: "A new ad for Jennifer Wexton, a top Democratic challenger to Virginia GOP Rep. Barbara Comstock, briefly features three police officers signing a poster promising 'Change is Coming.' But none of them are actual law enforcement. In fact, one of them is Matt Leslie, Wexton's field director, who, according to his LinkedIn profile, has never been and is not currently police." **Full story.**

CLIP AND SAVE — POLITICO's handy state-by-state guide to primary and registration dates, complete with information on early voting and when polls close, is live. Bookmark it here.

TECH PROBLEMS — "Facebook Tried to Rein In Fake Ads. It Fell Short in a California

Race," by The New York Times' Sheera Frenkel: "Ms. Bateson, a Democrat running for Congress in the California primary on Tuesday, quickly opened up the social network. There, she saw what appeared to be a news article that painted her as underhandedly trying to torpedo the campaign of a rival Democratic candidate. When Ms. Bateson clicked through the article, she was directed to a Facebook page run by Sierra Nevada Revolution, a local progressive group she had clashed with in the past. ... Ms. Bateson's experience underscores Facebook's difficulties as the Silicon Valley company aims to prevent manipulation of its ad system in elections, especially as the midterms loom this November." **Full story.**

SECRET MONEY — "Judge delays order forcing Greitens' political nonprofit to hand over records," by the Kansas City Star's Jason Hancock: "A Cole County judge on Friday delayed an order forcing Gov. Eric Greitens' dark-money nonprofit to turn over documents to the House committee that's been investigating the governor for three months. Circuit Judge Jon Beetem said that because of 'the extraordinary events of this week,' he was delaying the order until after a hearing sought by the nonprofit, A New Missouri Inc. That hearing could come as early as Monday. Beetem on Tuesday had ordered A New Missouri to abide by a subpoena issued by the Missouri House and turn over documents that lawmakers believe might demonstrate efforts to illegally circumvent the state's campaign disclosure laws." **Full story.**

— **American Action Network** on Friday filed a motion for a stay in the case *CREW v. AAN*, in which the Center for Responsibility and Ethics in Washington is suing to force AAN to register as a political committee and disclose its donors. Read the filing **here**. Read the complaint **here**.

GETTING THE NOD — End Citizens United endorsed 5 House candidates: End Citizens United announced that the group is backing five Democratic House candidates: Harley Rouda (CA-48), Amy McGrath (KY-06), Kara Eastman (NE-02), Scott Wallace (PA-01) and Susan Wild (PA-07).

CODA — QUOTE OF THE DAY: "I'm stronger for Tester, I think, than Trump." — A Montana voter told The New York Times.

** **A message from MarketPredict:** MarketPredict provides a state-of-the-art way to optimize your media strategy. So what will you get? Our dashboards are interactive where you can adjust the outputs as you need to see them. Need to target females? Or just a 50+ demo? No Problem! We have you covered. Your dashboard will be focused on the three areas listed below (click links to see example):

- Media Optimization Recommendations**:** MarketPredict will focus your marketing where it will have the most impact on convertible voters.
- Program Ranker**:** Which programs should you be targeting?
- Station Ranker**:** Which stations should you be targeting?

We can also do custom analyses upon request. Our most popular is what we're calling a 50+1 analysis, wherein we show how much money you need to raise to hit different levels of voter conversion using optimal media spends. We can also do crisis analysis where we show you the impact on vote share for major events like hurricanes or terrorist strikes. All this is value-add for

our clients in Scripps markets! For those wanting a more robust approach covering all markets in a state, we offer competitive pricing and bulk purchase discounts! **

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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 5/30/2018 9:43:12 AM
Subject: Morning Energy, presented by America's Pledge: Battle in the Bakken state? — Groups sue over EPA waiver exemptions — Deja vu on formaldehyde

By Kelsey Tamborrino | 05/30/2018 05:41 AM EDT

With help from Annie Snider and Ben Lefebvre

BATTLE IN THE BAKKEN STATE? As the election year kicks into high gear, President Donald Trump's friendly relationship with Democratic Sen. Heidi Heitkamp is worrying some within the Republican party, POLITICO's Alex Isenstadt and Burgess Everett report. Republicans have grown increasingly frustrated with Trump's ongoing flirtation with the freshman senator from the No. 2 oil-producing state, especially at a time when many in the GOP fear that the president's unpredictable style will undercut their midterm plans. Heitkamp, who is seeking reelection in a state where Trump won nearly two-thirds of the vote, has a friendly relationship with the president, even after Trump aggressively recruited Rep. Kevin Cramer — who advised his campaign on energy issues — to give up his House seat and enter that race, leaving some of Cramer's closest allies feeling snubbed.

In an interview, Cramer said there would soon be "clarity" on who Trump supports in the race. But the congressman declined to predict whether the president would go after Heitkamp aggressively, as Trump has done with other Democratic incumbents. Cramer seemed aware of the warmth between the president and the senator, Alex and Burgess report. Trump has asked Cramer if he likes Heitkamp, and when the congressman responds yes, the president seems to be "relieved," Cramer said. "Politically, North Dakota's a pretty nice state. So I don't know that turning it on her is necessarily politically helpful to me," Cramer said. "They may just be concerned that she's a woman and maybe that has an impact. I just don't know."

For her part, Heitkamp said she's proud of her ability to work with the president. "I have a friendly relationship, I have a very important working relationship," she said in an interview, "not just with him but other members of the administration." Read the story here.

WELCOME TO WEDNESDAY! I'm your host Kelsey Tamborrino, and Peter Robertson of the Pebble Partnership was the first to correctly identify California and Ohio as the two states that don't have an avenue named after them in D.C. Instead, there's a California Street and Ohio Drive. For today: Which president was the first to see a major league baseball game in his hometown, and which town was it? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

Register for the Pro Summit: Join Pro subscribers, expert reporters and key decision-makers from the executive branch, federal agencies and Congress for a full day of incisive policy conversations on July 17. Learn more.

GROUPS SUE ON WAIVER EXEMPTIONS: Ethanol and farm groups say they've filed a

lawsuit against EPA over some of the waivers granted to small refineries allowing them to shed their Renewable Fuel Standard requirements on blending biofuels, Pro's Eric Wolff reports. The Renewable Fuels Association, National Corn Growers Association, American Coalition for Ethanol and National Farmers Union are challenging the waivers granted to CVR Refining's Wynnewood, Okla., refinery and the HollyFrontier refineries at Cheyenne, Wyo. and Woods Cross, Utah. Those refineries have collectively saved $170 million in compliance costs, the coalition said.

Those waivers, which ethanol backers say violate the volume mandates under the RFS, are also the subject of some horse-trading in the discussions between EPA Administrator Scott Pruitt and USDA Secretary Sonny Perdue. The two are trying to put the final touches on a compromise deal over EPA's rules for biofuels. Read more.

CHEVRON SHAREHOLDERS VOTE: Shareholders at Chevron's annual meeting today will vote on a pair of climate change-related provisions. First up is a proposal that the oil giant report to investors how it will change its business model to account for any decreased demand for oil and gas resulting from greater development of renewable energy sources. Another proposal is that Chevron start providing reports on steps it is taking to minimize methane emissions from its fracking operations. Chevron's board of directors have advised against both proposals, saying the company is already making sufficient efforts on both matters.

Exxon, which also holds its annual meeting today, is getting a break this year from the sort of environmental proposals its shareholders considered in 2017.

** **A message from America's Pledge:** America's Pledge is flipping the script on climate action. One year after the federal government announced it would pull out of the Paris Agreement, 2,700+ U.S. cities, states, and businesses are saying, "We Are Still In." See how far we've come: https://politi.co/2koAHZb **

DEJA VU? Already under fire for their handling of a controversial assessment of nonstick chemicals in drinking water, a newly uncovered EPA email suggests that public relations strategy was also front-of-mind for EPA staffers as the agency contemplated reevaluating the risks of formaldehyde. Reuters reported last week that EPA delayed release of a new assessment of the chemical that is expected to for the first time link formaldehyde with leukemia after meeting with the American Chemistry Council in January.

"They reiterated the concern you have raised about information leaking before it's been vetted and asked that the Agency have appropriate communication materials ready to use if needed," Jennifer Orme-Zavaleta, who heads EPA's Office of Research and Development, wrote in a Jan. 24 email to EPA chief of staff Ryan Jackson and Richard Yamada, deputy assistant administrator for research and development. The email was released to the Union of Concerned Scientists under the Freedom of Information Act.

Yogin Kothari, a lobbyist of UCS, said the email "sounds eerily similar" to concerns that EPA and White House officials expressed about a HHS assessment of the chemicals PFOA and PFOS. "It's not surprising that the ACC is attempting to wield its influence over EPA when its former

staff are basically running the place," Kothari said by email.

WE'RE CLOSED: The Environmental Council of the States' upcoming fall meeting will close to the public certain sessions attended by EPA officials, according to the group's draft agenda for the August meeting. The draft shows ECOS will hold closed sessions on several issues, including a state-EPA roundtable on "cooperative federalism" and joint PFAS activities. (h/t E&E News' Sean Reilly)

NAFTA TALKS STILL STALLED: Recent NAFTA talks between the U.S., Mexico and Canada have not resulted in progress on the thorniest issues because the U.S. remains unwilling to offer important concessions, two sources close to the talks told Pro's Sabrina Rodriguez. Negotiators from the Office of the U.S. Trade Representative continue to demand that "they want everything, and there's no possible way they'll get everything they want," one of the sources said. "Conversations have stalled entirely." Read more.

WE'LL ALWAYS HAVE PARIS: This week marks the one-year anniversary of Trump's decision to pull the U.S. out of the Paris climate agreement. The United States still technically remains in the 2015 pact for the next two-and-a-half years, but the action to implement it is playing out in the rest of the world. To mark the occasion, the World Resources Institute will host a discussion today on whether other nations have moved on since Trump's decision to exit the agreement. Among those participating is Todd Stern, the former State Department special envoy for climate change who helped seal the deal. In the lead-up to the event, WRI's Eliza Northrop laid out the seven signs of progress since Trump's announcement here, including a timeline of events over the last year. If you go: The discussion kicks off at 2:30 p.m at 10 G Street NW. Watch the livestream here.

— **And the National League of Cities**, as well as mayors from across the country, will release today their latest "State of the Cities" report that will look into the trend of cities taking on clean energy goals, despite the federal government.

OFFSHORE DRILLER FINED $4M: Oil and gas company Energy Resource Technology was fined $4 million Tuesday by the U.S. Attorney's Office for the Eastern District of Louisiana for fabricating data about the readiness of a key piece equipment used to prevent oil spills, Interior said. The fine comes as a result of an investigation by Interior's Office of Inspector General that found that ERT management directed an employee on its rig in the Gulf of Mexico to create a fake blowout preventer pressure test chart to conceal a failed test result, Pro's Ben Lefebvre reports. Read more.

EPA, KILDEE SPAR OVER SUMMIT: EPA defended its move to only allow federal agency and state representatives on the second day of last week's summit on toxic chemicals in drinking water, dismissing Democratic Rep. Dan Kildee's complaint that members of his staff had been barred from attending as a mischaracterization. EPA Associate Administrator Troy Lyons wrote in a letter Tuesday to Kildee and obtained by POLITICO that the agency worked with Kildee's office ahead of time to allow a staffer to attend the first day of the summit.

"I trust you understand our disappointment when we discovered that no one from your office

attended the summit on May 22, particularly in light of the subsequent events on May 23," Lyons wrote. In a statement, Mitchell Rivard, Kildee's chief of staff, said that "it is hard to mischaracterize the EPA's actions — it had been widely reported that the EPA blocked both journalists and a congressional office from the taxpayer-funded PFAS summit." Read the letter here.

MAIL CALL! 45Q AND YOU: Rep. Cramer shared a letter Tuesday from the Treasury Department in response to his request for direction on the expanded 45Q tax credit for capturing and storing carbon dioxide. In the letter, Assistant Secretary for Legislative Affairs Drew Maloney said Treasury is developing published guidance to provide clarity to taxpayers for the purpose of using the credit.

— **A coalition of 12 state and city attorneys general** and attorneys sent a letter to National Academy of Sciences President Marcia McNutt saying EPA's so-called secret science proposal to ban the use of studies that don't publicly disclose all data is "too vague and rushed to allow for meaningful public review." And they pressed for the group to weigh in, saying "the National Academy's input on this extremely consequential proposal." Read it here.

API WRITES TO TRUMP ON SECTION 232: The American Petroleum Institute sent a letter to Trump last week requesting that the list of countries currently exempt from Section 232 tariffs on steel and aluminum be expanded "without imposing alternative measures such as quotas," and that the president remove any associated import quotas that have already been imposed. In his letter, API President and CEO Jack Gerard writes that additional import restrictions "will have a negative effect on our industry just as we have achieved the highest level of domestic hydrocarbon (oil and natural gas and natural gas liquids, or NGLs) production since 1949," according to EIA.

TRUDEAU COMMENTS ON PIPELINE: Canadian Prime Minister Justin Trudeau defended the Canadian government's plan to buy and complete the expansion of Kinder Morgan's Trans Mountain pipeline. "The project became too risky for a commercial entity to go forward with it; that's what Kinder Morgan told us," Trudeau said during a Bloomberg Businessweek event. "We are going to ensure that it gets built so that we can get our resources to new markets." More here.

WHITE HOUSE TALKS PUERTO RICO: Aboard an Air Force One flight, press secretary Sarah Huckabee Sanders was asked whether the president — despite his previous comments — now thinks Puerto Rico constitutes a "real catastrophe" following the release of a Harvard University study that found at least 4,645 people died from the September 2017 storm rather than the 64 deaths federal authorities counted. The White House continues to be supportive of the governor of Puerto Rico, Sanders said according to pool reports, and of "transparency and accountability." The people of Puerto Rico "deserve nothing less than that, and were going to continue to be focused on helping in every way we can," she said. "FEMA has already done the largest response ever in history to any natural disaster. They're in Puerto Rico, and we're going to continue to give as much assistance as possible."

RBS COMMITS TO NEW ENERGY FINANCING: Ahead of its shareholder meeting today, the Royal Bank of Scotland announced Tuesday new energy financing policies to support a

transition to low carbon. The bank said it would no longer provide "project-specific finance" to new coal-fired power plants, thermal coal mines or oil sands projects, among other projects. Additionally, RBS said it is tightening restrictions on general lending to mining and power companies generating more than 40 percent of their revenues from thermal coal and of electricity from coal, respectively. In response, Rainforest Action Network Executive Director Lindsey Allen said the announcement "comes as a result of groups like us pressuring banks to defund fossil fuels and deforestation," but said the "policy is only half a step forward because it leaves loopholes in place."

REPORT: COOK TAPPED FOR SUPERFUND JOB: EPA has named Steven Cook — a former senior counsel at chemical giant LyondellBasell — to the agency's Superfund Task Force in the position left vacant by Albert "Kell" Kelly, Bloomberg BNA reported. Cook has been serving as deputy assistant administrator for the agency's land and waste office, prior to his move to the Superfund spot.

ZINKE DEFENDS 'KONICHIWA' GREETING: In a wide-ranging radio interview with Breitbart Radio, Interior Secretary Ryan Zinke defended his use of the greeting "konichiwa" in response to a question from Rep. Colleen Hanabusa on preserving internment sites during a March Natural Resources hearing. "I grew up in a little logging, timber town, railroad town in Montana and a lot of my family lived through the years of the internment camps. I've long since had friends that were Japanese families that went through that," Zinke said, calling it an "appropriate salute." Listen to the full interview here.

AD WARS: Club for Growth Action said Tuesday that it would spend $250,000 on new ads attacking Russ Fagg, a former judge and Republican candidate for Senate in Montana. Campaign Pro's James Arkin reports the new ad campaign attacks Fagg over his record during his two decades as a district judge, including the time he called a judge who "undercut" Trump's rollback of environmental rules a "thoughtful moderate." Watch the TV ad here.

MOVER, SHAKER: Stuart Siffring joined the Western Energy Alliance as a regulatory analyst, the trade group announced Tuesday. Siffring previously worked as a permit engineer at EPA and the Colorado Department of Public Health and Environment.

QUICK HITS

— EPA used disavowed research to justify putting dirtier trucks on the road, Los Angeles Times.

— Antarctica has enormous mountain ranges and valleys deep beneath its ice, The Washington Post.

— Former Perry adviser is FirstEnergy's secret weapon in U.S. bailout, Bloomberg.

— McConnell's plan for a packed summer Senate agenda, CQ Roll Call.

— Lowe's drops paint strippers blamed in dozens of deaths, The New York Times.

— No offsets, no problem as Army Corps OKs wetland projects, E&E News.

HAPPENING TODAY

9:30 a.m. — The Woodrow Wilson Center's Environmental Change and Security Program discussion on "Sustainable Water, Resilient Communities: The Challenge of Erratic Water," 1300 Pennsylvania Ave NW

1:00 p.m. — The National Academy of Sciences' Government-University-Industry Research Roundtable webinar on "Connecting Research to Policy: The Broadband Research Initiative at Pew Charitable Trusts."

1:00 p.m. — The Center for Climate, Health, and the Global Environment at the Harvard T.H. Chan School of Public Health launches new center, Boston.

2:00 p.m. — The Woodrow Wilson Center discussion on "Where Does the Transatlantic Relationship Go from Here," 1300 Pennsylvania Avenue NW

2:30 p.m. — The World Resources Institute forum on "One Year Later: Has the World Moved On Since President Trump's Announcement on the Paris Agreement?" 10 G Street NE

4:00 p.m. — Atlantic Council's Cyber Statecraft Initiative and Global Energy Center discussion on "Supply Chain Vulnerabilities in the Software Era," 1030 15th Street Northwest

THAT'S ALL FOR ME!

** **A message from America's Pledge:** One year after President Trump announced plans to withdraw from the Paris Agreement, America's Pledge is showing the world that U.S. cities, states, and businesses can lead us towards our goals - with or without Washington. https://politi.co/2koAHZb **

To view online:
https://subscriber.politicopro.com/newsletters/morning-energy/2018/05/battle-in-the-bakken-state-236539

Stories from POLITICO Pro

The one Democrat Trump can't help but like Back

By Alex Isenstadt and Burgess Everett | 05/30/2018 05:08 AM EDT

When a small group of alarmed White House aides caught wind that Sen. Heidi Heitkamp — one of the most endangered Democrats up for reelection in 2018 — would be attending President Donald Trump's bill signing last week, they raced to stop it.

Word eventually reached Senate Majority Leader Mitch McConnell, who has made unseating

Heitkamp a top priority. He opted not to intervene, and the invitation stood: As the president signed a banking deregulation bill into law before a national audience, Heitkamp was right next to him, the only Democrat in the room.

As the election year kicks into high gear, Republicans have grown increasingly frustrated with Trump's ongoing flirtation with the freshman senator. At a time when many in the GOP fear that the president's unpredictable style will undercut their best-laid midterm plans, the relationship has given Heitkamp — who is seeking reelection in a state where Trump won nearly two-thirds of the vote — fodder to portray herself as a presidential ally.

Her office keeps a running list of the dozen-plus meetings Heitkamp has had with Trump and his top advisers since the 2016 election. And the senator is fond of noting that she forged close ties with Trump's former top economist, Gary Cohn. The president met with Heitkamp in Trump Tower after the 2016 election to discuss a possible Cabinet position, asked her to join him on Air Force One, and invited her onstage to join him and her Republican opponent, Rep. Kevin Cramer, during an appearance in North Dakota.

"Everyone is saying, 'What's she doing up here?'" the president said at the September event to sell his tax reform plan, which Heitkamp eventually opposed. "But I'll tell you what. Good woman, and I think we'll have your support, I hope we'll have your support. And thank you very much, senator, thank you for coming up."

After last week's bill signing, Heitkamp's allies raced to capitalize. The North Dakota Democratic Party sent out a tweet with an image of Cramer looking on uncomfortably as the president stood next to Heitkamp.

"At a bill signing today, @HeidiHeitkamp got a shout out and all @kevincramer got was a photo op next to a chair," the state party boasted.

"We will see footage of this on every platform," said Doug Heye, a former top Republican National Committee official. "It's a huge gift for her campaign."

Trump aggressively recruited Cramer to give up his House seat to take on Heitkamp, and his actions since have left some of Cramer's closest allies feeling snubbed. They note that while Trump has savaged Democratic incumbents Joe Donnelly of Indiana and Jon Tester of Montana and visited a growing list of states to pump up Republican Senate hopefuls — most recently Tennessee, where he appeared Tuesday on behalf of Rep. Marsha Blackburn — he has yet to make a campaign appearance with Cramer. Nor has the attack dog-in-chief attacked Heitkamp.

