Message

From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 1/29/2019 3:43:43 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: FW: Ski accident -- One more time, "Just When I Thought I Was Out, They Pull Me Back In!"

Hi Bill,

Keeping you in the loop on Makram. This email contains much of the prior communications.

Julia

From: Jaber, Makram
Sent: Tuesday, January 29, 2019 10:01 AM
To: ALG *FIRM; Martinez, Walfrido J.; Long, Nash; Sibley, Trey; Gromatzky, Lydia; Shelton, Lisa; Gunn, David
Cc: Taylor, Wendell; McGranahan, John; Ball, Rachel; Johnson, Jill; Burt, Wanda; Minton, Brad; Bracken, Larry; Danon, Sam; Hight, Tonya; Lin, Elbert; Fuhr, Ed
Subject: FW: Ski accident -- One more time, "Just When I Thought I Was Out, They Pull Me Back In!"

I was told that my assessment below that "the larger group may now be bored with my saga" may be wrong. So I'm resending this e-mail to everybody.

Makram

From: Jaber, Makram
Sent: Monday, January 28, 2019 6:25 PM
To: Brownell, Bill <bbrownell@hunton.com>; Field, Andrea <afield@hunton.com>; Nickel, Henry <hnickel@hunton.com>; Murdock, Eric <emurdock@hunton.com>; Duncan, Deidre <dduncan@hunton.com>; Gill, Julia Zemnick <jgill@hunton.com>; Terrell-Hargrove, Karen <kterrell-hargrove@hunton.com>; Aguirre, Ana Isabel <aaguirre@hunton.com>; Knudsen, Andrew D. <aknudsen@hunton.com>; Long, Nash <nlong@hunton.com>; Wood, Allison D. <awood@hunton.com>; Johnson, Harry M. Pete <pjohnson@hunton.com>
Subject: FW: Ski accident -- One more time, "They pulled me back in"

Hello all,

This e-mail is to the small group – again, not because of any sensitive information (feel free to share as appropriate) but more because I suspect the larger group may now be bored with my saga.

Personal Matters / Ex. 6

Personal Matters / Ex. 6

Best,

Makram

From: Jaber, Makram
Sent: Thursday, January 24, 2019 9:11 PM
To: ALG *FIRM <ALGFIRM@hunton.com>; Martinez, Walfrido J. <WMartinez@hunton.com>; Long, Nash <nlong@hunton.com>; Sibley, Trey <gsibley@hunton.com>; Gromatzky, Lydia <LydiaGromatzky@andrewskurth.com>; Shelton, Lisa <LisaShelton@andrewskurth.com>; Gunn, David <dgunn@hunton.com>
Cc: Taylor, Wendell <wtaylor@hunton.com>; McGranahan, John <jmcgranahan@hunton.com>; Ball, Rachel <rball@hunton.com>; Johnson, Jill <jmjohnson@hunton.com>; Burt, Wanda <wburt@hunton.com>; Minton, Brad <bminton@hunton.com>; Bracken, Larry <lbracken@hunton.com>; Danon, Sam <sdanon@hunton.com>; Hight, Tonya <thight@hunton.com>; Lin, Elbert <ELin@hunton.com>
Subject: RE: Ski accident -- Post-Discharge Update

Friends, colleagues,

Personal Matters / Ex. 6

Personal Matters / Ex. 6

Makram

From: Jaber, Makram
Sent: Wednesday, January 16, 2019 8:02 PM
To: ALG *FIRM <ALGFIRM@hunton.com>; Martinez, Walfrido J. <WMartinez@hunton.com>; Long, Nash <nlong@hunton.com>; Sibley, Trey <gsibley@hunton.com>; Gromatzky, Lydia <LydiaGromatzky@andrewskurth.com>; Shelton, Lisa <LisaShelton@andrewskurth.com>; Gunn, David <dgunn@hunton.com>
Cc: Taylor, Wendell <wtaylor@hunton.com>; McGranahan, John <jmcgranahan@hunton.com>; Ball, Rachel <rball@hunton.com>; Johnson, Jill <jmjohnson@hunton.com>; Burt, Wanda <wburt@hunton.com>; Minton, Brad <bminton@hunton.com>; Bracken, Larry <lbracken@hunton.com>; Danon, Sam <sdanon@hunton.com>; Hight, Tonya <thight@hunton.com>
Subject: RE: Ski accident -- Post-Op Update

Personal Matters / Ex. 6

Thank you to all who have expressed positive thoughts to me. And thank you again to all who have stepped in on matters in which they were involved (and even a matter in which they were not much involved before) to effectuate a seamless transition in serving the clients.

Best,

Makram

From: Jaber, Makram
Sent: Monday, January 14, 2019 10:01 AM
To: ALG *FIRM <ALGFIRM@hunton.com>; Long, Nash <nlong@hunton.com>; Sibley, Trey <gsibley@hunton.com>; Gromatzky, Lydia <LydiaGromatzky@andrewskurth.com>; Shelton, Lisa <LisaShelton@andrewskurth.com>
Subject: RE: Ski accident -- Further Update

Personal Matters / Ex. 6

Personal Matters / Ex. 6

Makram

From: Jaber, Makram
Sent: Thursday, January 10, 2019 11:26 AM
To: ALG *FIRM <ALGFIRM@hunton.com>; Long, Nash <nlong@hunton.com>; Sibley, Trey <gsibley@hunton.com>; Gromatzky, Lydia <LydiaGromatzky@andrewskurth.com>; Shelton, Lisa <LisaShelton@andrewskurth.com>
Subject: RE: Ski accident -- an update

Dear friends, colleagues,

Personal Matters / Ex. 6

Makram
(Still hoping against hope to see some of you in the office late next week)

From: Jaber, Makram
Sent: Monday, January 7, 2019 10:53 AM
To: ALG *FIRM <ALGFIRM@hunton.com>; Martinez, Walfrido J. <WMartinez@hunton.com>; Long, Nash <nlong@hunton.com>; Sibley, Trey <gsibley@hunton.com>; Gunn, David <dgunn@hunton.com>
Cc: Taylor, Wendell <wtaylor@hunton.com>; McGranahan, John <jmcgranahan@hunton.com>; Ball, Rachel <rball@hunton.com>; Johnson, Jill <jmjohnson@hunton.com>; Burt, Wanda <wburt@hunton.com>; Minton, Brad <bminton@hunton.com>; Bracken, Larry <lbracken@hunton.com>; Danon, Sam <sdanon@hunton.com>
Subject: Ski accident

Dear friends, colleagues,

As many of you know, I've sustained a serious ski injury on December 29, 2018. Personal Matters / Ex. 6

Personal Matters / Ex. 6

Personal Matters / Ex. 6

I look forward to being back in the office soon. Thanks to all who have expressed good wishes and those who have stepped in to take on the work for the clients.

Best,

Makram
(A man's gotta know his limitations)

HUNTON
ANDREWS KURTH

Makram Jaber
Partner
mjaber@HuntonAK.com
p 202.955.1567
bio | vCard

Hunton Andrews Kurth
LLP
2200 Pennsylvania
Avenue, NW
Washington, DC 20037

HuntonAK.com

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Message

From: Jaber, Makram [mjaber@hunton.com]
Sent: 1/11/2019 11:08:34 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: Sorry to Hear the Newa

Thank you, Bill.

Sent from my iPhone

On Jan 11, 2019, at 3:48 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

Makram - Bill told me about your accident. I am so sorry to hear about it. I hope you have a rapid and complete recovery. Hopefully you will be back on the slopes before you know it.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Landin, David [dlandin@hunton.com]
Sent: 1/9/2018 6:50:32 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: FW: Cox

I have been reading the Court's decision on RCS (www.cadc.uscourts.gov/internet/opinions.nsf/03C747A5AB141C90852581FE0055A642/$file/16-1105-1710179.pdf).

It seems to me that there are blatant errors of fact and confusions on basic science and statistics in the opinion that might suggest that our reasoning did not receive a careful reading. For example, on p10, the opinion states approvingly that "OSHA supported its selection of the PEL with studies showing that risks of lung cancer exist at 36 µg/m3 and 10 µg/m3 , levels lower than the PEL." This conflates estimated with actual levels -- a key point we have emphasized many times that seems to be simply ignored here. Later in that paragraph is a claim that "OSHA rejected Industry's argument because the contrary studies used non-reactive and poorly soluble particles—which silica is not—and therefore the "findings regarding" the particles "[cannot] be extrapolated to crystalline silica."" This looks almost as if the court holds that silica is not a poorly soluble particle. (I assume they must mean that that they do not consider it non-reactive, but the wording is not very clear.) That same page then goes on to say that "OSHA's no-threshold assumption is supported by substantial evidence." But the substantial evidence consists largely of refusing to distinguish between estimated and true exposures and using an "average cumulative exposure" metric (p. 14) that ignores errors and uncertainties in exposure (and hence in whether it is truly above a threshold). The NLRP3 inflammasome and the biological thresholds it implies make no appearance.

This Court appears to be of one mind with OSHA,and entirely disengaged from any critical challenges, in the sense that this opinion does not seem to be willing to acknowledge that estimated exposures contain errors and uncertainties and that they matter for figuring out true exposure-response relations. I feel that our cogent expositions of what is true and important have been disregarded, as they do not appear to have have affected in the slightest the Court's understanding, reasoning, or findings. This is discouraging.

I feel real pressure now to get the NLRP3 story for RCS out there quickly: people need to understand how things work and use that knowledge so that we don't squander zillions of resources achieving nothing useful.

Despite these sobering reflections, I wish you and yours great joy in the New Year, Dale!

Best,

-- Tony

Appointment

From: Leopold, Matt [Leopold.Matt@epa.gov]
Sent: 2/7/2018 8:19:55 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Block, Molly [block.molly@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Brown, Byron [brown.byron@epa.gov]; Burke, Marcella [burke.marcella@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]; Daniell, Kelsi [daniell.kelsi@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Darwin, Veronica [darwin.veronica@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Dravis, Samantha [dravis.samantha@epa.gov]; Falvo, Nicholas [falvo.nicholas@epa.gov]; Feeley, Drew (Robert) [Feeley.Drew@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Harlow, David [harlow.david@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]; Konkus, John [konkus.john@epa.gov]; Kundinger, Kelly [kundinger.kelly@epa.gov]; Letendre, Daisy [letendre.daisy@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; McMurray, Forrest [mcmurray.forrest@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Sands, Jeffrey [sands.jeffrey@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Yamada, Richard (Yujiro) [yamada.richard@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Albores, Richard [Albores.Richard@epa.gov]; Monson, Mahri [Monson.Mahri@epa.gov]; Askew, Wendel [Askew.Wendel@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Briskin, Jeanne [Briskin.Jeanne@epa.gov]; Dolph, Becky [Dolph.Becky@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Grant, Brian [Grant.Brian@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Lattimore, Kraig [lattimore.kraig@epa.gov]; Lee, Terry [lee.terry@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Mclean, Kevin [Mclean.Kevin@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Redden, Kenneth [Redden.Kenneth@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Schmidt, Lorie [Schmidt.Lorie@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]; Baschon, Carol [Baschon.Carol@epa.gov]; robert.luther@ EOP / Ex. 6 Moran, John S. EOP/WHO EOP / Ex. 6 pedro.m.allende@ Personal Email / Ex. 6 ; ksonderling@ Personal Email / Ex. 6 cwspellman@ Personal Email / Ex. 6 ; charles.trippe@faa.gov; cmtrippe423@fastmail.us; craig.schmauder@us.army.mil; jpanuccio@foley.com; pannucio@ Personal Email / Ex. 6 i1lawyer@ Personal Email / Ex. 6 ; jeffrey.wood@usdoj.gov; bruce.gelber@usdoj.gov; jonathan.brightbill@usdoj.gov; steve.o'rourke@usdoj.gov; karen.wardzinski@usdoj.gov; justin.smith@usdoj.gov; davegdc@ Personal Email / Ex. 6 judith.harvey@usdoj.gov; peterjamesmcveigh@ Personal Email / Ex. 6 ; sstoller@enrd.usdoj.gov; Scott Fulton [fulton@eli.org]; Garbow, Avi [AGarbow@gibsondunn.com]; Blaha, Amber [amber.blaha@usdoj.gov]; fredturner@ Personal Email / Ex. 6 fturner@enrd.usdoj.gov; kbowers@enrd.usdoj.gov; aberlowe@enrd.usdoj.gov; scott.cernich@usdoj.gov; deanna.chang@usdoj.gov; jason.hill@usdoj.gov; wmiller@enrd.usdoj.gov; andy.mergen@usdoj.gov; teri_donaldson@epw.senate.gov; Kim Leopold [kim.leopold@me.com]; zaneleopold@msn.com; michellecote1@ Personal Email / Ex. 6 ; memishe@ Personal Email / Ex. 6 ; tim@realestateindc.com; erin.barley@ Personal Email / Ex. 6 mitchellvakerics@ Personal Email / Ex. 6 jvakerics@ovationevents.com; robsimcox@ Personal Email / Ex. 6 ; robs@championtitle.com; emilygracenicholson@ Personal Email / Ex. 6 ; jbroggi@ Personal Email / Ex. 6 ; jbroggi@wileyrein.com; stephenjaaron@ Personal Email / Ex. 6 saaron@mercuryllc.com; roger.martella@verizon.net; jeffrrey.clarke@kirkland.com; kvonschaumburg@clarkhill.com; rtenpass@morganlewis.com; tmikol-p@hunton.com; david.m.powers@ Personal Email / Ex. 6 dpowers@clarkhill.com; reginald.brown@wilmerhale.com; rich.gold@hklaw.com; michael.sole@nexteraenergy.com; peter.cocotos@fpl.com; eileen.stuart@mosaicco.com; Michael Formica [formicam@nppc.org]; sfried@ofwlaw.com; brent.fewell@earthandwatergroup.com; john.cruden@icloud.com; nlinnan@cfjblaw.com; tnmcaliley2@ Personal Email / Ex. 6 vinyardjr@ Personal Email / Ex. 6 ; hvinyard@foley.com; ckise@foley.com; jml@wsourcegroup.com; jonathanrbunch@ Personal Email / Ex. 6 jonathan.bunch@fed-soc.org;

chad.r.stevens@dep.state.fl.us; chadrstevens[Personal Email / Ex. 6] jasongonzalez@shutts.com; dnordby@shutts.com; baccardo@sfwmd.gov; brian.accardo@dep.state.fl.us; peter.antonacci@gray-robinson.com; adam_hollinsworth[Personal Email / Ex. 6]; jack@enerynamerica.com; jason.knox@mail.house.gov; edwartau@sfwmd.gov; marksartau@[Personal Email / Ex. 6]; mary.b.neumayr[EOP / Ex. 6]; stephen.vaden@ogc.usda.gov; george.fibbe@hq.doe.gov; ecomstock@doc.gov; stuart.levenbach@noaa.gov; marigrace.caminiti@sol.doi.gov; gareth_rees@ios.doi.gov; Nancy Flickinger [Nancy.Flickinger@usdoj.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; rachel.brand2@usdoj.gov; jesse.panuccio@usdoj.gov; jean.williams@usdoj.gov; andrew.goldfrank@usdoj.gov; tom.mariani@usdoj.gov; Swegle, Thomas (ENRD) [Thomas.Swegle@usdoj.gov]; ragu-jara.gregg@usdoj.gov; ethan.shenkman@apks.com; brett.shumate@usdoj.gov; nwiley@ducks.org

Subject: FYI: Ceremonial Swearing-In for Matt Leopold as EPA's General Counsel
Location: EPA Headquarters, U.S. EPA Rachel Carson Green Room (1200 Pennslyvania Avenue NW)

Start: 2/26/2018 5:00:00 PM
End: 2/26/2018 6:30:00 PM
Show Time As: Free

Appointment

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 2/2/2018 6:51:23 PM
To: Bodine, Susan [bodine.susan@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Elizabeth_Horner@epw.senate.gov; Piccolo, Jason [piccolo.jason@epa.gov]; Yamada, Richard (Yujiro) [yamada.richard@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Worthman, Gary [Worthman.Gary@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]; Beth_Trenti@epw.senate.gov; Mazakas, Pam [Mazakas.Pam@epa.gov]; Hull, George [Hull.George@epa.gov]; Lee, Charles [Lee.Charles@epa.gov]; alex.beehler@gmail.com; Azad, Ava [Azad.Ava@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Warren, JohnM [Warren.JohnM@epa.gov]; Konkus, John [konkus.john@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Fonseca, Silvina [Fonseca.Silvina@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]; Owens, Katharine [Owens.Katharine@epa.gov]; Branning, Hannah [Branning.Hannah@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; JCruden@bdlaw.com; Andrew.Wheeler@FaegreBD.com; Woolford, James [Woolford.James@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; richard_russell@epw.senate.gov; John_Glennon@epw.senate.gov; Leopold, Matt [Leopold.Matt@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Sean_Heaslip@epw.senate.gov; Letendre, Daisy [letendre.daisy@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; James_Willson@epw.senate.gov; Cronkhite, Leslie [Cronkhite.Leslie@epa.gov]; Brown, Byron [brown.byron@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Lloyd, David [Lloyd.DavidR@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; jeffrey.wood@usdoj.gov; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Edward.Ayoob@btlaw.com; Jackson, Ryan [jackson.ryan@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; tfields@michaeldbaker.com; JerryCouri@mail.house.gov; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Taveras, Raquel [Taveras.Raquel@epa.gov]; Alexander.H.Herrgott@ceq.eop.gov; Wallace, Maria [wallace.maria@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Lynne, Diane [Lynne.Diane@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Pauline_Thorndike@epw.senate.gov; Forsgren, Lee [Forsgren.Lee@epa.gov]; jclark@kirkland.com; Jeffrey.Longsworth@btlaw.com; Mike_Danylak@epw.senate.gov; Dravis, Samantha [dravis.samantha@epa.gov]; Elizabeth_Olsen@epw.senate.gov; Leff, Karin [Leff.Karin@epa.gov]; Tina.Richards@mail.house.gov; fulton@eli.org; Bendik, Kaitlyn [bendik.kaitlyn@epa.gov]; Folkemer, Nathaniel [Folkemer.Nathaniel@epa.gov]; Abigale_Tardif@epw.senate.gov; Ringel, Aaron [ringel.aaron@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Senn, John [Senn.John@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]; Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]; Berube, Anne [berube.anne@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Manges, Ellen [Manges.Ellen@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Craig_Thomas@epw.senate.gov; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Bunnell, Julia [Bunnell.Julia@epa.gov]; cbrittingham@cassidy.com; Loving, Shanita [Loving.Shanita@epa.gov]; Mirza, Sabah [Mirza.Sabah@epa.gov]; Lynch, Mary-Kay [Lynch.Mary-Kay@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Bailey, Ethel [Bailey.Ethel@epa.gov]; Annie_Caputo@epw.senate.gov; Gabrielle_Batkin@epw.senate.gov; Dombrowski, John [Dombrowski.John@epa.gov]

Subject: OECA AA Ceremonial Swearing-in
Location: U.S. EPA Rachel Carson Green Room (1200 Pennslyvania Avenue NW)

Start: 2/5/2018 4:00:00 PM
End: 2/5/2018 5:30:00 PM
Show Time As: Busy

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 12/19/2017 7:02:47 PM
To: 'Field, Andrea' [afield@hunton.com]; 'Nickel, Henry' [hnickel@hunton.com]
CC: 'Knauss, Chuck' [CKnauss@hunton.com]; 'Jaber, Makram' [mjaber@hunton.com]
Subject: RE: Short Notice

I'll be there a few minutes after noon and will need to leave a few minutes before 1. Look forward to seeing you.

-----Original Message-----
From: Field, Andrea [mailto:afield@hunton.com]
Sent: Tuesday, December 19, 2017 10:06 AM
To: Nickel, Henry <hnickel@hunton.com>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Knauss, Chuck <CKnauss@hunton.com>; Jaber, Makram <mjaber@hunton.com>
Subject: Re: Short Notice

I can do it on Wednesday.

> On Dec 19, 2017, at 9:20 AM, Nickel, Henry <hnickel@hunton.com> wrote:
>
> Sounds good.
>
> Henry Nickel
> Special Counsel
> hnickel@hunton.com
> p 202.955.1561
>
> Hunton & Williams LLP
> 2200 Pennsylvania Avenue, NW
> Washington, DC 20037
> www.hunton.com
>
>
>
>
> -----Original Message-----
> From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> Sent: Tuesday, December 19, 2017 8:34 AM
> To: Nickel, Henry; Knauss, Chuck; Field, Andrea; Jaber, Makram
> Subject: Short Notice
>
> Any interest in a pre-holiday lunch tomorrow? If so, noon at ABP in International Square?
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 5/11/2018 10:48:26 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Happy Mother's Day

To the mothers of rambunctious boys everywhere – and one mother in Virginia in particular – thank you.

Happy Mother's Day.

Mike

P.S. – Mom, this counts as your card.

https://www.wsj.com/articles/a-centerfold-and-a-lesson-from-mom-1525992696

HUNTON
ANDREWS KURTH

Michael Kerrigan
Partner
mkerrigan@HuntonAK.com
p 704.378.4746
bio | vCard

Hunton Andrews Kurth LLP
Bank of America Plaza, Suite 3500
101 S. Tryon Street
Charlotte, NC 28280

HuntonAK.com

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Message

From: Brownell, Bill [bbrownell@hunton.com]
Sent: 3/12/2018 11:45:31 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Tomorrow

Yup. See you there.

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Monday, March 12, 2018 7:44 AM
To: Brownell, Bill
Subject: Tomorrow

Hi Bill. Are you still available for breakfast tomorrow morning? 7:30 at Old Ebbitt?

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 12/15/2017 1:15:01 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Charlie Brown Tree

Seemed only right to show the Old Man's softer side after tales of backyard beat-downs. Enjoy.

Mike

https://www.wsj.com/articles/youre-a-good-plant-charlie-brown-1513293857

HUNTON & WILLIAMS

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Message

From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 12/4/2017 11:30:15 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: Time

Thanks so much.

Julia Zemnick Gill
Senior ALG Team Manager

On Dec 4, 2017, at 6:21 PM, Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>> wrote:

Yes, I can open the attachment. I'll get back to you soon.

-----Original Message-----
From: Gill, Julia Zemnick [mailto:jgill@hunton.com]
Sent: Monday, December 4, 2017 6:14 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>>
Subject: Fwd: Time

Bill, can you open the attachment?

Julia Zemnick Gill
Senior ALG Team Manager

Begin forwarded message:

From: "Gill, Julia Zemnick" <jgill@hunton.com<mailto:jgill@hunton.com><mailto:jgill@hunton.com>>
Date: November 17, 2017 at 9:59:23 AM EST
To: "Wehrum, Bill" <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>>
Subject: RE: Time

Bill,

Please let me know if this works.

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Friday, November 17, 2017 8:08 AM
To: Gill, Julia Zemnick
Subject: Time

Hi Julia. I belatedly realized that I entered no time for November. I don't have that much, but it probably makes sense for me to get it in. Can you send me my calendar for November? That will help me figure out what is should enter. Thanks.

Message

From: Jay Timmons [Jay.W.Timmons@nam.org]
Sent: 11/9/2018 4:12:19 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Please Join Us for the NAM Holiday Party

Can't see the images? View it online.

EXPERIENCE A TASTE OF MODERN MANUFACTURING

NAM HOLIDAY PARTY

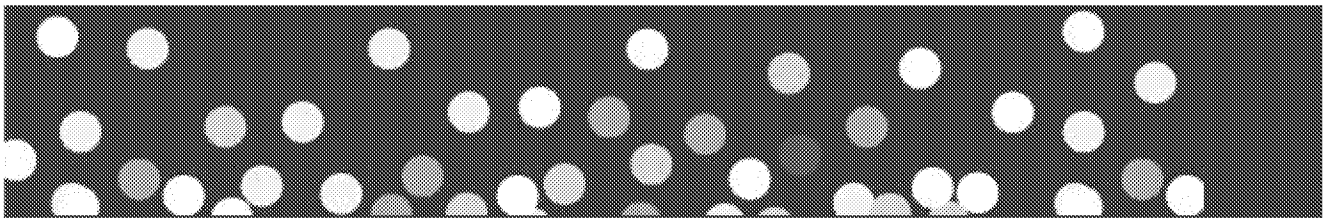
DEC. 6 // 5:00 – 8:00 P.M.

NAM HEADQUARTERS
733 10TH STREET NW, SUITE 700
WASHINGTON, DC 20001

RSVP NOW

RSVP by November 27.

This event is by invitation only and is nontransferable.



This event has been designed to comply with congressional ethics rules. More than 500 guests attend the event, including NAM members, trade associations, business partners, media, administration officials and members of Congress. Because the NAM is a lobbying organization, Executive branch employees may need to seek approval from their designated agency ethics office.

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 6/19/2018 12:35:27 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Thursday Is National Selfie Day

With the approach of this national holiday on Thursday, it's my belief that the situation absolutely requires a really futile and stupid gesture be done on somebody's part. And I'm just the guy to do it.

Hope you enjoy.

Mike

http://www.charlotteobserver.com/opinion/op-ed/article213370799.html

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Message

From: Murdock, Eric [emurdock@hunton.com]
Sent: 3/11/2018 6:53:53 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Today

No problem. I'm here and not going anywhere anytime soon.