After Cramer learned last year that Heitkamp would be accompanying the president on Air Force One to North Dakota, he complained bitterly to the White House, according to two people with direct knowledge of the discussions. Heitkamp, Cramer predicted at the time, would try to use it to her political advantage. (A Cramer adviser, Pat Finken, denied that the congressman had complained about the senator riding on Air Force One.)

The administration has taken steps to assure Cramer that he has the president's full support. The

congressman has been regularly in touch with White House political director Bill Stepien, and the two met earlier this month. Trump has agreed to hold a rally for Cramer later this year.

In an interview, Cramer shrugged off Heitkamp's attendance at the bill signing and said there would soon be "clarity" on who Trump supports in the race.

Yet the congressman declined to predict whether the president would go after Heitkamp aggressively, as Trump has done with other Democratic incumbents. Cramer seemed aware of the warmth between the president and the senator. Trump has asked Cramer whether he likes Heitkamp, and when the congressman responds yes, the president seems to be "relieved," Cramer said.

"Politically, North Dakota's a pretty nice state. So I don't know that turning it on her is necessarily politically helpful to me," Cramer said. "They may just be concerned that she's a woman and maybe that has an impact. I just don't know."

Heitkamp said she's proud of her ability to work with the president.

"I have a friendly relationship. I have a very important working relationship," she said in an interview, "not just with him but other members of the administration."

Trump's reluctance to go after Heitkamp stems in part from the simple fact that he needs her vote. With Republicans clinging to a narrow Senate majority, the White House has pushed for her support on several contentious votes, including the recent confirmations of CIA Director Gina Haspel and Secretary of State Mike Pompeo. She also backed Trump's nominations of Supreme Court Justice Neil Gorsuch and Environmental Protection Agency Administrator Scott Pruitt.

Last week's signing ceremony was organized by White House Office of Legislative Affairs Director Marc Short. He said he extended an invitation to Heitkamp because she played a central role in passing the banking deregulation law.

"She was an original cosponsor of the bill," Short said. "But she's also someone who opposed tax relief, who opposed repeal of Obamacare, and someone who will always support Chuck Schumer. So you can be sure the president will be actively campaigning in North Dakota this cycle."

Cramer's February entry into the race followed an intense pursuit from Trump and top White House officials. After Cramer initially said in January that he wouldn't run for Senate, he received overtures from Trump, White House counselor Kellyanne Conway, and energy executive and Trump donor Harold Hamm within a three-day period. Trump also met with Cramer's wife, Kris.

Cramer said Trump told him at the time that he'll "be out there campaigning more than you are." Trump's entreaties, Republicans contend, helped to push Cramer into the contest. Cramer won his statewide, at-large House seat in 2012, the same year Heitkamp entered the Senate.

"The president leaned on him very hard. The president wanted the best candidate, and everyone in the state thought Kevin was the best candidate to beat Heidi," said Gary Emineth, a former North Dakota GOP chairman who is close with the congressman. "You know how the president is. He just doesn't quit."

Heitkamp predicted that Trump would attack her eventually. While she has maintained a positive working relationship with the president, she said it pales in comparison to Cramer's staunch loyalty.

"I don't think anyone can match his Trump credentials," Heitkamp said. "He is somebody who will always do what the president asks him to do, regardless of whether it's good for North Dakota."

As of late, the senator has been airing commercials that highlight her balancing act. "When I agree with the president I vote with him — and that's over half my votes," she says in a spot that began airing this month. "And if his policies hurt North Dakota, he knows I'll speak up."

Cramer accused Heitkamp of acting like a "Republican wannabe" with her occasional support for key Trump nominees.

"Her trying to cozy up to Donald Trump has resulted in good votes," Cramer said. "But every time she tries to become more like me, it's more flattering to me than it is to her."

Democrats, however, couldn't be happier to portray Cramer as a jilted lover.

Last week, the North Dakota Democratic Party released a video featuring a montage of clips of the president praising Heitkamp and shaking her hand as Cramer looks on — set to the sad sounds of R.E.M.'s "Everybody Hurts."

To view online click here.

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Ethanol, farm groups sue EPA over exemptions Back

By Eric Wolff | 05/29/2018 07:13 PM EDT

A coalition of ethanol and farmers groups said they filed a lawsuit in federal court today against EPA seeking to overturn some of the waivers the agency has granted to small refineries allowing them to shed their Renewable Fuel Standard requirements on blending biofuels.

The Renewable Fuels Association, National Corn Growers Association, American Coalition for Ethanol and National Farmers Union are challenging the waivers granted to CVR Refining's Wynnewood, Okla., refinery and the HollyFrontier refineries at Cheyenne, Wyo. and Woods

Cross, Utah. Those refineries have collectively saved $170 million in compliance costs, the coalition said.

The groups, along with their allies in Congress, have criticized EPA's frequent use of the waivers, which they say undermines the RFS mandates on the amount of biofuel that must be sold into the U.S. fuel market.

"EPA is trying to undermine the RFS program under the cover of night," RFA CEO Bob Dinneen said in a statement. "And there's a reason it has been done in secret — it's because EPA is acting in contravention of the statute and its own regulations, methodically destroying the demand for renewable fuels."

The Advanced Biofuels Association challenged the waivers May 1.

WHAT'S NEXT: The complaint will be heard in the U.S. Court of Appeals for the 10th Circuit.

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Exxon shareholders win vote to build Paris climate pact into plans Back

By Ben Lefebvre | 05/31/2017 02:37 PM EDT

The Trump administration may be preparing to withdraw the U.S. from the Paris climate change accords, but shareholders at Exxon Mobil and at least one other U.S. oil company are demanding the companies incorporate the international deal in their business models.

Nearly two-thirds of Exxon's shareholders backed a proposal on Wednesday calling for the company to assess how climate change and global efforts to limit temperature increases will affect its business. The vote is non-binding, but the results show that the once-fringe idea of linking climate change to big oil's operations has gained momentum.

The vote at the Exxon annual shareholder meeting in Dallas came after investors in its smaller rival Occidental Petroleum earlier this month cast more than two-thirds of their votes for a measure calling for the company to assess how its business would be affected by the Paris climate change accord's target of holding global warming to 2-degrees. Company credit rating agency Moody's said last year it would start to use the Paris pledge to assess financial risk for corporations.

"Shareholders have spoken clearly on climate," said Danielle Fugere, president and chief counsel for As You Sow, a group that helps shareholders introduce environmental proposals. "If there's less demand for oil and the world is awash in oil, there's going to be more competition among these companies. Shareholders are trying to figure out who is the best bet."

Not all of these climate-related investor proposals succeeded, however. Chevron shareholders Wednesday morning rejected a motion that the company issue a report on how limiting global temperature increase to 2 degrees Celsius (3.6 degrees Fahrenheit) would affect its business. Only 27 percent of voting shareholders approved the proposal, down from more than 40 percent who voted for a similar proposal last year.

Exxon, Chevron and other energy companies facing such proposals argue that they are already taking the Paris agreement seriously and incorporating it into their business plans. Exxon in particular pointed out that it was developing technology that would capture the carbon emitted at natural gas power plans and then either store it or use it to produce more electricity.

"We believe the goal of carbon policy is to reduce emissions at the lowest cost to society," Exxon Chief Executive Darren Woods said at the shareholder meeting. "These goals led us to support the Paris Agreement." Woods sent President Donald Trump a letter earlier this month urging the U.S. to stay in the Paris deal.

For Exxon, the votes also illustrate how entangled the company has become in New York state climate change politics. The climate change proposal shareholders approved was partly sponsored by the New York State Common Retirement Fund, which is run by the State's comptroller. Meanwhile, the company is embroiled in a lawsuit with the New York and Massachusetts attorneys general over whether it withheld its own research on climate change from shareholders.

"The burden is now on Exxon Mobil to respond swiftly and demonstrate that it takes shareholder concerns about climate risk seriously," New York State Comptroller Thomas P. DiNapoli said in a prepared statement after the vote.

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NAFTA talks stall amid apparent refusal of U.S. to make concessions Back

By Sabrina Rodriguez | 05/29/2018 07:41 PM EDT

Recent high-level NAFTA talks between the U.S., Mexico and Canada have not resulted in progress on the thorniest issues because the U.S. remains unwilling to offer important concessions, two sources close to the talks said on Tuesday.

Negotiators from the Office of the U.S. Trade Representative continue to demand that "they want everything, and there's no possible way they'll get everything they want," one of the sources told POLITICO. "Conversations have stalled entirely."

As the U.S. and Canada resumed talks in Washington on Tuesday, the sources confirmed that Mexican Trade Undersecretary Juan Carlos Baker met with officials from USTR last week to

present a counterproposal that would see Mexico make concessions on wages in the automotive sector in return for U.S. concessions on other flashpoint issues.

Under the offer, Mexico reportedly would accept language on automotive rules of origin that would require that 20 percent of cars produced within North America be made by workers earning at least $16 an hour.

In exchange, Mexico reportedly asked that the U.S. back off some of its thorniest proposals, like placing limits on government procurement as well as a so-called sunset clause, which would allow for the deal to be terminated if all three countries don't agree to renew it after five years. News of the counterproposal was first reported by Bloomberg.

Mexico's counterproposal was not well received by USTR, the sources said.

"USTR did not take a close look at their proposal before rejecting it," one of the sources said. "As soon as it included [the U.S.] giving in on something, it was a 'no' from USTR."

That leaves it up to U.S. Trade Representative Robert Lighthizer to decide if the U.S. will offer any concessions to Mexico and Canada, the sources added.

USTR did not immediately respond to a request for comment on Tuesday evening.

The latest deadlock comes as Mexico and Canada face a looming deadline in their effort to secure a permanent exemption from the U.S. steel and aluminum tariffs. Mexico and Canada were temporarily exempted from the duties, but to win a permanent reprieve each country must reach a separate agreement to satisfy U.S. national security concerns by June 1.

Mexican President Enrique Peña Nieto and Canadian Prime Minister Justin Trudeau have both emphasized in recent days that they will not be pressured into accepting a NAFTA deal that is bad for their respective countries.

"No NAFTA is better than a bad deal, and we've made that very clear to [President Donald Trump]," Trudeau said Tuesday in an interview with Bloomberg. "We are not going to move ahead just for the sake of moving ahead."

Trudeau discussed the NAFTA talks during a call with Vice President Mike Pence on Tuesday, the White House said in a readout that provided no details of the conversation.

Negotiators have made some gains, despite the continued difficulties over the hot-button topics. Canadian Foreign Minister Chrystia Freeland, Canada's top NAFTA official, said she had a "very substantive" conversation with her U.S. counterpart in Washington on Tuesday.

The NAFTA nations' top trade officials have been in consistent contact over the phone since they last met in Washington two weeks ago.

Lighthizer had acknowledged at that point that the three countries still faced "gaping

differences" on a number of issues, such as market access for agricultural products and automotive rules of origin. "The NAFTA countries are nowhere near close to a deal," Lighthizer said then.

Talks have continued to move forward on the NAFTA modernization chapters, like e-commerce, "but as long as USTR keeps the thorny issues on the table, there won't be movement," one of the sources said.

Negotiators have so far closed nine chapters and six sectoral annexes, Mexico's chief negotiator, Kenneth Smith Ramos, said last week. Those chapters include: telecommunications, small- and medium-sized enterprises, competition, and technical barriers to trade.

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Gulf of Mexico rig operator fined $4M after Interior Department investigation Back

By Ben Lefebvre | 05/29/2018 04:36 PM EDT

The U.S. Attorney's Office for the Eastern District of Louisiana fined offshore oil and gas company Energy Resource Technology $4 million for fabricating data about readiness of a key piece equipment used to prevent oil spills, the Interior Department said today.

The fine was a result of an investigation by Interior's Office of Inspector General that found that ERT management directed an employee on its rig in the Gulf of Mexico to create a fake blowout preventer pressure test chart to conceal a failed test result. The failure by a blowout preventer was one of the main causes of Deepwater Horizon rig accident that killed 11 people in 2010.

An ERT supervisor on the same rig had employees perform welding near an active well in violation of Interior safety regulations.

Interior had fined ERT $4 million in 2012 for earlier violations on its rigs, and an accident killed a contract worker on an ERT rig in February.

ERT is a subsidiary of Houston-based Talos Energy.

WHAT'S NEXT: In addition to the fine, ERT was sentenced to 36 months' probation and ordered to pay $200,000 in restitution.

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Study: 4,645 people died after Hurricane Maria, far more than official estimate Back

By Mel Leonor | 05/29/2018 11:40 AM EDT

At least 4,645 people died amid the devastation wrought by Hurricane Maria in Puerto Rico — more than 70 times the official government death toll of 64, according to a new study from Harvard University.

Locals, journalists and public health experts have for months questioned the government estimate of deaths from the storm, which caused more than $90 billion in damage.

President Donald Trump, however, said in October that Puerto Rico officials should be "very proud" of the low death toll.

The study, published Tuesday in the New England Journal of Medicine, is based on household surveys of more than 3,000 homes in the territory, where researchers found a boom in the mortality rate between late September and late December 2017.

The authors of the study, which was largely funded by the Harvard T.H. Chan School of Public Health, described the official death count as a "substantial underestimate" and called it evidence of the "inattention of the U.S. government to the frail infrastructure of Puerto Rico."

"The timely estimation of the death toll after a natural disaster is critical to defining the scale and severity of the crisis and to targeting interventions for recovery," they wrote.

Researchers found that "interruption of medical care was the primary cause" of the high mortality rate that came after the storm made landfall.

With the 2018 hurricane season in swing, the authors also urged chronically ill patients, communities and health care providers to develop contingency plans for future disasters.

Carlos R. Mercader, executive director of the Puerto Rico Federal Affairs Administration, said in a statement that officials would analyze the report, adding, "We have always expected the number to be higher than what was previously reported."

He said the Puerto Rico government has commissioned a report from George Washington University, which he said would be released "soon."

Trump said in October that the storm had been less devastating than Hurricane Katrina in 2005, but the new study indicates that may not be true. Hurricane Katrina resulted in the deaths of 1,833 people, according to FEMA.

"Every death is a horror," Trump said at the time, "but if you look at a real catastrophe like Katrina and you look at the tremendous — hundreds and hundreds of people that died — and you look at what happened here with, really, a storm that was just totally overpowering ... no one has ever seen anything like this."

Rep. Nydia Velázquez (D-N.Y.) said after the report was released Tuesday that the apparent undercounting of deaths "concealed" the impact of Hurricane Maria on the territory.

"By obscuring this, many were left to believe the Trump Administration's mythology that Puerto Rico was not hit hard by Maria," Velázquez said in a statement. "We must get to the bottom of this discrepancy."

The White House did not respond to a request for comment.

Last year, Velázquez and Rep. Bennie Thompson (D-Miss.) asked a government watchdog to investigate how Puerto Rican officials "originally arrived at such a low number."

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New Club for Growth ads attack Fagg in Montana Back

By James Arkin | 05/29/2018 03:48 PM EDT

Club for Growth Action, the super PAC arm of the Club for Growth, announced today that it would spend $250,000 on new ads attacking Russ Fagg, a former judge and Republican candidate for Senate in Montana.

The Club is backing state auditor Matt Rosendale in the race in the race to face Democratic Sen. Jon Tester, and its PACs have spent more than $1 million on ads backing Rosendale and attacking Fagg, one of his top challengers in the June 5 primary.

The new ad campaign attacks Fagg over his record during his two decades as a district judge. The TV ad makes three claims against Fagg: that he defended another judge who suggested a rape victim was to blame for her own attack; that he called a judge who "undercut" President Donald Trump's rollback of environmental rules a "thoughtful moderate"; and that he "praised a liberal federal judge who ruled against speeding up deportations."

"Russ Fagg's values are not Montana values," the narrator says.

The radio version of the ad features a woman and a man having a conversation about Fagg's record and pointing listeners to a website, factsformontana.com, funded by Club for Growth Action.

You can watch the TV ad here and listen to the radio ad here.

To view online click here.

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(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Superfund

NPR - EPA Takes Toxic Site Flooded By Harvey Off Special Cleanup List

BNA - Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites

Administrator Pruitt Coverage

Washington Examiner - Scott Pruitt didn't sign off on those big EPA pay raises, inspector general finds

Politico - Homebuilders paid for Pruitt's Colorado hotel stay

Politico - Grassley: Pruitt is 'a loose cannon'

MSNBC - Why would an EPA chief need a car with 'Kevlar-like seat covers'?

The Hill - EPA chief upgraded official car to one with bulletproof seat covers

Washington Post - Pruitt upgraded to a larger, customized SUV with bullet-resistant seat covers

Bloomberg - EPA Chief of Staff Approved Raises for Aides, Watchdog Finds

The Hill - Watchdog: Pruitt's chief of staff responsible for aides' controversial raises

CNN - EPA watchdog: Two Pruitt aides received earlier raises

Politico - Barrasso seeks information on Pruitt email accounts

AP - EPA chief has at least 4 government email accounts

The Hill - GOP chairman probes Pruitt's four email addresses

Washington Post - Head of Senate committee now seeks answers on Scott Pruitt's email practices at EPA

Washington Post - The latest Pruitt revelations are the swampiest. He should be long gone. (*Editorial)

Reuters - EPA must explain why Pruitt's $43,000 phone booth was legal: Republican senator

Bloomberg - EPA's $43,000 Secure Phone Booth Came With Sound-Trapping Vents

NPR - Who's In Charge? Potential Leadership Shake-Ups Leave Agencies In Limbo

General

The Hill - Trump team continues to roll back the regulatory state (*Op-Ed)

E&E Climatewire - Talk of climate, controversies banned in Pruitt meeting

Reuters - Bipartisan senators' group demands EPA disclose small refinery hardship recipients

The Hill - Coast Guard bill would weaken water pollution rules, environmentalists say

BNA - Smaller Bites in EPA Air Chief's Second Pass at Permitting Update

Reuters - Air quality linked to cardiac 'events,' heart disease patients unaware

AP - Chicago, surfers criticize US Steel spills settlement

+++

NPR

https://www.npr.org/sections/thetwo-way/2018/04/16/601867839/epa-takes-toxic-site-flooded-by-harvey-off-special-cleanup-list

EPA Takes Toxic Site Flooded By Harvey Off Special Cleanup List

By Rebecca Hersher, 4/16/18, 5:31 PM

The Environmental Protection Agency has removed a toxic waste site flooded by Hurricane Harvey from a special list of contaminated sites that require the personal attention of the agency's leader, because it says there's been significant progress on a cleanup plan.

The San Jacinto Waste Pits are a heavily contaminated area near Houston that is right next to homes and schools, and that has frightened residents for decades. Monday's decision to take it off the list, and to add other sites, underscores the delicate equilibrium between rigorously protecting public health and expediting the cleanup of toxic waste areas across the country. EPA Administrator Scott Pruitt calls this a priority for his agency.

Last year, Pruitt appointed a task force to recommend ways to speed up decisions about toxic waste sites. One of their recommendations was that Pruitt personally push for legally-binding cleanup plans at a handful of locations.

One of those sites was the San Jacinto Waste Pits. It's a pair of pits in the middle of the San Jacinto River that were used as a dumping area for toxic waste from a paper mill in the 1960s. The area full of chemicals called dioxins and furans, and the Texas Parks and Wildlife Department warns people should not eat fish and crabs from the area because the animals may be contaminated.

It took decades for the site to get any federal attention.

In 2008, the EPA added the San Jacinto Waste Pits to the National Priorities List of Superfund sites, which is meant to funnel money and attention to toxic areas that are a threat to human health. The Superfund program has been plagued with budget shortfalls for years, and nationwide, many communities have complained that cleanup progress is slow, inadequate or both.

For years before Hurricane Harvey, progress on the pits was slow and the two companies responsible for the waste opposed any plan that required them to remove any contaminated rock and dirt.

"For folks who live near the site or see that site every single day, [remediation] can't happen fast enough," says Jacqueline Young of Texas Health and Environment Alliance, an advocacy group that leads the local effort to clean up the pits. But, she adds, "we need to take time to make sure that all the fine details can be worked out. At the end of the day, we have hundreds of thousands of cubic yards of contaminated material in a dynamic river, and that's not something that you can just go in and start digging."

In 2011, the EPA oversaw the installation of a temporary concrete cap meant to protect the river from contamination while the agency and the two companies came up with a more permanent cleanup plan. That still left the site vulnerable to rainstorms or hurricanes, since Houston lies along the flood-prone Gulf.

When Hurricane Harvey inundated the area last year, the normally-placid San Jacinto became a raging torrent of muddy water that ripped away chunks of the temporary caps. Inspectors found a plume of contamination both up and downstream from the pits.

When the water subsided, EPA administrator Scott Pruitt visited the site, and promised to expedite the clean up. Less than a month later, the EPA announced a $115 million plan to remove the contaminated material, and last week, a judge signed off on an agreement that requires the two companies responsible for the waste to develop specific cleanup plans for both

pits.

Today's announcement that the waste pits no longer need Pruitt's personal attention cited "cleanup activities progress and completion of specific milestones and timelines." A former copper mine in Nevada was also removed, and three other areas in California, Delaware and Minnesota were added to the list.

For the San Jacinto Waste Pits, the two companies have 29-months to come up with a specific cleanup design. Rock Owens, an environmental lawyer with the office of the Harris County Attorney, notes this means at least two more hurricane seasons will pass before waste material is actually removed.

Both Owens and Young, of the Texas Health and Environment Alliance, credit the relatively fast pace of recent EPA decision-making in part to the Pruitt's personal attention. "Scott Pruitt has made it clear that Superfund sites are a high priority," says Owens.

Now that the EPA chief's attention is shifting to contaminated sites elsewhere in the country, Young says her group will be watching carefully to make sure companies don't fall behind schedule.

"Folks are not particularly excited about the 29-month estimate," says Young. She notes that even though many environmental advocates agree with the current pace of cleanup planning at the waste pits, people who live near the site are understandably concerned about the immediate risk of another flood.

"We will do everything we can to make sure the plan moves forward and doesn't take any longer than it needs to," she says.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=132183084&item=408&prod=deln&cat=A

Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites

By Sylvia Carignan and Stephen Joyce, 4/17/18

EPA Administrator Scott Pruitt put the spotlight on three more Superfund sites to accelerate cleanup efforts after the agency targeted those sites for a lack of progress.

The Environmental Protection Agency named the sites in California, Delaware, and Minnesota April 16 after the agency's regional staff said they needed a push from the administrator, Albert "Kell" Kelly, Pruitt's senior adviser on Superfund issues, told Bloomberg Environment.

Kelly expects that push to come in the form of an expedited cleanup plan decision or quicker negotiations for each of the sites.

Pruitt also removed two sites from the list of those needing immediate action.

The sites EPA added to the list are Delaware Sand and Gravel Landfill in New Castle, Del., Casmalia Resources in Casmalia, Calif., and St. Regis Paper Co. in Cass Lake, Minn.

Kelly said hard and fast criteria aren't necessarily used when adding sites to the administrator's list.

"The criteria has some subjectivity to it, because it has to be sites [where] regions believe attention from the administrator will help them get to whatever milestone," Kelly said.

Cass Lake, Minn

Pruitt aims to finalize a residential soil cleanup plan for the St. Regis Paper Co. site.

Remediating the Minnesota site "has been a very long and difficult process," Sara Peterson, a lawyer representing Cass Lake, Minn., the city where the property is located, told Bloomberg Environment.

The site contains soils and groundwater possibly contaminated by dioxins, pentachlorophenol, and polycyclic aromatic hydrocarbons, according to an EPA fact sheet on the site.

From the 1950s to the 1980s, Champion Paper Co.—a predecessor company to the site's current owner, Memphis, Tenn.-based International Paper Co.—manufactured treated wood for railroad ties and telephone poles.

Thomas Ryan, a spokesperson for International Paper, told Bloomberg Environment the company is working with the EPA and other parties at the Superfund site.

The city is anxious for the site's environmental cleanup to be completed, Peterson said.

"They need the jobs that would come with the redevelopment of this site, and they've got some potential opportunities out there. But having a Superfund site there at this point makes it awfully hard to market the site," she said.

A March 2016 EPA-proposed plan recommended removing contaminated soil from affected residential areas and replacing it with clean soil, managing removed soil on site, disposing of a small amount of heavily contaminated soil at an off-site facility, and monitoring soil stored on site.

Casmalia, Calif

The Casmalia Resources site in California was a commercial hazardous waste treatment, storage, and disposal facility spanning more than 250 acres.

The EPA finalized a $590,722 settlement in November with 57 of the companies that contributed waste to the landfill. Those companies include Nestle, Leidos Inc., Hubbell Inc., and Hearst Corp.

None of those companies responded to Bloomberg Environment's emails or calls about the site's addition to Pruitt's list.

In addition, companies and government agencies involved with the Delaware site did not respond to Bloomberg Environment's requests for comment.

Setting Deadlines

The EPA also provided updates April 16 about each of the other sites on Pruitt's "immediate, intense action" list.

At the Mohawk Tannery site in Nashua, N.H., the agency wants to propose a cleanup plan this summer. The EPA is negotiating an agreement with a prospective purchaser who would redevelop the site.

For two New Jersey sites, American Cyanamid Inc. in Bound Brook and Berry's Creek in Wood Ridge borough, the agency wants to propose cleanup plans by the end of this spring.

The agency also wants to propose a cleanup plan for the Superfund site in East Chicago, Ind. his summer. The EPA is working on cleaning up lead-contaminated soil at parts of the site.

Delisted Sites

Pruitt already has made major cleanup decisions at the two sites removed from the list, the Anaconda Copper Mine in Yerington, Nev., and San Jacinto River Waste Pits outside Houston.

The EPA agreed in February to allow Nevada to oversee the cleanup of the Anaconda site, owned by Atlantic Richfield Co., after the state sought to assume control and work with private parties for a quicker resolution.

The former mine site had been under consideration to be added to the EPA National Priorities List so it could qualify for long-term cleanup and federal funding. The state last year asked the agency to defer the mine listing except for areas on tribal lands.

The San Jacinto River Waste Pits site contains paper mill waste material, including highly toxic dioxins, generated in the bleaching of wood pulp to make paper, the EPA said.

Pruitt announced a $115 million plan in October for the pits that entails excavating more than 212,000 cubic yards of contaminated waste.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites to pay the cleanup bills.

Politico

https://www.politicopro.com/agriculture/article/2018/04/homebuilders-paid-for-pruitt-hotel-stay-488318

Homebuilders paid for Pruitt's Colorado hotel stay

By Lorraine Woellert, 4/17/18, 1:12 PM

A group of Colorado homebuilders paid for a luxury hotel stay last fall for EPA chief Scott Pruitt, eight months after the Trump administration began work on a major priority for their industry by unwinding an Obama-era wetlands regulation.

During his visit to Colorado Springs, Pruitt gave a speech to the builders and invited them to EPA headquarters in Washington, where he later told his staff to regard them as the agency's "customers," the head of the group told POLITICO.

The $409.12 hotel stay may have met federal legal requirements if EPA's ethics officers had approved it ahead of time. But it's likely to add to the storm of ethics controversies surrounding Pruitt, who faces scrutiny from EPA's inspector general, the White House and members of Congress for his travel and security spending and a $50-a-night Capitol Hill rental he accepted from the wife of an energy lobbyist.

The $409 hotel room "might be the least of his problems, but it's emblematic of all his problems," said Virginia Canter, an ethics lawyer for Citizens for Responsibility and Ethics in Washington, a nonprofit watchdog group.

"It's one thing when a head of an agency or senior official is engaged in legitimate outreach," Canter added. "But to give a speech, accept a benefit of overnight lodging, then a few weeks later instruct your staff that these are your clients strikes me as inappropriate. At a minimum it raises an appearance issue."

Pruitt is known to actively seek speaking slots at events with key groups with a stake in the agency's actions. A former staffer, Kevin Chmielewski, has told lawmakers that Pruitt directed his staff to find places he could visit, congressional Democrats wrote in a letter last week. A former lobbyist also recalled Pruitt and his staff persistently asking for an invite to a

conservative event that fundraisers frequently attend.

EPA spokesman Jahan Wilcox did not immediately respond to requests for comment about the travel arrangements.

Pruitt agreed to speak to the Housing and Building Association of Colorado Springs after it offered to cover his expenses, including his flights and $409.12 to put him up at The Broadmoor, a lakeside golf resort, on Oct. 4, according to the builder group's chief executive officer, Renee Zentz. The hotel advertises itself as "a legendary Forbes Five-Star and AAA Five-Diamond resort with impeccable service and distinctive amenities."

EPA never billed the trade group for his flights, Zentz said in an interview. And while Pruitt stayed at The Broadmoor as the group had agreed, his entourage spent the night at a different hotel, Zentz said.

"We didn't pay for his team but we paid for him. That was the agreement when we talked to him," Zentz said. "We just wanted to get him here, we were just so excited to have him."

The trip's headline event was a Pruitt speech to a lunch gathering of about 150 people on Oct. 5, Zentz said. In a stroke of good timing, board members from the National Association of Home Builders were meeting in nearby Santa Fe, N.M., and flew up for the event. NAHB President Jerry Howard hustled in from Washington to moderate Pruitt's remarks.

The group's invitation describes the event as "a rare opportunity to hear directly from the EPA administration" and "our chance to make sure the concerns of our industry are being listened to."

"It just was an awesome opportunity," Zentz said. "It was a pretty big feather in our cap locally."

Builders rank among Pruitt's biggest supporters, even amid his recent spate of negative headlines. They also have lauded the administration's efforts to roll back regulations on clean

water and storm runoff, including a sweeping Obama-era EPA regulation called Waters of the United States that several industries have denounced as a multibillion-dollar drag on the economy. Granger MacDonald, then-chairman of the National Association of Home Builders in Washington, was at the White House in February 2017 when President Donald Trump signed an executive order that took the first step toward undoing that rule, one of his first acts in office.

Pruitt, who attended the signing ceremony, has since set about crafting a much more limited regulation to protect waterways and wetlands. Environmental groups have said the move could leave 60 percent of U.S. stream miles and 20 million acres of wetlands unprotected and vulnerable to development or pollution.

Before the October lunch in Colorado Springs, Pruitt sat down to an invitation-only coffee with about 20 business owners and builders, who complained about EPA's approach to stormwater controls and other regulations. At the end of that meeting, Pruitt instructed staff to arrange a meeting in Washington with industry representatives, Zentz said.

That meeting took place at EPA headquarters on Oct. 24, when Pruitt and his staff met with eight to 10 industry representatives, including a Colorado builder from Zentz's group.

Pruitt "wanted to hear from our districts. He called a representative from every single district," Zentz said. "He put his staff in the room and said, 'This is our customer, this is who we're going to listen to.'

"He told his staff, 'These are our customers,'" Zentz said. "He listened."

Federal law allows government officials to accept travel reimbursement, including hotel stays, with prior approval from agency officers. But even if the agency had approved the room, it was inappropriate, CREW's Canter said.

"It appears to be abuse of the travel approval," she said. "It's not intended to be used to provide luxury accommodations to the head of the agency so he can turn around two weeks later and say we give these guys favorable treatment."

Politico

https://www.politicopro.com/agriculture/whiteboard/2018/04/grassley-pruitt-is-a-loose-cannon-1044358

Grassley: Pruitt is 'a loose cannon'

By Helena Bottemiller Evich, 4/17/18, 11:56 PM

Sen. Chuck Grassley today conveyed his continued frustration over the Trump administration's mixed messages on the Renewable Fuel Standard, telling reporters he sees EPA Administrator Scott Pruitt as "a loose cannon."

During his weekly call with reporters, the Iowa Republican lauded the news last week that the administration will green-light the year-round sale of E15, or gasoline blends containing 15 percent ethanol, but he criticized Pruitt as being out of step with President Donald Trump on the issue.

"I believe that Pruitt is a loose cannon, not carrying out the president's wishes," Grassley said.

Iowa's senior senator, one of the most vocal defenders of the RFS, has said previously that he's frustrated Pruitt has exempted more than twice as many small oil refiners as the Obama administration ever did, decreasing demand for ethanol.

"He gives with one hand and takes away with the other," he said of Pruitt during today's call.

Grassley and a dozen fellow senators sent a letter last week to President Trump asking him to direct Pruitt to cease issuing RFS waivers until the agency can proceed in a more "transparent and impartial manner." They told Trump that EPA is using its authority to issue "hardship" waivers to small refiners "in an unprecedented manner to benefit some of the largest refiners in the nation," which, they said, undermines the White House's commitment to the RFS.

Agriculture Secretary Sonny Perdue told lawmakers last week that he agrees EPA is misusing the agency's authority to grant waivers to some refiners. Perdue said he has asked EPA for more information about the waivers it has granted, and Pruitt has promised to gather it as soon as possible.

MSNBC

http://www.msnbc.com/rachel-maddow-show/why-would-epa-chief-need-car-kevlar-seat-covers

Why would an EPA chief need a car with 'Kevlar-like seat covers'?

By Steve Benen, 4/17/18, 11:20 AM, UPDATED 12:02 PM

Yesterday was not a good day for embattled EPA Administrator Scott Pruitt. We've known for a while that the Oklahoma Republican spent tens of thousands of taxpayer dollars on a soundproof phone booth for reasons that have never made any sense, but we learned yesterday that as far as the Government Accountability Office is concerned, the purchase violated federal spending laws.

But that doesn't mean things can't get worse for the far-right EPA chief. Take this new Washington Post report, for example.

Environmental Protection Agency Administrator Scott Pruitt upgraded his official car last year to a costlier, larger vehicle with bullet-resistant covers over bucket seats, according to federal records and interviews with current and former agency officials.

Recent EPA administrators have traveled in a Chevrolet Tahoe, and agency officials had arranged for Pruitt to use the same vehicle when he joined the administration in February. But he switched to a larger, newer and more high-end Chevy Suburban last June.

The article added that the head of Pruitt's security detail "subsequently approved the addition of Kevlar-like seat covers to the vehicle at a cost of hundreds of dollars."

That's the same security official, Pasquale "Nino" Perrotta, who's reportedly "clashed – at least once physically – with top E.P.A. officials who challenged Mr. Pruitt's spending, and has steered at least one E.P.A. security contract to a business associate."

This is what's become of the Environmental Protection Agency in the Donald Trump era.

For what it's worth, it would be easier to justify "bullet-resistant covers" for Scott Pruitt's seats if there were evidence of expansive security threats against the EPA chief, but there aren't. The latest documents from the agency show those security threats don't really exist. (The career EPA staffer who approved this evidence was removed from his post.)

And, of course, Pruitt's "Kevlar-like seat covers" are also emblematic of Pruitt's paranoia. As we discussed just yesterday, for example, the EPA chief also explored the possibility of getting a bullet-proof desk.

This fit into an amazing pattern. Pruitt, for example, has a massive, around-the-clock security detail. He's spent thousands of taxpayer dollars on a professional sweep of his office searching for possible surveillance devices. And thousand more on a sound-proof phone booth. And thousands more on first-class air travel, apparently afraid of the riff raff who fly coach.

CNN reported that the EPA's custodial staff is not allowed to enter Pruitt's office on their own, and in the hallway around Pruitt's office, "security employees check government IDs against a list of employees who are approved for access."

And before you think Trump keeps this guy around because he's ruthlessly effective at gutting environmental safeguards, let's also not forget that reports on Pruitt's competence have been greatly exaggerated.

The Hill

http://thehill.com/policy/energy-environment/383517-epa-chief-upgraded-his-official-car-to-one-with-bullet-proof-seat

EPA chief upgraded official car to one with bulletproof seat covers

By Miranda Green, 4/17/18, 11:31 PM

Add bulletproof seat covers to the list of items Environmental Protection Agency (EPA) Administrator Scott Pruitt requested last year as additional security measures.

Pruitt upgraded his official car last June from the traditional Chevrolet Tahoe SUV to a higher-end Chevy Suburban with bullet-resistant covers over the car's bucket seats, The Washington Post reported Tuesday.

The new car was ordered last May and cost the government $10,200 for a one-year lease,

according to federal spending records. Records show that EPA requested upgrades to the vehicle which included Wi-Fi, GPS navigation, second-row bucket seats and a leather interior. The upgrades were an additional $300 per month.

Pruitt wanted the larger car because it was similar to those used by other Cabinet officials, a former EPA official told the Post.

The official said that the bulletproof seats, made of the same kevlar used in bulletproof vests, was approved by the head of Pruitt's security detail, Pasquale "Nino" Perrotta. The covers cost hundreds of dollars, according to the source.

Federal records show that the government continued the lease on the 2014 Chevy Tahoe previously used by former EPA chief Gina McCarthy, but current and former staffers say the car has been sitting unused at EPA headquarters. The rental, renewed Feb. 2, 2017, cost more than $9,000.

Democratic lawmakers provided their own details on Pruitt's vehicle security requests in a letter they sent to President Trump last week, where they included notes taken with former EPA aide Kevin Chmielewski.

In those notes, they said that Chmielewski "provided several examples of wasteful security spending" which included, "the purchase of bulletproof vests and weapons, biometric locks, a security sweep of your office, [and] one or more new SUVs for your travel."

Pruitt has raised eyebrows in the past for novel security requests including the need for first-class travel and an around-the-clock security team.

EPA spokesman Jahan Wilcox said that EPA has "no bulletproof vehicles" nor did it ever seek "any contracts for bulletproof vehicles," but declined to comment on reports of the Suburban upgrade and use of bulletproof car seat covers.

"Security decisions are made by EPA's Protective Service Detail and are similar to security protocol across the federal government," Wilcox said in a statement Tuesday.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2018/04/17/pruitt-upgraded-to-a-larger-customized-suv-with-bullet-resistant-seat-covers/?utm_term=.3654a31394ac

Pruitt upgraded to a larger, customized SUV with bullet-resistant seat covers

By Juliet Eilperin and Brady Dennis, 4/17/18, 10:00 AM

Environmental Protection Agency Administrator Scott Pruitt upgraded his official car last year to a costlier, larger vehicle with bullet-resistant covers over bucket seats, according to federal records and interviews with current and former agency officials.

Recent EPA administrators have traveled in a Chevrolet Tahoe, and agency officials had arranged for Pruitt to use the same vehicle when he joined the administration in February. But he switched to a larger, newer and more high-end Chevy Suburban last June.

One former EPA official, who spoke on the condition of anonymity out of fear of retaliation, said that Pruitt remarked that he wanted the larger car because it was similar to ones in which some other Cabinet officials rode. The first year's lease of the vehicle cost $10,200, according to federal contracting records.

The records show that the EPA administrator's office signed a lease in June on the Suburban, paying more than $300 extra per month for upgrades such as a leather interior, bucket seats in the second row and WiFi and GPS navigation. A representative at the Maryland-based company who provided the lease said the "LT" model that the EPA requested represents an upgrade from

the "LS" model that is typical on government leases.

The monthly payment on the vehicle is $839, according to the contract.

The head of Pruitt's security detail, Pasquale "Nino" Perrotta, subsequently approved the addition of Kevlar-like seat covers to the vehicle at a cost of hundreds of dollars, according to one official, on the grounds that it served as a security precaution. Two current EPA officials confirmed both the rental of the Suburban and the seat covers.

Separately, federal records also show that the EPA administrator's office awarded another contract last month to a leasing company based in Connecticut for a 2018 Suburban with four-wheel-drive, extra captain's chairs, a sunroof and GPS navigation. A representative at the company said it doesn't appear that the agency has taken possession of that vehicle. The representative declined to disclose any additional details on the arrangement, citing government confidentiality agreements.

Meanwhile, the 2014 Chevy Tahoe with four-wheel-drive that was used by Gina McCarthy, Pruitt's predecessor as EPA administrator, has largely sat idle at the EPA's headquarters, according to several current and former staffers. The agency had its lease renewed on Feb. 2, 2017, at a cost of $9,180.

An EPA official on Monday said the agency was looking into the matter.

The decision to customize a larger SUV is the latest instance of Pruitt seeking more elaborate trappings than his predecessors. He currently faces a congressional probe into his repeated use of first-class travel as well as other matters, such as a security sweep of his office and the installation of biometric locks. On Monday, the Government Accountability Office concluded that the administrator had violated federal spending laws by installing a secure phone booth in his office that cost taxpayers roughly $43,000.

Washington Examiner

https://www.washingtonexaminer.com/policy/energy/epa-pay-raises-scott-pruitt-inspector-general

Scott Pruitt didn't sign off on those big EPA pay raises, inspector general finds

By John Siciliano, 4/16/18, 4:23 PM

Environmental Protection Agency chief of staff Ryan Jackson signed off on most of the high-profile pay raises that have landed EPA chief Scott Pruitt in hot water in recent weeks, the EPA inspector general said Monday.

Although Pruitt did authorize tens of thousands of dollars in pay raises for select employees, the biggest pay hikes came at the behest of Jackson, according to the inspector general.

The inspector general's preliminary report was sent to Pruitt as an update on its ongoing investigation into whether the EPA broke the law in giving a group of lobbyists and others jobs at the agency with huge pay raises in the last year.