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Sunday, March 11, 2018 2:53 PM
To: Murdock, Eric
Subject: Re: Today

Getting close. Bad traffic here in town.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

> On Mar 11, 2018, at 12:58 PM, Murdock, Eric <emurdock@hunton.com> wrote:
>
> Sounds good; I'll be here. You can call my cell phone at Personal Phone / Ex. 6
>
> -----Original Message-----
> From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> Sent: Sunday, March 11, 2018 12:22 PM
> To: Murdock, Eric
> Subject: Re: Today
>
> We will be leaving Wilmington in about 10 minutes. Should be there at about 2:30.
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404
>
>> On Mar 11, 2018, at 10:18 AM, Murdock, Eric <emurdock@hunton.com> wrote:
>>
>> Bill, yes I should be in the office all afternoon. I look forward to seeing you then.
>>
>> Eric
>>
>> Eric J. Murdock
>> HUNTON & WILLIAMS LLP
>> 2200 Pennsylvania Avenue, N.W.
>> Washington, DC 20037
>> Direct Dial: (202) 955-1576
>> Cell: (703) 626-2281
>> email: emurdock@hunton.com
>>
>>> On Mar 10, 2018, at 7:09 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>>>
>>> Eric - Pleas let me know if you plan to be there tomorrow between 1 and 2. If so, I will stop by. Thanks.
>>>
>>> _____
>>> Bill Wehrum
>>> Assistant Administrator
>>> Office of Air and Radiation
>>> U.S. Environmental Protection Agency
>>> (202) 564-7404
>>>
>>>> On Mar 10, 2018, at 10:21 AM, Murdock, Eric <emurdock@hunton.com> wrote:
>>>>
>>>> Bill,
>>>>

>>>> I'm sorry to miss you today. I plan to be in the office pretty much all day tomorrow, so please let me know if you want to try to swing by the office then.
>>>>
>>>> Regards,
>>>>
>>>> Eric
>>>>
>>>> -----Original Message-----
>>>> From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
>>>> Sent: Saturday, March 10, 2018 10:19 AM
>>>> To: Murdock, Eric
>>>> Subject: Today
>>>>
>>>> Eric - Thanks for offering to help me get in the building to pick up my folks Hong's today. We are running a bit behind, so I will not be able to make it by 1. I will reload for another day.
>>>>
>>>> Hope things are going well. Would love to catch up some day.
>>>>
>>>> _____
>>>> Bill Wehrum
>>>> Assistant Administrator
>>>> Office of Air and Radiation
>>>> U.S. Environmental Protection Agency
>>>> (202) 564-7404

Message

From: Landin, David [dlandin@hunton.com]
Sent: 7/9/2018 1:15:46 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Various topics

Bill,
So sorry about Scott Pruitt, which I know means that your group has been going way into overtime. Have meetings with client Tuesday and traveling tomorrow, but if a catch-up on general matters to get a sense of things is doable, let me know.
David.

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 12/4/2017 11:56:40 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: The Use Of Fatherly Force

Fun childhood memories of the Big Guy, and yes, we're best friends now. Enjoy.

Mike

https://www.wsj.com/articles/the-use-of-fatherly-force-1512338175

HUNTON & WILLIAMS

Michael Kerrigan
Partner
mkerrigan@hunton.com
p 704.378.4746
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Message

From: Barnes, Felicia [FBarnes@hunton.com]
Sent: 12/12/2017 4:58:37 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: Lunch

Sitting by the escalators to fed triangle

Sent from my iPhone

On Dec 12, 2017, at 11:12 AM, Barnes, Felicia <FBarnes@hunton.com<mailto:FBarnes@hunton.com>> wrote:

Where should I meet you? I can metro your way in a few minutes.

-Felicia

From: Barnes, Felicia
Sent: Tuesday, December 12, 2017 7:13 AM
To: Wehrum, Bill
Subject: Re: Lunch

Yes, that works for me.
Sent from my iPhone

On Dec 12, 2017, at 5:10 AM, Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>> wrote:
Hi Felicia. Can we meet today at noon instead of 12:30? I am open from noon to one.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Beardsworth, John [jbeardsworth@hunton.com]
Sent: 9/12/2018 3:08:52 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Harlow, David [harlow.david@epa.gov]
Subject: Re: WIFIA Job Opportunities Legal
Attachments: image001.png

Many thanks Bill- and greetings from Mozambique!

On Sep 12, 2018, at 5:00 PM, Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>> wrote:

Hi John. I do not know anything about WIFIA. I suggest contacting David Ross, the AA for the water office. Deidre should be able to make an introduction.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Beardsworth, John [mailto:jbeardsworth@hunton.com]
Sent: Wednesday, August 29, 2018 3:28 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>>
Cc: Harlow, David <harlow.david@epa.gov<mailto:harlow.david@epa.gov>>
Subject: WIFIA Job Opportunities Legal

This was a great article and David's quote is pure Harlow! I hope that this email finds you both well. While I give thought to potential candidates Jorianne's e-mail, do either of you know whether WIFIA is planning a panel of outside Firms? It is modelled after DoT's TIFIA and we are currently on the TIFIA panel. Any insight would be appreciated. I do not know Jorianne personally.
Best, JB

<image001.png>

John Beardsworth
Partner
Global Head-Business Practice
jbeardsworth@HuntonAK.com<mailto:jbeardsworth@HuntonAK.com>
p

+1 804.788.8637

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+1 804.343.4504

bio<http://webdownload.hunton.com/esignature/bio.aspx?U=02167> |
vCard<http://webdownload.hunton.com/esignature/vcard.aspx?U=02167>

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951 East Byrd Street
Richmond, VA 23219

2200 Pennsylvania Avenue, NW
Washington, DC 20037
p +1 202.955.1973
HuntonAK.com<http://www.huntonak.com/?utm_source=esighunton&utm_medium=email&utm_campaign=esigtracking>

Begin forwarded message:
From: "Jernberg, Jorianne" <jernberg.jorianne@epa.gov<mailto:jernberg.jorianne@epa.gov>>
Date: August 28, 2018 at 6:43:53 PM EDT
To: "Jernberg, Jorianne" <jernberg.jorianne@epa.gov<mailto:jernberg.jorianne@epa.gov>>
Subject: WIFIA Job Opportunities
Colleagues,

The WIFIA program is hiring! We will soon be announcing positions on our underwriting, risk management, portfolio management, engineering, and legal teams via the USA Jobs website. Please help us spread the word about these positions to candidates you know who might be interested.

In particular, I want to alert you to two vacant attorney-advisor positions we're recruiting for immediately. We're looking for experienced transaction attorneys who are able to independently manage infrastructure projects, with demonstrated experience in drafting, reviewing, and negotiating financing and security documentation in complex transactions. I've attached a job ad we're planning to run in the near future for more information. If you know of anyone who might be a good fit, please let me know.

Thank you!

Jorianne

Jorianne Jernberg
Director, WIFIA Program
Water Infrastructure Division
Office of Wastewater Management
U.S. Environmental Protection Agency
(O) 202-566-1831
(C) 202-527-0189
jernberg.jorianne@epa.gov<mailto:jernberg.jorianne@epa.gov>

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 11/7/2018 9:30:31 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Quit Grousing

This one's dedicated to Personal Matters / Ex. 6 who disturbingly was rooting for the falcon.

If you haven't seen *Planet Earth* on Netflix, do so, and thank me later. Total perspective-changer.

In the Observer tomorrow, Charlotteans, if somehow you can find the self-control to wait.

Enjoy, Mike

https://www.charlotteobserver.com/opinion/op-ed/article221301695.html

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Michael Kerrigan
Partner
mkerrigan@HuntonAK.com
p 704.378.4746
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Message

From: Matt Friedman [mattyfriedman@gmail.com]
Sent: 8/4/2018 2:20:50 AM
To: wwehrum@hunton.com; Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: California Exemption

Hi Mr. Wehrum-

My name is Matt Friedman, and I moved to Los Angeles in 1993. I'm writing to ask you to please NOT revoke California's ability to set its own fuel efficiency standards. I have seen firsthand how well they have worked so far in my state.

I moved to Los Angeles in 1993, and I remember how bad the air quality was. I remember the constant smog alerts. I remember the brownish tinge that the air always had. And I remember how the air smelled... all the time. But along with the increasing fuel efficiency standards, I've seen these air problems dramatically diminish. Make no mistake--- it's not perfect here, and there is still a ways to go. But OUR standards are working, and working well. You just can't understand what that means unless you've lived here through the transition. And since I have a kid now (3 years old) this issue is even more important to me.

Have you ever been in Los Angeles the day after its rained? It's stunning- the air is cleansed to being crystal clear and everything looks as if a thin layer of grime has been wiped away from my glasses. It truly looks like a completely different city. Everything is sharp and colorful. The visuals are striking, and I'm sure that the health issues are reduced in just as striking a way for that one day after the rain. But we don't get a lot of rain, so my hope is that as our standards continue to work for our specific locale, eventually we will get to a place where every day looks (and breathes) as if it's just rained.

So please, talk to us so that the country can get regulatory certainty, but please please please don't make us slow down the air quality improvements that we've been making. Our standards are working, and our health (and our kids health) depend on our continued success.

Best Regards,
Matt

Message

From: Barnes, Felicia [FBarnes@hunton.com]
Sent: 11/18/2017 2:26:39 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Litigation

Welcome!

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Friday, November 17, 2017 8:33 PM
To: Barnes, Felicia
Subject: Re: Litigation

Thanks. Perfect.

Sent from my iPhone

> On Nov 17, 2017, at 8:30 PM, Barnes, Felicia <FBarnes@hunton.com> wrote:
>
> Attached - lmk if anything is unclear
>
> -----Original Message-----
> From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> Sent: Friday, November 17, 2017 7:55 PM
> To: Barnes, Felicia
> Subject: Re: Litigation
>
> Just the rules. Thanks much.
>
> Sent from my iPhone
>
>> On Nov 17, 2017, at 7:54 PM, Barnes, Felicia <FBarnes@hunton.com> wrote:
>>
>> Yes, I can do that. Do you want the client identity and posture (petitioner v. intervenor) too? Or just the rules?
>>
>> -----Original Message-----
>> From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
>> Sent: Friday, November 17, 2017 7:28 PM
>> To: Barnes, Felicia
>> Subject: Litigation
>>
>> Felicia - You mentioned the other night that you were helping file withdrawal notices for my cases. Would you please send me a list of the rules that we were challenging in each case? If you didn't figure that out in putting together the withdrawal notices, could you maybe ask Paula to put together a list?
>>
>> Thanks for your help.
>>
>> Sent from my iPhone
> <Rules at Issue in Prior WLW D.C. Circuit Cases-c.xlsx>

Message

From: Beardsworth, John [jbeardsworth@hunton.com]
Sent: 9/12/2018 3:00:35 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Automatic reply: WIFIA Job Opportunities Legal

I am currently out of the country. Email response may be delayed. I will return to the office on Monday, September 17th.

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 11/28/2018 4:12:57 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Two Tales Of Grit

As Jerry Jeff Walker says, life is mostly attitude and timing. Enjoy.

https://www.wsj.com/articles/my-brother-the-car-horn-1543362248

HUNTON
ANDREWS KURTH

Michael Kerrigan
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Message

From: Longsworth, Jeffrey [Jeffrey.Longsworth@btlaw.com]
Sent: 2/26/2018 1:51:43 PM
To: Lewis, Josh [Lewis.Josh@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lassiter, Penny [Lassiter.Penny@epa.gov]; Astrachan, Eric (eastrachan@tileusa.com) [eastrachan@tileusa.com]
Subject: RE: Brick/Clay MACT rule reconsideration

We very much appreciate it. Can you call after 3? I'm pretty booked from noon-3. Thanks.

Jeffrey Longsworth
Direct (202) 408-6918
BARNES & THORNBURG LLP

From: Lewis, Josh [mailto:Lewis.Josh@epa.gov]
Sent: Monday, February 26, 2018 8:43 AM
To: Longsworth, Jeffrey
Cc: Wehrum, Bill; Lassiter, Penny
Subject: RE: Brick/Clay MACT rule reconsideration

Sorry Jeffrey. Penny Lassiter (cc'd) was going to be in touch on the status of the reconsideration rulemaking. I'll give you a call later today on the meeting next week.

Josh Lewis
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 564 2095
Cell: 202 329 2291

From: Longsworth, Jeffrey [mailto:Jeffrey.Longsworth@btlaw.com]
Sent: Monday, February 26, 2018 8:34 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Brick/Clay MACT rule reconsideration

Any update? The TCNA Executive Director, Eric Astrachan, will be in town next week and would like to meet with appropriate EPA representatives if possible. Thanks

Jeffrey Longsworth
Direct (202) 408-6918
BARNES & THORNBURG LLP

From: Lewis, Josh [mailto:Lewis.Josh@epa.gov]
Sent: Wednesday, February 14, 2018 4:41 PM
To: Longsworth, Jeffrey
Cc: Wehrum, Bill
Subject: RE: Brick/Clay MACT rule reconsideration

Hi Jeffrey,

I'll check in w/ folks here and get back to you.

Josh Lewis
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 564 2095

From: Longsworth, Jeffrey [mailto:Jeffrey.Longsworth@btlaw.com]
Sent: Wednesday, February 14, 2018 11:01 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: Brick/Clay MACT rule reconsideration

Josh,
I represent the Tile Council of North America. TCNA wants to ascertain the status of the Brick/Clay MACT rule reconsideration and convey their positions regarding that matter. I've reached out to staff in OAQPS in RTP (identified in Administrator Pruitt's November 1, 2017 reconsideration letter), and have not had any success. I saw AA Bill Wehrum last week at Susan Bodine's ceremonial swearing in and he said to reach out to you if I was having trouble getting any responses. Can you tell me the status of that reconsideration rulemaking?

Bill also indicated that he had talked with but never met the Executive Director of TCNA, Eric Astrachan. Eric will be in DC the week of March 5 and would very much appreciate any opportunity to meet with Bill or appropriate staff in DC (any day except March 6, I believe).

Thank you for your time and any information regarding the status of the MACT reconsideration or opportunity to meet with EPA in early March.

Respectfully,

Jeffrey Longsworth | Partner
Barnes & Thornburg LLP
1717 Pennsylvania Avenue NW, Suite 500, Washington, DC 20006-4623
Direct: (202) 408-6918 | Mobile: (301) 807-9685 | Fax: (202) 289-1330

BARNES & THORNBURG LLP

Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

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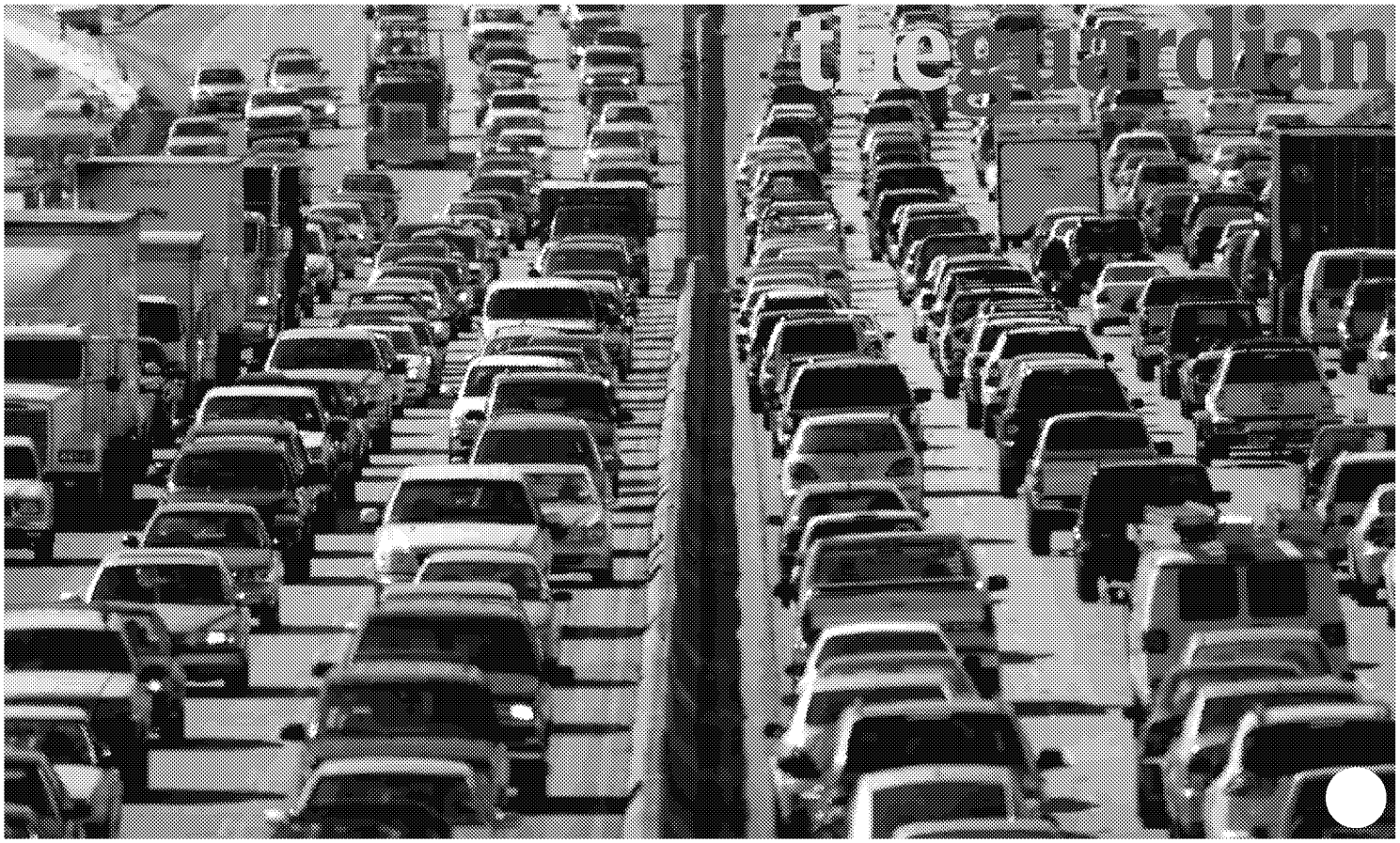
Message

From: Knauss, Chuck [CKnauss@hunton.com]
Sent: 1/5/2018 2:53:21 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: FYI
Attachments: 2017-12-31 Mary Nichols Quoted in Guardian Article Re US Emission Standards.pdf - Adobe Acrobat Pro-c.pdf

"This Environmental Protection Agency doesn't seem to have met an air regulation that it likes," said Mary Nichols, chair of the California Air Resources Board and a former EPA assistant administrator. "I've not seen any evidence that this administration knows anything about the auto industry, they just seem to be against anything the Obama administration did. "Vehicle emissions are going up, so clearly not enough is being done on that front. The Trump administration is halting further progress at a critical point when we really need to get a grip on this problem."
....

Nichols said she had been disturbed by signals coming from Pruitt and other EPA officials that she said show the federal government is looking to end California's waiver. "We are very concerned because these standards are the bedrock of our whole climate change platform," she said. "Scott Pruitt has made threatening noises about the Californian waiver, saying that we are trying to run the country. It feels like this is going to be the next shoe to drop. If it does, we will litigate and fight for our rights in the political arena with other states and consumer advocates."



Vehicles are now America's biggest CO2 source but EPA is tearing up regulations

Transport overtook power generation for climate-warming emissions in 2017 but the Trump administration is reversing curbs on auto industry pollution

Oliver Milman

Mon 1 Jan '18 00.00 EST

Some of the most common avatars of climate change - hulking power stations and billowing smokestacks - may need a slight update. For the first time in more than 40 years, the largest source of greenhouse gas pollution in the US isn't electricity production but transport - cars, trucks, planes, trains and shipping.

Emissions data has placed transport as the new king of climate-warming pollution at a time when the Trump administration is reviewing or tearing up regulations that would set tougher emissions standards for car and truck companies. Republicans in Congress are also pushing new fuel economy rules they say will lower costs for American drivers but could also weaken emissions standards.

Opponents of the administration fret this agenda will imperil public health and hinder the effort to address climate change.

"This Environmental Protection Agency doesn't seem to have met an air regulation that it likes," said Mary Nichols, chair of the California Air Resources Board and a former EPA assistant administrator. "I've not seen any evidence that this administration knows anything about the auto industry, they just seem to be against anything the Obama administration did.

"Vehicle emissions are going up, so clearly not enough is being done on that front. The Trump administration is halting further progress at a critical point when we really need to get a grip on this problem."

The 1970 Clean Air Act, signed by Richard Nixon, set standards for a cocktail of different pollutants emitted from new vehicles. New cars and trucks, which account for more than 80% of transport emissions, now have to meet fuel efficiency standards and display this information to consumers. This approach has helped cleanse previously smog-laden American cities and tamp down greenhouse gas emissions.

But in 2016, about 1.9bn tons of carbon dioxide emissions were emitted from transportation, up nearly 2% on the previous year, according to the Energy Information Administration. This increase means that transport has overtaken power generation as the most polluting sector in the country, and it's likely to stay that way.

Cheap gasoline prices have led to a recent uptick in vehicle emissions, despite the fuel standards, at the same time that coal is being rapidly displaced by an abundance of cheap natural gas and the steady rise of renewable energy, driving a sharp decline in CO_2 emissions from the power grid.

While coalminers have lost their jobs to technological advancement and environmental protesters have thrown their bodies in the path of oil pipelines, there has been far less to disrupt the basic emissions-emitting models of cars, trucks and planes.

Americans are buying larger cars and taking more flights - domestic aviation emissions grew 10% between 2012 and 2016 - and face little opposition in doing so.

"The change in power generation has been very impressive over the past 10 to 15 years," said Brett Smith, assistant director of the Center for Automotive Research.

"In the automotive sector, there isn't the same push. There are certainly Americans concerned about global warming but people are driving bigger and bigger vehicles each year. It's not a priority for them. The cost of fuel is pretty cheap and at the moment there isn't a better option out there than the internal combustion engine."

Transport accounts for about a quarter of all US planet-warming emissions but also poses a direct health threat to about 45 million Americans who live, work or attend school within 300ft of roads that are shrouded in high air pollution levels.

This pollution can stunt lung growth, trigger asthma attacks, exacerbate heart disease and cause developmental problems. The EPA estimates 17,000 schools across the US are located next to roads with heavy traffic, with children from low-income and minority groups disproportionately put at risk. California is the only state in the US to ban the construction of a school on the cheap land found beside major highways.

US cities haven't emulated the likes of London and Stockholm by charging drivers a congestion fee to coax them on to public transport, cycling or walking; nor does the US feature the comparatively high rates of fuel tax seen in Europe. France's move to ban sales of petrol and diesel cars by 2040 would be politically unthinkable in the States.
But the air is much cleaner in American cities than it was in the 1970s, and a world away from the fug that now envelops Beijing and Delhi, in part due to vehicle emissions standards that have progressively been ratcheted up by the EPA.

That trajectory has been cast in doubt by the Trump presidency. In March, the EPA scrapped a deal struck between Barack Obama's administration and automakers that would require new cars to run 54.4 miles per gallon of fuel, up from 27.5 miles per gallon, by 2025.

The White House said the new rules had been "shoved down the throats" of car makers, with the main industry lobby group pointing out that consumers overwhelmingly prioritize safety, driving performance and value for money over fuel efficiency. There are more than 70 car models on sale that achieve 40 miles per gallon and they account for just 1% of total new vehicle sales.

Then, last month, the EPA cited "regulatory overreach" by the previous administration for its decision to waive clean truck standards that would have phased out "glider" vehicles that produce 55 times more diesel soot than new trucks. Scott Pruitt, administrator of the EPA, said his predecessors had "attempted to bend the rule of law and expand the reach of the federal government in a way that threatened to put an entire industry of specialized truck manufacturers out of business".

These rollbacks from the executive branch have dovetailed with an effort by Republicans in the Senate and the House to revamp fuel efficiency rules by replacing state and federal requirements with a single standard. Environmental groups and previous administration officials fear this will lead to a further weakening of emissions standards.

"America's clean car standards have dramatically improved the fuel efficiency of vehicles, saving consumers billions of dollars and cutting pollution in the process," said Carol Browner, a former administrator of the EPA.

"Instead of rolling back commonsense, successful and popular clean cars standards, we should focus on innovation and technology that will continue the auto industry's growth and the pollution reductions we've achieved since these standards were first established."

In the short term, this new approach risks a flashpoint between the federal government and California, which has a long-held waiver to enact vehicle pollution standards in excess of the national requirements. Twelve other states, including New York and Pennsylvania, follow California's standards, an alliance that covers more than 130 million residents and about a third of the US vehicle market.

Nichols said she had been disturbed by signals coming from Pruitt and other EPA officials that she said show the federal government is looking to end California's waiver.

"We are very concerned because these standards are the bedrock of our whole climate change platform," she said. "Scott Pruitt has made threatening noises about the Californian waiver, saying that we are trying to run the country. It feels like this is going to be the next shoe to drop. If

it does, we will litigate and fight for our rights in the political arena with other states and consumer advocates."

With federal regulation set to be pared back, technological advances in electric and gas-powered cars, as well as consumer preferences, are likely to play an increasingly important role in whether vehicle emissions are forced back down.

A flurry of recent optimistic studies have forecast that, by 2040, as much as 90% of all cars in the US will be electric. But the current conundrum is that petroleum-fueled vehicles are cheaper and seen as more reliable than their electric counterparts by most new buyers. Affordable gasoline is competing with electric recharging stations that are considered too sparse by many drivers to risk running out of puff, no matter the benefit to the environment.

"It's a challenging position for automotive companies because they are touting electric vehicles but ultimately they have to sell more cars," said Smith. "Consumers in the US aren't pushing for electric vehicles to the extent they are in Europe and unless we take a very different approach as a country, that doesn't look like it will change soon.

"You will need to see a major change in battery technology to make it viable. People are becoming more aware and concerned about global warming, but we aren't there yet. And when you look at the vehicles being put out by the major car companies, you could argue it's not an issue for them, either."

Since you're here ...

... we have a small favour to ask. More people are reading the Guardian than ever but advertising revenues across the media are falling fast. And unlike many news organisations, we haven't put up a paywall - we want to keep our journalism as open as we can. So you can see why we need to ask for your help. The Guardian's independent, investigative journalism takes a lot of time, money and hard work to produce. But we do it because we believe our perspective matters - because it might well be your perspective, too.

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Topics

- Greenhouse gas emissions
- US Environmental Protection Agency
- Pollution
- Climate change
- Automotive industry

- Trump administration
- news

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 6/1/2018 12:50:48 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Lessons Learned In Summer Jobs

This one is dedicated to Personal Matters / Ex. 6
Personal Matters / Ex. 6 Enjoy.

Mike

https://www.wsj.com/articles/summer-jobs-teach-real-world-lessons-1527809051

HUNTON
ANDREWS KURTH

Michael Kerrigan
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mkerrigan@HuntonAK.com
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Message

From: Murdock, Eric [emurdock@hunton.com]
Sent: 3/12/2018 1:14:56 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Thanks

Bill,

Happy to help, and it was good to see you. Breakfast next Tuesday should work well. I'll confirm later this week.

Regards,

Eric

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Monday, March 12, 2018 7:43 AM
To: Murdock, Eric
Subject: Thanks

Eric - Thanks for letting me in the building and helping me move my things. I appreciate it. As we discussed, I'd like to get together sometime soon to catch up. Mornings are best for me - I often lose control of my days. Are you available for breakfast next Tuesday, the 20th?

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Barnes, Felicia [FBarnes@hunton.com]
Sent: 11/18/2017 1:29:09 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Litigation
Attachments: Rules at Issue in Prior WLW D.C. Circuit Cases-c.xlsx

Attached - lmk if anything is unclear

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Friday, November 17, 2017 7:55 PM
To: Barnes, Felicia
Subject: Re: Litigation

Just the rules. Thanks much.