The highest five-figure pay raises for two aides were authorized by Jackson. He had said last week that he authorized the pay raises, not Pruitt.

The pay raises are part of a growing list of concerns by lawmakers and others over Pruitt's running of the agency and whether the White House should force him to resign. The White House is reviewing Pruitt's actions as well.

In half of the six cases, Jackson had signed off on tens of thousands of dollars in raises using Pruitt's signature, the inspector general said. Two of the employees had increases of between 67 and 72 percent.

"The authorizations for three of these original actions were personally signed by the administrator; the other three authorizations were signed by the chief of staff 'for Scott Pruitt,'" read the IG report. In many of the cases, Jackson had both requested and authorized the changes.

Most of Pruitt's pay raise approvals were for lesser amounts than Jackson's, but still large. Six months after joining the agency, Pruitt signed off on a title change for one employee with a 26.7 percent pay increase.

The inspector general report also noted that the EPA has not given the office any documentation indicating changes to the employees' pay raises. "The agency was unable to provide us with complete information or confirmation of any modifications," it stated.

Pruitt had said in an interview with Fox News that he had killed the massive pay raises for the two aides when he learned about them.

Both Democrats and Republicans are probing the pay raises as well as Pruitt's expensive travel and security expenses.

A separate watchdog report issued Monday by the Government Accountability Office showed Pruitt violated the law by building a $43,000 soundproof phone booth in his office.

The inspector general report released Monday is a preliminary showing of the facts, without any conclusions or recommendations made. The inspector general will continue its audit of EPA's hiring practices, it said.

Bloomberg

https://www.bloomberg.com/news/articles/2018-04-16/epa-chief-of-staff-approved-raises-for-top-aides-report-finds

EPA Chief of Staff Approved Raises for Aides, Watchdog Finds

By Ari Natter and Jennifer A Dlouhy, 4/16/19, 9:00 AM, Updated 5:11 PM

EPA Administrator Scott Pruitt's chief of staff signed off on controversial raises for employees of as much as 72 percent, according to the agency's internal watchdog.

The Environmental Protection Agency's inspector general released documents Monday showing Chief of Staff Ryan Jackson authorized three of those salary increases using an obscure provision of the Safe Drinking Water Act.

That buttresses Jackson's assertion last week that he, not Pruitt, was responsible for the raises -- and that the EPA administrator had no knowledge of the amount of the increases nor the method by which they came about. In authorizing the raises, the EPA effectively overruled White House officials who had objected to at least two of the salary increases.

Pruitt said in a Fox News interview earlier this month that he didn't authorize two of the raises and didn't know who did. "It should not have been done," Pruitt said in the interview that aired April 4. "There will be some accountability."

The documents released Monday were included in a so-called "management alert" tied to the inspector general's ongoing probe of how the EPA has used its special hiring authority under the Safe Drinking Water Act to fill "administratively determined" positions.

Under that law, the EPA administrator has the authority to fill as many as 30 scientific, engineering, professional, legal or administrative positions without undergoing the customary civil service hiring process. The approach, which enables an EPA administrator to swiftly bring

on staff, also has been used by Pruitt's predecessors.

The inspector general didn't make any judgment about the appropriateness of the actions or say whether Pruitt knew about the raises. The alert "does not present any conclusions or recommendations," Inspector General Arthur A. Elkins Jr. said in a memo on the ongoing audit.

EPA spokesman Jahan Wilcox said the agency welcomed the review and was cooperating with inquiries into its hiring practices.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison and career human resources officials," with an eye on avoiding disparities, Wilcox said in an emailed statement. "Salaries are based on work history, and, any increases are due to either new and additional responsibilities or promotions."

Completed personnel forms contained in the inspector general's alert show that Jackson signed off on the salary increases in two places: both under "action requested by Ryan T. Jackson, chief of staff" and under "action authorized by E. Scott Pruitt, administrator." In the second, authorization box, Jackson signed "Ryan Jackson for Scott Pruitt."

Pruitt did sign off on the initial decision to hire the three aides, according to included forms. The inspector general's alert does not name the staff members. Based on information contained in the forms cross-referenced with data in separate documents obtained by the Nick Surgey, co-director of the watchdog group Documented, they are believed to be Director of Scheduling and Advance Millan Hupp, Senior Counsel Sarah Greenwalt and Brittany Bolen, a deputy associate administrator for policy.

Hupp and Greenwalt both worked for Pruitt when he was Oklahoma's attorney general.

One of the employees secured two successive raises amounting to a 67.6 percent increase -- worth $66,244. A second aide ended up with $114,590, after two raises worth 72.3 percent overall. A third raise for one of the employees Pruitt personally hired was modest by comparison: a 1.6 percent increase that brought that person's salary to $151,700.

The raises have now been reversed and future salary change requests will be submitted through the Office of Presidential Personnel for evaluation, Jackson said in a written statement last week.

Separately, the EPA defended its decision to install a soundproof privacy booth in Pruitt's office at a cost of $43,238, in a letter to the Government Accountability Office obtained by Bloomberg News.

The expenditure didn't run afoul of law requiring congressional notification for expenditures of more than $5,000 for improvements to an agency head's office because it was needed for official agency business, Kevin Minoli, the EPA's principal deputy general counsel, wrote in a March 23 letter to the GAO.

A former EPA employee told lawmakers Pruitt surpassed the $5,000 budget he was given to redecorate his office by purchasing an additional standing desk, paying to rent art from the Smithsonian Institution and framing an 8-by-10-foot American flag. Some security-related spending on Pruitt's office, including the installation of biometric locks, was considered outside the $5,000 limitation, according to emails released to the watchdog group American Oversight under an open records request.

The Hill

http://thehill.com/policy/energy-environment/383395-watchdog-pruitts-chief-of-staff-responsible-for-aides-controversial

Watchdog: Pruitt's chief of staff responsible for aides' controversial raises

By Timothy Cama, 4/16/18, 3:01 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt's chief of staff was responsible for controversial raises given recently to three aides.

In a Monday report, the EPA's Office of Inspector General (OIG) concluded, based on documents provided to investigators by the agency, that Ryan Jackson signed off on the five-figure raises, but indicated that Pruitt authorized them.

The OIG's report doesn't identify the employees who got the raises. But based on the details in the report, two of them appear to be Pruitt's scheduling director Millan Hupp and senior counsel Sarah Greenwalt, and the EPA declined to identify the third one.

The Atlantic first reported on the Hupp and Greenwalt raises earlier this month.

Jackson increased the aides' pay using a special authority the EPA has under the Safe Drinking Water Act, after the White House rejected the EPA's request to make the raises through the normal procedure for political appointees.

EPA spokesman Jahan Wilcox said the raises followed standard agency procedures.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison, and career human resources officials," he said in a Monday statement.

"Salaries are based on work history; and, any increases are due to either new and additional responsibilities or promotions. Salary determinations are made to avoid disparities among positions of equivalent or similar responsibilities, to the extent possible."

The OIG report corroborates Jackson's assertion last week that he was solely responsible for them. But Pruitt had told Fox News the week prior that he knew nothing about the raises, despite Jackson adding "for Scott Pruitt" after his signature on the forms, copies of which the OIG

attached to its report.

Pruitt said he reversed the raises for Hupp and Greenwalt after the uproar over them, but the OIG did not have the information to confirm that.

The raises were one of a series of scandals involving Pruitt that emerged in recent weeks, along with his apartment rental from a lobbyist for $50 per night he spent there and lavish spending on security and other costs.

Kevin Chmielewski, formerly Pruitt's deputy chief of staff for operations, told congressional investigators last week that although Jackson signed off on the raises, Pruitt knew about the entire process.

In fact, the documents reviewed by the OIG show that Jackson signed "Ryan Jackson for Scott Pruitt" in one of the placed authorizing the raises.

House Oversight and Government Reform Committee Chairman Trey Gowdy (R-S.C.) last week asked Pruitt to make Jackson, Hupp and Greenwalt available for transcribed interviews as part of a wide-ranging investigation he is conducting into numerous Pruitt scandals.

Monday's OIG report was a brief "management alert." The watchdog is also working on a wider audit of the EPA's use of the Safe Drinking Water Act for personnel hiring.

The law lets the agency hire up to 30 people at a time without regard to rules for civil service employees or political appointees — including the need to get White House approval for raises. Congress passed the legal provision to enable the EPA to better attract scientists and experts, but it did not put those restrictions on the agency.

The EPA has used the law to hire people in policy, public relations, scientific and other roles across the agency.

CNN

https://www.cnn.com/2018/04/16/politics/epa-pruitt-pay-raises/index.html

EPA watchdog: Two Pruitt aides received earlier raises

By Gregory Wallace, 4/16/18, 5:29 PM

Washington (CNN) -- The two aides to Environmental Protection Agency Administrator Scott Pruitt who received substantial raises also each received an earlier pay increase, according to an agency inspector general report released Monday.

The aides are not identified by name in the report, but multiple details, including salary information, correspond with an account first reported by The Atlantic. A former deputy chief of staff to Pruitt later briefed congressional investigators about the raises.

The documents show the two aides' raises were signed off by Pruitt's chief of staff, Ryan Jackson, who in some instances signed his name "Ryan Jackson for Scott Pruitt" on Pruitt's stationary.

Whether the raises were granted with or without Pruitt's knowledge has emerged as a key question, both because of the size of the raises and the White House's previous decision to turn down pay bumps for the aides. One of the two aides wrote in an email to human resources that her raise was approved by the administrator.

Pruitt insisted in a recent interview that he did not know the raises were being granted.

"I did not," Pruitt told Fox News earlier this month. "We are in the process of finding out how it took place and correcting that," he said, adding he was unaware who signed off on the raises.

One of the aides, identified by The Atlantic as EPA attorney Sarah Greenwalt, was initially hired with a salary of nearly $98,000. After her second raise, Greenwalt was earning slightly more than $164,000.

The other aide, scheduler Millan Hupp, was hired with a $66,500 salary. Following a promotion and her previously reported raise, Hupp's salary reached $114,600.

EPA spokesman Jahan Wilcox said the agency cooperated with the ongoing inspector general probe.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison, and career human resources officials," Wilcox said. "Salaries are based on work history; and, any increases are due to either new and additional responsibilities or promotions."

The inspector general's office has been looking into certain EPA hiring practices since January. Monday's report is an interim report while the inspector general continues to probe the matter.

The report also documents several other instances where EPA employees received raises. In one instance, the raise was personally approved by Pruitt. The inspector general did not conclude any wrongdoing based on Pruitt's signature, but noted that it indicates "direct involvement by the Administrator" in a pay raise.

Politico

https://www.politicopro.com/energy/whiteboard/2018/04/barrasso-seeks-information-on-pruitt-email-accounts-1038726

Barrasso seeks information on Pruitt email accounts

By Anthony Adragna, 4/17/18, 6:37 PM

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) is wading into oversight of embattled EPA Administrator Scott Pruitt, raising questions about his use of multiple official email accounts.

In a letter sent Friday, Barrasso asked Pruitt to identify all official accounts he uses and to confirm that all are searched in response to public records requests.

Barrasso's letter comes after two Democratic EPW senators — Tom Carper (D-Del.) and Jeff Merkley (D-Ore.) — revealed Pruitt had four accounts in a letter last week.

In response to Barrasso's letter, an agency spokesman said today: "We will respond to Chairman Barrasso through the proper channels."

The agency said in response to the initial Democratic letter that it searches all of Pruitt's accounts in response to FOIA requests.

Spokesman Jahan Wilcox said the agency "maintains three email accounts which are attributed to Administrator Pruitt: two are used by staff for calendaring and public correspondence; the third is used by the Administrator. A fourth email account was created for use by the Administrator but was superseded and never used beyond three test emails."

AP

https://apnews.com/9ea39bf7dd8346cdba4734c3a542c9be/EPA-chief-has-at-least-4-government-email-accounts

EPA chief has at least 4 government email accounts

By Michael Biesecker, 4/17/18

WASHINGTON (AP) — The Republican chairman of a Senate committee is pressing Environmental Protection Agency Administrator Scott Pruitt to explain his use of multiple government email addresses.

Senate Environment and Public Works Chairman John Barrasso asked Pruitt to disclose all his email addresses and affirm that all were being searched in response to Freedom of Information Act requests.

EPA spokesman Jahan Wilcox said Tuesday that EPA maintains two email addresses for Pruitt used by his staff for public correspondence and keeping his calendar. A third is used by Pruitt himself. A fourth account was also created for Pruitt, but Wilcox said it had never been used.

Wilcox said all are searched in response to records inquiries.

Barrasso's letter followed one sent last week by Democrats asking EPA's inspector general to review the issue.

The Hill

http://thehill.com/policy/energy-environment/383425-gop-chairman-probes-pruitts-use-of-four-email-addresses

GOP chairman probes Pruitt's four email addresses

By Timothy Cama, 4/16/18, 5:34 PM

The Environmental Protection Agency's (EPA) top GOP Senate overseer is looking into the agency's use of four different email addresses for Administrator Scott Pruitt.

In a letter sent Friday and obtained by The Hill, Environment and Public Works Committee Chairman John Barrasso (R-Wyo.) asked Pruitt whether the agency has ensured that federal records requests involving him are searching all of his addresses.

"Can you confirm that the EPA does in fact search all your official email accounts when responding to [Freedom of Information Act] requests?" Barrasso asked Pruitt in the letter. He also asked the EPA head to provide a list of all of the email accounts that Pruitt uses.

Two Democratic senators revealed last week that the EPA has four addresses for Pruitt. The Washington Post reported that the addresses are pruitt.scott@epa.gov, esp7@epa.gov, adm14pruitt@epa.gov and sooners7@epa.gov.

The EPA said at the time that two of them are used by staff for scheduling and correspondence, one is used by Pruitt himself and one hasn't been used except for three test emails.

Agency heads frequently have email accounts that aren't revealed to the public, in addition to standard accounts to which anyone could send messages.

An EPA spokesman said the agency “will respond to Chairman Barrasso through the proper channels.”

Barrasso was a leading voice in criticizing then-EPA head Lisa Jackson in 2013, when the agency admitted that she had an email account under the alias “Richard Windsor” that she used extensively for official business.

He and other Republicans accused Jackson of trying to hide her emails from Freedom of Information Act (FOIA) requests, while the EPA at the time said the Richard Windsor account was fully incorporated into FOIA searches.

Barrasso specifically asked Pruitt about the issue during his confirmation hearing in January 2017.

"If confirmed, will you refrain from taking any such action that makes it difficult or impossible for the public to access your official written communications under the Freedom of Information Act," Barrasso asked.

"Yes," he responded.

EPA officials have said Pruitt’s alternative accounts are included in FOIA searches as well, although Barrasso nonetheless asked Pruitt to confirm that in writing.

Sens. Jeff Merkley (D-Ore.) and Tom Carper (D-Del.) are also probing Pruitt’s email accounts. In the letter revealing the additional accounts, they asked the EPA’s Office of Inspector General to launch an investigation.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2018/04/17/head-of-senate-committee-now-seeks-answers-on-scott-pruitts-email-practices-at-epa/?utm_term=.db0534e296fa

Head of Senate committee now seeks answers on Scott Pruitt's email practices at EPA

By Juliet Eilperin, 4/17/18, 8:10 AM

Senate Environment and Public Works Committee Chairman John Barrasso (R-Wyo.) is now scrutinizing whether Environmental Protection Agency chief Scott Pruitt is fully complying with public records requests, given the fact that he has multiple government email addresses.

The Washington Post reported Thursday that Pruitt has four different addresses, three of which do not follow EPA's conventional format. Agency lawyers have raised concerns that not all of them are being searched during Freedom of Information Act requests. Democratic Sens. Jeff Merkley (Ore.) and Thomas R. Carper (Del.) have demanded Pruitt provide greater disclosure on the matter. On Friday, Barrasso joined that call.

Until this week, Barrasso has refrained from criticizing any of Pruitt's actions while in office, instead praising his deregulatory agenda. On Monday, however, Barrasso raised concern about the Government Accountability Office's report that EPA had violated federal spending laws by failing to notify Congress before installing a private phone booth in Pruiit's office last year at a cost of $43,000.

"During your confirmation hearing, I specifically asked you to 'refrain from taking any action — that makes it difficult or impossible for the public to access your official written communications under the Freedom of Information Act,'" Barrasso wrote Pruitt. "You agreed to my request."

"Can you affirm that the EPA does in fact search all your official email accounts when responding to FOIA requests?" Barrasso added.

EPA spokesman Jahan Wilcox said in a statement that Pruitt uses three email accounts, while a fourth one created for him was only tested a few times before becoming inactive.

"When EPA receives a FOIA request concerning the Administrator's emails, all accounts associated are searched before we respond to that request," said the EPA's acting chief information officer, Steve Fine, in a statement.

But Ken Cook, president of the advocacy organization Environmental Working Group, said Pruitt needs to be more transparent about his operations.

"Between his four email accounts and his $43,000 private phone booth, Pruitt is taking all the appropriate steps to keep lawmakers, journalists and the prying eyes of taxpayers from learning what he's been up to since becoming the head of EPA," Cook said in a statement.

Washington Post

https://www.washingtonpost.com/opinions/the-latest-pruitt-revelations-are-the-swampiest-he-should-be-long-gone/2018/04/16/0f0d1aae-41b3-11e8-ad8f-27a8c409298b_story.html?utm_term=.49a65105de64

The latest Pruitt revelations are the swampiest. He should be long gone. (*Editorial)

By The Editorial Board, 4/16/18, 7:42 PM

ON MONDAY, two independent watchdogs released reports detailing abuse and, in one case,

violation of the law at Scott Pruitt's Environmental Protection Agency in pursuit of perks for the administrator and his staff. President Trump should have fired Mr. Pruitt a long time ago. The latest reports underscore the swampy behavior Mr. Trump appears willing to tolerate and excuse.

The Government Accountability Office found that the EPA broke the law when it installed a $43,000-plus privacy booth in Mr. Pruitt's office, vastly exceeding the $5,000 cap Congress imposed on buying furniture or making improvements to the private offices of federal agency heads. The EPA should have informed Congress it wanted to spend tens of thousands of dollars on an unnecessary security upgrade. By failing to do so and spending the money anyway, it violated two federal laws, the GAO concluded.

The EPA says Mr. Pruitt required access to a secure telephone line in an appropriate setting. But there already were two secure facilities at the EPA available for just such a purpose. Moreover, as the New York Times reported this month, members of Mr. Pruitt's staff argued that the administrator needed only a $10,000 upgrade to obtain the privacy he desired, one of many objections they raised to the administrator's lavish spending. The Times found that these staffers were punished, and $43,000 was spent on "a special chamber with sound-dampening privacy products and ceiling baffles that would prevent anyone from intercepting voice or data transmissions."

Also on Monday, the EPA's inspector general revealed an interim report on large raises Mr. Pruitt's aides received. The inspector general released employment forms that appear to show that Mr. Pruitt's chief of staff signed off on two controversial salary hikes that went to favored staffers whom the administrator had brought with him from Oklahoma. Though names were redacted, the salary figures — about 70 percent increases in both cases — correspond to raises that staffers Sarah Greenwalt and Millan Hupp were reported to have obtained even after the White House denied a request to boost their salaries. The EPA twisted an obscure provision in the Safe Drinking Water Act that allows for hiring flexibility at the agency to jam through the raises.

Mr. Pruitt insisted he did not know about the raises or about the way his staffers bypassed White House objections. But his chief of staff appears to have signed the forms "for Scott Pruitt," suggesting that he was acting with explicit or implicit permission. Certainly, Mr. Pruitt bears responsibility for the actions of his chief of staff, who is still working at the EPA.

As the picture of arrogance and mismanagement at the EPA gets more detailed, it becomes ever

more astonishing that an administrator so clearly unfit for service continues to lead a crucial federal agency.

Reuters

https://www.reuters.com/article/us-usa-epa-pruitt-senate/epa-must-explain-why-pruitts-43000-phone-booth-was-legal-republican-senator-idUSKBN1HN2K1

EPA must explain why Pruitt's $43,000 phone booth was legal: Republican senator

4/16/18, 1:56 PM

WASHINGTON (Reuters) - The head of the Senate environment committee said on Monday the Environmental Protection Agency must give a full public accounting of its approval of $43,000 for a private soundproof phone booth for agency chief Scott Pruitt.

"It is critical that EPA and all federal agencies comply with notification requirements to Congress before spending tax payer dollars," Senator John Barrasso, a Republican, said in a statement. "EPA must give a full public accounting of this expenditure and explain why the agency thinks it was complying with the law."