Sent from my iPhone

> On Nov 17, 2017, at 7:54 PM, Barnes, Felicia <FBarnes@hunton.com> wrote:
>
> Yes, I can do that. Do you want the client identity and posture (petitioner v. intervenor) too? Or just the rules?
>
> -----Original Message-----
> From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> Sent: Friday, November 17, 2017 7:28 PM
> To: Barnes, Felicia
> Subject: Litigation
>
> Felicia - You mentioned the other night that you were helping file withdrawal notices for my cases. Would you please send me a list of the rules that we were challenging in each case? If you didn't figure that out in putting together the withdrawal notices, could you maybe ask Paula to put together a list?
>
> Thanks for your help.
>
> Sent from my iPhone

Message

From: Jay Timmons [jtimmons@nam.org]
Sent: 11/27/2018 6:17:31 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Last Day to RSVP | NAM Holiday Party

Can't see the images? View it online.

RSVP NOW

RSVP by November 27.

This event is by invitation only and is nontransferable.

This event has been designed to comply with congressional ethics rules. More than 500 guests attend the event, including NAM members, trade associations, business partners, media, administration officials and members of Congress. Because the NAM is a lobbying organization, executive branch employees may need to seek approval from their designated agency ethics office.

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 2/26/2018 1:43:25 PM
To: Longsworth, Jeffrey [Jeffrey.Longsworth@btlaw.com]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lassiter, Penny [Lassiter.Penny@epa.gov]
Subject: RE: Brick/Clay MACT rule reconsideration

Sorry Jeffrey. Penny Lassiter (cc'd) was going to be in touch on the status of the reconsideration rulemaking. I'll give you a call later today on the meeting next week.

Josh Lewis
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 564 2095
Cell: 202 329 2291

From: Longsworth, Jeffrey [mailto:Jeffrey.Longsworth@btlaw.com]
Sent: Monday, February 26, 2018 8:34 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Brick/Clay MACT rule reconsideration

Any update? The TCNA Executive Director, Eric Astrachan, will be in town next week and would like to meet with appropriate EPA representatives if possible. Thanks

Jeffrey Longsworth
Direct (202) 408-6918

BARNES & THORNBURG LLP

From: Lewis, Josh [mailto:Lewis.Josh@epa.gov]
Sent: Wednesday, February 14, 2018 4:41 PM
To: Longsworth, Jeffrey
Cc: Wehrum, Bill
Subject: RE: Brick/Clay MACT rule reconsideration

Hi Jeffrey,

I'll check in w/ folks here and get back to you.

Josh Lewis
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 564 2095

From: Longsworth, Jeffrey [mailto:Jeffrey.Longsworth@btlaw.com]
Sent: Wednesday, February 14, 2018 11:01 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: Brick/Clay MACT rule reconsideration

Josh,
I represent the Tile Council of North America. TCNA wants to ascertain the status of the Brick/Clay MACT rule reconsideration and convey their positions regarding that matter. I've reached out to staff in OAQPS in RTP (identified in Administrator Pruitt's November 1, 2017 reconsideration letter), and have not had any success. I saw AA Bill Wehrum last week at Susan Bodine's ceremonial swearing in and he said to reach out to you if I was having trouble getting any responses. Can you tell me the status of that reconsideration rulemaking?

Bill also indicated that he had talked with but never met the Executive Director of TCNA, Eric Astrachan. Eric will be in DC the week of March 5 and would very much appreciate any opportunity to meet with Bill or appropriate staff in DC (any day except March 6, I believe).

Thank you for your time and any information regarding the status of the MACT reconsideration or opportunity to meet with EPA in early March.

Respectfully,

Jeffrey Longsworth | Partner
Barnes & Thornburg LLP
1717 Pennsylvania Avenue NW, Suite 500, Washington, DC 20006-4623
Direct: (202) 408-6918 | Mobile: (301) 807-9685 | Fax: (202) 289-1330

BARNES & THORNBURG LLP

Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 7/21/2018 2:18:37 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: A Moving Story

Forgive me for getting a little sentimental – recall that I cry every time in the "turning in the jerseys" scene in *Rudy* - but I was touched by what this young man did.

I hope you enjoy.

Mike

http://www.foxnews.com/opinion/2018/07/21/what-walter-carr-young-man-who-walked-20-miles-to-work-taught-me-this-week.html

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Michael Kerrigan
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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 11/4/2018 3:03:36 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Vote "Yes" On Laughter

Do I love a humorous simile? As surely as night follows day.

Enjoy, Mike

https://www.foxnews.com/opinion/these-midterm-elections-vote-yes-on-laughter

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 11/3/2018 2:23:52 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Father, Daughter, Yeti, Yak

Personal Matters / Ex. 6

Enjoy, Mike

https://www.foxnews.com/opinion/my-dumb-parenting-mistake-frightened-my-daughter-now-im-extra-careful-with-my-words

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 10/15/2018 2:28:12 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Lessons Learned From Bar Failure

Okay, not *that* bar. Enjoy.

Mike

https://www.wsj.com/articles/i-failed-the-bar-so-i-became-a-lawyer-1539546505

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Message

From: Esposito, Joseph P. [jesposito@hunton.com]
Sent: 2/14/2019 10:45:55 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: First Summer Law Student Applicant
Attachments: Resume for Citizen Name / Ex. 6 egal.docx

Bill, I hope this finds you well.

I have taken the liberty of attaching the resume of Citizen Name / Ex. 6 a first year law student at GW. Citizen Name / Ex. 6 Personal Matters / Ex. 6 Personal Matters / Ex. 6 He is looking for a summer position in DC.

I would be grateful if you know of any openings at EPA for a summer internship, or have any suggestions for Caleb in his search.

Thanks and best regards.

Joe Esposito

Personal Matters / Ex. 6

Education

Personal Matters / Ex. 6

Professional Experience

Personal Matters / Ex. 6

Skills

Personal Matters / Ex. 6

Message

From: Jay Timmons [Jay.W.Timmons@nam.org]
Sent: 11/30/2017 4:20:24 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Reminder | Please Join Us for the NAM Holiday Party

Can't see the images? View it online.

Jay Timmons and the National Association of Manufacturers invite you to the official holiday celebration for manufacturers in America. Join us to toast the people who are creating the future.

DECEMBER 14

5:00 - 8:00 P.M.

NAM HEADQUARTERS
733 10TH STREET NW, SUITE 700
WASHINGTON, DC 20001

RSVP NOW

Please RSVP by December 4

This event has been designed to meet the "reception exception" as stated by the Senate Select Ethics and House Ethics Committees. Invitation is non-transferable.

CREATORS
WANTED

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 11/22/2018 2:19:23 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Thanksgiving and Football

Friends - enjoy your holiday today, and while we're on the subject of gratitude, thank you for reading.

Mike

https://www.foxnews.com/opinion/five-things-i-learned-from-thanksgiving-family-football

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Message

From: Knauss, Chuck [CKnauss@hunton.com]
Sent: 2/25/2018 11:10:03 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Catch Up

Perfect.

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Sunday, February 25, 2018 6:08 PM
To: Knauss, Chuck
Subject: Re: Catch Up

Coffee at Starbucks at the JW Marriott on Penn? A few minutes after 10?

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

> On Feb 25, 2018, at 6:04 PM, Knauss, Chuck <CKnauss@hunton.com> wrote:
>
> Yes. Call? Or I am ending a meeting in the vicinity and could swing by. Let me know.
>
> -----Original Message-----
> From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> Sent: Sunday, February 25, 2018 5:18 PM
> To: Knauss, Chuck
> Subject: Catch Up
>
> Do you have a few minutes at 10 tomorrow?
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 7/4/2018 11:29:33 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Sorry

Forgot to update Subject Line on the last one. Perils of sending before coffee.

Message

From: Ellis, Clare [CEllis@hunton.com]
Sent: 11/30/2017 3:27:09 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Congratulations

Thanks, Bill! I'll be sworn in on Tuesday - so finally feeling like an "official" Californian. Hope all is well with you, and that you will swing by and say hello if your work ever brings you to the West Coast.

Clare Ellis
Associate *Not admitted in California. Admitted only in Georgia.
cellis@hunton.com
p
415.975.3708
f
415.975.3701

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San Francisco, CA 94111
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-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Thursday, November 30, 2017 3:53 AM
To: Ellis, Clare
Subject: Congratulations

Clare - I heard yesterday that you passed the CA bar. Congratulations! I never had a doubt, but nice to see you get past that hurdle.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Stanko, Joseph [jstanko@hunton.com]
Sent: 1/2/2018 7:30:31 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Happy New Year

Great. I will have been running (on a treadmill) for five consecutive days by then, so I can share the moral high ground with you.

HUNTON & WILLIAMS

Joseph Stanko
Partner
jstanko@hunton.com
p 202.955.1529
bio | vCard

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
hunton.com

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Tuesday, January 02, 2018 1:59 PM
To: Stanko, Joseph
Subject: RE: Happy New Year

How about coffee at 3:00 on Thursday? JW Marriott Starbucks?

From: Stanko, Joseph [mailto:jstanko@hunton.com]
Sent: Tuesday, January 2, 2018 1:51 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Happy New Year

Bill:

Yes, we planted ourselves in St. Louis for a White Christmas. Hope all was well in Delaware.

I'm around, and pretty unscheduled tomorrow and Thursday for both lunch and the rest of the days.
Joe

HUNTON & WILLIAMS

Joseph Stanko
Partner
jstanko@hunton.com
p 202.955.1529
bio | vCard

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
hunton.com

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Tuesday, January 02, 2018 1:46 PM
To: Stanko, Joseph
Subject: Happy New Year

Joe – Happy New Year! Hope you were able to get away for a while over the holidays. We should grab coffee or lunch sometime soon. Are you around the next few days?

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 6/9/2018 3:07:54 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Ode To Friendship

I was going to put *De Amicitia* in the subject line, but I could just hear another good friend, who invariably gives me wise counsel, saying "dumb it down for me, smart guy."

I hope you enjoy.

Mike

http://www.foxnews.com/opinion/2018/06/09/mike-kerrigan-thought-had-enough-friends-then-stranger-did-this-on-my-flight-home.html

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 7/4/2018 11:24:28 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: NEXT ONE - Distro

In praise of a friend. No big laughs in this one, just admiration. I hope you enjoy.

Happy Independence Day.

Mike

http://www.foxnews.com/opinion/2018/07/04/july-fourth-what-learned-from-friend-who-runs-toward-sound-guns.html

HUNTON
ANDREWS KURTH

Michael Kerrigan
Partner
mkerrigan@HuntonAK.com
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Message

From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 11/17/2017 2:14:51 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Time

Hi Bill,

I am working on this. I had to ask to remove the permissions from your calendar so it doesn't view as just busy or free. I'll have something to you shortly (hopefully).

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Friday, November 17, 2017 8:08 AM
To: Gill, Julia Zemnick
Subject: Time

Hi Julia. I belatedly realized that I entered no time for November. I don't have that much, but it probably makes sense for me to get it in. Can you send me my calendar for November? That will help me figure out what is should enter. Thanks.

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 11/17/2018 3:50:31 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: And Then There Were HQ2

Relax, fellow citizens of locales other than Long Island City or Crystal City. I got through this, and so will you.

Enjoy, and have a Happy Thanksgiving!

Mike

https://www.foxnews.com/opinion/amazon-names-new-hq2-heres-how-citizens-in-the-18-rejected-cities-can-get-over-the-loss

HUNTON
ANDREWS KURTH

Michael Kerrigan
Partner
mkerrigan@HuntonAK.com
p 704.378.4746
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Charlotte, NC 28280

HuntonAK.com

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Message

From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 3/9/2018 9:47:32 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Saturday

I should have mentioned if this doesn't work, let me know I can make myself available.

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Friday, March 09, 2018 4:35 PM
To: Gill, Julia Zemnick
Subject: Re: Saturday

Thanks Julia.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Mar 9, 2018, at 4:26 PM, Gill, Julia Zemnick <jgill@hunton.com> wrote:

> Bill,
>
> Eric will be in the office tomorrow and he said you are more than welcome to call him. He, however, will need to leave by 1:00 pm. You can call his cell at Personal Phone / Ex. 6
>
> ---
>
> **From:** Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> **Sent:** Friday, March 09, 2018 3:56 PM
> **To:** Gill, Julia Zemnick
> **Subject:** RE: Saturday
>
> Hi Julia. If possible, I'd like to come at about noon tomorrow. Again, I don't want you or anyone else to make a special trip. You might ask Chuck if he plans to be around. He might welcome the opportunity to button-hole me while I gather my things.
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404
>
> ---
>
> **From:** Gill, Julia Zemnick [mailto:jgill@hunton.com]
> **Sent:** Thursday, March 8, 2018 5:36 PM

To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Saturday

Hi Bill,

Sorry for the delayed response. Do you know what time you'd like to pick up your belongings? I can see if I can try to coordinate with someone here, or be here myself.

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Thursday, March 08, 2018 12:56 PM
To: Gill, Julia Zemnick
Subject: Saturday

Julia – I'd like to pick up the things I left in my office. Would it be possible for me to do it on Saturday? I don't want anyone to come in to the office solely to get me in and out. But, if there is someone who will be there anyway, maybe I can take a few minutes of their time?

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 11/16/2017 12:12:12 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Reception

Thanks, Bill. It was a nice birthday.

I will gather some details and find out if you owe anything.

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Wednesday, November 15, 2017 11:27 PM
To: Gill, Julia Zemnick
Subject: Reception

Julia - First, happy birthday! I hope you had a great night out.

Second, I need to pay for my share of the reception. Will you please let me know what the cost was per person. It is very important to me to be square. Thanks.

Sent from my iPhone

Message

From: Field, Andrea [afield@hunton.com]
Sent: 5/16/2018 9:56:05 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: ACOEL Interview

I have to leave by 6:30 this evening. If today doesn't work, is there any time tomorrow that might?

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Tuesday, May 15, 2018 8:18 PM
To: Field, Andrea
Subject: Re: ACOEL Interview

Hi Andy. Yes, Friday is still good. If you are available late tomorrow afternoon, maybe I can call you then?

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 15, 2018, at 5:20 PM, Field, Andrea <afield@hunton.com> wrote:

> Are we still a "go" for the interview this Friday, May 18? And if so, will you have time (no more than 10 minutes) between now and then to go over potential questions that you feel comfortable addressing? Thanks.
>
> Andy Field
>
> ---
>
> **From:** Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> **Sent:** Thursday, April 26, 2018 10:45 AM
> **To:** Field, Andrea
> **Subject:** Tomorrow
>
> Hi Andy. I had planned to come to your office tomorrow for the American College of Environmental Lawyers interview. But, I now will be out of town – need to travel to Memphis to take care of some family business. I still have time tomorrow, but will need to call in. Does that work for you? If so, what time is best? Also, I'd appreciate it if you could set up a call in number. Thanks.
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404

Message

From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 11/30/2017 2:23:24 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: Lunch today

Thanks, Bill. I appreciate you taking the time for lunch and still caring about things at Hunton. Next lunch should be less about work.

Julia Zemnick Gill
Senior ALG Team Manager

On Nov 29, 2017, at 8:30 PM, Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>> wrote:

Thanks for taking time for lunch today. It was good to see you. I will do what I can to get things straightened out.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Nov 29, 2017, at 1:11 PM, Gill, Julia Zemnick <jgill@hunton.com<mailto:jgill@hunton.com>> wrote:

No problem. See you soon.

Julia Zemnick Gill
Senior ALG Team Manager

On Nov 29, 2017, at 1:05 PM, Wehrum, Bill
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>> wrote:

I'm on my way.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Nov 29, 2017, at 8:01 AM, Gill, Julia Zemnick
<jgill@hunton.com<mailto:jgill@hunton.com><mailto:jgill@hunton.com>> wrote:

That works perfectly. I'll see you then.

Julia Zemnick Gill
Senior ALG Team Manager

On Nov 29, 2017, at 7:24 AM, Wehrum, Bill
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>>
wrote:

Yes, I'm looking forward to it. Instead of meeting here, would it be okay to meet at the Au Bon Pain in International Square? At 1:00 (or maybe a couple minutes after)?

-----Original Message-----
From: Gill, Julia Zemnick [mailto:jgill@hunton.com]
Sent: Wednesday, November 29, 2017 5:23 AM
To: Wehrum, Bill
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>>
Subject: Lunch today

Hi Bill,

I'm checking to see if you are still on for lunch.

Thanks!

Julia Zemnick Gill

Senior ALG Team Manager

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 2/25/2018 12:20:04 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Amazon HQ2 Search: Reflections of a Silver Medalist

So Charlotte lost out on Amazon HQ2, no big deal. It's not like Price's Chicken Coop closed its doors or something. We'll survive this.

If anyone's looking for me I'll be at the HT, in my house pants and slippers. Enjoy.

http://www.charlotteobserver.com/opinion/op-ed/article201877034.html

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 9/10/2018 11:46:23 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Phys Ed Memories

I hated the climbing rope in grade school. There, I said it. Enjoy.

https://www.wsj.com/articles/kids-dont-learn-the-ropes-these-days-1536524207?ns=prod/accounts-wsj

HUNTON
ANDREWS KURTH

Michael Kerrigan
Partner
mkerrigan@HuntonAK.com
p 704.378.4746
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Hunton Andrews Kurth LLP
Bank of America Plaza, Suite 3500
101 S. Tryon Street
Charlotte, NC 28280

HuntonAK.com

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Message

From: Ross Eisenberg [REisenberg@nam.org]
Sent: 9/7/2018 4:36:03 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Atkinson, Emily [Atkinson.Emily@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]
Subject: Speaking invitation: NSR coalition meeting, Nov. 15

Bill,

NAM is hosting a meeting of a multi-association NSR coalition on Thursday, November 15 from 9 am to 4 pm. Would you or a member of your team be willing to join us for an hour to provide an update on EPA's actions regarding NSR? The time is flexible; this meeting is literally going on all day. Location is NAM headquarters, 733 10th St. NW, Suite 700, Washington DC. The meeting will be closed press and off the record.

Attendees will be the core group of about 40 or so policy, legal and technical people at our sister trade associations and member companies who are deeply interested in NSR policy issues. This is a cross-industry group that involves virtually every sector regulated by EPA under NSR, from energy-intensive manufacturing like paper and steel to energy production and delivery. This group will have a pretty deep base of expertise on NSR issues and I expect they will be very engaging.

Many thanks in advance, and as always let us know if we can help with anything.

Ross Eisenberg
Vice President, Energy and Resources Policy
National Association of Manufacturers
Direct: 202.637.3173
Mobile: 703.517.1655
Email: reisenberg@nam.org

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 7/27/2018 11:32:06 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: A Rugged Indoorsman Reflects On Bears

This is the time of year when many people voluntarily enter the woods and emerge days later, reenergized. I am not such a person.

Tongue in cheek? Perhaps. But that's where I'd like it to stay. Enjoy.

Mike

https://www.wsj.com/articles/bear-with-me-get-it-away-1532646189

HUNTON
ANDREWS KURTH

Michael Kerrigan
Partner
mkerrigan@HuntonAK.com
p 704.378.4746
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Hunton Andrews Kurth LLP
Bank of America Plaza, Suite 3500
101 S. Tryon Street
Charlotte, NC 28280

HuntonAK.com

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Message

From: Leland Frost [LFrost@nam.org]
Sent: 11/16/2017 2:16:36 AM
To: Brown, Byron [brown.byron@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: NAM holiday party

Hi Byron, Kevin, and Bill,

I wanted to let you know that you should have received an invitation today to NAM's holiday party. If you did not receive it, please let me know. I think the invites sometimes get caught in spam filters.

If you plan to attend, please make sure to RSVP because we will have a strict guest list. I wish we had been able to invite more of our friends, but we are already overcapacity. Hope to see you there!

All the best,

Leland P. Frost
National Association of Manufacturers
Associate General Counsel
Email: lfrost@nam.org
Direct: (202) 637-3475
Mobile: (205) 478-1717

NAM Facebook | Twitter | Instagram | LinkedIn

Message

From: Field, Andrea [afield@hunton.com]
Sent: 5/16/2018 12:51:16 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: ACOEL Interview

Great. I will be around tomorrow afternoon from 3 pm on.

On May 15, 2018, at 8:18 PM, Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>> wrote:

Hi Andy. Yes, Friday is still good. If you are available late tomorrow afternoon, maybe I can call you then?

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 15, 2018, at 5:20 PM, Field, Andrea <afield@hunton.com<mailto:afield@hunton.com>> wrote:

Are we still a "go" for the interview this Friday, May 18? And if so, will you have time (no more than 10 minutes) between now and then to go over potential questions that you feel comfortable addressing? Thanks.

Andy Field

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Thursday, April 26, 2018 10:45 AM
To: Field, Andrea
Subject: Tomorrow

Hi Andy. I had planned to come to your office tomorrow for the American College of Environmental Lawyers interview. But, I now will be out of town – need to travel to Memphis to take care of some family business. I still have time tomorrow, but will need to call in. Does that work for you? If so, what time is best? Also, I'd appreciate it if you could set up a call in number. Thanks.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Jay Timmons [jtimmons@nam.org]
Sent: 11/15/2018 4:56:38 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: REMINDER | Please Join Us for the NAM Holiday Party

Can't see the images? View it online.

EXPERIENCE A TASTE OF MODERN MANUFACTURING

NAM HOLIDAY PARTY

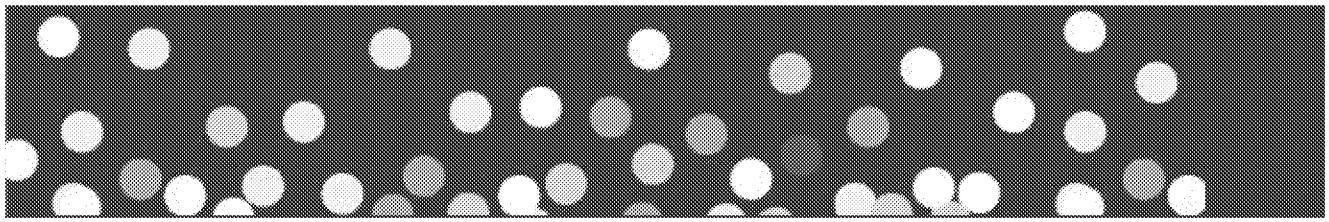
DEC. 6 // 5:00 – 8:00 P.M.

NAM HEADQUARTERS
733 10TH STREET NW, SUITE 700
WASHINGTON, DC 20001

RSVP NOW

RSVP by November 27.

This event is by invitation only and is nontransferable.



This event has been designed to comply with congressional ethics rules. More than 500 guests attend the event, including NAM members, trade associations, business partners, media, administration officials and members of Congress. Because the NAM is a lobbying organization, executive branch employees may need to seek approval from their designated agency ethics office.

Message

From: Jay Timmons [Jay.W.Timmons@nam.org]
Sent: 11/15/2017 6:41:03 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Please Join Us for the NAM Holiday Party

Can't see the invitation? View it online.

CREATORS WANTED

Jay Timmons and the National Association of Manufacturers invite you to the official holiday celebration for manufacturers in America. Join us to toast the people who are creating the future.

DECEMBER 14
5:00 - 8:00 P.M.

NAM HEADQUARTERS
733 10TH STREET NW, SUITE 700
WASHINGTON, D.C. 20001

RSVP NOW ▶

Please RSVP by December 4

This event has been designed to meet the "reception exception" as stated by the Senate Select Ethics and House Ethics Committees. **Invitation is non-transferable.**

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 3/19/2018 1:33:38 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Spring Break - Family Travel Tips

Friends, no need to thank me. I know you'd do the same for me. For Charlotteans, it will be in tomorrow's print edition if you'd rather wait.

Happy Spring Break. Enjoy the buffet!

Mike

http://www.charlotteobserver.com/opinion/op-ed/article205571034.html

Message

From: Leland Frost [LFrost@nam.org]
Sent: 11/9/2018 11:23:00 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: NAM holiday party

Great, hope to see you.

Leland P. Frost

National Association of Manufacturers

Associate General Counsel

Email: lfrost@nam.org

Direct: (202) 637-3475

Mobile: (205) 478-1717

On Nov 9, 2018, at 6:17 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

> Hi Leland. I got the invite. If our ethics folks say it is okay, I will be there.
>
> _____
>
> Bill Wehrum
>
> Assistant Administrator
>
> Office of Air and Radiation
>
> U.S. Environmental Protection Agency
>
> (202) 564-7404
>
> On Nov 9, 2018, at 2:18 PM, Leland Frost <LFrost@nam.org> wrote:
>
> > Hi Bill,
> >
> > Hope all is well. You should have received an invite this morning to the NAM's holiday party. We will be hosting our members, policymakers and friends in the advocacy and business communities for a holiday celebration at NAM HQ on Thursday, December 6 from 5:00-8:00pm.
> >
> > Please RSVP using the web link in the invite e-mail so we have an accurate headcount. As our email invites use personalized links, please do not forward the invitation to others.
> >
> > Because of the HTML format, our invites are sometimes caught in spam filters. Please let me know if you have any questions, and we hope you can make it.
> >
> > Best,

Message

From: Boer, Tom [JTBoer@hunton.com]
Sent: 3/9/2018 7:29:20 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: ELI

Bill, you've been "promoted" to having your e-mail quarantined by my Outlook. So apologies for the slow response. I thought the meeting was fine, although I did have to leave about 10 minutes early and it sounds like the questioning may have gotten more animated after my departure.

I hope you're doing well and we have a chance to catch up over coffee at some point.

Best,
Tom

HUNTON & WILLIAMS

Tom Boer
Partner
jtboer@hunton.com
p 415.975.3717

Hunton & Williams LLP
50 California St., Suite 1700
San Francisco, CA 94111
hunton.com

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From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Wednesday, March 07, 2018 4:04 PM
To: Boer, Tom
Subject: ELI

Hi Tom. What did you think of the ELI meeting today? I thought it was interesting.

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Stanko, Joseph [jstanko@hunton.com]
Sent: 3/30/2018 3:17:00 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Today

1 is fine

HUNTON & WILLIAMS

Joseph Stanko
Partner
jstanko@hunton.com
p 202.955.1529
bio | vCard

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
hunton.com

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Friday, March 30, 2018 11:05 AM
To: Stanko, Joseph
Subject: Today

Joe – Can we push to 1:00, or maybe coffee later in the day?

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 5/15/2018 10:59:20 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: I Really Don't Care For Scooter Share

More truth is said in jest.

For Charlotteans, it will be in tomorrow's print if you would rather wait.

I hope you enjoy.

Mike

http://www.charlotteobserver.com/opinion/op-ed/article211159444.html

HUNTON
ANDREWS KURTH

Michael Kerrigan
Partner
mkerrigan@HuntonAK.com
p 704.378.4746
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Hunton Andrews Kurth LLP
Bank of America Plaza, Suite 3500
101 S. Tryon Street
Charlotte, NC 28280

HuntonAK.com

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Message

From: Brent Fewell [brent.fewell@earthandwatergroup.com]
Sent: 7/1/2018 1:30:37 PM
To: 'Adam Kieper [akeiper@thenewatlantis.com]; Adam Kolton (adam@alaskawild.org) [adam@alaskawild.org]; 'Adam Krantz [akrantz@nacwa.org]; Adam Kushner (adam.kushner@hoganlovells.com) [adam.kushner@hoganlovells.com]; 'Adam White [ajwhite@stanford.edu]; 'Alex A. Beehler [Personal Email / Ex. 6] 'Alex Echols [echols@conrod.com]; 'Alex Hanafi [ahanafi@edf.org]; Allen Freemyer (afreemyer@leesmithpc.com) [afreemyer@leesmithpc.com]; 'Andrew R. Wheeler Esq. [andrew.wheeler@FaegreBD.com]; 'Angela Logomasini [alogomasini@cei.org]; aschulman@thenewatlantis.com; Avi Garbow [Personal Email / Ex. 6] [Personal Email / Ex. 6] 'bbarnes@tnc.org'; 'Becky Norton Dunlop [becky.norton.dunlop@heritage.org]; 'Benjamin H. Grumbles [Personal Email / Ex. 6] Bert Pena (hrp@hrpenalaw.com) [hrp@hrpenalaw.com]; 'Bill Briggs [bill@billbriggs.net]; Bob Meyers [Personal Email / Ex. 6]; 'Brent M. Haglund PhD [bhaglund@sandcounty.net]; 'Brian Mannix [brian@mannix.com]; 'Brian McCormack [brian@brianvmccormack.com]; 'Brian Yablonski [Personal Email / Ex. 6]; Brown, Byron [brown.byron@epa.gov]; 'Bruce I. Knight [bknight@stratconserve.com]; 'Bryan Hannegan [[Personal Email / Ex. 6]; 'Bryan Hannegan [Bryan.Hannegan@nrel.gov]; 'bshireman@future500.org'; 'cadamo[Personal Email / Ex. 6]'; 'Carl Artman [cjartman@mac.com]; 'carljc@stanford.edu'; cransom@gloverparkgroup.com; Catrina Rorke [Personal Email / Ex. 6] grizzle@grizzleco.com; Charles Hernick [Personal Email / Ex. 6] Charles Ingebretson [Personal Email / Ex. 6]; Charlie Evans [Personal Email / Ex. 6]; Chet Thompson [Cthompson@afpm.org]; Charles Smith [Personal Email / Ex. 6] 'Chris Wood [cwood@tu.org]; 'Christian Berle [cberle@edf.org]; 'Christy Plumer [cplumer@tnc.org]; 'ckearney@tfgnet.com'; 'claudiaamcmurray@[Personal Email / Ex. 6] [Personal Email / Ex. 6]'; Craig Montesano (montesano1968@mac.com) [montesano1968@mac.com]; 'Dan Nees [dnees@umd.edu]; 'Daniel Botkin [mailing@danielbbotkin.com]; 'Daren Bakst [Daren.Bakst@heritage.org]; 'Dave White [dave@ecoexch.com]; 'David Gagner [Dave.Gagner@nfwf.org]; David Jenkins (djenkins@conservativestewards.org) [djenkins@conservativestewards.org]; David Quam (david.quam@nelsonmullins.com) [david.quam@nelsonmullins.com]; 'David R. Anderson [Danderson@naturalresourceresults.com]; 'David Schoenbrod [dschoenbrod@nyls.edu]; 'David Tenny [dtenny@nafoalliance.org]; David Trimble (dctrimble@mac.com) [dctrimble@mac.com]; Dimitri Karakitsos [Personal Email / Ex. 6]; Don Clay (donclay1@me.com) [donclay1@me.com]; 'Doug Domenech [Personal Email / Ex. 6]; 'Doug Siglin [DSiglin@federalcitycouncil.org]; Dravis, Samantha [dravis.samantha@epa.gov]; Dunlap, David [david.dunlap@kochps.com]; Ed Krenik (edward.krenik@bgllp.com) [edward.krenik@bgllp.com]; 'Eli Lehrer [elehrer@rstreet.org]; Elizabeth Stolpe [Personal Email / Ex. 6]; Ellen Gilinsky [Personal Email / Ex. 6] [Personal Email / Ex. 6]; Eric Schwaab [[Personal Email / Ex. 6]; 'Erik J. Meyers [emeyers@conservationfund.org]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Frank Fannon [Personal Email / Ex. 6] [Personal Email / Ex. 6] Fred Eames (feames@hunton.com) [feames@hunton.com]; Gary Belan [Personal Email / Ex. 6] George Cooper (gcooper@forbes-tate.com) [gcooper@forbes-tate.com]; 'Gerhard Kuska [Gerhard.Kuska@OceanStrategies.net]; 'gordon.binder@wwfus.org'; 'Greg Schildwachter [greg@gregschildwachter.com]; 'gtracymehan[Personal Email / Ex. 6]; 'Hal Herring [herring@3rivers.net]; 'hank@suntowater.com'; Darwin, Henry [darwin.henry@epa.gov]; Henry Darwin [Personal Email / Ex. 6] [Personal Email / Ex. 6] Holmes, Chris [Holmes.Chris@advisor.bcg.com]; James Bank (james.banks@hoganlovells.com) [james.banks@hoganlovells.com]; 'James Gulliford [Personal Email / Ex. 6]]; 'James L Connaughton [jim@jamesconnaughton.com]; 'James M. Strock [jms@jamesstrock.com]; 'James S. Burling Esq. 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CC: Brent Fewell [brent.fewell@earthandwatergroup.com]

Subject: Sabin Op-Ed - Republicans must return to their conservation roots

Attachments: ATT00001.txt

https://www.washingtonexaminer.com/opinion/op-eds/republicans-must-return-to-their-conservation-roots

Republicans must return to their conservation roots

by Andy Sabin
| July 01, 2018 08:20 AM

Environmental protection is a great American success story.
(AP Photo/Anna Johnson)

Ads by Revcontent

The nation's economy is humming along nicely with unemployment at an all-time low. Now President Trump and Congress must unite for a clean and healthy environment, and Republicans must reclaim leadership on this critical issue.

Republicans have rightfully opposed misguided policies such as President Obama's Clean Power Plan and the Waters of the United States rule. But for far too long, we have done little to proactively shape policy solutions, leaving a vacuum that liberal interest groups have filled with big-government solutions.

It's high time the party of Teddy Roosevelt reclaims the environment, redefines the narrative, and leverages good old-fashioned American know-how and innovation. As Roosevelt once said, "Conservation is a great moral issue, for it involves the patriotic duty of insuring the safety and continuance of the nation."

Environmental protection is a great American success story. The quality of our environment affects every aspect of our economy, health, and quality of life. Thanks, in large measure, to conservative leaders, including Richard Nixon, who established the U.S. Environmental Protection Agency and signed into law the federal clean air and water acts, we are a healthier and more prosperous nation.

We can afford a clean environment because of a robust economy. Moreover, our energy companies, increasingly focused on cleaner energy, are poised to lead the world, creating even more American jobs.

Yet despite our environmental gains over the last 45 years, we still have a long way to go.

Environmental pollution continues to harm America's working families and communities. For example, air pollution alone causes 200,000 early deaths each year in the U.S. Children and those living in socioeconomically distressed communities continue to be disproportionately harmed by air and water pollution. Consider the tragedy in Flint, Mich., where 100,000 people were unwittingly poisoned by lead in their drinking water. As well, many of our nation's water bodies such as the Chesapeake Bay, the Great Lakes, and Gulf of Mexico continue to be impaired due to excess pollution, imposing enormous costs on communities, businesses, and the public health. And there are over 1,300 endangered or threatened species in the U.S listed under the Endangered Species Act and hundreds more are awaiting review.

While many, including myself, applaud the president's decisive actions to reform federal agencies and roll back bad regulations, a caution is in order. We can't afford to gut national safeguards to protect public health and the environment. The American public cares deeply about clean air, clean water, and our public lands.

To be great again means that our air and water are safe and clean, our streams and lakes are swimmable and fishable, our oceans are free from toxic plastic pollution, our public lands are properly maintained and accessible to all, and our natural resources are managed according to the best available science.

My party must return to its conservation roots. It is our moral and patriotic duty.

We can start to by passing important bipartisan legislation. The first, sponsored by Sens. Richard Burr, R-N.C., and Maria Cantwell, D-Wash., would permanently authorize the Land and Water Conservation Fund, one of the most important programs for protecting federal public lands and waters, including national parks, forests, and wildlife refuges.

Another bill, the WILD (Wildlife Innovation and Longevity Driver) Act, co-sponsored by Sens. John Barrasso, R-Wyo., and Tom Carper, D-Del., would promote wildlife conservation, fight against invasive species, and protect threatened species using U.S. technology and innovation. The National Park Restoration Act, sponsored by Sen. Lamar Alexander, R-Tenn., would help reduce the growing maintenance backlog that has long plagued our national parks. And lastly, the Recovering America's Wildlife Act, sponsored by Rep. Jeff Fortenberry, R-Neb., would help proactively protect species from endangerment and being placed on the ESA list.

America is at its best when we recognize and attack common challenges. Let's put aside partisan politics and make our great outdoors great again.

Andy Sabin, a lifelong Republican, is the Chairman and President of Sabin Metal Corporation and founder of the Andrew Sabin Family Foundation, which funds global research and conservation to protect imperiled species and their habitat, environmental scholarships, and cancer research.

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Message

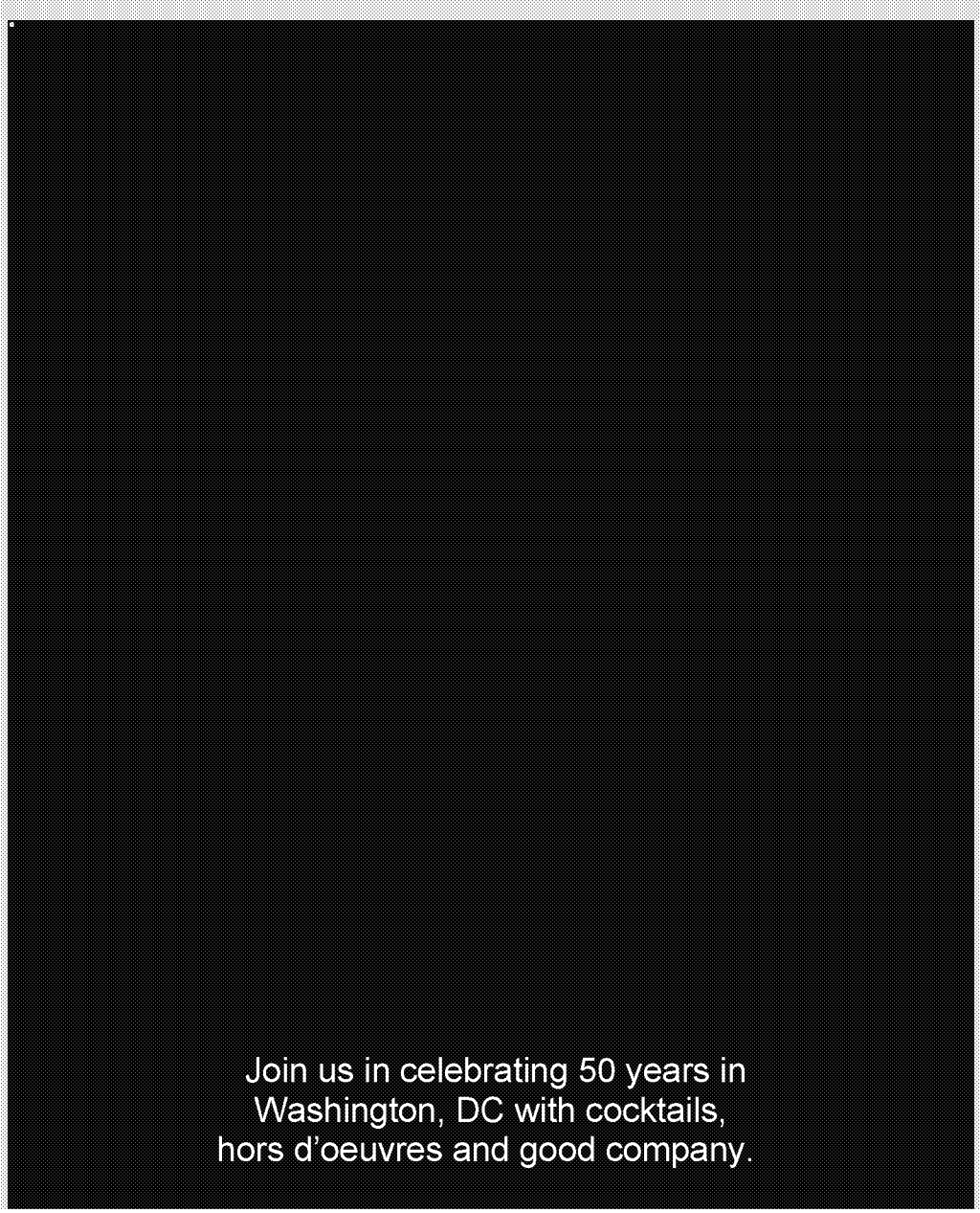
From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 11/15/2017 1:36:04 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: FW: You're Invited: Cheers to 50 Years!

Bill,

Attached is the invitation in case you need it.

From: Hunton & Williams LLP Insights
Sent: Tuesday, October 10, 2017 4:36 PM
To: Hunton & Williams LLP Insights
Subject: You're Invited: Cheers to 50 Years!

If you have problems viewing this email, click here to view it online.



Wednesday, November 15, 2017
6:00 - 8:00 pm

Hunton & Williams LLP
2200 Pennsylvania Avenue NW
Washington, DC 20037

RSVP

Add event to my calendar

RSVP by: November 10th

Atlanta | Austin | Bangkok | Beijing | Brussels | Charlotte | Dallas | Houston | London | Los Angeles | Miami | New York | Norfolk | Raleigh | Richmond | San Francisco | Tokyo | Tysons | Washington

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 9/3/2018 11:29:52 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Get Off My Lawn? Get On My Lawn!

A shout-out to all the old-school dads this holiday weekend (and no, we cannot help you clean the garage today).

Enjoy, and Happy Labor Day.

Mike

http://www.foxnews.com/opinion/2018/09/03/get-on-my-lawn-tribute-to-dads-who-put-labor-love-in-labor-day.html

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 3/30/2018 2:24:56 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: A Parent's Love On Good Friday

Happy Easter. I hope you enjoy.

Mike

http://www.foxnews.com/opinion/2018/03/30/parents-love-on-good-friday.html

Message

From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 11/28/2017 5:51:30 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Mandy's availability on Thursday - move time slots?

Hi Bill,

I'm sorry to ask you this, but do you think there's any chance that Mandy can move to a later time slot for our event on Thursday? We've run into a ton of scheduling conflicts. Can she do the 2:30-3:15 panel? I'm happy to reach out to her directly, but don't have her contact information.

Thanks so much for your help.

Julia

HUNTON & WILLIAMS

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 9/30/2018 7:51:56 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: What I Learned From AA, Despite Never Attending A Meeting

To, and for, my friends who inspire me in this regard. They know who they are.

Mike

http://www.foxnews.com/opinion/2018/09/30/heres-what-learned-from-aa-despite-never-attending-meeting.html

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 1/27/2019 12:29:33 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: How Not To "Sweat" The Small Stuff

Good counsel from a good friend. Enjoy.

Mike

https://www.foxnews.com/opinion/what-a-friend-taught-me-about-not-sweating-the-small-stuff

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Message

From: Nickel, Henry [hnickel@hunton.com]
Sent: 1/2/2018 1:43:51 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: Today

Love to get together, but not today. In contrast to the D.C. arctic chill you' re experiencing, I' m enjoying relatively warm (but wet) London weather. Fly back tomorrow, in the office Thursday. Rain check, Thursday, Friday, or next week?

Sent from my iPad

On Jan 2, 2018, at 1:31 PM, Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>> wrote:

Henry - Are you in the office today? If so, are you interested in getting together with me for lunch? Short notice, but I need to seize the opportunities as they come.

By the way, Happy New Year! Hope you had a great holiday.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 4/13/2018 7:00:15 PM
Subject: I Don't (Wanna) Be Sedated

For many middle-age-appropriate surgeries, anesthesia is necessary. Mortifying yourself in front of complete strangers need not be.

Have a nice weekend and, with apologies to Joey Ramone, enjoy.

(For Charlotteans, it will be in the Sunday print if you'd rather wait for that.)

Mike

http://www.charlotteobserver.com/opinion/op-ed/article208802884.html

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Appointment

From: Motley, Judy [motley.judy@epa.gov]
Sent: 2/21/2018 4:26:55 PM
To: Patrick, Monique [Patrick.Monique@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Albores, Richard [Albores.Richard@epa.gov]; Monson, Mahri [Monson.Mahri@epa.gov]; Askew, Wendel [Askew.Wendel@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Briskin, Jeanne [Briskin.Jeanne@epa.gov]; Dolph, Becky [Dolph.Becky@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Grant, Brian [Grant.Brian@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Lattimore, Kraig [lattimore.kraig@epa.gov]; Lee, Terry [lee.terry@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Mclean, Kevin [Mclean.Kevin@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Redden, Kenneth [Redden.Kenneth@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Schmidt, Lorie [Schmidt.Lorie@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]; Baschon, Carol [Baschon.Carol@epa.gov]; robert.luther EOP / Ex. 6 ; Moran, John S. EOP/WHO EOP / Ex. 6 ; pedro.m.allende Personal Email / Ex. 6 ksonderling Personal Email / Ex. 6 cwspellman Personal Email / Ex. 6 charles.trippe@faa.gov; cmtrippe423@ Personal Email / Ex. 6 craig.schmauder@us.army.mil; jpanuccio@foley.com; Personal Email / Ex. 6 i1lawyer Personal Email / Ex. 6 jeffrey.wood@usdoj.gov; bruce.gelber@usdoj.gov; jonathan.brightbill@usdoj.gov; steve.o'rourke@usdoj.gov; karen.wardzinski@usdoj.gov; justin.smith@usdoj.gov; davegdc Personal Email / Ex. 6 judith.harvey@usdoj.gov; peterjamesmcveigh Personal Email / Ex. 6 sstoller@enrd.usdoj.gov; Scott Fulton [fulton@eli.org]; Garbow, Avi [AGarbow@gibsondunn.com]; Blaha, Amber [amber.blaha@usdoj.gov]; fredturner Personal Email / Ex. 6 fturner@enrd.usdoj.gov; kbowers@enrd.usdoj.gov; aberlowe@enrd.usdoj.gov; scott.cernich@usdoj.gov; deanna.chang@usdoj.gov; jason.hill@usdoj.gov; wmiller@enrd.usdoj.gov; andy.mergen@usdoj.gov; teri_donaldson@epw.senate.gov; Kim Leopold [kim.leopold@me.com]; zaneleopold Personal Email / Ex. 6 michellecote1 Personal Email / Ex. 6 memishe Personal Email / Ex. 6 tim@realestateindc.com; erin.barley Personal Email / Ex. 6 mitchellvakerics Personal Email / Ex. 6 jvakerics@ovationevents.com; robsimcox Personal Email / Ex. 6 robs@championtitle.com; emilygracenicholson Personal Email / Ex. 6 jbroggi Personal Email / Ex. 6 jbroggi@wileyrein.com; stephenjaaron Personal Email / Ex. 6 saaron@mercuryllc.com; roger.martella Personal Email / Ex. 6 jeffrrey.clarke@kirkland.com; kvonschaumburg@clarkhill.com; rtenpass@morganlewis.com; tmikol-p@hunton.com; david.m.powers Personal Email / Ex. 6 dpowers@clarkhill.com; reginald.brown@wilmerhale.com; rich.gold@hklaw.com; michael.sole@nexteraenergy.com; peter.cocotos@fpl.com; eileen.stuart@mosaicco.com; Michael Formica [formicam@nppc.org]; sfried@ofwlaw.com; brent.fewell@earthandwatergroup.com; john.cruden@icloud.com; nlinnan@cfjblaw.com; tnmcaliley Personal Email / Ex. 6 vinyardjr Personal Email / Ex. 6 hvinyard@foley.com; ckise@foley.com; jml@wsourcegroup.com; jonathanrbunch Personal Email / Ex. 6 jonathan.bunch@fed-soc.org; chad.r.stevens@dep.state.fl.us; chadrstevens Personal Email / Ex. 6 jasongonzalez@shutts.com; dnordby@shutts.com; baccardo@sfwmd.gov; brian.accardo@dep.state.fl.us; peter.antonacci@gray-robinson.com; adam_hollinsworth Personal Email / Ex. 6 jack@enerynamerica.com; jason.knox@mail.house.gov; edwartau@sfwmd.gov; marksartau Personal Email / Ex. 6 mary.b.neumayr EOP / Ex. 6 stephen.vaden@ogc.usda.gov; george.fibbe@hq.doe.gov; ecomstock@doc.gov; stuart.levenbach@noaa.gov; marigrace.caminiti@sol.doi.gov; gareth_rees@ios.doi.gov; Ford, Hayley [ford.hayley@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Brown, Byron [brown.byron@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Burke, Marcella [burke.marcella@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Dravis, Samantha [dravis.samantha@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Nancy Flickinger [Nancy.Flickinger@usdoj.gov]; Kelly, Albert [kelly.albert@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; rachel.brand2@usdoj.gov; jesse.panuccio@usdoj.gov; jean.williams@usdoj.gov; andrew.goldfrank@usdoj.gov; tom.mariani@usdoj.gov; Swegle, Thomas (ENRD) [Thomas.Swegle@usdoj.gov]; ragu-jara.gregg@usdoj.gov; ethan.shenkman@apks.com; brett.shumate@usdoj.gov; nwiley@ducks.org

Subject: Ceremonial Swearing-In for Matt Leopold as EPA's General Counsel
Location: EPA Headquarters, U.S. EPA Rachel Carson Green Room (1200 Pennslyvania Avenue NW)

Start: 2/26/2018 5:00:00 PM
End: 2/26/2018 6:30:00 PM
Show Time As: Tentative

Guests,

Please be advised of a slight time change for the Ceremonial Swearing-in of Matt Leopold as EPA's General Counsel on Monday, February 26, 2018. The ceremony is now scheduled for 12:00pm. in the EPA Headquarters, U.S. EPA Rachel Carson Green Room (1200 Pennsylvania Avenue NW). There will be a reception to follow.

Directions for Guests: EPA's address is 1200 Pennsylvania Avenue, NW. Please enter through the William Jefferson Clinton South building. If you are coming by taxi/vehicle, you want to be dropped off on 12th Street NW, between Pennsylvania and Constitution Avenue. The entrance is almost exactly halfway between the two avenues next to the Federal Triangle Metro sign and with the Trump Hotel across the street. From 12th Street, facing the building with the EPA and American flags, walk toward the building (under the flags) and take the glass door on your left hand side with the escalators going down to the metro on your right. This is the South Lobby entrance to the William Jefferson Clinton building. If you are coming by Metro, exit at the Federal Triangle Metro station, go up the escalators and the South Lobby entrance will be on your left as you exit at the top of the escalators.

Once inside the building, security will prompt you to scan all items such as bags, coats etc.. Please let the guards know that you were instructed to call Carla Veney or Monique Patrick on 564-8040 or 564-8064 to escort you to Matt Leopold's swearing in ceremony. Security will have the visitors passes for everyone.

Allow for 10-15 minutes to get through the process.

EPA Employees: Please bring your ID to show to security at the entrance to the Green Room.

Please rsvp to Carla Veney via veney.carla@epa.gov by Feb. 22.

Thank you!

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 6/29/2018 10:16:31 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Save The Great American Family Road Trip

Ah, sweet summer memories of a time before seat belts. I hope you enjoy this, a father's glance at the rear-view mirror of history.

Mike

https://www.wsj.com/articles/save-the-great-american-family-road-trip-1530226143

HUNTON
ANDREWS KURTH

Michael Kerrigan
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This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, please advise by return email immediately and then delete this message and all copies and backups thereof.

Message

From: Field, Andrea [afield@hunton.com]
Sent: 11/28/2017 11:36:09 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: Lunch

Thank you, Bill. Personal Matters / Ex. 6

On Nov 28, 2017, at 6:33 AM, Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>> wrote:

Andy - Personal Matters / Ex. 6

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Nov 27, 2017, at 11:56 PM, Field, Andrea <afield@hunton.com<mailto:afield@hunton.com>> wrote:

Bill -

Personal Matters / Ex. 6

Sorry not to be able to join you at an offsite lunch. It goes without saying that I would much rather be with all of you. Hope we can get together another time soon.

Andy

On Nov 27, 2017, at 10:32 PM, Wehrum, Bill
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>> wrote:

Would the lunch crew consider an "away game" to accommodate an expat? Maybe this Friday the 1st at noon at Au Bon Pain in International Square? No substance.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Landin, David [dlandin@hunton.com]
Sent: 4/12/2018 2:08:22 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: TSCA release on April 20

Not sure what is to be "released" on the 20th, if anything. Any insights that can be shared?

But also need to get Kelly hooked up with Nancy Beck.

Thanks.

Message

From: Beardsworth, John [jbeardsworth@hunton.com]
Sent: 8/29/2018 7:27:51 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Harlow, David [harlow.david@epa.gov]
Subject: WIFIA Job Opportunities Legal
Attachments: WIFIA Attorney Advisor Job 8-24-18-c.doc; Bill Wehrum article-c.PDF

This was a great article and David's quote is pure Harlow! I hope that this email finds you both well. While I give thought to potential candidates Jorianne's e-mail, do either of you know whether WIFIA is planning a panel of outside Firms? It is modelled after DoT's TIFIA and we are currently on the TIFIA panel. Any insight would be appreciated. I do not know Jorianne personally.