The EPA violated the law when it approved the phone booth last year for Pruitt's office, the Government Accountability Office, a congressional watchdog, said earlier on Monday.

Bloomberg

https://www.bloomberg.com/news/articles/2018-04-17/epa-s-43-000-secure-phone-booth-came-with-sound-trapping-vents

EPA's $43,000 Secure Phone Booth Came With Sound-Trapping Vents

By Ari Natter and Jennifer A Dlouhy, 4/17/18, 4:00 AM

Compared to other pricey office accoutrements, this one is spartan.

Environmental Protection Agency Administrator Scott Pruitt's ultra-secure phone booth spans four feet across and four feet deep and was installed in a storage closet off his office. But it has the latest in acoustical accents, including a ventilation system designed to keep conversations from being overheard and "noise-lock" panels on the walls and ceiling.

It spared Pruitt from having to run downstairs to use a secure phone line elsewhere in the building -- but has drawn a storm of criticism.

"I don't see a reason for it," said John O'Grady, president of a branch of the American Federation of Government Employees that represents thousands of EPA employees. "For crying out loud, the guy is the EPA administrator -- not the CIA or the FBI."

The installation cost more than $43,000, including having workers level the concrete floor so they could insert the pre-fabricated steel box. The Government Accountability Office -- the watchdog of federal spending -- says the expenditure violated laws on congressional notification and appropriations.

The GAO conclusion, contained in a report commissioned by Democratic lawmakers and released Monday, is one of a number of controversies surrounding Pruitt's short tenure at the helm of the agency. He's also being investigated for his use of first-class travel, renting a condo from a lobbyist and steering raises worth tens of thousands of dollars to aides over White House objections.

"An illegal privacy booth to conduct secret discussions with his polluter friends does nothing to help our health or environment," said Senator Tom Udall of New Mexico, one of several Democratic lawmakers who asked for the audit. "The list of ways he has abused his office just keeps getting longer."

The EPA argued that the unit was necessary and didn't violate the law. Pruitt needed the booth "to facilitate agency business, without concern that classified, deliberative, privileged, or sensitive information might inadvertently be disclosed to those who are not intended to receive such information," the agency said last month in a response to questions from the GAO.

The GAO said it didn't draw any conclusions about the necessity of the project, only that it fell outside spending rules because appropriations committees were not notified and the EPA spent money for the booth "in a manner specifically prohibited by law."

'Nice One'

Wyoming Senator John Barrasso, the Republican chairman of the Senate Environment and Public Works Committee, has demanded a "full public accounting" of the booth.

"It sounds like a nice one," said Jaye Andone, president and chief executive officer of SCIF Global Technologies, Inc, a Florida-based manufacturer of soundproof rooms, known as Sensitive Compartmented Information Facilities.

The equipment is typically much larger and used by the Department of Defense and other agencies that need to discuss classified information. But the company has seen a rise in requests from corporate chief executives and other commercial users, Andone said in a phone interview.

The specifications for government secure rooms are laid out in a directive from the central intelligence director, including requirements to reinforce walls with steel plates and make sure doors, windows and vents are shielded by sound-masking devices.

Those technical requirements make them some of the most expensive real estate in Washington. The Congressional Research Service said in a 2008 report that building one in an existing facility can cost $200 to $500 per square foot.

Similar rooms are located inside the White House, in the Pentagon and the Capitol complex. The Energy Department, which oversees production of the nation's nuclear arsenal, also has one.

The EPA's offices in Washington already had one in the basement, said Liz Purchia, who served as an acting associate administrator in the agency during the Obama administration. She said she didn't see the need for a second one.

"Previous administrators used it without problems for years," Purchia said. "It needs to be questioned as to why he needed one in his office. If he's worried about people overhearing what he has to say, he could try whispering. That doesn't cost $43,000."

NPR

https://www.npr.org/2018/04/17/601994402/whos-in-charge-potential-leadership-shake-ups-leave-agencies-in-limbo

Who's In Charge? Potential Leadership Shake-Ups Leave Agencies In Limbo

By Ayesha Rascoe, 4/17/18, 5:00 AM

The hits keep coming for EPA chief Scott Pruitt, with a new report from a government watchdog agency concluding that the Environmental Protection Agency broke the law when it spent more than $43,000 to build a soundproof privacy booth in Pruitt's office.

The Government Accountability Office found that the EPA spent the money without providing advance notice to Congress, as required by law.

The news is the latest negative headline for Pruitt, who has managed to hang on to his spot in the Trump administration, despite reports that some White House officials have pressed for him to be fired.

Whether Pruitt stays or goes, though, the doubt surrounding his future could have an impact on the work carried out by the agency he oversees.

Prolonged controversy and turmoil at the top of an agency can be a distraction for civil servants and political appointees who may worry that policies and procedures implemented now may be quickly swept away if new leadership is installed.

"Unfortunately these sorts of rumors are often self-fulfilling as people begin questioning the authority of those who have important jobs to do," said Paul Winfree, a former deputy assistant for domestic policy at the Trump White House. Winfree is now at conservative think tank the Heritage Foundation.

EPA is the latest agency to deal with questions about how long its chief official will remain in the Trump administration.

The Trump administration has experienced a record amount of turnover in the past 14 months, but often there has been a gap between when reports of scandal or bad blood with the White House arise and when officials actually leave.

The State Department and Department of Veterans Affairs both went through similar periods when it was unclear whether their leaders at the time — then-Secretary of State Rex Tillerson and then-VA Secretary David Shulkin — would be able to weather a barrage of bad press and calls for their removal. Both men were eventually pushed out.

Allowing agency heads to remain in employment purgatory is often not helpful for federal employees looking for a sense of stability or clear direction from the White House.

"Having Scott Pruitt under this huge cloud ... has really put much of EPA in limbo because people just aren't sure where to go," said Erik Olson, director of the Natural Resources Defense Council's health program.

The NRDC has been a big critic of Pruitt's deregulatory push and has called for his ouster, but Olson said there is trepidation about who will succeed Pruitt.

Pruitt's troubles go back to at least August when the EPA's inspector general office said it was investigating some of his travel back to his home state of Oklahoma. Since that time the alleged scandals have piled up, with reports about expensive chartered flights, pay raises doled out to aides without White House consent and a questionable stay at an apartment owned by the wife of an energy lobbyist.

The uncertainty about Pruitt may be a "temporary distraction," but it will likely not ultimately stop the administration's policies from going forward, said Jeff Holmstead, who served as an assistant administrator at EPA under President George W. Bush.

"All of the policy development and regulatory reforms are being carried out by folks who really share (Pruitt's) vision," said Holmstead, now an attorney for Bracewell law firm.

Pruitt has denied any wrongdoing.

In response to the GAO report on the privacy booth, EPA argued that it was not necessary to consult with Congress about the expenditure. The agency said in a letter to GAO that the booth was necessary to conduct official business and was not simply a redecorating project.

Asked for comment on how the agency has been affected by Pruitt's tenuous status, EPA said Pruitt "is focused on advancing President Trump's agenda of regulatory certainty and environmental stewardship."

The White House did not respond to a request for comment.

State Department woes

Former Secretary of State Tillerson endured months of speculation about his future as secretary before he was let go in March. For months during his rocky tenure, it seemed like Tillerson and Trump were not on the same page, with Trump publicly contradicting Tillerson's policy positions on North Korea.

The relationship between the president and Tillerson hit an especially low point in October, when Tillerson held a press conference about reports that he had called Trump a "moron," a charge Tillerson did not directly deny.

The confusion about whether Trump still had confidence in Tillerson undoubtedly affected State Department staff, who had to contend with Tillerson's ambitious cost-cutting initiative, which now may not be carried out, said Heather Conley, of the Center for Strategic and International Studies.

"You may not know who you're reporting to in a few days," said Conley, who was a deputy assistant secretary at State during the George W. Bush administration. "So, it just builds in distraction, and uncertainty and rumor mongering that just doesn't help people get their work done."

Veterans Affairs: Who's in charge?

Former VA Secretary Shulkin started out fairly popular with Trump, who pledged during his campaign to turn around the troubled agency that provides services for more than 9 million veterans.

But the relationship between Shulkin and the White House soured after the release of an inspector general's report in February that accused Shulkin of inappropriately spending taxpayer funds during a trip to Europe and improperly accepting tickets to Wimbledon.

After the report was released, White House officials sent mixed signals for more than a month about the president's support for Shulkin. Two days before Shulkin was fired, White House spokesman Hogan Gidley told Fox News that Trump still had confidence in Shulkin.

While Shulkin was facing scrutiny, there were questions about who was actually representing views of the administration for veterans.

"When that happens nothing gets done," said John Hoellwarth, a spokesman for AMVETS. "And veterans in particular can't wait around for things to just work themselves out like that, every day they're depending with their lives on a properly functioning VA."

The Hill

http://thehill.com/opinion/white-house/383337-trump-team-continues-to-roll-back-the-regulatory-state

Trump team continues to roll back the regulatory state (*Op-Ed)

By Ken Blackwell, 4/16/18, 1:30 PM

In President Donald Trump's war on burdensome, unnecessary government regulations, two members of his team stand out: Scott Pruitt, administrator of the Environmental Protection Agency (EPA), and Mick Mulvaney, the acting director of the Consumer Financial Protection Bureau (CFPB).

In his role at the EPA, Pruitt is working to balance protecting the environment with fostering job growth and economic recovery.

Pruitt is guiding the agency back to its proper role of safeguarding human health and the environment while also working to implement Trump's agenda on job growth — and he's doing so by cutting onerous regulations.

The New York Times reported last year that in Pruitt's first four months as EPA administrator, he cut, delayed or blocked over 30 environmental regulations, which the paper called "a regulatory rollback larger in scope than any other over so short a time in the agency's 47-year history."

Pruitt recently proposed changing an Obama-era regulation on the disposal of coal ash — a toxic byproduct of burning coal — to give states flexibility in to determining the best way to dispose of the material. The EPA said the proposal could save electric utilities up to $100 million a year in compliance costs.

In the process, Pruitt is reining in a rogue government agency that has operated well beyond its legal authority for years. He recently moved to end an EPA practice dubbed "sue and settle" in which special interest groups would sue the EPA to issue regulations in line with their agendas, and the EPA would settle in acquiescence, effectively allowing the agency to issue regulations outside the scope of their authority.

"The days of regulation through litigation are over," Pruitt explained in an October statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress.

"Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle," Pruitt stated.

There is an adage that it is better to be hated than ignored. Nowhere does that ring truer in Washington, D.C. than at the Consumer Financial Protection Bureau (CFPB).

Since taking the reins of the CFPB in November, Mulvaney has done what any good steward of taxpayer dollars would do — bring accountability and structure back to a once lawless and business-punishing agency.

Not only has Mulvaney declined asking for one penny in operating funds for the bureau for the second quarter of this year, but last week, he asked Congress to rein in the CFPB's limitless power and authority saying, "The Bureau is far too powerful, and with precious little oversight of its activities."

Despite these reforms, Sen. Elizabeth Warren (D-Mass.) has led the chorus of attacks on Mulvaney, accusing him of trying to dismantle her politically-motivated brainchild.

Ironically, what makes Warren's attacks on Mulvaney all the more rich is that she has all but confirmed to the American people that she and her Democratic colleagues are not interested in accountability and reform. After all, Warren created the CFPB not to protect consumers, but to wield political power.

For proof of that, one needs to look no further than the actions of former CFPB Director Richard Cordray, who used the bureau as a political action committee to reward liberal interest groups and political friends ahead of his run for governor of my home state of Ohio under the guise of "consumer protection."

As George Washington University adjunct professor Jeff Joseph pointed out earlier this year,

Cordray's CFPB "picked winners and losers through a bevy of financial regulations, benefitting certain industries at the expense of others.

"Since its inception, the CFPB has issued well over $5 billion in penalties, punishing a wide variety of companies in the name of 'consumer protection,'" Joseph said.

In response to a recent opinion piece by Sen. Warren, in which she issued her latest salvo on Mulvaney's leadership, Mulvaney issued the perfect response:

"If Sen. Warren is unsatisfied with my responses to her frequent inquiries, I would remind her that she is the one who conceived of the bureau to be '[f]ree of legislative micromanaging' and who recently reiterated that 'the whole idea' of the Bureau was to 'insulate it from political influence to the extent possible.'"

As President Trump continues his all-out war on the regulatory state, he certainly has picked the right soldiers in Mick Mulvaney and Scott Pruitt to continue draining the proverbial regulatory swamp.

Ken Blackwell, a former domestic policy advisor to the Trump Transition team, is a former Ohio State treasurer, Ohio secretary of State and Mayor of Cincinnati.

E&E Climatewire

https://www.eenews.net/climatewire/stories/1060079249/search?keyword=EPA

Talk of climate, controversies banned in Pruitt meeting

By Niina Heikkinen, 4/17/18

EPA Administrator Scott Pruitt hosted a group of religious leaders in his office last week.

There were conditions: There would be no talk about climate change or Pruitt's recent bad press.

On Friday afternoon, Pruitt and several EPA staffers met with nine faith leaders from different religious backgrounds at EPA headquarters to talk about environmental justice issues, according to one attendee.

"We were not allowed to talk about climate; it was not part of it. It was apparently a condition of the meeting," said the Rev. Mitchell Hescox, president and CEO of the Evangelical Environmental Network. "It was a cordial meeting, but I was a little disheartened that he didn't want to talk about climate."

Participants were also warned not to talk about the torrent of negative media coverage Pruitt has received in recent weeks regarding the administrator's spending while in office. He has faced an onslaught of criticism about his housing, travel and security detail in Washington, D.C.

The Franciscan Action Network organized the 45-minute meeting in Pruitt's office, which was supposed to be an off-the-record, private discussion. Hescox said he was surprised to see a photographer at the meeting and was "disconcerted" when the administrator tweeted photos of it later that day. The tweet was later deleted at FAN's request, according to Hescox.

EPA staff relayed the restrictions on the discussion to the Franciscans, Hescox said, but he couldn't say whether they originated from Pruitt or the staff.

An EPA spokesperson confirmed that Pruitt had met with "environmentally focused interfaith leaders" to talk about the agency's mission.

"While it is our common practice to post photos from the Administrator's meetings for public awareness, there was a miscommunication regarding post-meeting media plans and we took down the post, at the request of the group," the spokesperson said in an email.

During the meeting, Pruitt spoke in detail about two of his favored issues, safe drinking water and Superfund site cleanup. Only four of the attendees, including Hescox, had time to make their requests to the administrator. One person asked for a faith-based office in EPA, another spoke about water issues in New York, and Hescox focused on the impact of toxic chemicals on developing fetuses.

Pruitt avoided any mention of the recent ethics controversies and let participants know he had just come from having a Big Mac at the White House, Hescox said.

"We did have a good meeting talking about the things he wanted to talk about. [But] it was hard to have an in-depth discussion on [the] realities of what is happening in the world," he said.

Hescox said that he found out about the terms of the discussion just a half-hour beforehand and would not have participated if he had had more advance notice.

Hescox has been sharply critical of Pruitt since his nomination. The meeting was the first time they met face to face. In an op-ed in The Christian Post published April 6, Hescox said Pruitt's deregulatory actions betrayed anti-abortion values.

"President Trump's Administration, especially the head of the Environmental Protection Agency (EPA), Scott Pruitt, have done little to defend the forgotten, especially our unborn and newly born children. While claiming to be pro-life, they have done little to fulfill EPA's mission, 'To protect human health and the environment,'" Hescox wrote. "Instead they have pandered to industry lobbyists, proposed bailouts to the dying fossil fuel industry and 'lived high on the hog' instead of defending the lives and health of our children."

Hescox said Pruitt did seem to recognize his name when they were introduced but did not take

the opportunity to respond to his criticisms.

"He kind of had the eyebrow raised up," he said.

Hescox kept his remarks to Pruitt last week focused on environmental risks to fetal life.

He requested that the administrator name fetuses as an "at-risk group" under the Toxic Substances Control Act. Both Republicans and Democrats in Congress have rejected Hescox's past efforts to add protection under the law for fetal life, calling it a "poison pill."

Republicans have feared that it would require more research from the oil and gas industry, and Democrats have shied away from appearing to be "pro-life," Hescox said.

"[Pruitt] said he would consider it," Hescox added.

Although he didn't talk about climate change at the meeting, Hescox did make sure Pruitt had some reading on the subject. He left the EPA boss a copy of his book, "Caring for Creation: The Evangelical's Guide to Climate Change and a Healthy Environment."

Reuters

https://www.reuters.com/article/us-usa-biofuels-trump/bipartisan-senators-group-demands-epa-disclose-small-refinery-hardship-recipients-idUSKBN1HO27S

Bipartisan senators' group demands EPA disclose small refinery hardship recipients

4/17/18, 10:46 AM

NEW YORK (Reuters) - A bipartisan group of 13 U.S. senators told the U.S. Environmental Protection Agency on Tuesday to disclose the names of companies who received a hardship exemption from the nation's biofuel laws since 2016.

The calls for more transparency come amid increasing scrutiny of the EPA's expansion of the small refinery hardship exemption in recent months, including granting and considering waivers from the world's largest oil companies.

The senators made the request in a letter delivered on Tuesday, according to a joint statement.

The Hill

http://thehill.com/policy/energy-environment/383495-senates-coast-guard-bill-would-weaken-water-pollution-rules-greens

Coast Guard bill would weaken water pollution rules, environmentalists say

By Timothy Cama, 4/17/18, 9:55 AM

The Senate could vote on a Coast Guard bill in the coming days that environmentalists and Democratic attorneys general say would weaken water pollution standards.

Senate Majority Leader Mitch McConnell (R-Ky.) filed cloture on a bill to reauthorize Coast Guard programs late Monday and Sen. John Thune (R-S.D.), chairman of the Commerce, Science and Transportation Committee, said the upper chamber will "hopefully" vote on it this week.

The bill includes a version of the Vessel Incidental Discharge Act (VIDA), which would exempt ships' ballast water from Clean Water Act oversight under the Environmental Protection Agency (EPA) and stop most states' attempts to regulate the ballast water.

Ships usually take in water at ports to help balance and provide stability on their journeys. Operators then discharge the water at other ports, potentially bringing invasive species or pollutants from the previous port.

Ballast water has been blamed for some of the worst invasive species cases, like zebra mussels in the Great Lakes and various algae species.

Environmentalists say removing the EPA's authority — and leaving the regulation of ballast water solely to the Coast Guard — would remove important water protections.

"VIDA moves us away from the responsible management of ballast water discharges by completely removing Clean Water Act authority over ship ballast water discharges," a coalition of green groups, including the Natural Resources Defense Council and American Rivers, wrote to senators last week.

"Under VIDA, the Clean Water Act would cease to apply to all ship incidental discharges — including ballast water, nutrient-laden greywater, and chemicals — from commercial vessels," they wrote.

Democratic state attorneys general also object to the bill because it would block states, in most cases, from regulating ballast water themselves.

"This legislation seeks to preempt traditional state authority to take the actions necessary for protecting state water resources, while doing away with existing federal laws that safeguard our nation's waters against harmful pollutant discharges from vessels," 10 state attorneys general,

led by New York's Eric Schneiderman (D), wrote to senators last year.

But the shipping industry has long argued that the EPA and states are not the right bodies to regulate ballast and that the Coast Guard, as the main authority overseeing waterways in ports, is better equipped.

A coalition of maritime industry and labor groups told senators last year that a previous version of the bill "will establish nationally uniform and environmentally sound standards for ballast water and other vessel discharges."

They complained that an "overlapping patchwork of federal and state regulations makes compliance complicated, confusing and costly for vessel owners and mariners."

The bill's sponsors are Thune, Sen. Marco Rubio (R-Fla.) and Sen. Bill Nelson (D-Fla.).

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=132183082&item=408&prod=deln&cat=A

Smaller Bites in EPA Air Chief's Second Pass at Permitting Update

By Jennifer Lu, 4/17/18

William Wehrum has unfinished business with the EPA's air pollution permitting program for factories and power plants that want to expand or make major upgrades to their facilities.

In his first stint at the Environmental Protection Agency in an acting capacity, Wehrum tried to address industry criticism over the permitting program, known as new source review, with sweeping rulemaking bundles.

His efforts were either dropped after the George W. Bush administration withdrew his nomination to head the Office of Air and Radiation in 2007, blocked by the courts, or undone by the incoming Obama administration.

"This time around," Wehrum told Bloomberg Environment in an exclusive April 13 interview, "it's important to strike a better balance."

Already, the EPA has issued two industry-coveted tweaks to the permitting program through guidance documents.

The new source review program requires factories and power plants to install costly new air pollution controls when they expand or make modifications that increase their emissions.