Best, JB

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Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

2200 Pennsylvania Avenue, NW
Washington, DC 20037
p +1 202.955.1973
HuntonAK.com

Begin forwarded message:

From: "Jernberg, Jorianne" <jernberg.jorianne@epa.gov>
Date: August 28, 2018 at 6:43:53 PM EDT
To: "Jernberg, Jorianne" <jernberg.jorianne@epa.gov>
Subject: WIFIA Job Opportunities

Colleagues,

The WIFIA program is hiring! We will soon be announcing positions on our underwriting, risk management, portfolio management, engineering, and legal teams via the USA Jobs website. Please help us spread the word about these positions to candidates you know who might be interested.

In particular, I want to alert you to two vacant attorney-advisor positions we're recruiting for immediately. We're looking for experienced transaction attorneys who are able to independently manage infrastructure projects, with demonstrated experience in drafting, reviewing, and negotiating financing and security documentation in complex transactions. I've attached a job ad we're planning to run in the near future for more information. If you know of anyone who might be a good fit, please let me know.

Thank you!

Jorianne

Jorianne Jernberg
Director, WIFIA Program
Water Infrastructure Division
Office of Wastewater Management
U.S. Environmental Protection Agency
(O) 202-566-1831
(C) 202-527-0189
jernberg.jorianne@epa.gov

EPA-HQ-2019-3064

The New York Times

As Trump Dismantles Clean Air Rules, an Industry Lawyer Delivers for Ex-Clients

By Eric Lipton

Aug. 19, 2018

WASHINGTON — As a corporate lawyer, William L. Wehrum worked for the better part of a decade to weaken air pollution rules by fighting the Environmental Protection Agency in court on behalf of chemical manufacturers, refineries, oil drillers and coal-burning power plants.

Now, Mr. Wehrum is about to deliver one of the biggest victories yet for his industry clients — this time from inside the Trump administration as the government's top air pollution official.

On Tuesday, President Trump is expected to propose a vast rollback of regulations on emissions from coal plants, including many owned by members of a coal-burning trade association that had retained Mr. Wehrum and his firm as recently as last year to push for the changes.

The proposal strikes at the heart of climate-change regulations adopted by the Obama administration to force change among polluting industries, and follows the relaxation of separate rules governing when power plants must upgrade air pollution equipment. Mr. Wehrum, who has led the E.P.A.'s clean air office since November, also helped deliver the changes in several of those rules.

The rollbacks are part of the administration's effort to bring regulatory relief to the coal industry, and other major sources of air pollution. But to proponents of a tougher stance on industries that contribute to global warming, Mr. Wehrum is regarded as the single biggest threat inside the E.P.A., with Tuesday's expected announcement to weaken what is known as the Clean Power Plan the most recent evidence of his handiwork.

"They basically found the most aggressive and knowledgeable fox and said, 'Here are the keys to the henhouse,'" said Bruce Buckheit, an air pollution expert who worked for the Justice Department's Environmental Enforcement Section and as director of the E.P.A.'s air enforcement office under Democratic and Republican presidents.

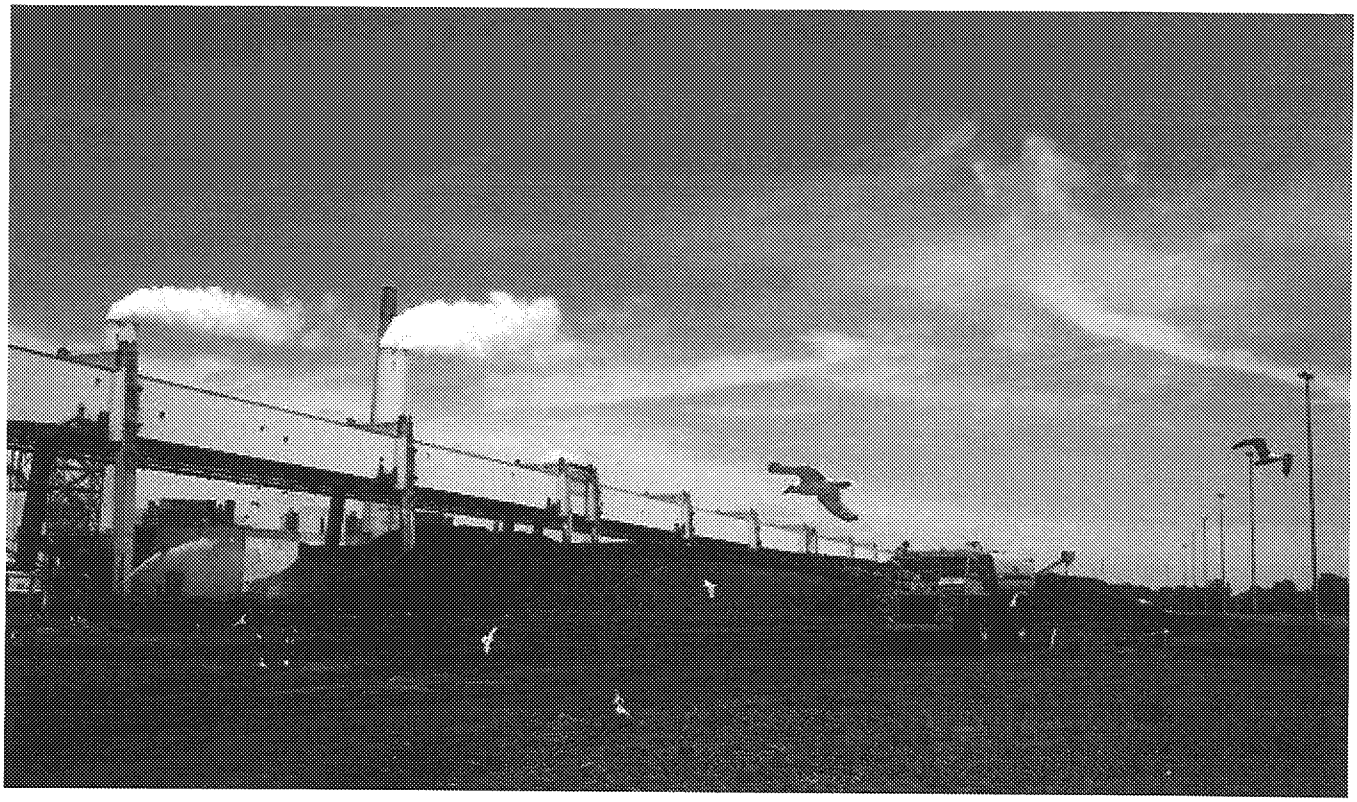
Mr. Wehrum has been able to push his deregulatory agenda without running into ethics troubles because of a quirk in federal ethics rules. The rules limit the activities of officials who join the government from industry — but they are less restrictive for lawyers than for officials who had worked as registered lobbyists.

The end result is that the ethics rules generally allow Mr. Wehrum to help oversee the drafting of policies that broadly benefit the industries or clients he represented in recent years.

"It is a failing in the rule," said Norman Eisen, a former Obama administration lawyer who wrote the White House ethics code that creates the division between how ex-lawyers and ex-lobbyists are treated. "One is subject to the tougher lobbying restriction, and the other skates through."

ED_002386_00002423-00001

In an interview, Mr. Wehrum said he was following the rules carefully, and even some critics say he generally seems to be obeying the letter of the law. "I am scrupulously complying with my ethical obligations," he said, adding that he signed Mr. Trump's so-called ethics pledge in November, committing himself to honor all such rules.



A DTE Energy Company power plant in Monroe, Mich. The company was a client of Mr. Wehrum's law firm. He is now at the heart of a rollback in coal emissions. Jeff Kowalsky/Bloomberg

Jeffrey R. Holmstead, the lawyer for the electric utility industry who has known Mr. Wehrum for over two decades and who served as his boss at the E.P.A. during the Bush administration, said environmentalists misunderstood Mr. Wehrum and falsely attempted to paint him as a villain.

"What he really does care about is good regulatory policy," Mr. Holmstead said. "And that means making sure the programs are as efficient and effective as possible so collectively we are not paying more than we need to for the environmental protection that we have and that we need."

Mr. Wehrum's client list over the last decade is a testament to his clout — and a road map to the potential conflicts as a government official.

Mr. Wehrum has represented major industrial companies like Koch Industries, the diversified conglomerate that sells everything from petrochemicals to asphalt, and Diageo, one of the world's largest makers of spirits, including Smirnoff vodka and Baileys Irish Cream. His clients have included the industry's largest trade associations: the American Petroleum Institute, the American Fuel and Petrochemical Manufacturers, the Brick Industry Association and the Utility Air Regulatory Group, whose membership list features coal-burning electric utilities.

Mr. Wehrum's trip through the revolving door is hardly extraordinary in the Trump administration, where dozens of former lobbyists and industry lawyers now help oversee the same industries they once represented, including Andrew Wheeler, the acting agency administrator.

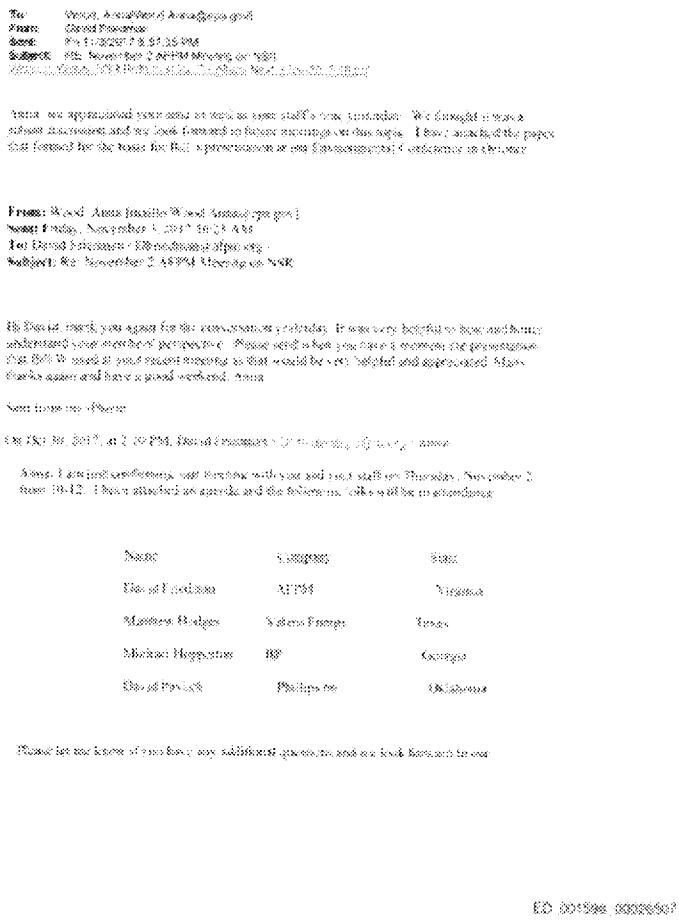
But in few cases have the actions pushed by these just-departed industry executives seemed to offer such rapid and far-reaching benefits to ex-clients, and Mr. Wehrum has taken the steps even as he continues at times to meet privately with them despite federal ethics rules intended to limit such interactions.

The overlap between Mr. Wehrum's work for the industry and his efforts since he arrived at the E.P.A. is perhaps best illustrated by a 13-page petrochemical industry memo that was shared with the E.P.A. air pollution office a week before Mr. Wehrum was confirmed by the Senate.

The memo, which detailed a series of "regulatory changes that would be most beneficial to the refining and petrochemical sector," almost reads like a playbook for the 10 months since Mr. Wehrum arrived at the E.P.A. At least three of the major changes on the industry wish list have become or are in the process of becoming official agency policy with the help of Mr. Wehrum and his office.

2017 Presentation Shared With E.P.A. Staff

Days before William Wehrum was confirmed to run E.P.A.'s Office of Air and Regulation, a petrochemical industry executive sent the agency a wish-list of regulatory rollbacks. Mr. Wehrum, a former industry lawyer, has been busy delivering on the list from inside the E.P.A.

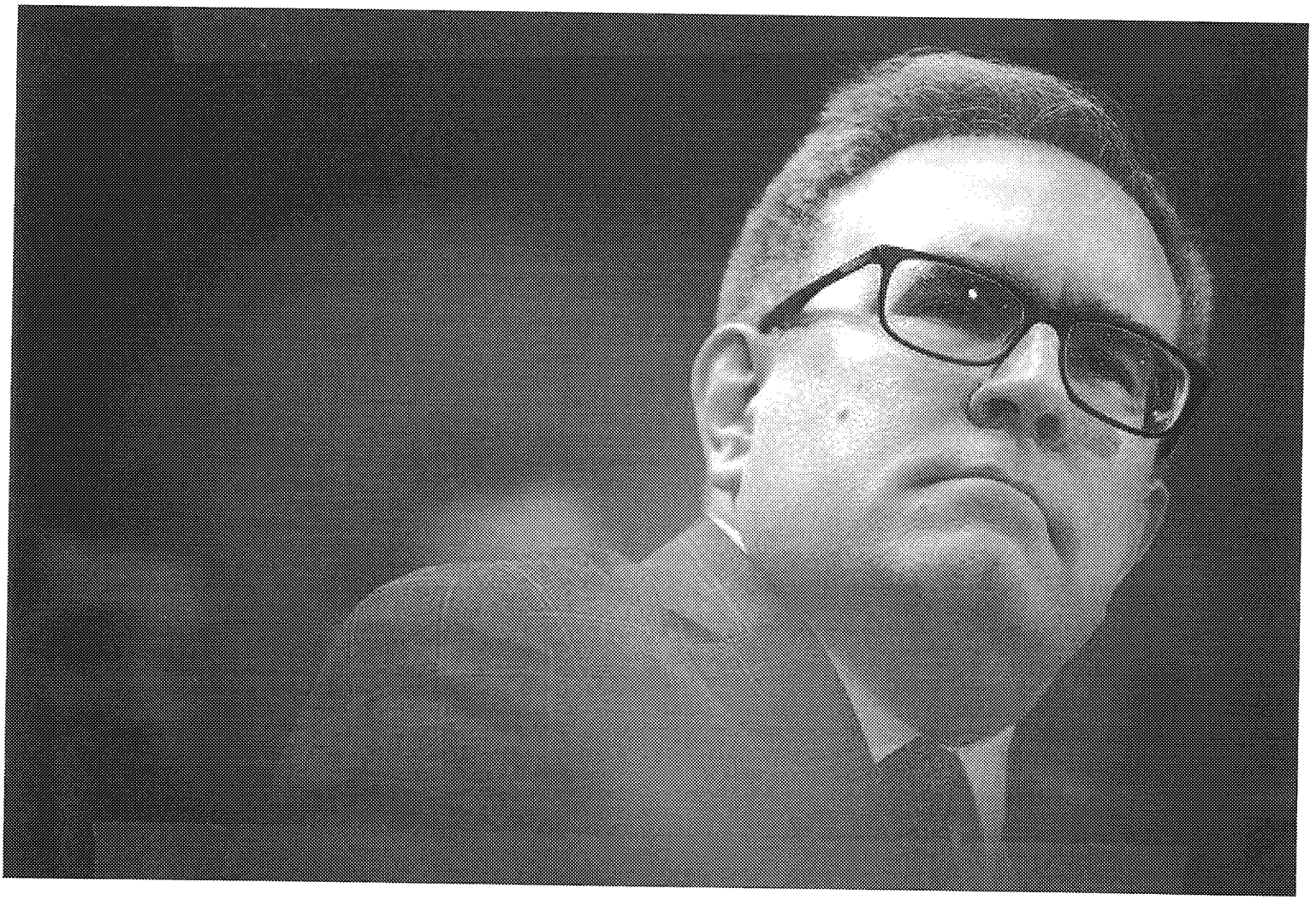


17 pages, 1.35 MB

The primary author of the memo, written in October, was an industry consultant named Kenneth Weiss, but the document formed the basis of a presentation Mr. Wehrum gave on behalf of his industry clients late last year, an email sent to the E.P.A. said. The memo listed Mr. Wehrum's name at the top, in his capacity as outside counsel to the American Fuel and Petrochemical Manufacturers association, a group whose executive committee includes corporate officers from Valero Energy, Marathon Petroleum and Chevron.

The agency has also agreed to no longer "second guess" — the exact words used in the industry memo and in the E.P.A. policy change that followed shortly after Mr. Wehrum arrived — air pollution projections by power plants and refineries. The move provoked intense protests among Mr. Wehrum's colleagues at the E.P.A. as it potentially undermines pending enforcement cases, including one prominent case involving DTE Energy of Michigan, a longtime client of Mr. Wehrum's former law firm, Hunton Andrews Kurth.

A second priority on Mr. Wehrum's industry presentation called for a revision of the E.P.A.'s "project aggregation" policy, which could allow companies to perhaps avoid expensive upgrades to pollution control equipment by not forcing them to consider hazardous air emissions from other nearby factories they own. Such a revision is now underway, Mr. Wehrum announced in April.



Dozens of former lobbyists and industry lawyers now help oversee the same industries they once represented, including Andrew Wheeler, the E.P.A.'s acting administrator. Erin Schaff for The New York Times

A third priority was taken care of by the E.P.A.'s March announcement revising the "project netting" system the agency uses to evaluate anticipated increases in air pollution that might result from renovations and expansions of factories and power plants. Mr. Wehrum, as an E.P.A. official, called the revision "a common-sense interpretation" of the rules. He did not mention that this was the same change he had advocated as a petrochemical industry lawyer in the memo sent late last year.

While pushing the various rollbacks, Mr. Wehrum has at times continued to interact with former clients, despite an ethics rule that prohibits former industry lawyers and lobbyists from meeting with former clients in private settings to discuss government-related matters for two years.

For example, less than a month after he joined the E.P.A., Mr. Wehrum was back at the Pennsylvania Avenue offices of his old law firm to give a presentation to his former client, the Utility Air Regulatory Group, whose membership list features the nation's largest coal-burning electric utilities, like American Electric Power and the Southern Company.

The topic was an overview of efforts at the E.P.A. to roll back some of the rules Mr. Wehrum and his former law firm had helped this group fight, including the Clean Power Plan, the email records show.

"Exceeds the E.P.A.'s statutory authority and would be repealed," Mr. Wehrum said of the Clean Power Plan, according to a summary of the presentation, which was among records obtained through a Freedom of Information request.

John Konkus, an E.P.A. spokesman, said Mr. Wehrum's presence at this event was allowed, despite the ethics ban, because "while it included some former clients," others who attended "were not former clients."

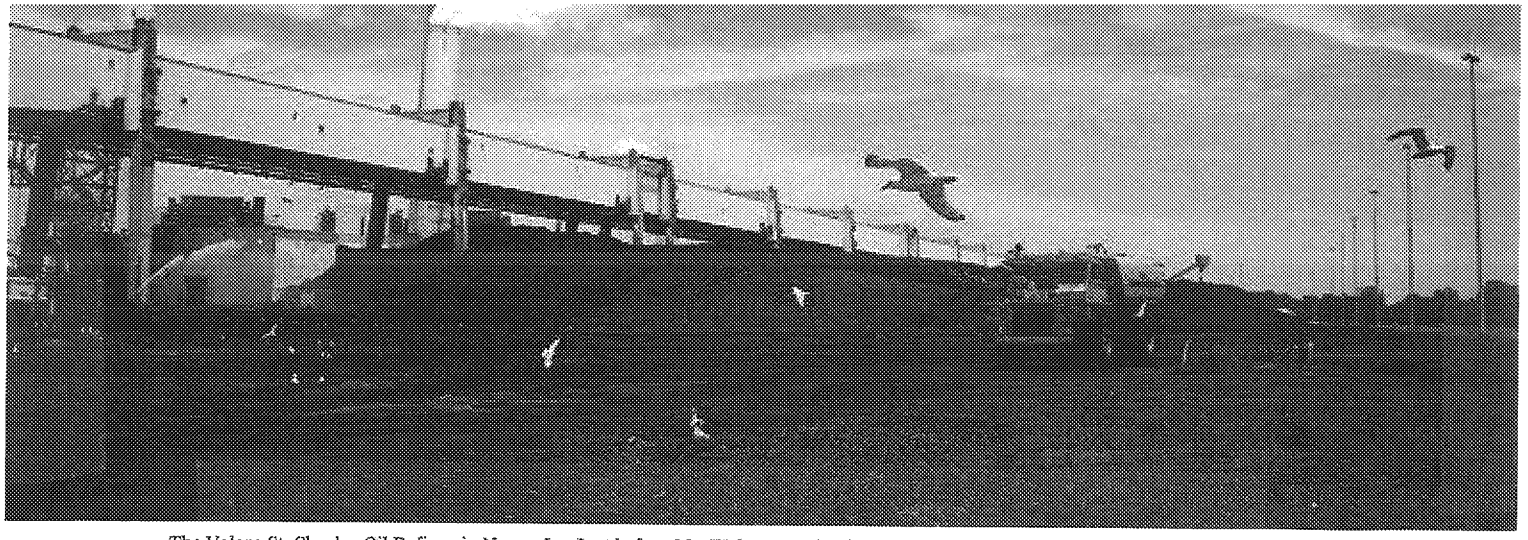
In the interview, Mr. Wehrum acknowledged that the line between right and wrong was not always clear. For example, he said he had repeatedly sought a definition of what represents a "particular matter involving specific parties," which he would be banned from participating in as a result of the ethics pledge.

Citing this lack of clarity, Mr. Wehrum since he was confirmed last year has taken the unusual step for a Senate-confirmed political appointee of declining to sign a "recusal letter" that details individual clients and matters he has to stay away from — making it harder to identify when he faces a potential conflict.

"I have gotten three different interpretations, and what I don't want to do is sign a recusal letter and then have the rules change again," he said.

Mr. Wehrum, an intense and cerebral lawyer as well as a rail-thin marathon runner — he has run the Boston Marathon in a time of 3 hours 28 minutes — knows E.P.A. air pollution rules well. Raised in Memphis, he moved to Delaware in the late 1980s soon after graduating from college and took a job as an engineer at a chemical plant, eventually attending night school to get a law degree.

It was while working at the chemical plant — including studying a hydrogen peroxide fire at the plant — that he learned about the burden of responding to the E.P.A.'s complicated regulatory demands.



The Valero St. Charles Oil Refiner in Norco, La. Just before Mr. Wehrum arrived at the E.P.A., the agency's clean air office was sent a lengthy petrochemical industry memo with his name on it as counsel to the American Fuel and Petrochemical Manufacturers association, whose includes senior corporate officers from Valero Energy, Marathon Petroleum and Chevron. Shannon Stapleton/Reuters

"I was the guy who had to figure out if we needed permits, and would go get permits for the plant," Mr. Wehrum said. "That sort of drives a lot of how I think about this."

He later moved to Washington and began helping to defend electric utilities and other manufacturers facing E.P.A. regulatory actions. In 2001, when a law partner was named by President George W. Bush to take over the same E.P.A. air-pollution policy office, Mr. Wehrum went with him: He served as a senior lawyer and later acting head of air pollution policy before returning to private practice toward the end of the Bush administration.

Several changes Mr. Wehrum has helped engineer since returning to the E.P.A. relate to a program known as New Source Review, a provision that since 2000 has forced more $7 billion worth of upgrades at 112 refineries in the United States — and another $116 million in civil penalties, according to petrochemical industry tally. New Source Review has also helped force tens of billions of dollars in air-pollution upgrades over the last two decades at more than 100 coal-burning power plants in the United States, which is why environmentalists credit the program for major reductions in smog nationwide.

But Mr. Wehrum — like his former clients — considers the program "unnecessarily complicated and confusing," as Mr. Wehrum testified to the House in May.

Asked if it was wrong for Mr. Wehrum to be pushing an agenda that would clearly benefit his former clients — chipping away at the so-called N.S.R. rule — an E.P.A. spokesman, said in a statement, "N.S.R. reform is part of the Trump administration's regulatory certainty agenda and predates Mr. Wehrum's service in the Trump E.P.A."

One change was so helpful to the petrochemical industry — making it less likely that its members will be ordered to make major upgrades to manufacturing plants during renovations — that several of the industry's top executives were invited to the E.P.A. headquarters in March to celebrate.

Those present included executives from Marathon and Valero, two oil and gas and refinery companies that were key members of the petrochemical trade association Mr. Wehrum used to represent. Mr. Wehrum had helped write the new policy. But he has decided, at times, to skip ceremonies like this, in a nod to the ethics rules.

"You can write the memo," joked Mr. Wehrum's chief counsel, David Harlow, who is another former Hunton lawyer, according to people present at the staff meeting where the matter was discussed. "But you can't go to the signing ceremony."

Environmentalists and former E.P.A. officials say they remain concerned that many of the changes Mr. Wehrum is helping to deliver will hurt the public, including the repeal in January of a 23-year-old E.P.A. policy known as "once in, always in." That policy stipulates that once a major polluting entity, such as a factory or power plant, emits enough pollution to subject it to regulations under the Clean Air Act, it must forever remain subject to those rules — even if a company can show that it has lowered its pollution rates.

"This reckless decision allows factories to switch off their pollution control systems to save a few dollars, even if that means dumping more toxic air pollution on their neighbors and putting their health at risk," said Eric Schaeffer, who spent 12 years at the E.P.A., including a stint as the head of enforcement until he left early in the Bush administration.

Mr. Wehrum considers the predictions scaremongering. He said the policy adjustments that he and others at the E.P.A. were making could help improve the environment, as companies would be less hesitant to make upgrades to air-pollution equipment.

Like the marathon runner he is, Mr. Wehrum shows no sign of slowing down.

"More than anything, I just want to get stuff done," he said.

Coral Davenport contributed reporting. Kitty Bennett contributed research.

A version of this article appears in print on Aug. 20, 2018, on Page A1 of the New York edition with the headline: Industry Insider Pushes to Erode Clean Air Rules

Attorney-Advisor
Environmental Protection Agency (EPA)
Water Infrastructure Finance and Innovation Act (WIFIA) Program
Salary Range: $114,590 to $148,967 per year

The U.S. Environmental Protection Agency is accepting applications for the position of Attorney-Advisor in the WIFIA Branch of the Water Infrastructure Division in Washington, DC. Modeled on the Department of Transportation's successful TIFIA loan program, WIFIA is a new federal lending program launched in 2017 to help finance drinking water, wastewater, and storm water projects across the country. As a direct federal lender, the WIFIA program is tasked with ensuring that projects are acceptable from a credit, legal, engineering, and policy perspective. Loans may be structured as project, municipal, or corporate financings as well as loan-to-lenders.

In 2017 the first year of launch, the program received 43 letters of interest and invited 12 projects to apply representing $2.3 billion in credit assistance to help finance over $5 billion in water infrastructure investment. The program is currently evaluating 62 letters of interest received in 2018 and expects to make selections of projects that will advance to loan underwriting this fall. Please visit the program website for more information: https://www.epa.gov/wifia.

Duties:

- Serve as a legal expert on water infrastructure project, municipal, and corporate financings, including secured transactions.

- Provide assistance to the WIFIA program in structuring, reviewing, guiding, and documenting credit transactions involving a wide range of legal and financial issues.

- Serve as a member of the negotiating team, and in that role, often in conjunction with external counsel, draft, comment, and/or review proposed credit agreements and associated legal financing and security documents for projects awarded WIFIA credit assistance, and ensure that all closing and disbursement conditions for WIFIA loans are met. Ensure that all legal documentation is in proper form and substance, including being in compliance with WIFIA statutory and regulatory requirements and containing satisfactory protections against risks both unique to the federal government and typically seen in project finance, municipal and corporate financings.

- Provide legal support to the WIFIA program on all legal matters that arise in conjunction with loan administration and servicing, loan amendments and waivers to existing agreements, corporate reorganizations and potential work-out scenarios, and any other legal matter impacting the program.

- The position requires a high degree of competence in serving as lead finance attorney on infrastructure projects; and in regularly overseeing, directing, reviewing and assessing the performance of WIFIA external counsel, and taking corrective actions as needed, to ensure high quality performance and results that meet applicable legal and quality requirements.

Qualifications:

The incumbent is expected to possess a minimum of 5 years of legal experience with expert knowledge of complex legal arrangements and financing structures for project finance, municipal, corporate, and/or pooled credit transactions. A proven history of structuring credit transactions involving a wide range of legal and financial issues and negotiating loan terms in secured transactions to address and mitigate unique risks in a transaction is a necessity. The incumbent must be able to independently manage infrastructure projects, with demonstrated experience in drafting, reviewing, and negotiating financing and security documentation in complex transactions. The incumbent should also possess the ability to assess legal risks in a practical manner and make fair, well-reasoned, independent and transparent decisions. Familiarity with infrastructure projects and/or other governmental agency loan or guarantee programs is a plus.

Benefits:

Join EPA in protecting human health and the environment and enjoy many work life quality options! Working for the EPA offers you a comprehensive benefits package that includes, in part, paid vacation, sick leave, holidays, life insurance, health benefits, and participation in the Federal Employees Retirement System. Another benefit may be the potential to telework as well as flexible work schedule in the position. To learn more about benefits, please visit the job posting on USAJobs.

Additional Information:

Position details and application instructions can be found by accessing the Office of Personnel Management's federal employment website: www.usajobs.gov. U.S. citizenship is required. The U.S. EPA is an Equal Opportunity Employer.

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 12/22/2017 12:39:17 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: An Adolescent Christmas

New platform for one final for 2017. The old man has provided enough fodder in the memories department for one year.

Dad, hit the showers. Mom, grab your helmet, and get in the game!

Thank you all for reading in 2017. Here's to a great 2018 for us, one and all!

Mike

http://www.foxnews.com/opinion/2017/12/22/christmas-memory-craziest-gift-ever.html

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 12/29/2018 11:10:04 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: In 2019, Let's Avoid Cliches Like The Plague

Thanks for reading in 2018. Happy New Year.

Mike

https://www.charlotteobserver.com/opinion/op-ed/article223229090.html

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Michael Kerrigan
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Charlotte, NC 28280

HuntonAK.com

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 8/24/2018 10:28:00 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Tactical Advice for the College-Bound - Oh, The Places You'll Go (And Some You Shouldn't)

To all my friends who have done - or are doing - the freshman college drop-off around now, one word: Courage. I get weepy just thinking about it.

Personal Matters / Ex. 6

Enjoy, Mike

https://www.richmond.com/opinion/their-opinion/guest-columnists/mike-kerrigan-column-tactical-advice-for-the-college-bound/article_89771bfd-af03-58d2-8e66-328d547774e1.html

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Message

From: Longsworth, Jeffrey [Jeffrey.Longsworth@btlaw.com]
Sent: 2/14/2018 4:00:45 PM
To: Lewis, Josh [Lewis.Josh@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Brick/Clay MACT rule reconsideration

Josh,
I represent the Tile Council of North America. TCNA wants to ascertain the status of the Brick/Clay MACT rule reconsideration and convey their positions regarding that matter. I've reached out to staff in OAQPS in RTP (identified in Administrator Pruitt's November 1, 2017 reconsideration letter), and have not had any success. I saw AA Bill Wehrum last week at Susan Bodine's ceremonial swearing in and he said to reach out to you if I was having trouble getting any responses. Can you tell me the status of that reconsideration rulemaking?

Bill also indicated that he had talked with but never met the Executive Director of TCNA, Eric Astrachan. Eric will be in DC the week of March 5 and would very much appreciate any opportunity to meet with Bill or appropriate staff in DC (any day except March 6, I believe).

Thank you for your time and any information regarding the status of the MACT reconsideration or opportunity to meet with EPA in early March.

Respectfully,

Jeffrey Longsworth | Partner
Barnes & Thornburg LLP
1717 Pennsylvania Avenue NW, Suite 500, Washington, DC 20006-4623
Direct: (202) 408-6918 | Mobile: (301) 807-9685 | Fax: (202) 289-1330

BARNES & THORNBURG LLP

Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 2/14/2018 11:00:00 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Happy Valentine's Day

Personal Matters / Ex. 6 Happy Valentine's Day.

Mike

https://www.wsj.com/articles/diamonds-arent-tommys-best-friend-i-am-1518564668

HUNTON & WILLIAMS

Michael Kerrigan
Partner
mkerrigan@hunton.com
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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 8/18/2018 9:40:01 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Free-Range Eggs in a Free-Range Childhood

If you have eggs at your breakfast table this morning, may it be because you wanted them. And may they be served on your plate, and cooked.

Enjoy, Mike

https://www.wsj.com/articles/two-eggs-5-and-one-funny-yolk-1534544924

HUNTON
ANDREWS KURTH

Michael Kerrigan
Partner
mkerrigan@HuntonAK.com
p 704.378.4746
bio | vCard

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Charlotte, NC 28280

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Message

From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 11/21/2017 5:21:57 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Receipt from ermias shenkut

Happy to help.

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Tuesday, November 21, 2017 12:21 PM
To: Gill, Julia Zemnick
Subject: RE: Receipt from ermias shenkut

This is it. Thank you very much.

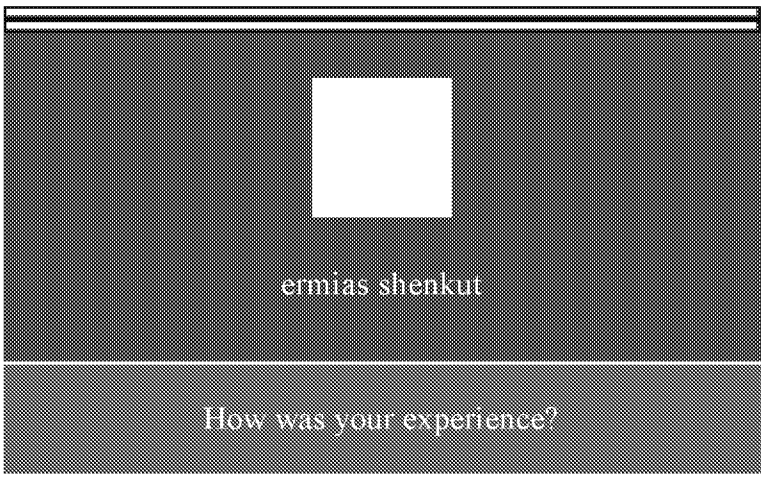
From: Gill, Julia Zemnick [mailto:jgill@hunton.com]
Sent: Tuesday, November 21, 2017 9:26 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: FW: Receipt from ermias shenkut

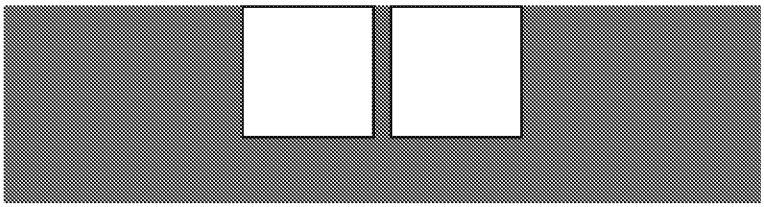
Hi Bill,

Is this the one you were looking for? There were two others, but they were from October.

From: ermias shenkut via Square [mailto:receipts@messaging.squareup.com]
Sent: Thursday, November 16, 2017 9:12 PM
To: Wehrum, William L.
Subject: Receipt from ermias shenkut

Square automatically sends receipts to the email address you used at any Square seller. Learn more





$43.99

Custom Amount	$36.66
Subtotal	$36.66
Tip	$7.33
Total	$43.99

ermias shenkut
703-582-5016

MasterCard Personal Matters / Ex. 6

WILLIAM WEHRUM

Nov 16
2017 at
6:11
PM

Personal Matters / Ex. 6

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San Francisco, CA 94103

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Message

From: Broome, Shannon S. [SBroome@hunton.com]
Sent: 12/18/2017 8:06:50 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Speaker request

Bill,

I am reaching out on behalf of the Rocky Mountain Mineral Law Foundation, which is having its annual air quality conference in Denver on February 6-7, 2018 to invite you or one of your colleagues to speak on the EPA's plans for air regulation in the new administration. Here is a link to the conference website. The conference organizers tell us that the ideal time for you or your designee to speak would be on the morning of the 6th or the morning of the 7th as the keynote speaker, with a slight preference for the 6th. Could you please forward this request to the appropriate folks at EPA and I will be happy to work with them to arrange what makes sense if one of you are able to assist.

https://www.rmmlf.org/conferences/air4-air-quality-issues-affecting-oil-gas-and-mining-development-and-operations/overview

Best regards,

HUNTON & WILLIAMS

Shannon S. Broome
Partner
sbroome@hunton.com
415.975.3718 (SF)
202.955.1912 (DC)
415.818.2275 (cell)

Hunton & Williams LLP
50 California Street
Suite 1700
San Francisco, CA 94111
hunton.com

Check out Hunton's new Environmental and Energy Law Blog! https://www.huntonnickelreportblog.com/
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Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 2/8/2018 2:40:42 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: I Don't Care For Bike Share

I know, I know, it's hip and it's cool. But so was (is?) The Dave Matthews Band, and I never cared for them, either. Enjoy.

http://www.charlotteobserver.com/opinion/op-ed/article198851644.html

HUNTON & WILLIAMS

Michael Kerrigan
Partner
mkerrigan@hunton.com
p 704.378.4746
bio | vCard

Hunton & Williams LLP
Bank of America Plaza, St 3500
101 South Tryon St
Charlotte, North Carolina 28280
www.hunton.com

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Message

From: Landin, David [dlandin@hunton.com]
Sent: 2/6/2018 6:56:17 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: TSCA, etc.

Good afternoon.
Trying to catch up with schedule for when scoping document might be expected and to schedule an informal introduction to Duersin or Beck?
Thanks,
David.

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 12/24/2018 10:58:14 AM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: 'Tis The Season...For Bizarre Family Traditions

I trust you have enjoyed, and will enjoy tomorrow, your bizarre family traditions, whatever they might be.

Enjoy, Mike

https://www.wsj.com/articles/a-thank-you-note-written-in-ernest-11545598797

HUNTON ANDREWS KURTH

Michael Kerrigan
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HuntonAK.com

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Message

From: Jaber, Makram [mjaber@hunton.com]
Sent: 11/21/2017 11:21:22 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Invitation to speak

Dear Bill,

On behalf of American Electric Power, The Southern Company, Duke Energy, Dominion Energy, and the Utility Air Regulatory Group, I am pleased to invite you to speak to our group regarding air regulations and regulatory outlook. Our meeting is on the afternoon of Thursday, December 7, and the morning of Friday, December 8. We are flexible in terms of what time you would speak to us within those periods, so we ask you to let us know what time would be best for you.

Best Regards,

Makram

HUNTON & WILLIAMS

Makram Jaber
Partner
mjaber@hunton.com
p 202.955.1567
f 202.828.3750
bio | vCard

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
hunton.com

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Appointment

From: Loving, Shanita [Loving.Shanita@epa.gov]
Sent: 2/2/2018 6:52:44 PM
To: alex.beehler Personal Email / Ex. 6 Alexander.H.Herrgott EOP / Ex. 6 ; Andrew.Wheeler@FaegreBD.com; Annie_Caputo@epw.senate.gov; cbrittingham@cassidy.com; fulton@eli.org; Craig_Thomas@epw.senate.gov; Edward.Ayoob@btlaw.com; Elizabeth_Horner@epw.senate.gov; Elizabeth_Olsen@epw.senate.gov; Beth_Trenti@epw.senate.gov; JerryCouri@mail.house.gov; James_Willson@epw.senate.gov; jeffrey.wood@usdoj.gov; jclark@kirkland.com; Jeffrey.Longsworth@btlaw.com; JCruden@bdlaw.com; John_Glennon@epw.senate.gov; Mike_Danylak@epw.senate.gov; Pauline_Thorndike@epw.senate.gov; richard_russell@epw.senate.gov; Sean_Heaslip@epw.senate.gov; tfields@michaeldbaker.com; Tina.Richards@mail.house.gov; Ringel, Aaron [ringel.aaron@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]; Berube, Anne [berube.anne@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Brown, Byron [brown.byron@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Lee, Charles [Lee.Charles@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Letendre, Daisy [letendre.daisy@epa.gov]; Lloyd, David [Lloyd.DavidR@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Lynne, Diane [Lynne.Diane@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Manges, Ellen [Manges.Ellen@epa.gov]; Bailey, Ethel [Bailey.Ethel@epa.gov]; Worthman, Gary [Worthman.Gary@epa.gov]; Hull, George [Hull.George@epa.gov]; Branning, Hannah [Branning.Hannah@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Woolford, James [Woolford.James@epa.gov]; Piccolo, Jason [piccolo.jason@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Konkus, John [konkus.john@epa.gov]; Senn, John [Senn.John@epa.gov]; Warren, JohnM [Warren.JohnM@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Bunnell, Julia [Bunnell.Julia@epa.gov]; Bendik, Kaitlyn [bendik.kaitlyn@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Owens, Katharine [Owens.Katharine@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Cronkhite, Leslie [Cronkhite.Leslie@epa.gov]; Wallace, Maria [wallace.maria@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Lynch, Mary-Kay [Lynch.Mary-Kay@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Folkemer, Nathaniel [Folkemer.Nathaniel@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Taveras, Raquel [Taveras.Raquel@epa.gov]; Yamada, Richard (Yujiro) [yamada.richard@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Mirza, Sabah [Mirza.Sabah@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Dravis, Samantha [dravis.samantha@epa.gov]; Loving, Shanita [Loving.Shanita@epa.gov]; Fonseca, Silvina [Fonseca.Silvina@epa.gov]

Subject: OECA AA Ceremonial Swearing-in
Location: U.S. EPA Rachel Carson Green Room (1200 Pennslyvania Avenue NW)

Start: 2/5/2018 4:00:00 PM
End: 2/5/2018 5:30:00 PM
Show Time As: Tentative

Directions for Guests: EPA's address is 1200 Pennsylvania Avenue, NW. Please enter through the William Jefferson Clinton South building. If you are coming by taxi/vehicle, you want to be dropped off on 12th Street NW, between Pennsylvania and Constitution Avenue. The entrance is almost exactly halfway between the two avenues next to the Federal Triangle Metro sign and with the Trump Hotel across the street. From 12th Street, facing the building with the EPA and American flags, walk toward the building (under the flags) and take the glass door on your left hand side with the escalators going down to the metro on your right. This is the South Lobby entrance to the William Jefferson Clinton building. If you are coming by Metro, exit at the Federal Triangle Metro station, go up the escalators and the South Lobby entrance will be on your left as you exit at the top of the escalators.

Once inside the building, security will prompt you to scan all items such as bags, coats etc.. Please let the guards know that you were instructed to call Shanita Loving at 564-4728 or Ethel Bailey 564-5149 to escort you to Susan Bodine swearing in ceremony. Security will have the visitors passes for everyone.

Allow for 10-15 minutes to get through the process.

EPA Employees: Please bring your ID to show to security at the entrance to the Green Room.

Message

From: Gill, Julia Zemnick [jgill@hunton.com]
Sent: 11/20/2017 9:52:49 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: Reception

That works for me. I can let you know when I get on/off the metro for timing. I'll bring your check.

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Monday, November 20, 2017 4:44 PM
To: Gill, Julia Zemnick
Subject: RE: Reception

Do you mind meeting me here? I can meet you at the exit to the Federal Triangle metro stop. There are several places within a few blocks.

-----Original Message-----
From: Gill, Julia Zemnick [mailto:jgill@hunton.com]
Sent: Monday, November 20, 2017 2:11 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Reception

Hi Bill,

I am free at 1pm on Wednesday. Is there a good place to meet?

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Monday, November 20, 2017 1:53 PM
To: Gill, Julia Zemnick
Subject: RE: Reception

Thanks Julia. Are you available for lunch at 1:00 next Wednesday, the 29th?

-----Original Message-----
From: Gill, Julia Zemnick [mailto:jgill@hunton.com]
Sent: Monday, November 20, 2017 12:03 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Reception

Hi Bill,

Depending on what you consumed, it was about $45 without liquor, $65 with liquor.

I have your reimbursement check. Do you want me to bring it to you when we meet for lunch (if we can get something on the books for next week? Tuesday or Wednesday?)

Also, Karen mentioned you asked her to wait to enter anything into EMF from your email folders. I am assuming she can begin filing, correct?

Thanks,
Julia

-----Original Message-----
From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Wednesday, November 15, 2017 11:27 PM
To: Gill, Julia Zemnick
Subject: Reception

Julia - First, happy birthday! I hope you had a great night out.

Second, I need to pay for my share of the reception. Will you please let me know what the cost was per person. It is very important to me to be square. Thanks.

Sent from my iPhone

Message

From: Kuhn, Thomas [TKuhn@eei.org]
Sent: 11/10/2017 9:54:28 PM
To: wwehrum@hunton.com
CC: Wehrum, William [wehrum.william@epa.gov]
Subject: Congratulations

Bill: On behalf of the Edison Electric Institute (EEI) and its member companies, I want to congratulate you on your confirmation as Assistant Administrator for Air and Radiation. The Administration is fortunate to have someone with your experience and knowledge to serve in such a demanding role.

Your unique legal and engineering background and understanding of complex Clean Air Act issues makes you one the most qualified individuals ever to lead the Office. Your skills and knowledge will be invaluable to Administrator Pruitt as the Agency works to protect public health and the environment, in tandem with states, while at the same time ensuring that the nation maintains jobs, and affordable and reliable supplies of energy.

EEI and I look forward to working with you in your new capacity. Please don't hesitate to call on me or any EEI team member if we can be of assistance.

Tom Kuhn
President
Edison Electric Institute
202-508-5555
tkuhn@eei.org

Edison Electric
INSTITUTE

Message

From: Kerrigan, Mike [mkerrigan@hunton.com]
Sent: 1/29/2018 12:52:20 PM
To: Kerrigan, Mike [mkerrigan@hunton.com]
Subject: Ode To Dogs

Here's to our dogs, even the bad ones. *Especially* the bad ones. Enjoy.

http://dailycaller.com/2018/01/28/things-our-dogs-would-say-if-they-could-speak-and-were-incredibly-sarcastic/

HUNTON & WILLIAMS

Michael Kerrigan
Partner
mkerrigan@hunton.com
p 704.378.4746
bio | vCard

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Bank of America Plaza, St 3500
101 South Tryon St
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www.hunton.com

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Message

From: Longsworth, Jeffrey [Jeffrey.Longsworth@btlaw.com]
Sent: 1/23/2018 8:24:12 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Tile Council meeting re Brick MACT reconsideration

Bill,
Hope you had safe and happy holidays. Now that things are getting back to normal (hopefully), the Tile Council would like to meet to discuss EPA's reconsideration of the Brick/Clay MACT rule and the industry's lack of major sources. Can you let me know who is taking the lead on that effort, if not you? Eric Astrachan will be in town several times in the next several weeks. Thank you for your consideration. Best. Jeff.

Jeffrey Longsworth | Partner
Barnes & Thornburg LLP
1717 Pennsylvania Avenue NW, Suite 500, Washington, DC 20006-4623
Direct: (202) 408-6918 | Mobile: (301) 807-9685 | Fax: (202) 289-1330

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Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 2/27/2018 2:20:44 PM
To: Landin, David [dlandin@hunton.com]
Subject: Re: Today

I will call you.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

> On Feb 27, 2018, at 8:59 AM, Landin, David <dlandin@hunton.com> wrote:
>
> Yes. Do you want to call me at Personal Phone / Ex. 6 or me call your cell?
>
> Sent from my iPhone
>
>> On Feb 27, 2018, at 7:07 AM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>>
>> David - Do you have time to talk at 5:15 or so this afternoon?
>>
>> _____
>> Bill Wehrum
>> Assistant Administrator
>> Office of Air and Radiation
>> U.S. Environmental Protection Agency
>> (202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 4/26/2018 3:32:44 PM
To: Field, Andrea [afield@hunton.com]
Subject: RE: Tomorrow

Thanks Andy. As usual, my folks are way ahead of me. Look forward to seeing you in May.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

-----Original Message-----
From: Field, Andrea [mailto:afield@hunton.com]
Sent: Thursday, April 26, 2018 11:13 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: Re: Tomorrow

Bill —

Isabel contacted me yesterday to say you were traveling this week and that your schedule might be up in the air. Although she didn't flat out ask or direct us to change the date of the interview, I think she breathed a sigh of relief when we suggested moving the interview to some time in May.

Based on your schedule, we chose May 18, from 11-noon. If you come to our office that day, we might be able to squeeze in a quick post-interview lunch with the gang before you have to rush back to EPA.

Now please return to what you are dealing with in Memphis, and I look forward to seeing you in a few weeks (and perhaps we can have a very short prep call ahead of time to set up a list of issues you'd most like to cover during the interview).

Andy

On Apr 26, 2018, at 10:44 AM, Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>> wrote:

Hi Andy. I had planned to come to your office tomorrow for the American College of Environmental Lawyers interview. But, I now will be out of town – need to travel to Memphis to take care of some family business. I still have time tomorrow, but will need to call in. Does that work for you? If so, what time is best? Also, I'd appreciate it if you could set up a call in number. Thanks.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 3/23/2018 12:07:34 PM
To: Weisiger, Katherine [kweisiger@hunton.com]
Subject: RE: Another Question

Katherine – Will you please e-mail a complete set of the Cash Balance Plan election forms? Mine have gotten scattered. Thanks.

From: Weisiger, Katherine [mailto:kweisiger@hunton.com]
Sent: Tuesday, March 20, 2018 10:39 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Another Question

Bill, please note that I have still not received the spousal consent.

Katherine

HUNTON & WILLIAMS

Katherine B. Weisiger
Retirement Manager
kweisiger@hunton.com
p 804.788.8423

Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
hunton.com

From: Weisiger, Katherine
Sent: Thursday, March 08, 2018 3:57 PM
To: 'Wehrum, Bill'
Subject: RE: Another Question

For the most part, the return of capital is not taxable, but there could be a slight amount of gain due to tax basis adjustments.

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Thursday, March 08, 2018 3:17 PM
To: Weisiger, Katherine
Subject: Re: Another Question

Hi Katherine. I will get the consent form back to you soon. But, in the meantime, do you know if the returned equity will be taxable? I need to make withholding decisions by early April. Thanks.

_____
Bill Wehrum

Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Mar 8, 2018, at 1:09 PM, Weisiger, Katherine <kweisiger@hunton.com> wrote:

> Bill, the capital will be release once we have all of your cash balance plan documents. I haven't received the spousal consent form yet. Have you sent it?
>
> ---
>
> **From:** Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> **Sent:** Thursday, March 08, 2018 12:51 PM
> **To:** Weisiger, Katherine
> **Subject:** Another Question
>
> Katherine – At some point, I will have my equity in the firm paid back to me. Do you know if that money is taxable income?
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 11/20/2017 12:43:06 AM
To: Barnes, Felicia [FBarnes@hunton.com]
Subject: Re: Lunch?

Hi Felicia. I will get back to you tomorrow. As you might imagine, I need to make sure I schedule things in conjunction with my front office team.

Sent from my iPhone

On Nov 19, 2017, at 12:30 PM, Barnes, Felicia <FBarnes@hunton.com> wrote:

> Do any of these days work for lunch?
>
> December 8 (Friday)
> December 12 (Tuesday)
> December 13 (Wednesday)
> December 14 (Thursday)
>
> -Felicia

<image001.jpg>

Felicia Barnes
Associate
fbarnes@hunton.com
p 202.419.2016
bio

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
hunton.com

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 9/12/2018 3:00:31 PM
To: Beardsworth, John [jbeardsworth@hunton.com]
CC: Harlow, David [harlow.david@epa.gov]
Subject: RE: WIFIA Job Opportunities Legal

Hi John. I do not know anything about WIFIA. I suggest contacting David Ross, the AA for the water office. Deidre should be able to make an introduction.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Beardsworth, John [mailto:jbeardsworth@hunton.com]
Sent: Wednesday, August 29, 2018 3:28 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>
Subject: WIFIA Job Opportunities Legal

This was a great article and David's quote is pure Harlow! I hope that this email finds you both well. While I give thought to potential candidates Jorianne's e-mail, do either of you know whether WIFIA is planning a panel of outside Firms? It is modelled after DoT's TIFIA and we are currently on the TIFIA panel. Any insight would be appreciated. I do not know Jorianne personally.

Best, JB

HUNTON
ANDREWS KURTH

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951 East Byrd Street
Richmond, VA 23219

2200 Pennsylvania Avenue, NW
Washington, DC 20037
p +1 202.955.1973
HuntonAK.com

Begin forwarded message:

From: "Jernberg, Jorianne" <jernberg.jorianne@epa.gov>
Date: August 28, 2018 at 6:43:53 PM EDT
To: "Jernberg, Jorianne" <jernberg.jorianne@epa.gov>
Subject: WIFIA Job Opportunities

Colleagues,

The WIFIA program is hiring! We will soon be announcing positions on our underwriting, risk management, portfolio management, engineering, and legal teams via the USA Jobs website. Please help us spread the word about these positions to candidates you know who might be interested.

In particular, I want to alert you to two vacant attorney-advisor positions we're recruiting for immediately. We're looking for experienced transaction attorneys who are able to independently manage infrastructure projects, with demonstrated experience in drafting, reviewing, and negotiating financing and security documentation in complex transactions. I've attached a job ad we're planning to run in the near future for more information. If you know of anyone who might be a good fit, please let me know.