Industries have long complained that securing compliance with the permitting program is tedious, time consuming, and confusing. Updating how the EPA administers the program through guidance documents is one way to quickly address those concerns.

"There are a lot of current issues within [new source review] that we can provide clear guidance through guidance," Wehrum said. "Our strategy is to tell people sooner rather than later how we think the program should be implemented."

Did You Get the Memo?

The focus on bite-sized updates to EPA programs comes after Wehrum watched a series of ambitious regulations he helped craft—from toxic air pollution rules from the power industry to attempts to set up an emissions trading program for power plants—get overturned by judges during his last go-round at the agency between 2005-2007.

Back then, Wehrum didn't have the option to quickly update policy through guidance. Only since a 2014 U.S. Supreme Court decision in *Perez v. Mortgage Bankers Association* have federal agencies like the EPA been allowed to issue guidance such as policy memos without having to go through a lengthy public comment process.

"We have an interest in trying to do some things quickly, and especially in case-specific circumstances where clarity is lacking," Wehrum said.

However, policy made through guidance memos can be just as easily undone by a new administration, John Walke of the Natural Resources Defense Council, who previously served in the EPA General Counsel's Office, told Bloomberg Environment.

Environmental groups like Walke's and some states have already sued the EPA over one of its guidance documents, which eased toxic pollution emissions standards for industry.

"Industry relies upon Bill Wehrum's guidance at its peril," Walke said.

Everything Old is New Source Review Again

But updating the permitting program has long been an industry priority. It was repeatedly spotlighted by businesses when the EPA put out a call for regulations that should be revised or eliminated.

After past regulatory efforts to make it industry-friendly fizzled, the fastest way to address business concerns is through guidance, Richard Alonso, environmental attorney at Sidley Austin LLP's Washington, D.C., office, told Bloomberg Environment.

Already, the EPA has issued two memos on two new source review changes. A December memo told agency staff not to "second-guess" how facilities calculate emissions changes.

That was followed by a March memo on project emissions accounting, also known as project netting, which tells facilities how to calculate whether emissions from their proposed new construction projects would increase pollution. Under the new guidance, facilities can include emissions decreases from their projects to the overall calculations to avoid triggering new source review.

The memo drew inspiration from a 2006 rule changing three aspects of emissions counting under new source review, which lost traction after Wehrum left the agency.

"Finalizing this [2006] rulemaking would help to remove a substantial burden to energy and manufacturing projects," Louis Renjel, vice president of federal government affairs and strategic policy at Duke Energy, wrote in response to an EPA call for suggestions on reducing regulatory burdens.

The American Chemistry Council also asked the EPA to revisit the reforms proposed during the Bush-era EPA, whether through guidance, regulation, or legislation.

The EPA this summer aims to address project aggregation, another piece of new source review reform from Wehrum's 2006 rulemaking bundle.

It would define how emissions from separate modifications that take place around the same time should be counted, according to a presentation Anna Marie Wood, director of the EPA's Air Quality Policy Division, gave at a state air regulators conference April 5.

More Guidance Coming

Three more guidance memos are slated to be issued this spring, according to Wood's presentation.

One would redefine what counts as "ambient air," or the air the general public breathes. This

definition is important to new source review because facilities must show that their post-construction emissions won't worsen air quality according to the national standards, Lynn Hutchinson, the EPA new source review project lead in 2002, told Bloomberg Environment.

Another guidance document in the works would change the pollutant modeling used to decide whether emissions would damage air quality. The White House completed its review of the memo April 12.

A third spring guidance document would allow the EPA to revive an attempt to expand the kinds of routine maintenance and repairs excluded from new source review. That 2003 rule was vacated by the U.S. Court of Appeals for the District of Columbia Circuit in *New York v. EPA* in 2006, which said industries could not write off physical changes that cost below a certain amount as routine maintenance.

"You already have a court on record saying those particular reforms are not allowed, so those might be a heavier lift without notice and comment rulemaking," Alonso said.

When asked how he will ensure that his current batch of reforms stick beyond the current administration, Wehrum said, "a piece of it is making change that will last, but the bigger piece of it, for me, again, is just from a public policy standpoint."

"If people can't look at our rules and know what they need to do to comply, then we've got a problem," he said.

Reuters

https://www.reuters.com/article/us-health-airquality/air-quality-linked-to-cardiac-events-heart-disease-patients-unaware-idUSKBN1HO2NE

Air quality linked to cardiac 'events,' heart disease patients unaware

By Carolyn Crist, 4/17/18, 1:03 PM

Poor air quality with high levels of tiny pollution particles known as PM 2.5 are tied to a spike in emergency department visits for heart- and lung-related illnesses and stroke, a California study suggests, but a nationwide U.S. survey finds that few heart patients are aware of air quality risks.

Based on analysis of areas affected by the intense 2015 California wildfire season, researchers found that within a day of residents being exposed to dense smoke, emergency room visits for heart attacks and other cardiac events and symptoms rose by 15 percent overall, and 42 percent among people over age 65.

Stroke and other cerebrovascular emergencies rose 17 percent overall, and 22 percent for older adults, the study team reports in the Journal of the American Heart Association.

"Unlike places that have chronic exposure to poor air quality where we can educate people about the health risks, wildfires happen at unexpected times," said senior study author Ana Rappold of the U.S. Environmental Protection Agency's National Health and Environmental Effects Research Lab in Durham, North Carolina.

"Wildfires have become a leading cause of short-term exposure to polluted air," she said in a telephone interview. "It's important to talk to people about how exposure to wildfire can impact their health."

Large-scale wildfires are projected to increase through the end of the century in many areas, particularly in California, Rappold and her colleagues note in their report. Wildfire smoke contains several pollutants, including carbon monoxide, nitrogen dioxide and ash particles that have been associated with lung and heart problems.

It also contains tiny particles, smaller than 2.5 micrometers, that are produced by burning, such as in wildfires, indoor cooking fires and motor vehicle exhaust.

These particles are small enough to enter the bloodstream from the lungs and are linked to inflammation, heart rhythm disturbances and clotting issues, the authors write.

Rappold and colleagues analyzed emergency room visits between May 1 and September 30, 2015 in eight northern and central California basins where fires covered more than 800,000 acres of land.

Based on data from the National Oceanic and Atmospheric Administration, the research team followed smoke plumes and particulate matter concentrations as they moved across the state. They also looked at emergency room data for diagnoses such as heart attack, angina, cardiac dysrhythmia, pulmonary embolism, stroke, asthma, COPD and pneumonia.

The researchers found 361,000 cardiovascular, 15,500 cerebrovascular and 230,000 respiratory diagnoses. Emergency room visits for heart issues were associated with wildfire smoke density for all adults and were more pronounced for those over age 65. Brain and lung issues were also more severe among older adults, especially on medium- and dense-smoke days.

"We have an aging population in this country with increasing obesity, diabetes and associated heart and lung diseases, and we have an increasing number of acres that burn every year," said one of the study's coauthors, Dr. Wayne Cascio, who directs the EPA National Health and Environmental Effects Research Lab.

"We also have an increasing number of people encroaching on acres that have a high likelihood of burning," Cascio said in a telephone interview. "That's the perfect storm of increasing the number of people who are at risk for wildfire exposure."

In future studies, the EPA team plans to look at how long wildfire smoke and particulate matter lingers in the air and causes health problems, as well as how these air pollution exposures affect

healthcare expenses through programs such as Medicare.

They've also launched Smoke Sense (bit.ly/2gFdHTV), a mobile app that encourages people to submit information about wildfire exposures and their health and productivity.

“I tell my patients that if they have heart or lung disease, they need to be mindful about poor air quality and smoke from wildfires,” Cascio said. “Avoid them to the extent that you can and look at EPA resources or others to plan what else you should do.”

In a separate study by a team at the Centers for Disease Control and Prevention in Atlanta, researchers found that people with lung disease are more likely than those with heart diseases to be aware of the risks they face during poor air quality alerts.

The research team analyzed surveys of more than 12,000 U.S. adults between 2014 and 2016. About half of participants were aware of air quality alerts, 27 percent said they avoided busy roads to reduce their exposure and 3 percent said they had talked with a health professional about ways to avoid exposure to air pollution. Compared to the other survey participants, awareness of air quality alerts was 11 percent more common among people with asthma and avoidance of busy roads was 13 percent more common. People with asthma were also five times more likely to have spoken with a doctor about avoiding pollution exposure.

“Targeted public health messages about air quality might raise awareness about alerts and motivate changes in behavior among those at risk during periods of unhealthy air quality,” said lead study author Maria Mirabelli of the CDC’s Asthma and Community Health Branch.

“Be aware of air quality alerts and discuss with a health professional the strategies to reduce air pollution exposure,” Mirabelli advised in an email. “Avoid busy roads to reduce exposure when walking, biking or exercising outdoors.”

AP

https://apnews.com/26de799f0bbb4d98ab9ee7d7766c7edd/Chicago,-surfers-criticize-US-Steel-spills-settlement

Chicago, surfers criticize US Steel spills settlement

4/17/18

PORTAGE, Ind. (AP) — Chicago and some Great Lakes surfers say a federal settlement inadequately punishes U.S. Steel for chemical spills into Lake Michigan.

The University of Chicago discovered last year that the steelmaker's Midwest Plant has violated chromium limits at least four times since 2013.

The proposed deal calls for U.S. Steel to pay nearly $900,000, test for hexavalent chromium daily at the plant, create a preventative maintenance program and upgrade pollution monitoring.

The Chicago Law Department and the nonprofit Surfrider Foundation said in a letter to the Environmental Protection Agency Monday that they'll oppose the deal in federal court if changes aren't made.

The groups want environmental improvement projects for communities near the Portage plant, an independent study of potential long-term damage and an automated early warning system to detect future spills.

To: AO OPA Individual News Clips[AO_OPA_Ind_News_Clips@epa.gov]
From: Hassell, Emily
Sent: Tue 4/17/2018 3:03:45 PM
Subject: BNA: Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites, 4/17/18

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=132183084&item=408&prod=deln&cat=A

Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites

By Sylvia Carignan and Stephen Joyce, 4/17/18

EPA Administrator Scott Pruitt put the spotlight on three more Superfund sites to accelerate cleanup efforts after the agency targeted those sites for a lack of progress.

The Environmental Protection Agency named the sites in California, Delaware, and Minnesota April 16 after the agency's regional staff said they needed a push from the administrator, Albert "Kell" Kelly, Pruitt's senior adviser on Superfund issues, told Bloomberg Environment.

Kelly expects that push to come in the form of an expedited cleanup plan decision or quicker negotiations for each of the sites.

Pruitt also removed two sites from the list of those needing immediate action.

The sites EPA added to the list are Delaware Sand and Gravel Landfill in New Castle, Del., Casmalia Resources in Casmalia, Calif., and St. Regis Paper Co. in Cass Lake, Minn.

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Pruitt aims to finalize a residential soil cleanup plan for the St. Regis Paper Co. site.

Remediating the Minnesota site "has been a very long and difficult process," Sara Peterson, a lawyer representing Cass Lake, Minn., the city where the property is located, told Bloomberg Environment.

The site contains soils and groundwater possibly contaminated by dioxins, pentachlorophenol, and polycyclic aromatic hydrocarbons, according to an EPA fact sheet on the site.

From the 1950s to the 1980s, Champion Paper Co.—a predecessor company to the site's current owner, Memphis, Tenn.-based International Paper Co.—manufactured treated wood for railroad ties and telephone poles.

Thomas Ryan, a spokesperson for International Paper, told Bloomberg Environment the company is working with the EPA and other parties at the Superfund site.

The city is anxious for the site's environmental cleanup to be completed, Peterson said.

"They need the jobs that would come with the redevelopment of this site, and they've got some potential opportunities out there. But having a Superfund site there at this point makes it awfully hard to market the site," she said.

A March 2016 EPA-proposed plan recommended removing contaminated soil from affected residential areas and replacing it with clean soil, managing removed soil on site, disposing of a small amount of heavily contaminated soil at an off-site facility, and monitoring soil stored on site.

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The Casmalia Resources site in California was a commercial hazardous waste treatment, storage, and disposal facility spanning more than 250 acres.

The EPA finalized a $590,722 settlement in November with 57 of the companies that contributed waste to the landfill. Those companies include Nestle, Leidos Inc., Hubbell Inc., and Hearst Corp.

None of those companies responded to Bloomberg Environment's emails or calls about the site's addition to Pruitt's list.

In addition, companies and government agencies involved with the Delaware site did not respond to Bloomberg Environment's requests for comment.

Setting Deadlines

The EPA also provided updates April 16 about each of the other sites on Pruitt's "immediate, intense action" list.

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Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites to pay the cleanup bills.

To: Bowman, Liz[Bowman.Liz@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]
From: Block, Molly
Sent: Tue 4/17/2018 2:00:17 PM
Subject: RE: FOR APPROVAL: EPA News Highlights 4.17.18

In addition to the clips? The second and third story below are about the superfund list we released yesterday.

From: Bowman, Liz
Sent: Tuesday, April 17, 2018 9:59 AM
To: Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: RE: FOR APPROVAL: EPA News Highlights 4.17.18

Thanks – did we have anything on the Superfund sites?

From: Block, Molly
Sent: Tuesday, April 17, 2018 8:43 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: FOR APPROVAL: EPA News Highlights 4.17.18

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Cincinnati Enquirer: EPA Head Scott Pruitt in Cincinnati

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Cincinnati Monday. He spent part of his day Monday, according to a tweet, with Greater Cincinnati Water Works officials and workers regarding the replacement of lead pipes. He also visited the federal EPA's

Cincinnati Office of Research and Development near the University of Cincinnati. "This is a model for cities across the country should look at in order to invest in the future of our children," Pruitt tweeted.

Bloomberg Environment: Pruitt Seeks Quicker Superfund Cleanups at Three Targeted Sites

EPA Administrator Scott Pruitt put the spotlight on three more Superfund sites to accelerate cleanup efforts after the agency targeted those sites for a lack of progress. The Environmental Protection Agency named the sites in California, Delaware, and Minnesota April 16 after the agency's regional staff said they needed a push from the administrator, Albert "Kell" Kelly, Pruitt's senior adviser on Superfund issues, told Bloomberg Environment.

Las Vegas Review Journal: Nevada's Anaconda Mine Removed from EPA Superfund List

An agreement reached between Nevada and the Environmental Protection Agency has kept the Anaconda Copper Mine off a Superfund list, with cleanup now being directed by the state and funded by a private company, officials said Monday. Pruitt released a list of potential Superfund sites Monday that no longer includes the Nevada mine. The list also excludes the San Jacinto River Waste Pits in Texas. Three sites in California, Delaware and Minnesota were targeted by the EPA for immediate and intense cleanup efforts and put on a list for Superfund inclusion. "We are making tremendous progress expediting sites through the entire Superfund remediation process," Pruitt said in a statement. Pruitt said the updated list "reflects our commitment to addressing Superfund sites as quickly and safely as possible."

Bloomberg Environment: Smaller Bites in EPA Air Chief's Second Pass at Permitting Updated

William Wehrum has unfinished business with the EPA's air pollution permitting program for factories and power plants that want to expand or make major upgrades to their facilities. "This time around," Wehrum told Bloomberg Environment in an exclusive April 13 interview, "it's important to strike a better balance." Already, the EPA has issued two industry-coveted tweaks to the permitting program through guidance documents.

National News Highlights 4.17.18

Reuters: Fox's Hannity Revealed as Mystery Client of Trump's Personal Lawyer

U.S. President Donald Trump's personal lawyer was forced on Monday to reveal in a New York federal court that Fox News personality Sean Hannity, one of Trump's most ardent defenders, was also on his client list. Michael Cohen, Trump's fiercely loyal and pugnacious lawyer, disclosed Hannity's name through one of his own lawyers at the order of the judge. Stormy Daniels, an adult-film actress who says she had a sexual encounter with Trump, watched from the public gallery.

Washington Free Beacon: Ex-CIA Chief Says Obama Rejected Cyber Action Against Russia for Election Meddling

Despite an unprecedented Russian intelligence operation to influence the 2016 presidential election, former President Barack Obama rejected a plan to conduct retaliatory cyber action against Moscow during the campaign, according to former CIA Director John Brennan. Brennan disclosed Saturday that Obama opposed a plan to carry out "a cyber event" against the Russians because the former president feared the action would lead to more aggressive interference by Moscow.

Politico: Comey on Trump Calling for Him to Be Jailed: 'This Is Not Ok'

Former FBI Director James Comey denounced Donald Trump's presidency as a threat to bedrock American values, warning that the president's calls for Comey to be jailed could erode the rule of law. The former FBI director, whom Trump fired last spring, has been a frequent target of Trump's criticism, especially in recent days amid the start of a publicity tour for Comey's book, which was released Tuesday. Comey has been deeply critical of the president, characterizing him as morally unfit to occupy his office, while Trump has labeled the former FBI director as a liar and leaker, suggesting he be sent to jail.

TRUMP TWEETS

Cincinnati Enquirer

https://www.cincinnati.com/story/news/2018/04/16/epa-head-scott-pruitt-cincinnati/521380002/

EPA Head Scott Pruitt in Cincinnati

By Carrie Blackmore Smith, 4/16/18

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"This is a model cities across the country should look at in order to invest in the future of our children," Pruitt tweeted.

Cincinnati, like many older cities, constructed its system with lead pipes at the start of the last century.

Water Works has made it a priority to replace all lead pipes with copper in order to reduce exposure to lead in drinking water. Lead can cause all sorts of health problems, including developmental delays, high blood pressure and heart disease.

“We appreciated the visit today from Administrator Pruitt. The visit gave us a chance to explain our enhanced lead program that includes education, outreach and removal of lead service lines," said water works Director Cathy Bailey. "Our program wasn’t mandated by regulations, but implemented because it is the right thing to do for our community, and we believe it can serve as a model across the country."

New research found a correlation between lead and cardiovascular disease, too. It affects children at a higher rate than adults because their brains are still developing.

The response in Twitter was fierce, with some playing off his use of #gettheleadout.

Bloomberg Environment

https://news.bloombergenvironment.com/environment-and-energy/pruitt-seeks-quicker-superfund-cleanups-at-three-targeted-sites-1

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Las Vegas Review Journal

https://www.reviewjournal.com/news/politics-and-government/nevada/nevadas-anaconda-mine-removed-from-epa-superfund-list/

Nevada's Anaconda Mine Removed From EPA Superfund List

By Gary martin, 4/16/18

An agreement reached between Nevada and the Environmental Protection Agency has kept the Anaconda Copper Mine off a Superfund list, with cleanup now being directed by the state and funded by a private company, officials said Monday.

Nevada Gov. Brian Sandoval and EPA Administrator Scott Pruitt signed a National Priorities List Deferral Agreement on Feb. 5 that puts the state in control of expedited cleanup and preparation for reuse of the property.

"Since Governor Sandoval took office and before, the state has worked to develop a long-term plan to clean up the site with a secure source of funding," said Mary-Sarah Kinner, the governor's spokeswoman.

Pruitt released a list of potential Superfund sites Monday that no longer includes the Nevada mine.

The list also excludes the San Jacinto River Waste Pits in Texas. Three sites in California, Delaware and Minnesota were targeted by the EPA for immediate and intense cleanup efforts and put on a list for Superfund inclusion.

"We are making tremendous progress expediting sites through the entire Superfund remediation process," Pruitt said in a statement.

Pruitt said the updated list "reflects our commitment to addressing Superfund sites as quickly and safely as possible."

The EPA administrator visited the Nevada and Texas sites as part of his effort to make timely decisions for cleanup of the sites and ensure protection of health and the environment for the surrounding communities.

During the Obama administration, the EPA proposed adding the Anaconda Copper Mine, which opened in 1918, to the Superfund National Priorities List to make it eligible for federal remedial funds.

Last year Atlantic Richfield Co. approached Nevada and proposed to fund implementation of a sitewide remedy for the mine. The company bought the mine in 1978.

Sandoval asked EPA in July to defer placing the copper mine on the Superfund list. Sandoval, the Nevada Division of Environmental Protection, Native American tribes and other stakeholders worked with the EPA to keep the site off the national priorities list.

Pruitt granted the request after the EPA determined cleanup efforts meet federal requirements.

In February, Sandoval called the signing of the agreement with the EPA a "landmark day." He said the state and Atlantic Richfield would work in partnership on the remaining cleanup, which is expected to take another decade.

The Trump administration has proposed cutting spending at the EPA, and funds for the Superfund program.

With cleanup under administration by the state, and Atlantic Richfield pledging to fund the process, state officials see the decision on a deferred listing as a move to secure funding for cleanup of leaching fields at the old mine where chemicals were used to strip copper from rock.

As a result of this public-private partnership, there was no need for the EPA administrator's office to continue tracking the mine site, Kinner said. The site will remain proposed for the national priority list until cleanup is completed under Nevada Division of Environmental Protection oversight.

Cleanup actions under the Superfund program have historically been slow, expensive and process-laden, according to the state agency.

The mine is located in Lyon County near the town of Yerington.

Bloomberg Environment

https://news.bloombergenvironment.com/environment-and-energy/smaller-bites-in-epa-air-chiefs-second-pass-at-permitting-update

Smaller Bites in EPA Air Chiefs Second Pass at Permitting Update

By Jennifer Lu, 4/16/18

William Wehrum has unfinished business with the EPA's air pollution permitting program for factories and power plants that want to expand or make major upgrades to their facilities.

In his first stint at the Environmental Protection Agency in an acting capacity, Wehrum tried to address industry criticism over the permitting program, known as new source review, with sweeping rulemaking bundles.

His efforts were either dropped after the George W. Bush administration withdrew his nomination to head the Office of Air and Radiation in 2007, blocked by the courts, or undone by the incoming Obama administration.

"This time around," Wehrum told Bloomberg Environment in an exclusive April 13 interview, "it's important to strike a better balance."

Already, the EPA has issued two industry-coveted tweaks to the permitting program through guidance documents.

The new source review program requires factories and power plants to install costly new air pollution controls when they expand or make modifications that increase their emissions.

Industries have long complained that securing compliance with the permitting program is tedious, time consuming, and confusing. Updating how the EPA administers the program through guidance documents is one way to quickly address those concerns.

"There are a lot of current issues within [new source review] that we can provide clear guidance through guidance," Wehrum said. "Our strategy is to tell people sooner rather than later how we think the program should be implemented."

Did You Get the Memo?

The focus on bite-sized updates to EPA programs comes after Wehrum watched a series of ambitious regulations he helped craft—from toxic air pollution rules from the power industry to attempts to set up an emissions trading program for power plants—get overturned by judges during his last go-round at the agency between 2005-2007.

Back then, Wehrum didn't have the option to quickly update policy through guidance. Only since a 2014 U.S. Supreme Court decision in Perez v. Mortgage Bankers Association have federal agencies like the EPA been allowed to issue guidance such as policy memos without having to go through a lengthy public comment process.

"We have an interest in trying to do some things quickly, and especially in case-specific circumstances where clarity is lacking," Wehrum said.

However, policy made through guidance memos can be just as easily undone by a new administration, John Walke of the Natural Resources Defense Council, who previously served in the EPA General Counsel's Office, told Bloomberg Environment.

Environmental groups like Walke's and some states have already sued the EPA over one of its guidance documents, which eased toxic pollution emissions standards for industry.

"Industry relies upon Bill Wehrum's guidance at its peril," Walke said.

Everything Old is New Source Review Again

But updating the permitting program has long been an industry priority. It was repeatedly spotlighted by businesses when the EPA put out a call for regulations that should be revised or eliminated.

After past regulatory efforts to make it industry-friendly fizzled, the fastest way to address business concerns is through guidance, Richard Alonso, environmental attorney at Sidley Austin LLP's Washington, D.C., office, told Bloomberg Environment.

Already, the EPA has issued two memos on two new source review changes. A December memo told agency staff not to "second-guess" how facilities calculate emissions changes.

That was followed by a March memo on project emissions accounting, also known as project netting, which tells facilities how to calculate whether emissions from their proposed new construction projects would increase pollution. Under the new guidance, facilities can include emissions decreases from their projects to the overall calculations to avoid triggering new source review.

The memo drew inspiration from a 2006 rule changing three aspects of emissions counting under new source review, which lost traction after Wehrum left the agency.

"Finalizing this [2006] rulemaking would help to remove a substantial burden to energy and manufacturing projects," Louis Renjel, vice president of federal government affairs and strategic policy at Duke Energy, wrote in response to an EPA call for suggestions on reducing regulatory burdens.

The American Chemistry Council also asked the EPA to revisit the reforms proposed during the Bush-era EPA, whether through guidance, regulation, or legislation.

The EPA this summer aims to address project aggregation, another piece of new source review reform from Wehrum's 2006 rulemaking bundle.

It would define how emissions from separate modifications that take place around the same time

should be counted, according to a presentation Anna Marie Wood, director of the EPA's Air Quality Policy Division, gave at a state air regulators conference April 5.

More Guidance Coming

Three more guidance memos are slated to be issued this spring, according to Wood's presentation.

One would redefine what counts as "ambient air," or the air the general public breathes. This definition is important to new source review because facilities must show that their post-construction emissions won't worsen air quality according to the national standards, Lynn Hutchinson, the EPA new source review project lead in 2002, told Bloomberg Environment.

Another guidance document in the works would change the pollutant modeling used to decide whether emissions would damage air quality. The White House completed its review of the memo April 12.

A third spring guidance document would allow the EPA to revive an attempt to expand the kinds of routine maintenance and repairs excluded from new source review. That 2003 rule was vacated by the U.S. Court of Appeals for the District of Columbia Circuit in New York v. EPA in 2006, which said industries could not write off physical changes that cost below a certain amount as routine maintenance.

"You already have a court on record saying those particular reforms are not allowed, so those might be a heavier lift without notice and comment rulemaking," Alonso said.

When asked how he will ensure that his current batch of reforms stick beyond the current administration, Wehrum said, "a piece of it is making change that will last, but the bigger piece of it, for me, again, is just from a public policy standpoint."

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Reuters

https://www.reuters.com/article/us-usa-trump-russia-cohen/foxs-hannity-revealed-as-mystery-client-of-trumps-personal-lawyer-idUSKBN1HN12G

Fox's Hannity Revealed as Mystery Client of Trump's Personal Lawyer

By Brendan Pierson, Karen Freifeld, Jonathan Stempel, 4/16/18

U.S. President Donald Trump's personal lawyer was forced on Monday to reveal in a New York federal court that Fox News personality Sean Hannity, one of Trump's most ardent defenders, was also on his client list.

Michael Cohen, Trump's fiercely loyal and pugnacious lawyer, disclosed Hannity's name through one of his own lawyers at the order of the judge. Stormy Daniels, an adult-film actress who says she had a sexual encounter with Trump, watched from the public gallery.

Daniels, in a separate civil case, is fighting a 2016 non-disclosure agreement arranged by Cohen in which she got $130,000 to stop her from discussing her claim she had sex with Trump a decade earlier, something Trump has denied.

Hannity, 56, said on Monday that he had never paid for Cohen's services or been represented by him, but had sought confidential legal advice from him. The conservative host often uses his weeknight broadcast on Fox News to defend the president against what he sees as biased attacks by the media. Sometimes Trump praises Hannity in return.

Cohen was in court to ask the judge to limit the ability of federal prosecutors to review documents seized from his offices and home last week as part of a criminal investigation, which stems in part from a probe into possible collusion between Trump's presidential campaign and Russia. (Full Story)

The Russia investigation has frustrated the White House as it has spread to enfold some of Trump's closest confidantes.

Judge Kimba Wood spent more than 2-1/2 hours listening to arguments by Cohen's lawyers, prosecutors from the U.S. attorney's office in Manhattan and a lawyer representing Trump in the hearing. She is expected to rule later.

She ordered prosecutors to give Cohen's lawyers a copy of the seized materials before the next hearing.

The unexpected naming of Hannity made him the latest prominent media personality to be drawn into the investigation's cast of unlikely supporting characters.

Daniels, whose real name is Stephanie Clifford, was another. As she arrived at the courthouse dressed in a lavender suit, photographers knocked over barricades as they scrambled to get pictures.

Daniels sat with her lawyer, Michael Avenatti, who told reporters they were there to help ensure protection for the integrity of the seized documents, some of which they believe pertain to the Daniels agreement.

Cohen, dressed in a dark suit, at times looked tense, folding and clasping his hands in front of him.

GASPS AND LAUGHTER

Cohen has argued that some of the documents and data seized from him under a warrant are protected by attorney-client privilege or otherwise unconnected to the investigation. But Judge Wood said she would still need the names of those other clients, and rejected his efforts to mask the identity of Hannity, a client Cohen had said wanted to avoid publicity.

"I understand if he doesn't want his name out there, but that's not enough under the law," Wood said, before ordering the name disclosed.

Stephen Ryan, a lawyer for Cohen, drew gasps and laughter from the public gallery when he named Hannity as the client.

After his identity was revealed, Hannity said on his syndicated radio show, and again later on his Fox News program, that he had "occasional, brief discussions" with Cohen in which he sought out Cohen's "input and perspective."

Hannity said he assumed those discussions were covered by attorney-client privilege, and insisted that none involved any matter between himself and a third party. He also said his talks with Cohen "almost exclusively focused on real estate."'

Legal advice can be considered privileged even if given by a lawyer for free.

Hannity, the top-rated personality on the most watched U.S. cable news network, told his viewers on April 9 that the raid on Cohen was part an effort by federal investigators to wrongly impeach the president. He never mentioned his association with Cohen during that broadcast.

On Monday's show, Hannity expressed amusement at the firestorm of media coverage unleashed by the disclosure that he and Trump shared a legal adviser in Cohen, playing a 45-second, rapid-fire montage of various TV commentators and anchors uttering his name on the air throughout the day.

Cohen has asked the court to give his own lawyers the first look at the seized materials so they can identify documents that are protected by attorney-client privilege. (Full Story)

Failing that, they want the court to appoint an independent official known as a special master, a role typically filled by a lawyer, to go through the records and decide what prosecutors can see.

But prosecutors want the documents to be reviewed for attorney-client privilege by a "taint team" of lawyers within their own office, who would be walled off from the main prosecution team.

"I have faith in the Southern District U.S. Attorney's Office that their integrity is unimpeachable," making a taint team "a viable option," Judge Wood said.

But she also said that to help ensure fairness and the perception of fairness, "a special master

might have some role here."

After the hearing, Cohen left without comment.

Daniels, in contrast, stepped up to the bank of microphones set up on the sidewalk, telling reporters that Cohen had thought he was above the law.

"My attorney and I are committed that everyone finds out the truth and the facts of what happened, and I will not rest until that happens," she said.

Washington Free Beacon

http://freebeacon.com/national-security/ex-cia-chief-says-obama-rejected-cyber-action-russia-election-meddling/

Ex-CIA Chief Says Obama Rejected Cyber Action Against Russia for Election Meddling

By Bill Gertz, 4/17/18

Despite an unprecedented Russian intelligence operation to influence the 2016 presidential election, former President Barack Obama rejected a plan to conduct retaliatory cyber action against Moscow during the campaign, according to former CIA Director John Brennan.

Brennan disclosed Saturday that Obama opposed a plan to carry out "a cyber event" against the Russians because the former president feared the action would lead to more aggressive interference by Moscow.

"There was consideration about rattling their cages with some type of cyber event," Brennan said during remarks to a journalism conference at the University of California Berkeley.

But based on Obama's fears, the planned cyber action was shelved in favor issuing vague warnings to Russian officials. Brennan did not elaborate on the cyber retaliation plan.

"President Obama was the ultimate decision-maker on that," Brennan said of the lack of response.

The former CIA director defended the Obama administration's handling of what is widely viewed as a significant counterintelligence failure during the presidential election.

After the election, Obama ordered the expulsion of 35 Russian intelligence officers.

Both the FBI and CIA are charged with the conducting counterintelligence–detecting and

thwarting hostile intelligence operations. Both agencies failed to halt the Russians in 2016 either in the United States or abroad.

U.S. officials have said the targeting of U.S. and foreign elections by Russia is continuing.

President Trump in February criticized his predecessor in a Tweet for failing to act. "Why didn't Obama do something about the meddling? Why aren't Dem crimes under investigation? Ask Jeff Sessions!" he tweeted.

The disclosure that Obama scrapped a cyber plan to retaliate against Moscow for election interference comes as a former senior counterintelligence official, Michelle Van Cleave, revealed in congressional testimony last week that the Obama administration weakened American counterintelligence programs by downgrading a top counterspy office.

Brennan said he had "great confidence" the Russian influence operation was authorized and directed by Russian President Vladimir Putin, a former KGB intelligence officer. The Russian intelligence services also "know what the mission is, know what their capabilities are, and will apply them to issues that are of interest to Russian national security," he said.

Brennan called the meddling "unprecedented in terms of its scope and intensity, and made full use of the digital domain."

The first indications of Russian interference were spotted in late 2015 and early 2016 and the operation was mentioned in press reports in the spring of 2016. By the summer of 2016 the operations were confirmed, he said.

Obama also made clear to the CIA that he did not want the agency doing anything "in reality or in perception" that would have advanced the Russian disinformation and propaganda campaign, Brennan said.

"We were really trying to strike the right balance between doing everything we could to prevent and thwart as well as to uncover and understand what the Russians were doing without doing anything that would almost advance their interests in trying to disrupt our election," he said.

Obama also was afraid any U.S. action against the Russians might be perceived as an outgoing Democratic president working to influence the election outcome.

"So if we did more things and stood at the hilltops and cried out, 'the Russians, the Russians are trying to help Trump get elected,' and if President Obama who is the titular head of the Democratic Party were to do that, I think that there would have been a lot of people would believe, I think with some justification, that the President of the United States was trying to influence the outcome of a presidential election," Brennan said.

Brennan also said the Obama administration opposed aggressive action because of the president's belief that any effort to punish the Russian might produce stepped up activities.

Russian hackers had been detected navigating inside state election voter registration roll computers and other election-related networks.

"They had things that they could have done that they didn't do," Brennan said of the Russians.

Intelligence agencies concluded in a report issued in early 2017 that Russian civilian and military intelligence agencies conducted an aggressive operation to sow social discord during the 2016 election by opposing Hillary Clinton while seeking to boost Donald Trump's campaign.

The Russian operation included the use of advertising on social media platforms like Facebook, and cyber attacks involving the cyber theft of emails and postings online using covert internet personas.

In February, 13 Russians were indicted by Special Counsel Robert Mueller for running a St. Petersburg, Russia-based internet troll farm that carried out influence operations during the elections.

So far, no action has been taken against the Russian hackers engaged in email thefts.

Kenneth deGraffenreid, former deputy national counterintelligence executive, said Obama's inaction was a major counterintelligence failure.

"If Brennan's claims are true, the Obama administration's inaction in the face of this Russian cyber aggression represents a serious counterintelligence failure that has had terrible consequences," deGraffenreid said.

"Good counterintelligence requires an active element beyond collecting and analyzing the secret information that has been uncovered–namely countering this serious foreign intelligence threat in an effective way. The U.S. has the sophisticated tools to do this."

"There simply is no excuse for not doing so," he added. "Our national security depends on American leaders taking the action required."

Despite signs the operation had been underway since 2015, Brennan said he was the first U.S. official to protest the matter during an Aug. 4, 2016, telephone to Alexander Bortnikov, head of Russia's FSB security service.

"I told him rather directly that if the Russians were to go down this road, they would pay a significant price," Brennan said. "I told him that all Americans would be outraged by a Russian effort to try and interfere in our election."

A month later at the G-20 summit in China, Obama confronted Putin about the election interference, according to Brennan.

Weeks later, Director of National Intelligence James Clapper and Homeland Security Secretary Jeh Johnson issued an official statement accusing the Russian government of interfering with the

election campaign.

Brennan said he believes the softline Obama policy dissuaded Moscow from intensifying the campaign and that he had no regrets.

Additionally, the former CIA chief said he has spoken to Obama who he asserted is "very comfortable with what we did and didn't do."

"I would argue that I think by pushing them back a bit and confronting them with it, both privately as well as publicly, I think we did dissuade them from even going further," he said.

Brennan also said the CIA was told by Obama not to take any action on the Russian intelligence operation over concerns any action would appear the administration was trying to support the Democratic candidate, Hillary Clinton.

Since leaving office, Brennan has been a Trump critic, taking to Twitter to call the president a "charlatan," "demagogue," and "snake oil salesman."

Brennan said that criticism has cost him financially as "a number of opportunities were rescinded."

Russian cyber intelligence operations are sophisticated and difficult to track, he said.

"And so I fully anticipate that the Russians and others are going to take advantages that are there," Brennan said. "They are going to try to hide their footprints better. They're going to try to prevent the U.S. from understanding what may be happening there. But let's not make a mistake, that environment is ripe for mal actors and they are going to continue to cause us problems."

On the controversial dossier produced by former British intelligence officer Christopher Steele, Brennan said the dossier may have been part of a Russian cover operation.

"Well certainly it could be," he said. "I don't know the provenance of the information. As I said I've seen the dossier. It is done by a former accomplished member of the British intelligence service, MI-6. It is sourced to unnamed sources and subsources that alleged these types of activities. So I don't know whether the information in it–some, all or none–is valid or not."

Brennan said he does not believe Steele was manipulated by the Russians for intelligence purposes.

"I do not believe he is acting on behalf of them," he said. "Might he have been unwittingly used? Maybe. So I don't know."

The Steele dossier was funded by the Democratic National Committee and the Clinton campaign through the research group Fusion GPS.

The Washington Free Beacon hired Fusion GPS to conduct research on Republican candidates

but had no role in the dossier.

On his political views, Brennan said he is not a member of any political party and described himself as "an avowed nonpartisan."

In 2016, Brennan disclosed that in 1976 he voted for the Moscow-backed Communist Party USA candidate for president, Gus Hall, during the height of the Cold War.

Politico

https://www.politico.com/story/2018/04/17/james-comey-trump-jailing-527942

Comey on Trump Calling for Him to Be Jailed: 'This Is Not OK'

By Louis Nelson, 4/17/18

Former FBI Director James Comey denounced Donald Trump's presidency as a threat to bedrock American values, warning that the president's calls for Comey to be jailed could erode the rule of law.

The former FBI director, whom Trump fired last spring, has been a frequent target of Trump's criticism, especially in recent days amid the start of a publicity tour for Comey's book, which was released Tuesday. Comey has been deeply critical of the president, characterizing him as morally unfit to occupy his office, while Trump has labeled the former FBI director as a liar and leaker, suggesting he be sent to jail.

"President Trump, I don't follow him on Twitter but I get to see his tweets tweeted, I don't know how many, but some tweets this past couple of days that I should be in jail. The president of the United States just said that a private citizen should be jailed. And I think the reaction of most of us was, 'meh, that's another one of those things.' This is not normal. This is not OK," Comey told NPR in an interview broadcast Tuesday morning. "The reason I'm talking in terms of morality is, those are the things that matter most to this country. And there's a great danger we'll be numbed into forgetting that, and then only a fool would be consoled by some policy victory."

While Comey's criticism of the president, both in interviews and in his book, has been withering, so too has the White House's response. Trump administration officials have painted Comey as a disgruntled ex-employee looking to settle scores and an admitted leaker whose Congressional testimony had to be corrected almost immediately. Trump's press secretary Sarah Huckabee Sanders said last week that "one of the president's greatest achievements will go down as firing director James Comey" and Trump himself wrote on Twitter over the weekend that Comey "will go down as the WORST FBI Director in history, by far!"

“This is not some tin pot dictatorship where the leader of the country gets to say ‘the people I don't like go to jail.’ Our Lady Justice wears a blindfold. And the reason all those statues all over the country have a blindfold is, that's the way it has to be,” Comey told NPR. “Lady Justice can't be peeking under the blindfold to see if Donald Trump wants her to convict so-and-so and not convict so-and-so. If we lose that, we've lost the rule of law, and so there's great danger in the president of the United States saying ‘you should be in jail.’”

Asked about the potential that he might one day run for office, Comey was emphatic that he had no such plans. Instead, he said he plans to teach at the university level and give speeches on ethics and leadership.

"Never. I will never run for office. Not even a close call,” he said. “I'm going to teach about leadership and ethics, and so I'm going to be a professor, which is exciting, and speak about leadership… I'm going to use my book in the class and I'm going to buy it for the students, because I'm not going to be one of those professors.”

TRUMP TWEETS

Donald J. Trump @realDonaldTrump · 5m

So many people are seeing the benefits of the Tax Cut Bill. Everyone is talking, really nice to see!

1.1K 968 4.3K

Donald J. Trump @realDonaldTrump · 5m

Looks like Jerry Brown and California are not looking for safety and security along their very porous Border. He cannot come to terms for the National Guard to patrol and protect the Border. The high crime rate will only get higher. Much wanted Wall in San Diego already started!

597 1.0K 3.8K

Donald J. Trump @realDonaldTrump · 5m

I am in Florida and looking forward to my meeting with Prime Minister Abe of Japan. Working on Trade and Military Security.