Thank you!

Jorianne

Jorianne Jernberg
Director, WIFIA Program
Water Infrastructure Division
Office of Wastewater Management
U.S. Environmental Protection Agency
(O) 202-566-1831
(C) 202-527-0189
jernberg.jorianne@epa.gov

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 3/20/2018 10:53:36 PM
To: Landin, David [dlandin@hunton.com]
Subject: RE: Chesapeake Bay Foundation CBF

Do you know what issue(s) they want to raise with the Administrator?

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Landin, David [mailto:dlandin@hunton.com]
Sent: Tuesday, March 20, 2018 3:36 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: Chesapeake Bay Foundation CBF

CBF is not a client. I have been active with it as a donor, but also know the CEO, Harry Lester, well from other events and as a friend. The president of CBF is Will Baker, whom I have met. He would like to meet with Admr. Pruitt and apparently tried unsuccessfully some time ago. Do you have a suggestion, whether as to Pruitt or to start with someone else who could cause a meeting with him to occur.

Thanks,
David.

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 1/4/2018 2:33:15 PM
To: Nickel, Henry [hnickel@hunton.com]
Subject: RE: Today

Great. Thanks Henry.

-----Original Message-----
From: Nickel, Henry [mailto:hnickel@hunton.com]
Sent: Thursday, January 4, 2018 9:25 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: Re: Today

Leaving home now. Noon today works.

Sent from my iPad

On Jan 4, 2018, at 7:56 AM, Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>> wrote:

Henry - And chance we can lunch today instead of tomorrow? I now have a WH meeting at noon tomorrow.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Jan 2, 2018, at 1:00 PM, Nickel, Henry <hnickel@hunton.com<mailto:hnickel@hunton.com>> wrote:

That works,

Sent from my iPad

On Jan 2, 2018, at 4:41 PM, Wehrum, Bill
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>> wrote:

If it's okay with you, the Au Bon Pain in International Square.

-----Original Message-----
From: Nickel, Henry [mailto:hnickel@hunton.com]
Sent: Tuesday, January 2, 2018 11:39 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>>
Subject: Re: Today

Name the place.

Sent from my iPad

On Jan 2, 2018, at 4:34 PM, Wehrum, Bill
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>>
wrote:

Henry -- How about this Friday at noon?

-----Original Message-----
From: Nickel, Henry [mailto:hnickel@hunton.com]
Sent: Tuesday, January 2, 2018 8:55 AM
To: Wehrum, Bill
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>>
Subject: Re: Today

Will do, and Happy New Year!!

Sent from my iPhone

On 2 Jan 2018, at 13:52, Wehrum, Bill
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov>>
wrote:

Glad you could get away. Yes, let's try for later this week. I need to see how things shake out as we get restarted after the holidays. Let's touch base after you get back.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Jan 2, 2018, at 8:44 AM, Nickel, Henry
<hnickel@hunton.com<mailto:hnickel@hunton.com><mailto:hnickel@hunton.com><mailto:hnickel@hunton.com>>
wrote:

Love to get together, but not today. In contrast to the D.C. arctic chill you're experiencing, I'm enjoying relatively warm (but wet) London weather. Fly back tomorrow, in the office Thursday. Rain check, Thursday, Friday, or next week?

Sent from my iPad

On Jan 2, 2018, at 1:31 PM, Wehrum, Bill
<Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov><mailto:Wehrum.Bill@epa.gov><
mailto:Wehrum.Bill@epa.gov>> wrote:

Henry - Are you in the office today? If so, are you interested in getting together with me for lunch? Short notice, but I need to seize the opportunities as they come.

By the way, Happy New Year! Hope you had a great holiday.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 3/20/2018 2:53:07 PM
To: Weisiger, Katherine [kweisiger@hunton.com]
Subject: RE: Another Question

Thanks for the reminder, Katherine. Slipped through the cracks.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Weisiger, Katherine [mailto:kweisiger@hunton.com]
Sent: Tuesday, March 20, 2018 10:39 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Another Question

Bill, please note that I have still not received the spousal consent.

Katherine

HUNTON & WILLIAMS

Katherine B. Weisiger
Retirement Manager
kweisiger@hunton.com
p 804.788.8423

Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
hunton.com

From: Weisiger, Katherine
Sent: Thursday, March 08, 2018 3:57 PM
To: 'Wehrum, Bill'
Subject: RE: Another Question

For the most part, the return of capital is not taxable, but there could be a slight amount of gain due to tax basis adjustments.

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Thursday, March 08, 2018 3:17 PM
To: Weisiger, Katherine
Subject: Re: Another Question

Hi Katherine. I will get the consent form back to you soon. But, in the meantime, do you know if the returned equity will be taxable? I need to make withholding decisions by early April. Thanks.

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Mar 8, 2018, at 1:09 PM, Weisiger, Katherine <kweisiger@hunton.com> wrote:

> Bill, the capital will be release once we have all of your cash balance plan documents. I haven't received the spousal consent form yet. Have you sent it?
>
> ---
>
> **From:** Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> **Sent:** Thursday, March 08, 2018 12:51 PM
> **To:** Weisiger, Katherine
> **Subject:** Another Question
>
> Katherine – At some point, I will have my equity in the firm paid back to me. Do you know if that money is taxable income?
>
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 5/18/2018 9:09:21 PM
To: Field, Andrea [afield@hunton.com]
Subject: RE: ACOEL Interview

Thanks Andy. I appreciate the feedback. I'm glad folks found it useful. Also, you did a very nice job of moderating. Hope you have a great weekend.

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Field, Andrea [mailto:afield@hunton.com]
Sent: Friday, May 18, 2018 1:28 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: ACOEL Interview

Thanks again, Bill. Upon returning to my office, I saw that I had received many complimentary emails – and the compliments were primarily directed at you! For example, John Cruden told me that he was driving when he initially called into the interview, but he became so engrossed in what you were saying that he chose to pull over to the side of the road for the rest of the interview so that he could give it his full attention.

In addition to folks telling me how great you were, they also directed me to thank you for doing the interview, and so I will again convey those heartfelt thanks on behalf of the ACOEL – and I would be doing that even if not instructed to do so!

Andy Field

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Tuesday, May 15, 2018 8:18 PM
To: Field, Andrea
Subject: Re: ACOEL Interview

Hi Andy. Yes, Friday is still good. If you are available late tomorrow afternoon, maybe I can call you then?

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 15, 2018, at 5:20 PM, Field, Andrea <afield@hunton.com> wrote:

Are we still a "go" for the interview this Friday, May 18? And if so, will you have time (no more than 10 minutes) between now and then to go over potential questions that you feel comfortable addressing? Thanks.

Andy Field

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Thursday, April 26, 2018 10:45 AM
To: Field, Andrea
Subject: Tomorrow

Hi Andy. I had planned to come to your office tomorrow for the American College of Environmental Lawyers interview. But, I now will be out of town – need to travel to Memphis to take care of some family business. I still have time tomorrow, but will need to call in. Does that work for you? If so, what time is best? Also, I'd appreciate it if you could set up a call in number. Thanks.

_____

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 3/10/2018 12:21:48 AM
To: Boer, Tom [JTBoer@hunton.com]
Subject: Re: ELI

Thanks Tom. Not sure I will be in SF anytime soon. But, maybe we can get together next time you are in DC.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Mar 9, 2018, at 2:29 PM, Boer, Tom <JTBoer@hunton.com> wrote:

> Bill, you've been "promoted" to having your e-mail quarantined by my Outlook. So apologies for the slow response. I thought the meeting was fine, although I did have to leave about 10 minutes early and it sounds like the questioning may have gotten more animated after my departure.
>
> I hope you're doing well and we have a chance to catch up over coffee at some point.
>
> Best,
> Tom

<image001.jpg>

Tom Boer
Partner
jtboer@hunton.com
p 415.975.3717

Hunton & Williams LLP
50 California St., Suite 1700
San Francisco, CA 94111
hunton.com

This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, please advise by return email immediately and then delete this message and all copies and backups thereof.

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Wednesday, March 07, 2018 4:04 PM
To: Boer, Tom
Subject: ELI

Hi Tom. What did you think of the ELI meeting today? I thought it was interesting.

_____

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 3/19/2018 9:51:15 PM
To: Murdock, Eric [emurdock@hunton.com]
Subject: Re: Thanks

Thanks Eric. My schedule is a bit in flux. I will get back to you after I talk with my schedulers.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

> On Mar 19, 2018, at 5:47 PM, Murdock, Eric <emurdock@hunton.com> wrote:
>
> Bill,
>
> I'm sorry for not following up with you sooner, but I am not available tomorrow. Perhaps Thursday morning, or one day next week. Please let me know what works for you.
>
> Thanks,
>
> Eric
>
> -----Original Message-----
> From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> Sent: Monday, March 12, 2018 7:43 AM
> To: Murdock, Eric
> Subject: Thanks
>
> Eric - Thanks for letting me in the building and helping me move my things. I appreciate it. As we discussed, I'd like to get together sometime soon to catch up. Mornings are best for me - I often lose control of my days. Are you available for breakfast next Tuesday, the 20th?
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 3/9/2018 11:15:43 PM
To: Gill, Julia Zemnick [jgill@hunton.com]
Subject: RE: Saturday

Thanks again.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Gill, Julia Zemnick [mailto:jgill@hunton.com]
Sent: Friday, March 9, 2018 5:22 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Saturday

Bill,

I am having a cart left for you in case you need it to take everything down to your car.

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Friday, March 09, 2018 4:35 PM
To: Gill, Julia Zemnick
Subject: Re: Saturday

Thanks Julia.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Mar 9, 2018, at 4:26 PM, Gill, Julia Zemnick <jgill@hunton.com> wrote:

> Bill,
>
> Eric will be in the office tomorrow and he said you are more than welcome to call him. He, however, will need to leave by 1:00 pm. You can call his cell at (703) 626-2281.
>
> **From:** Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> **Sent:** Friday, March 09, 2018 3:56 PM

To: Gill, Julia Zemnick
Subject: RE: Saturday

Hi Julia. If possible, I'd like to come at about noon tomorrow. Again, I don't want you or anyone else to make a special trip. You might ask Chuck if he plans to be around. He might welcome the opportunity to button-hole me while I gather my things.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Gill, Julia Zemnick [mailto:jgill@hunton.com]
Sent: Thursday, March 8, 2018 5:36 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Saturday

Hi Bill,

Sorry for the delayed response. Do you know what time you'd like to pick up your belongings? I can see if I can try to coordinate with someone here, or be here myself.

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Thursday, March 08, 2018 12:56 PM
To: Gill, Julia Zemnick
Subject: Saturday

Julia – I'd like to pick up the things I left in my office. Would it be possible for me to do it on Saturday? I don't want anyone to come in to the office solely to get me in and out. But, if there is someone who will be there anyway, maybe I can take a few minutes of their time?

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 3/30/2018 4:55:29 PM
To: Stanko, Joseph [jstanko@hunton.com]
Subject: Re: Today

I'm hung up with SP. Hope to be done soon. We can reload if you don't want to hang out.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Mar 30, 2018, at 12:04 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

I'll be meeting with SP in the meantime. Will let you know if I get hung up.

From: Stanko, Joseph [mailto:jstanko@hunton.com]
Sent: Friday, March 30, 2018 11:17 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Today

1 is fine

<image001.jpg>

Joseph Stanko
Partner
jstanko@hunton.com
p 202.955.1529
bio | vCard

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
hunton.com

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Friday, March 30, 2018 11:05 AM
To: Stanko, Joseph
Subject: Today

Joe – Can we push to 1:00, or maybe coffee later in the day?

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 3/8/2018 9:00:15 PM
To: Weisiger, Katherine [kweisiger@hunton.com]
Subject: Re: Another Question

Thanks Katherine.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Mar 8, 2018, at 3:57 PM, Weisiger, Katherine <kweisiger@hunton.com> wrote:

> For the most part, the return of capital is not taxable, but there could be a slight amount of gain due to tax basis adjustments.
>
> ---
>
> **From:** Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> **Sent:** Thursday, March 08, 2018 3:17 PM
> **To:** Weisiger, Katherine
> **Subject:** Re: Another Question
>
> Hi Katherine. I will get the consent form back to you soon. But, in the meantime, do you know if the returned equity will be taxable? I need to make withholding decisions by early April. Thanks.
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404
>
> On Mar 8, 2018, at 1:09 PM, Weisiger, Katherine <kweisiger@hunton.com> wrote:
>
> > Bill, the capital will be release once we have all of your cash balance plan documents. I haven't received the spousal consent form yet. Have you sent it?
> >
> > ---
> >
> > **From:** Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
> > **Sent:** Thursday, March 08, 2018 12:51 PM
> > **To:** Weisiger, Katherine
> > **Subject:** Another Question
> >
> > Katherine – At some point, I will have my equity in the firm paid back to me. Do you know if that money is taxable income?
> >
> > _____
> > Bill Wehrum
> > Assistant Administrator

Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 11/28/2017 3:33:53 AM
To: cknauss@hunton.com
Subject: Fwd: Lunch

Typo ...

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

> **From:** Wehrum.Bill@epa.gov
> **Date:** November 27, 2017 at 10:32:11 PM EST
> **To:** mjaber@hunton.com, afield@hunton.com, hnickel@hunton.com, cknauss@hinton.com
> **Subject: Lunch**
>
> Would the lunch crew consider an "away game" to accommodate an expat? Maybe this Friday the 1st at noon at Au Bon Pain in International Square? No substance.
>
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 11/21/2017 1:54:46 PM
To: Gill, Julia Zemnick [jgill@hunton.com]
Subject: Another Request

Julia – Sorry to keep pestering you with requests for help. This one is minor. I took a cab ride last Wednesday, the 15th. I paid with a credit card using the Square phone app. I think the receipt got e-mailed to my Hunton e-mail account. Can you take a look at my inbox to see if it got delivered there? If you do not yet have access, I can give you the password. Thanks.

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 11/20/2017 10:31:58 PM
To: Barnes, Felicia [FBarnes@hunton.com]
Subject: RE: Lunch?

Yes. Probably easiest for me to meet you at the exit to the Federal Triangle metro. Several places within a few blocks.

From: Barnes, Felicia [mailto:FBarnes@hunton.com]
Sent: Monday, November 20, 2017 4:51 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Lunch?

Works for me! Want to choose somewhere near your neck of the woods?

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Monday, November 20, 2017 4:48 PM
To: Barnes, Felicia
Subject: RE: Lunch?

Hi Felicia. How about 12:30 on the 12th?

From: Barnes, Felicia [mailto:FBarnes@hunton.com]
Sent: Sunday, November 19, 2017 12:29 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: Lunch?

Do any of these days work for lunch?

December 8 (Friday)
December 12 (Tuesday)
December 13 (Wednesday)
December 14 (Thursday)

-Felicia

HUNTON & WILLIAMS

Felicia Barnes
Associate
fbarnes@hunton.com
p 202.419.2016
bio

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
hunton.com

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 2/28/2018 8:38:32 PM
To: Weisiger, Katherine [kweisiger@hunton.com]
Subject: Re: Cash Balance Plan Form Missing

Thanks Katherine. I will return it right away.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Feb 28, 2018, at 3:19 PM, Weisiger, Katherine <kweisiger@hunton.com> wrote:

> Bill, I received your cash balance plan election form, but you did not include the spousal consent. I have attached a copy of the form, which needs to be signed by your wife before a notary.
>
> Katherine

<image003.jpg>

Katherine B. Weisiger
Retirement Manager
kweisiger@hunton.com
p 804.788.8423

Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
hunton.com

<Wehrum Spousal Consent Form.pdf>

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 12/21/2018 7:03:06 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]
CC: Dominguez, Alexander [dominguez.alexander@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]
Subject: For Review: prior to OMB Review: Vehicle Test Procedure Adjustments for Tier 3 Certification Test Fuel
Attachments: Vehicle Test Procedure Adjust Tier 3 Test Fuel NPRM_20181220.docx; Draft Action Memo-Vehicle Test Procedure Adjust Tier 3 Fuel.docx

Message

From: Wright, Rhonda [Wright.Rhonda@epa.gov]
Sent: 2/26/2018 10:58:16 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Lewis, Josh [Lewis.Josh@epa.gov]
Subject: Briefing Materials for Ann Arbor
Attachments: RFS 2019 Annual Rule for Wehrum part 2.pptx; RIN Economics Briefing for Bill W Final.pptx; Briefing for AA_Fuels Compliance 101_February 2018.pptx; Gasoline Sulfur Compliance Report_January 2018 (Final Draft).docx; Gasoline Sulfur Report Briefing for Bill Wehrum_Final_2-27-18.pptx; 2-27-18 Bill Wehrum Streamlining Briefing v4.pptx; Butamax Briefing for Bill Wehrum_Final_2-27-18.pptx; Butamax FR Notice_Final_8-18-17.docx; 2016 Remand with Wehrum Feb 27 FINAL.PPTX; One Pager on 2017 Waiver Implementation.docx

Hi Bill,

Attached are briefing materials for your meetings tomorrow in Ann Arbor:

- 10:15am: 2019 RVO Topics (PowerPoint slides); and 2017 Waiver Implementation (Word document "One Pager on 2017 Waiver Implementation")
- 11:00am: RFS RIN Economics, continued (PowerPoint slides)
- 12:00pm: Working lunch: Fuels Implementation and Compliance (non-RFS) 101 (PowerPoint slides); and Gasoline Sulfur Compliance Report (PowerPoint slides + draft of the Report itself, for your FYI)
- 1:30pm: Introduction to the Fuels Streamlining project (PowerPoint slides)
- 2:15pm: Butamax Fuel Registration (PowerPoint slides + draft of the FR Notice, for your FYI)
- 3:15pm: 2016 Remand Rule (PowerPoint slides)

Have safe travels.

****

Rhonda Wright
Special Assistant
U.S. Environmental Protection Agency
Office of Air and Radiation
Immediate Office of the Assistant Administrator
Room 5406E, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Office: (202) 564-5437
Cell: (202) 365-6008

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 8/31/2018 7:19:12 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
CC: Dominguez, Alexander [dominguez.alexander@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]
Subject: Electronic copies of materials for Tuesday
Attachments: Tier 4 Options briefing for Bill Wehrum 8 30 18.pptx; week of Sept 3.pdf; week of Sept 10.pdf; image2018-09-02-152316.pdf

Bill,

Per our conversation earlier, here's day 1 of trying a new process: sending you read ahead materials electronically instead of providing in a folder each night. (As discussed, at each meeting we'll provide a hard copy for you to follow along).

Meetings Monday (note OAQPS asked to cancel the ACE update and OTAQ asked to cancel the HD NOx meeting…so as a result the calendar is pretty light)

9 am: Roundtable (I'd like to use a couple of minutes of the roundtable to quickly go over the next two wks plus new mtg requests. Attached here are the calendars for the next 2 weeks, plus new meeting requests from Fitzgerald, HollyFrontier, ADM, and Shawn Garvin (DE). For Shawn, OCIR hasn't confirmed, but I'm assuming subject is 126).

week of Sept 3.pdf week of Sept 10.pdf image2018-09-0...

11 am: OAR Senior Staff (no materials)

1 pm: Options Briefing on Relief from Tier 4 NOx Standards for Marine Engines

Tier 4 Options briefing for Bill W...

2 pm: Agency Senior Staff meeting (no materials)

(1)

Lewis, Josh

From: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>
Sent: Friday, August 31, 2018 11:04 AM
To: Rakosnik, Delaney
Cc: Lewis, Josh; Atkinson, Emily
Subject: RE: RE:

Hi Delaney,

I wanted to see if Mr. Wehrum is available for a meeting next week (Sept. 4) to meet with myself and Joe DePew.

Thank you,
Jon Toomey

(202) 999-8880

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Monday, July 09, 2018 10:48 AM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: RE:

Hi Jon,

It sounds like Mr. DePew has been in communications with Mr. Wehrum, so I'm going to remove this meeting from the calendar unless you have any objections.

Please let me know if you have any questions.

Many thanks,
Delaney

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Friday, July 6, 2018 12:22 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: RE:

Thank you. I appreciate your quick support in setting this up.

Many thanks,
Jon

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, July 06, 2018 12:20 PM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: RE:

2

Lewis, Josh

From: Alonso, Richard <ralonso@sidley.com>
Sent: Thursday, August 30, 2018 10:38 AM
To: Atkinson, Emily; Lewis, Josh
Cc: Whitfield, Peter
Subject: Request for Meeting with Bill Wehrum

Emily and Josh –

I hope you are well and had a nice summer (although it seems this hot weather is not going away anytime soon). HollyFrontier requests a meeting with Bill Wehrum on Renewable Fuel Standards (RFS) program issues. The information for the meeting request is as follows:

Subject Matter: Discussion of RFS reform options and Small Refinery Exemptions

Attendees:
Denise McWatters, General Counsel for HollyFrontier
Rich Alonso, Sidley Austin LLP
Peter Whitfield, Sidley Austin LLP

Suggested Dates: September 18 through 21, 25, 26 or 28

Please let us know if these dates work. If not – we can provide other dates. Thank you and please let us know if you have any questions.

RICHARD ALONSO

SIDLEY AUSTIN LLP
+1 202 736 8772
ralonso@sidley.com

****
This e-mail is sent by a law firm and may contain information that is privileged or confidential.
If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.
****

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Lewis, Josh

From: Reed, Anthony <Anthony.Reed@adm.com>
Sent: Friday, August 31, 2018 9:08 AM
To: Lewis, Josh; Rakosnik, Delaney
Cc: Atkinson, Emily
Subject: ADM/DuPont meeting request Sept. 12th
Attachments: ATT00001.txt; ADM DuPont cellulase release.pdf

Josh / Delaney –

Hope you guys are well and getting ready to enjoy a long weekend.

I wanted to reach out and see if we might be able to schedule a meeting with Bill Wehrum ideally the morning of Sept. 12th, but could do afternoon, or even Sept. 11th if needed. We will have Ray Bradbury, ADM's President for ethanol, in town, along with Troy Wilson, VP for Grain Processing at DuPont. ADM and DuPont have signed an agreement to develop, market and produce cellulase enzymes so wanted to discuss the project and EPA's concerns about methodologies around the pending fiber pathways. I've included the release about the partnership as well if that helps. And certainly would be interested in continuing the conversation about the ongoing RFS discussions as well and trying to find a way forward.

Thanks in advance, and let me know what might work on your end.

Anthony

Meeting Attendees:
Ray Bradbury – President, Ethanol and Risk Management (ADM)
Troy Wilson – Vice President, Grain Processing (DuPont)
Anthony Reed – Sr. Director, Government Relations (ADM)
James Carstensen – Federal Government Affairs Manager (DuPont)

ANTHONY REED
Senior Director
Government Relations

Archer Daniels Midland Company
1212 New York Avenue, NW
Suite 1275
Washington, DC 20005
t (202) 572-0584 / m (202) 330-1746
o (202) 572-0584

ADM.COM

Confidentiality Notice:
This message may contain confidential or privileged information, or information that is otherwise exempt from disclosure. If you are not the intended recipient, you should promptly delete it and should not disclose, copy or distribute it to others.

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Lewis, Josh

From: Palich, Christian
Sent: Friday, August 31, 2018 11:02 AM
To: Lyons, Troy; Reese, Leslie (DNREC)
Cc: Cory, Preston (Katherine); Lewis, Josh
Subject: RE: Meeting with Secretary Garvin

Hi Leslie,

I am looping in Josh Lewis who can help coordinate a call between the Secretary and Bill Wehrum.

Have a great weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov

From: Lyons, Troy
Sent: Thursday, August 30, 2018 2:23 PM
To: Reese, Leslie (DNREC) <Leslie.Reese@state.de.us>
Cc: Palich, Christian <palich.christian@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Meeting with Secretary Garvin

Leslie—thanks for reaching out. I have copied Christian and Preston who can connect with Bill Wehrum's scheduling team.

From: Reese, Leslie (DNREC) [mailto:Leslie.Reese@state.de.us]
Sent: Friday, August 24, 2018 4:50 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Meeting with Secretary Garvin

Good afternoon, Troy

Secretary Garvin asked me to reach out to you to try to schedule a meeting with Acting Administrator Wheeler. Please let me know what you might have in mind for dates and we can go from there. Secretary mentioned to me that meeting in DC would be ideal with a conference call being less preferable.

Thanks so much!

Best –
Leslie

Leslie Reese

Message

From: Vincent, Marc [Vincent.Marc@epa.gov]
Sent: 5/14/2018 9:33:49 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Hyde, Courtney [Hyde.Courtney@epa.gov]; Walters, Margaret [Walters.Margaret@epa.gov]; Wolfe, Michael [Wolfe.Michael@epa.gov]; Lakin, Matt [Lakin.Matthew@epa.gov]; Perez, Idalia [Perez.Idalia@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Rowson, David [Rowson.David@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Griggs, John [Griggs.John@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]; Haley, Mike [Haley.Mike@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Harvey, Reid [Harvey.Reid@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Newberg, Cindy [Newberg.Cindy@epa.gov]; Snyder, Carolyn [Snyder.Carolyn@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Green, Marie [green.marie@epa.gov]; Costa, Shelley [Costa.Shelley@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Whitlow, Jeff [Whitlow.Jeff@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Monroe, Scott [Monroe.Scott@epa.gov]; LaRue, Steven [LaRue.Steven@epa.gov]; White, Sharon [White.Sharon@epa.gov]
CC: Saltman, Tamara [Saltman.Tamara@epa.gov]; Cook, Leila [cook.leila@epa.gov]; Watkins, Erica [Watkins.Erica@epa.gov]; Bullard, Pamela [Bullard.Pamela@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Alpert, Adina [Alpert.Adina@epa.gov]; Adams, Elizabeth [Adams.Elizabeth@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]; White, Rick [White.Rick@epa.gov]; Marusiak, Eleanor [Marusiak.Eleanor@epa.gov]
Subject: RE: OAR Business Review
Attachments: Revised OAR May 2018 Business Review Agenda.docx; OAR - May 2018_5-14-18.xlsx; FOR OAR ONLY - April 2018_Technical Assistance Activities.docx; Tracking Priority Actions 5.17.18.pdf; Supplemental Nonattainment Info.pptx; Supplemental SIP Info.pptx

Revised OAR May 2018 Business R... | OAR - May 2018_5-14-18.xlsx | FOR OAR ONLY - April 2018_Tech... | Tracking Priority Actions 5.17.18.... | Supplemental Nonattainment In... | Supplemental SIP Info.pptx

Hi All,

Due to a last minute scheduling conflict, we are shortening the Monthly Business Review to 4:00-5:15 pm EST. The agenda has been compressed, so please note the adjusted times allotted and limit your discussion accordingly in order for us to get through the entire agenda and allow time for discussion with Henry Darwin.