498 959 3.8K

Donald J. Trump @realDonaldTrump · 5m

Employment is up, Taxes are DOWN. Enjoy!

625 1.2K 4.6K

To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Jackson, Ryan
Sent: Wed 4/11/2018 5:55:29 PM
Subject: RE: Request for comment on Tar Creek

ok

From: Bowman, Liz
Sent: Wednesday, April 11, 2018 1:31 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Request for comment on Tar Creek

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Wednesday, April 11, 2018 1:22 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Request for comment on Tar Creek

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Wednesday, April 11, 2018 1:20 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Request for comment on Tar Creek

I would suggest we say Ex. 5 - Deliberative Process
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From: Jackson, Ryan
Sent: Wednesday, April 11, 2018 1:13 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Request for comment on Tar Creek

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Tuesday, April 10, 2018 3:10 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: Request for comment on Tar Creek

From: Mike Soraghan [mailto: Ex. 6 - Personal Privacy]
Sent: Tuesday, April 10, 2018 2:58 PM
To: Press <Press@epa.gov>
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: Request for comment on Tar Creek

Hi. Mike Soraghan here at E&E News. I'm working on a story about a Campaign for Accountability suing for communications between Senator Inhofe and Scott Pruitt, when he was Oklahoma attorney general, about the Tar Creek site. The obvious implication is that they suspect Senator Inhofe had something to do with General Pruitt not bringing charges after the

state audit.

https://campaignforaccountability.org/cfa-sues-oklahoma-attorney-general-to-obtain-communications-between-scott-pruitt-and-sen-james-inhofe-about-coverup-of-tar-creek-audit/

Does EPA or Mr. Pruitt have any comment on the suit?

Thanks,

Mike Soraghan

E&E News reporter

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy (office and mobile)

Ex. 6 - Personal Privacy

E&E NEWS

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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Jackson, Ryan
Sent: Wed 4/11/2018 5:21:58 PM
Subject: RE: Request for comment on Tar Creek

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Sent: Wednesday, April 11, 2018 1:20 PM
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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Jackson, Ryan
Sent: Wed 4/11/2018 5:13:03 PM
Subject: RE: Request for comment on Tar Creek

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From: Jackson, Ryan
Sent: Wed 4/11/2018 5:11:04 PM
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To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Jackson, Ryan
Sent: Tue 4/10/2018 7:27:32 PM
Subject: Re: Request for comment on Tar Creek

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Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6 - Personal Privacy

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To: Ferre, Helen A. EOP/WHO[Helen.A.Ferre@who.eop.gov]; Rateike, Bradley A. EOP/WHO[Bradley.A.Rateike@who.eop.gov]; Love, Kelly A. EOP/WHO[Kelly.A.Love@who.eop.gov]; Shah, Raj S. EOP/WHO[Raj.S.Shah@who.eop.gov]; Kennedy, Adam R. EOP/WHO[Adam.R.Kennedy@who.eop.gov]; Hogan.Gidley@who.eop.gov[Hogan.Gidley@who.eop.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Wilcox, Jahan
Sent: Fri 3/23/2018 4:11:43 PM
Subject: FW: EPA's Weekly Report for 3/23/18

Helen -

Below is our regional coverage which includes regional radio hits, regional print stories and a few front pages.

This link might be better if the pictures don't come through: **http://createsend.com/t/d-C308C12E222962D12540EF23F30FEDED.**

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Friday, March 23, 2018 11:30 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: EPA's Weekly Report for 3/23/18

No Images? Click here

EPA'S WEEKLY REPORT

This week Environmental Protection Agency (EPA) Administrator Scott Pruitt sat down with more than a dozen reporters across all mediums to discuss the important work the Agency is doing to ensure regulatory certainty for America's farmers, ranchers, and businesses during National Agriculture Week. Pruitt also advanced the Trump Administration's infrastructure agenda with a push to eradicate lead from drinking water and convene a national leadership summit on PFAS to update America's crumbling water infrastructure.

NATIONAL NEWS ...

In an exclusive interview with the Daily Caller, EPA Administrator Scott Pruitt laid out his

plans to end the use of "secret science" to craft Agency regulations. "Pruitt will reverse long-standing EPA policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars worth of regulations. EPA regulators would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. Also, EPA-funded studies would need to make all their data public."

EPA Administrator Pruitt sat down with AgDay to talk about issues impacting farmers and ranchers including EPA's efforts to provide certainty by redefining "Waters of the U.S." According to Pruitt, a substitute or replacement definition will be issued sometime this year, a definition that will recognize private property ownership and the roles of states, and will answer the question of what exactly is a water of the United States. 'We're going to get that right going forward, and the definition is going to provide clarity, objective measurements by which we know where federal jurisdiction begins and ends,' he said."

OP-ED ...

In the Washington Times, EPA Administrator Pruitt outlined the Agency's efforts to overhaul the permitting process to "rebuild and revitalize our nation's crumbling infrastructure." "The president's ambitious proposal calls for the U.S. Environmental Protection Agency to play a leading role in the administration's efforts ... America's infrastructure was once the envy of the world. The president's proposal will restore our roads, bridges and waterways to greatness and create a safer, stronger America. Through regulatory reforms and targeted investments, EPA will spearhead the much-needed repairs to infrastructure in a way that provides tangible environmental benefits to all Americans."

REGIONAL NEWS ...

The Detroit News reported that eradicating lead from drinking water is one of EPA Administrator Pruitt's top priorities. "'I do think that what happened in Flint is something that could happen elsewhere. We just simply need to take steps to do all that we can to address it prospectively and proactively,' Pruitt said. Pruitt said President Donald Trump's $1.5 trillion plan to bolster the nation's infrastructure over the next decade would include investments in aging water infrastructure."

While speaking with the New York Post, Pruitt called for a local, state, and federal response to the lead crisis in New York City and across the country. "EPA Administrator Scott Pruitt called for a 'coordinated' response between New York State and City officials to address the ongoing lead crisis."

In an interview with Newark Star-Ledger, Pruitt discussed efforts to make cleaning up Superfund sites a priority to advance the Agency's core mission. "The Environmental Protection Agency plans to step up efforts to get companies who dumped toxic waste at New Jersey's Superfund sites to pay to clean them up, Administrator Scott Pruitt said. Pruitt on Monday blamed a lack of urgency... New Jersey has 114 designated Superfund sites, the most in the nation, included three of Pruitt's 21 highest-priority locations."

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RADIO ...

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TWEETS ...

FRONT PAGES ...

http://usenvironmentalprotectionagency.cmail19.com/t/d-l-odyjlil-qdhhlzs-a/

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Washington, D.C. 20004

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To: Bowman, Liz[Bowman.Liz@epa.gov]; Block, Molly[block.molly@epa.gov]
Cc: Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Wilcox, Jahan
Sent: Fri 3/23/2018 2:37:38 PM
Subject: RE: FOR REVIEW: EPA's Weekly Report for 3/23/18 - Preview

This is awesome.

From: Bowman, Liz
Sent: Friday, March 23, 2018 10:34 AM
To: Block, Molly <block.molly@epa.gov>
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: Re: FOR REVIEW: EPA's Weekly Report for 3/23/18 - Preview

This looks great? Just change "convene" to past tense in the intro

On Mar 23, 2018, at 10:31 AM, Block, Molly <block.molly@epa.gov> wrote:

No Images? Click here

EPA'S WEEKLY REPORT

This week Environmental Protection Agency (EPA) Administrator Scott Pruitt sat down with more than a dozen reporters across all mediums to discuss the important work the Agency is doing to ensure regulatory certainty for America's farmers, ranchers, and businesses during National Agriculture Week. Pruitt also advanced the Trump Administration's infrastructure agenda with a push to eradicate lead from drinking water and convene a national leadership summit on PFAS to update America's crumbling water infrastructure.

NATIONAL NEWS ...

In an exclusive interview with the Daily Caller, EPA Administrator Scott Pruitt laid out his plans to end the use of "secret science" to craft Agency regulations. "Pruitt will reverse long-standing EPA policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars worth of regulations. EPA regulators

would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. Also, EPA-funded studies would need to make all their data public."

EPA Administrator Pruitt sat down with AgDay to talk about issues impacting farmers and ranchers including EPA's efforts to provide certainty by redefining "Waters of the U.S." According to Pruitt, a substitute or replacement definition will be issued sometime this year, a definition that will recognize private property ownership and the roles of states, and will answer the question of what exactly is a water of the United States. 'We're going to get that right going forward, and the definition is going to provide clarity, objective measurements by which we know where federal jurisdiction begins and ends,' he said."

OP-ED ...

In the Washington Times, EPA Administrator Pruitt outline the Agency's efforts to overhaul the permitting process to "rebuild and revitalize our nation's crumbling infrastructure. "The president's ambitious proposal calls for the U.S. Environmental Protection Agency to play a leading role in the administration's efforts ... America's infrastructure was once the envy of the world. The president's proposal will restore our roads, bridges and waterways to greatness and create a safer, stronger America. Through regulatory reforms and targeted investments, EPA will spearhead the much-needed repairs to infrastructure in a way that provides tangible environmental benefits to all Americans."

REGIONAL NEWS ...

The Detroit News reported that eradicating lead from drinking water is one of EPA Administrator Pruitt's top priorities. "'I do think that what happened in Flint is something that could happen elsewhere. We just simply need to take steps to do all that we can to address it prospectively and proactively,' Pruitt said. Pruitt said President Donald Trump's $1.5 trillion plan to bolster the nation's infrastructure over the next decade would include investments in aging water infrastructure."

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In an interview with New Jersey Advance Media, Pruitt discussed efforts to make cleaning up Superfund sites a priority to advance the Agency's core mission. "The Environmental Protection Agency plans to step up efforts to get companies who dumped toxic waste at New Jersey's Superfund sites to pay to clean them up, Administrator Scott Pruitt said. Pruitt on Monday blamed a lack of urgency... New Jersey has 114 designated Superfund sites, the most in the nation, included three of Pruitt's 21 highest-priority locations.

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TWEETS ...

FRONT PAGES ...

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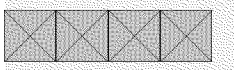

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To: Bowman, Liz[Bowman.Liz@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Chancellor, Erin[chancellor.erin@epa.gov]
From: Block, Molly
Sent: Thur 5/3/2018 8:33:30 PM
Subject: Bloomberg: EPA Tailoring Superfund Agreements for Concerned Companies

FYI –

Today's interview/story:

EPA Tailoring Superfund Agreements for Concerned Companies

https://news.bloombergenvironment.com/environment-and-energy/epa-tailoring-superfund-agreements-for-concerned-companies

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties.

The Environmental Protection Agency is targeting companies' contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3.

Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

Those third parties are often environmental remediation companies and redevelopers that are willing to take on cleanup risks. The site-specific agreements address their concerns regarding their responsibilities at contaminated sites and the potential for future liabilities.

"We have seen an uptick in interest with those agreements," Mackey said.

Previously, third parties interested in Superfund sites had to rely on statutory protections to determine whether they are liable for contamination. The site-specific approach, which comes from the agency's Superfund task force, helps manage third parties' cleanup expectations and liability concerns, she said.

EPA Administrator Scott Pruitt's task force specifically focuses on making changes to the Superfund program that don't require legislation. In more than 40 recommendations, the task force details administrative ways the agency can ensure accountability, accelerate cleanup, and prepare sites for reuse.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with the EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites, or third parties, to pay the cleanup bills.

The two types of site-specific agreements that the EPA seeks to promote are bona fide prospective purchaser agreements and prospective purchaser agreements. The EPA's headquarters office is encouraging regional offices to use them more frequently. Both require the approval of the Department of Justice.

The bona fide prospective purchaser provision in the 2002 brownfields act protects landowners from liability for cleanup costs. The agreement is valid only if they meet certain conditions. These include reviewing records and inspecting the site for the presence or possibility of contamination, demonstrating that the purchaser is not affiliated with any liable party, complying with land use restrictions, and cooperating with information requests.

Prospective purchaser agreements center on the EPA's promise not to sue a party that could buy contaminated property. Certain conditions also must be met for these agreements.

The agency also is reviewing the content of those agreements to determine whether their templates should be revised, the EPA noted in guidance signed April 17.

But third parties looking to take on contaminated sites may have another reason to hesitate, after an April 27 ruling from the U.S. Court of Appeals for the Ninth Circuit.

In California Department of Toxic Substances Control v. Westside Delivery, the court ruled that a third party, Westside Delivery, was liable for the costs of cleanup the state performed at Westside's contaminated property in Los Angeles.

Westside acquired the property in a tax sale and didn't interact directly with the original owner, the Davis Chemical Co., which recycled spent solvents at the site. A 1992 EPA assessment of the site found significant spillage, according to court documents.

The defendant argued that it was protected from liability under Superfund law, but the court disagreed.

"This decision reinforces the golden rule of acquiring industrial property—look before

you leap," Peter Hsiao, partner at Morrison Foerster LLP in Los Angeles, told Bloomberg Environment in an email. Hsiao's practice includes Superfund litigation and other types of environmental law.

On the other hand, the case may not affect many third parties that are interested in buying contaminated sites, Bart Seitz, partner at Baker Botts LLP in Washington, told Bloomberg Environment.

"On the narrow facts of this case, I don't think it's that common," he said. Seitz represents companies involved in Superfund litigation.

The EPA is reviewing the court's decision and will determine whether any changes need to be made to site-specific agreements or guidance, Mackey said.

To: Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Kelly, Albert
Sent: Fri 4/6/2018 3:39:25 PM
Subject: Fwd: DRAFT - Pruitt's EPA Gets High Marks for Pushing Superfund Clean-Up

Comments

Sent from my iPhone

Begin forwarded message:

From: John Berrey <Ex. 6 - Personal Privacy>
Date: April 6, 2018 at 10:27:45 AM EDT
To: "Kelly, Albert" <kelly.albert@epa.gov>
Subject: Fwd: DRAFT - Pruitt's EPA Gets High Marks for Pushing Superfund Clean-Up

Kel, this is a draft of a press event. I've spoken to our delegation and we are requesting quotes from them. Have a great day

---------- Forwarded message ---------
From: Sean Harrison <Ex. 6 - Personal Privacy>
Date: Fri, Apr 6, 2018 at 9:23 AM
Subject: DRAFT - Pruitt's EPA Gets High Marks for Pushing Superfund Clean-Up
To: John Berrey <Ex. 6 - Personal Privacy>, Tim L. Kent <Ex. 6 - Personal Privacy>, Craig Kreman <Ex. 6 - Personal Privacy>

Chairman, Tim and Craig — I wanted to show you my "start" on the EPA/Scott Pruitt news release, to make sure it is going in the right direction before I continue on it this morning. Please see below, and offer any suggestions you might have.

DRAFT – for internal review only
--

Pruitt's EPA Gets High Marks for Pushing Superfund Clean-Up

(QUAPAW, Okla.) — From this corner of Indian Country, opinion runs high of Administrator Scott Pruitt's tenure at the Environmental Protection Agency.

Pruitt has pushed through a remarkable improvement in the process and speed of cleaning up and reclaiming toxic former mining land in the Tar Creek district of northeast Oklahoma, an EPA superfund site previously mired in a generations-long stalemate.

"It's a dramatic change," said _____. "After decades wrought with administrative delays, lack of funding and neglect, we are now experiencing an efficient and well managed clean up of the Tar Creek Superfund site. It is amazing, the difference under Administrator Pruitt's leadership."

Where a few years ago enormous piles of lead- and zinc-poisoned mining waste stood, and where bleak, baron and useless land stretched for miles, there are now cattle grazing on a renewed landscape that hasn't seen green grass in ages. Some areas are ready for seeding row crops this spring. The Quapaw Tribe of Oklahoma, who has called this place home since about 1835 when its people were removed from Arkansas, is the local leader in the clean-up project.

The arrangement represents a government-to-government relationship that is serving as a model for what Pruitt had in mind when he took over the EPA — to empower the local stakeholders in the process of cleaning up prioritized superfund sites, because those are the people who will remain there afterward.

...

quote:
Under the current EPA management it is clear the focus on the mission of remediation at the Tar Creek Superfund has dramatically changed. Under the leadership of Administrator Scott Pruitt the changes at the site are palatable. More work at a lower cost has excellerated the environmental transformation from a moon scape to row crops. We are so proud of Scott's performance, it's the greatest government response we have ever seen at Tar Creek.

--
Sean Harrison
Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy
--
John L Berrey
Chairman
Quapaw Tribe BC, DDA

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Jackson, Ryan
Sent: Tue 3/20/2018 7:48:56 PM
Subject: RE: APPROVAL:

Go for it.

From: Wilcox, Jahan
Sent: Tuesday, March 20, 2018 3:34 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: APPROVAL:

Ryan, since you are the Tar Creek man, any concerns with this?

No Images? Click here

Tulsa World

Pruitt Says New Push On Superfund Sites Can Bring Accountability To Tar Creek Cleanup

Jim Meyers
March 20, 2018
http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html

Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to Tar Creek, for decades one of the oldest, largest and most complex toxic sites in the nation.

"It is really unacceptable," Pruitt said as he recalled the history of the Tar Creek, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there.

"You don't list a site in the mid-1980s and you don't take the kind of steps we have taken historically and still have issues today in 2018."

He blamed inconsistency, even within EPA's 10 regions, as well as a lack of attention and focus for

slowing outcomes.

“It is one of the things that seemed to be languishing as we arrived,” Pruitt said, making it clear the lack of urgency was something he found “palpable” at Superfund sites across the country.

“When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable.”

To Read The Full Article Click Here

http://usenvironmentalprotectionagency.cmail19.com/t/d-i-oiuhdty-l-j/

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Washington, D.C. 20004

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Message

From: Lynn, Tricia [lynn.tricia@epa.gov]
Sent: 5/3/2018 3:44:51 PM
To: Ex. 6 - Personal Privacy
Subject: RE: Lead-Contaminated Sites

John—

On background:

As part of the EPA's initial coordination efforts with HUD in 2016, EPA provided HUD with data on the proximity of sites with previous or ongoing EPA Superfund removal or remedial response actions to HUD assets using two publicly available HUD datasets (Multifamily Assisted and Public Housing Buildings) and Superfund GIS data. Additional factors, applied to the EPA dataset, included: contaminant type, remedy construction status, and environmental indicator status (e.g., human exposure under control, groundwater migration under control). Out of that universe of sites provided by EPA, HUD identified and prioritized 10 remedial sites based on the presence of lead in soil, the potential for human exposure, construction status, and the number of potentially impacted residents. An additional three removal action sites were also identified. HUD identified this list of sites for the purpose of information gathering.

The 10 remedial sites were:

- Omaha Lead (Omaha, NE)
- Brown's Dump and Jacksonville Ash (Jacksonville, FL)
- Oronogo-Duenweg Mining Belt (Joplin, MO)
- Jacobsville Neighborhood Soil Contamination (Evansville, IN)
- Anniston PCB Site (Anniston, AL)
- Southwest Jefferson County Mining District (Jefferson County, MO)
- Welsbach & General Gas Mantle [Camden radiation] (Camden, NJ)
- Tar Creek (Ottawa County, OK)
- Raymark Industries (Stratford, CT)
- Colorado Smelter (Pueblo, CO)

The review also identified 3 Superfund removal action sites:

- Pilsen Neighborhood Contamination (Chicago, IL)
- American Lead (Indianapolis, IN)
- Former Chattanooga Foundries (Chattanooga, TN)

Best,

Tricia

Tricia Lynn
Office of Public Affairs
U.S. EPA
Office: 202.564.2615

From: John Templon [mailto: Ex. 6 - Personal Privacy
Sent: Tuesday, May 01, 2018 1:59 PM

To: Lynn, Tricia <lynn.tricia@epa.gov>
Subject: Lead-Contaminated Sites

Dear Tricia,

I was reading a story on Bloomberg about 13 lead-contaminated public housing sites the EPA found following a 2016 data review with HUD. Three were mentioned specifically: Chicago, Indianapolis, Chattanooga, but would it be possible to get the full list?

Article for reference: https://www.bna.com/epa-widens-superfund-n73014462810/

Thanks,

-John

--
John Templon
Investigative Data Reporter, **BuzzFeed News**

Ex. 6 - Personal Privacy

To: Bowman, Liz[Bowman.Liz@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]
From: Block, Molly
Sent: Fri 2/16/2018 7:33:54 PM
Subject: Year End Review Doc
DRAFT Year End Review Policy.docx
12-08-17 EPA Year in Review 2017 2.pdf

Attached is the portion Daisy had in a word doc. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

The PDF is the who report with the issues attached, Superfund and Region specific information.

Ex. 5 - Deliberative Process

Molly