Attached are the meeting materials, which include:

- Agenda
- Bowling Chart
- Technical Assistance Activities (**For OAR participants only**) – ORIA will spotlight their activities at the review
- Agency Regulatory Tracking Report
- OAQPS Supplemental Information

Please let us know if you have any questions and thank you for your flexibility on this short notice.

Marc Vincent
Office of Program Management Operations
Office of Air and Radiation
(202)564-0876

-----Original Appointment-----
From: Wehrum, Bill
Sent: Tuesday, January 02, 2018 2:56 PM
To: Wehrum, Bill; Shaw, Betsy; Edwards, Jonathan; Tsirigotis, Peter; Dunham, Sarah; Grundler, Christopher; Jordan, Deborah; Hyde, Courtney; Walters, Margaret; Wolfe, Michael; Vincent, Marc; Lakin, Matt; Perez, Idalia; Lewis, Josh; Rowson, David; Veal, Lee; Griggs, John; Cherepy, Andrea; Hengst, Benjamin; Bunker, Byron; Haley, Mike; Burch, Julia; Harvey, Reid; Gunning, Paul; Newberg, Cindy; Snyder, Carolyn; Hopkins, Daniel; Koerber, Mike; Kornylak, Vera S.; Brachtl, Megan; Green, Marie; Costa, Shelley; Wood, Anna; Whitlow, Jeff; Gunasekara, Mandy; Woods, Clint; Monroe, Scott; LaRue, Steven; White, Sharon
Cc: Saltman, Tamara; Cook, Leila; Watkins, Erica; Bullard, Pamela; Mathias, Scott; Alpert, Adina; Adams, Elizabeth; Santiago, Juan; White, Rick; Marusiak, Eleanor
Subject: OAR Business Review
When: Tuesday, May 15, 2018 4:00 PM-5:15 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Video Bridge for HQ Room WJC-N 1332A + RTP Room C401A + Ann Arbor Room C174 + R9 White Mountain Room + Dial: **Conference phone and code/Ex.6**

To: Wehrum, Bill; Shaw, Betsy; Edwards, Jonathan; Tsirigotis, Peter; Dunham, Sarah; Christopher Grundler (grundler.christopher@epa.gov); Jordan, Deborah; Courtney Hyde (Hyde.Courtney@epa.gov); Walters, Margaret; Wolfe, Michael; Vincent, Marc; Lakin, Matt; Perez, Idalia; Lewis, Josh; Rowson, David; Veal, Lee; Griggs, John; Cherepy, Andrea; Hengst, Benjamin; Bunker, Byron; Haley, Mike; Burch, Julia; Reid Harvey; Gunning, Paul; Newberg, Cindy; Snyder, Carolyn; Hopkins, Daniel; Koerber, Mike; Kornylak, Vera S.; Brachtl, Megan; Green, Marie; Costa, Shelley; Wood, Anna; Whitlow, Jeff

Appointment

From: Rakosnik, Delaney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=274573739a9f446883072599086ededd-Rakosnik, D]
Sent: 10/4/2018 6:41:07 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Harlow, David [harlow.david@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Benjamin Hengst [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]; Knapp, Freyja [knapp.freyja@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Karen Thundiyil (thundiyil.karen@epa.gov) [thundiyil.karen@epa.gov]
CC: Cook, Leila [cook.leila@epa.gov]; Haugen, David [haugen.david@epa.gov]

Subject: Planning for House Science Committee Staff Briefing on Gliders
Attachments: RE: Gliders briefing
Location: WJC - N 5400 + Video with AA + **Conference phone and code/ Ex.6**

Start: 10/11/2018 8:00:00 PM
End: 10/11/2018 8:45:00 PM
Show Time As: Busy

TO: Bill Wehrum, David Harlow, Mandy Gunasekara, Sarah Dunham, Ben Hengst, Bill Charmley, Chris Grundler, Pat Haman, Kristien Knapp, Aaron Ringel, Christian Rodrick, Troy Lyons, David Orlin, Andrea Carrillo, Justin Schwab, Joseph Brazauskas, Jonathan Lubetsky

RE: Gliders briefing

Message

From: Hengst, Benjamin [Hengst.Benjamin@epa.gov]
Sent: 10/1/2018 3:23:15 PM
To: Lewis, Josh [Lewis.Josh@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]
CC: Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]
Subject: RE: Gliders briefing

Forgot to add one name: David Harlow

Revised list:

Participants:
Bill Wehrum
Mandy Gunasekara
David Harlow
Sarah Dunham
Ben Hengst
Bill Charmley
Chris Grundler
Pat Haman (OCIR)
Kristien Knapp (OCIR)
Aaron Ringel (OCIR)
Christian Roderick (OCIR)
Troy Lyons (OCIR)
David Orlin (OGC)
Andrea Carrillo (OGC)
Justin Schwab (OGC)
Joseph Brazauskas (OGC)
Jonathan Lubetsky

From: Hengst, Benjamin
Sent: Monday, October 1, 2018 11:18 AM
To: Josh Lewis <Lewis.Josh@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: FW: Gliders briefing

Hi Delaney, Josh:

The House Science Committee requested that EPA staff provide a bipartisan, bicameral briefing to committee staff on glider testing. I'm writing now because we'd like to move forward on this process, and the immediate next step is to have a meeting where all the relevant internal EPA staff (OGC, OTAQ, OAR, OCIR) gather to discuss details.

I have already met with staff from OCIR, OGC, and OTAQ to figure out a few of the details, and we all agreed that Bill Wehrum hosting a meeting with the relevant political and career folks makes sense.

I understand Bill is out this week, so I assume we are targeting next week—yes? If that's the case I've suggested a few times for next week.

The relevant details are below, but let me know if we need to talk about this first. Thanks—Ben

Title: **Planning for House Science Committee Staff Briefing on Gliders**
When: **option** 1: 4pm on 10/10
Option 2: 4pm on 10/11
Duration: 45 min

Participants:
Bill Wehrum
Mandy Gunasekara
Sarah Dunham
Ben Hengst
Bill Charmley
Chris Grundler
Pat Haman (OCIR)
Kristien Knapp (OCIR)
Aaron Ringel (OCIR)
Christian Roderick (OCIR)
Troy Lyons (OCIR)
David Orlin (OGC)
Andrea Carrillo (OGC)
Justin Schwab (OGC)
Joseph Brazauskas (OGC)
Jonathan Lubetsky

On Sep 18, 2018, at 2:07 PM, Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov> wrote:

> See below in regards to the House Science Oversight letter request for a briefing on Gliders. Please let me know who should be a part of the briefing. I am not sure if they also want non-career staff participation. But I can check.
> Thank you,
> Jonathan
>
> ---
>
> **From:** Aarons, Kyle
> **Sent:** Tuesday, September 18, 2018 11:35 AM
> **To:** Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
> **Cc:** Knapp, Kristien <Knapp.Kristien@epa.gov>
> **Subject:** Gliders briefing
>
> Hi Jonathan – We're waiting for confirmation from the House Science Committee, but are assuming they want us to move forward with a briefing on the NVFEL glider testing, as explained in the July 12 letter.
>
> Please let us know who from OAR would need to be included. We'll start looking at schedules once we get confirmation from the committee to move forward.
>
> Thanks,
> Kyle
>
> Kyle Aarons
> Congressional Affairs
> U.S. Environmental Protection Agency
> 202-564-7351

Appointment

From: Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]
Sent: 9/4/2018 3:51:32 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Charmley, William [charmley.william@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]
CC: Cook, Leila [cook.leila@epa.gov]

Subject: Meet with Fitzgerald Trucks re: glider kits (Confirmed)
Attachments: RE: RE:; Confirmed 9/7 at 11:30am with Bill Wehrum
Location: WJC-N 5400 + Video with AA + **Conference phone and code/ Ex.6**

Start: 9/7/2018 3:30:00 PM
End: 9/7/2018 4:15:00 PM
Show Time As: Busy

To: Bill Wehrum, Mandy Gunasekara, Bill Charmley, Ben Hengst, Chris Grundler
Outside Attendees (in person):

- Jon Toomey
- Joe DePew, General Counsel

RE: RE:

Confirmed 9/7 at 11:30am with Bill...

Message

From: Atkinson, Emily [Atkinson.Emily@epa.gov]
Sent: 9/4/2018 7:14:20 PM
To: Jon Toomey [jtoomey@fitzgeraldtrucksales.com]
CC: Lewis, Josh [Lewis.Josh@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Subject: Confirmed 9/7 at 11:30am with Bill Wehrum

Hi Jon,
You are confirmed for a 45 minute meeting on Friday, September 7, 2018 at 11:30am with Bill Wehrum and Mandy Gunasekara.
Directions and procedures to 1200 Pennsylvania Avenue NW:

Metro: If you come by Metro get off at the Federal Triangle metro stop. Exit the metro station and go up two sets of escalators to the surface level and turn right. You will see a short staircase and wheelchair ramp leading to a set of glass doors with the EPA logo - that is the William Jefferson Clinton Federal Building, North Entrance.

Taxi: Direct the taxi to drop you off on 12th Street NW, between Constitution and Pennsylvania Avenues, at the elevator for the Federal Triangle metro stop - this is almost exactly half way between the two avenues on 12th Street NW. Facing the building with the EPA logo and American flags, walk toward the building and take the glass door on your right hand side with the escalators going down to the metro on your left – that is the North Lobby of the William Jefferson Clinton building.

Security Procedures: A government issued photo id is required to enter the building and it is suggested you arrive 15 minutes early in order to be cleared and arrive at the meeting room on time. Upon entering the lobby, the meeting attendees will be asked to pass through security and provide a photo ID for entrance. If you are a foreign national entering on a non-US passport, please let us know in advance, as there is a separate clearance process.

Upon arrival, let the guards know that you were instructed to call 202-564-7404 for a security escort. Please send me a list of participants in advance of the meeting and feel free to contact me should you need any additional information.

Emily

Emily Atkinson
Special Assistant
Management Analyst
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406E, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Tuesday, September 04, 2018 12:55 PM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: RE:

Hi Emily,

11:30am on the 7th works great. We'll see you then.

Thanks again,
Jon

From: Atkinson, Emily <Atkinson.Emily@epa.gov>
Sent: Tuesday, September 04, 2018 11:53 AM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: RE:

Hi Jon,

Bill Wehrum has reviewed this request and asked that I setup a 45 minute meeting.

It looks like we could fit this in on Friday, September 7 at 11:30am.

Please advise if this could work on your end.

Thank you.
Emily

Emily Atkinson
Special Assistant
Management Analyst
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406E, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Lewis, Josh
Sent: Friday, August 31, 2018 12:10 PM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: RE:

Hi Jon,

Confirming receipt of this. Let me check and I'll be back in touch.

Josh

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Friday, August 31, 2018 11:04 AM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: RE:

Hi Delaney,

I wanted to see if Mr. Wehrum is available for a meeting next week (Sept. 4) to meet with myself and Joe DePew.

Thank you,
Jon Toomey

(202) 999-8880

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Monday, July 09, 2018 10:48 AM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: RE:

Hi Jon,

It sounds like Mr. DePew has been in communications with Mr. Wehrum, so I'm going to remove this meeting from the calendar unless you have any objections.

Please let me know if you have any questions.

Many thanks,
Delaney

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Friday, July 6, 2018 12:22 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: RE:

Thank you. I appreciate your quick support in setting this up.

Many thanks,
Jon

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, July 06, 2018 12:20 PM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: RE:

You are confirmed for a half hour call with Bill Wehrum on July 9th at 1:30 pm. Please use the following call-in information:

Call in number:
Conference ID:

Conference phone and code/ Ex.6

Please let me know if you have any questions.

Many thanks,

Delaney

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Friday, July 6, 2018 12:14 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE:

Thanks, Delaney. That works perfectly. Is there a best number to dial-in at?

Best,
Jon

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, July 06, 2018 12:11 PM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE:

Hi Jon,

Bill Wehrum can speak with Mr. DePew on Monday at 1:30pm for a half hour. Does that work for your schedules?

Many thanks,

Delaney Rakosnik
Staff Assistant
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406A, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-2229
Email: rakosnik.delaney@epa.gov

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Friday, July 6, 2018 11:23 AM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject:

Hi Delaney,

Can you see if Mr. Wehrum has time today for a brief call with our General Counsel, Joe DePew?

Thank you!
Jon

(202) 999-8880

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, June 22, 2018 10:15 AM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>
Subject: RE: Meeting Request: Fitzgerald Glider kits

Yes, it is. Come in and go through security and I will escort you to the conference room.

Appointment

From: Rakosnik, Delaney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=274573739A9F446883072599086EDEDD-RAKOSNIK, D]
Sent: 6/15/2018 2:46:42 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]; Woods, Clint [woods.Clint@epa.gov]

Subject: Meet with Fitzgerald re: Glider Kits (Confirmed)
Attachments: RE: Meeting Request: Fitzgerald Glider kits; RE: Meeting Request: Fitzgerald Glider kits
Location: WJC - N 5400 + Video AA + **Conference phone and code/ Ex.6**

Start: 6/22/2018 3:00:00 PM
End: 6/22/2018 3:45:00 PM
Show Time As: Busy

TO: Bill Wehrum, Mandy Gunasekara, David Harlow, Benjamin Hengst, Chris Grundler

Outside Attendees (in person):
Jon Toomey, Director of Government Affairs
Joe DePaw, General Counsel

RE: Meeting Request: Fitzger...

RE: Meeting Request: Fitzger...

Message

From: Jon Toomey [jtoomey@fitzgeraldtrucksales.com]
Sent: 6/15/2018 2:23:39 PM
To: Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
CC: Atkinson, Emily [Atkinson.Emily@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]
Subject: RE: Meeting Request: Fitzgerald Glider kits

Thank you, Delaney. That works perfectly. I appreciate your help in scheduling the meeting.

Best,
Jon

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, June 15, 2018 10:22 AM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Meeting Request: Fitzgerald Glider kits

Hi Jon,

Bill, Mandy and David are available on Friday, 6/22 at 1-1:45pm for a meeting with you and Joe DePew. Please let me know if this option works for your schedules.

Many thanks,

Delaney Rakosnik
Staff Assistant
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406A, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-2229
Email: rakosnik.delaney@epa.gov

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Wednesday, June 13, 2018 2:22 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Meeting Request: Fitzgerald Glider kits

Thanks, Alex. I appreciate it.

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Wednesday, June 13, 2018 2:21 PM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Meeting Request: Fitzgerald Glider kits

Hey Jon – Adding Delaney et al. who assist with Bill's calendar and will be able to determine his availability.

Best,
Alex

Alex Dominguez
Policy Analyst to the Principal Deputy
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Wednesday, June 13, 2018 1:47 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Meeting Request: Fitzgerald Glider kits

Hi Alex,

I wanted to see if Mandy Gunasekara, Bill Wehrum, and David Harlow are available next week for a meeting with myself and Joe DePew.

Thank you,
Jon Toomey

Jon Toomey
Director, Government Affairs | **Fitzgerald Glider Kits**

(202) 999-8880 (c)
(703) 997-5122 (o)
(703) 997-5130 (f)
jtoomey@fitzgeraldtrucksales.com

Message

From: Rakosnik, Delaney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=274573739A9F446883072599086EDEDD-RAKOSNIK, D]
Sent: 6/15/2018 2:58:32 PM
To: Jon Toomey [jtoomey@fitzgeraldtrucksales.com]
CC: Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]
Subject: RE: Meeting Request: Fitzgerald Glider kits

Dear Jon Toomey,
You are confirmed to meet with Bill Wehrum, Mandy Gunasekara and David Harlow on June 22, at 1:00 – 1:45pm.
Directions and procedures to 1200 Pennsylvania Avenue NW:

Metro: If you come by Metro get off at the Federal Triangle metro stop. Exit the metro station and go up two sets of escalators to the surface level and turn right. You will see a short staircase and wheelchair ramp leading to a set of glass doors with the EPA logo - that is the William Jefferson Clinton Federal Building, North Entrance.

Taxi: Direct the taxi to drop you off on 12th Street NW, between Constitution and Pennsylvania Avenues, at the elevator for the Federal Triangle metro stop - this is almost exactly half way between the two avenues on 12th Street NW. Facing the building with the EPA logo and American flags, walk toward the building and take the glass door on your right hand side with the escalators going down to the metro on your left – that is the North Lobby of the William Jefferson Clinton building.

Security Procedures: A government issued photo id is required to enter the building and it is suggested you arrive 15 minutes early in order to be cleared and arrive at the meeting room on time. Upon entering the lobby, the meeting attendees will be asked to pass through security and provide a photo ID for entrance. If you are a foreign national entering on a non-US passport, please let us know in advance, as there is a separate clearance process.

Upon arrival, let the guards know that you were instructed to call 202-564-7404 for a security escort.

Please feel free to contact me should you need any additional information.

Many thanks,

Delaney Rakosnik
Staff Assistant
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406A, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-2229
Email: rakosnik.delaney@epa.gov

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Friday, June 15, 2018 10:24 AM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Meeting Request: Fitzgerald Glider kits

Thank you, Delaney. That works perfectly. I appreciate your help in scheduling the meeting.

Best,
Jon

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, June 15, 2018 10:22 AM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Meeting Request: Fitzgerald Glider kits

Hi Jon,

Bill, Mandy and David are available on Friday, 6/22 at 1-1:45pm for a meeting with you and Joe DePew. Please let me know if this option works for your schedules.

Many thanks,

Delaney Rakosnik
Staff Assistant
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406A, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-2229
Email: rakosnik.delaney@epa.gov

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Wednesday, June 13, 2018 2:22 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Meeting Request: Fitzgerald Glider kits

Thanks, Alex. I appreciate it.

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Wednesday, June 13, 2018 2:21 PM
To: Jon Toomey <jtoomey@fitzgeraldtrucksales.com>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Meeting Request: Fitzgerald Glider kits

Hey Jon – Adding Delaney et al. who assist with Bill's calendar and will be able to determine his availability.

Best,
Alex

Alex Dominguez
Policy Analyst to the Principal Deputy

Office of Air and Radiation
U.S. Environmental Protection Agency

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Wednesday, June 13, 2018 1:47 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Meeting Request: Fitzgerald Glider kits

Hi Alex,

I wanted to see if Mandy Gunasekara, Bill Wehrum, and David Harlow are available next week for a meeting with myself and Joe DePew.

Thank you,
Jon Toomey

Jon Toomey
Director, Government Affairs | **Fitzgerald Glider Kits**

(202) 999-8880 (c)
(703) 997-5122 (o)
(703) 997-5130 (f)
jtoomey@fitzgeraldtrucksales.com

Appointment

From: Rakosnik, Delaney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=274573739A9F446883072599086EDEDD-RAKOSNIK, D]
Sent: 6/13/2018 3:48:44 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Charmley, William [charmley.william@epa.gov]; Sargeant, Kathryn [sargeant.kathryn@epa.gov]; Nelson, Brian [nelson.brian@epa.gov]; Parsons, Christy [Parsons.Christy@epa.gov]; Moulis, Charles [moulis.charles@epa.gov]; Sanchez, James [sanchez.james@epa.gov]; Cullen, Angela [cullen.angela@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Stewart, Gwen [Stewart.Gwen@epa.gov]
CC: Woods, Clint [woods.Clint@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Cook, Leila [cook.leila@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]

Subject: Briefing on HD GHG Phase 2 glider program
Attachments: RE: Glider and HD NOx briefings this Friday w/ Bill
Location: WJC - N 5400 + Video AA C- 174 + **Conference phone and code/ Ex.6**

Start: 6/15/2018 1:30:00 PM
End: 6/15/2018 2:30:00 PM
Show Time As: Busy

TO: Bill Wehrum, Bill Charmley, Brian Nelson, Charles Moulis, Katheryn Sargeant, Chris Grundler, Andrea Carillo

Briefing on HD GHG Phase 2 glider program, next steps, and options/alternatives

RE: Glider and HD NOx briefings thi...

Message

From: Sargeant, Kathryn [sargeant.kathryn@epa.gov]
Sent: 6/13/2018 3:33:15 PM
To: Grundler, Christopher [grundler.christopher@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]
CC: Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Cook, Leila [cook.leila@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]
Subject: RE: Glider and HD NOx briefings this Friday w/ Bill

Yes, we can be available on Friday from 9:30-10:30 or 12-1, though we'll need a call-in number since many people will be teleworking.

In addition to Chris/Ben/Lee from OTAQ I/O, the invitation list would be as follows:
Bill Charmley
Kathryn Sargeant
Brian Nelson
Christy Parsons
Charles Moulis
James Sanchez
Angela Cullen
Andrea Carrillo (OGC)

From: Grundler, Christopher
Sent: Wednesday, June 13, 2018 10:55 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Re: Glider and HD NOx briefings this Friday w/ Bill

On gliders let me see if we have the right fold available on Friday

Kathryn pls give me a call

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Jun 13, 2018, at 10:20 AM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:

> Are your glider and HD NOx teams available this Friday? Bill is interested in setting up briefings on each and he has a block of time from 9:30-1 during which he can do both, if you're ready and available.

Deliberative Process / Ex. 5

> Josh

Appointment

From: Rakosnik, Delaney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=274573739A9F446883072599086EDEDD-RAKOSNIK, D]
Sent: 6/7/2018 6:54:48 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Brennan, Thomas [Brennan.Thomas@epa.gov]; Carpenter, Thomas [Carpenter.Thomas@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.Clint@epa.gov]

Subject: Science Advisory Board Staff Office - post-SAB meeting request
Attachments: RE: Science Advisory Board Staff Office - post-SAB meeting request
Location: WJC-N 5400

Start: 6/8/2018 5:00:00 PM
End: 6/8/2018 5:30:00 PM
Show Time As: Busy

TO: Bill Wehrum, Tom Brennan, Tom Carpenter, Mandy Gunasekara, Clint Woods, John Shoaff

RE: Science Advisory Board ...

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 6/7/2018 6:44:10 PM
To: Dominguez, Alexander [dominguez.alexander@epa.gov]; Woods, Clint [woods.Clint@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Subject: RE: Science Advisory Board Staff Office - post-SAB meeting request

Delaney – can you please set this up for 30 minutes tomorrow at 1 pm? Holler if you need help w/ meeting attendee names.

Josh

From: Dominguez, Alexander
Sent: Thursday, June 07, 2018 2:11 PM
To: Woods, Clint <woods.clint@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Science Advisory Board Staff Office - post-SAB meeting request

Adding Delaney and Josh as I don't have permissions/scheduling ability for Bill's calendar.

From: Woods, Clint
Sent: Thursday, June 7, 2018 1:52 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Fwd: Science Advisory Board Staff Office - post-SAB meeting request

Mind helping here too?

Begin forwarded message:

> **From:** "Brennan, Thomas" <Brennan.Thomas@epa.gov>
> **Date:** June 6, 2018 at 6:46:49 PM EDT
> **To:** "Wehrum, Bill" <Wehrum.Bill@epa.gov>
> **Cc:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Woods, Clint" <woods.clint@epa.gov>, "schoaf.john@epa.gov" <schoaf.john@epa.gov>, "Atkinson, Emily" <Atkinson.Emily@epa.gov>
> **Subject: Re: Science Advisory Board Staff Office - post-SAB meeting request**
>
> Sounds great.
>
> Sent from my iPhone
>
> On Jun 6, 2018, at 6:04 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>
>> Hi Tom. Yes, I'd like to get together. I think it is fine to invite Tom. I'd like to include Mandy, Clint, and John Schoaf. Emily, can you help find a time? Thanks.
>>
>> _____
>> Bill Wehrum
>> Assistant Administrator
>> Office of Air and Radiation
>> U.S. Environmental Protection Agency
>> (202) 564-7404

On Jun 6, 2018, at 11:23 AM, Brennan, Thomas <Brennan.Thomas@epa.gov> wrote:

Hello Bill,

I am writing you to give you a quick update on the SAB meeting last week and map out some initial next steps. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Our Designated Federal Officer from the SAB Staff Office, Tom Carpenter, has reached out at the staff level to John Shoaff in your Office to start some preliminary discussions. Yesterday, I met with Mr. Wheeler and Mr. Jackson in the afternoon and they suggested I reach out to you directly to have a meeting to get your initial thoughts on the potential scope and timing for the SAB reviews. Do you have a half hour tomorrow or Friday to discuss? If you would prefer to just meet at the management level with me, that is fine. If you are comfortable also including Tom Carpenter from my staff, he has a lot of past experience working on SAB/Reg Agenda issues and would likely add some good value to our talk.

I look forward to hearing back from you on a potential meeting time and working with you and OAR on these matters.

Regards,

Tom Brennan
Acting Director, Science Advisory Board Staff Office
US Environmental Protection Agency

Desk # 202 564 6953
Mobile # Personal Phone / Ex. 6

Appointment

From: Atkinson, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BB2155ADEF6A44AEA9410741F0C01D27-ATKINSON, EMILY]
Sent: 5/22/2018 5:43:53 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.Clint@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Cook, Leila [cook.leila@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Harlow, David [harlow.david@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]

Subject: SAB Meeting Discussion
Attachments: draft+SAB+meeting+agenda_5_16_18.pdf; SABWkGrpSpring2017Att+ABC.PDF; WG_Memo_Fall17_RegRevAttsABC.PDF; WkGrp_memo_2080-AA14_final_05132018.pdf; Best Practices for EPA Engagement with the Science Advisory Board March ....pdf; SAB Mtg Prep
Location: WJC-N 5400 + Video with RTP + Dial: 202-991-0477; Participant Code: 680-2581

Start: 5/24/2018 8:15:00 PM
End: 5/24/2018 9:00:00 PM
Show Time As: Busy

Materials Attached

To: Wehrum, Bill; Woods, Clint; Shoaff, John; Tsirigotis, Peter; Koerber, Mike; Grundler, Christopher; Cook, Leila; Hengst, Benjamin; Dunham, Sarah; Harlow, David; Gunasekara, Mandy; Bolen, Brittany; Schwab, Justin

draft+SAB+meeti... SABWkGrpSprin... WG_Memo_Fall1... WkGrp_memo_2... Best Practices for EPA Engagemen... SAB Mtg Prep

Appointment

From: Loving, Shanita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=439CE9C2D2104080A1B5908D3402BF20-LOVING, SHANITA]
Sent: 11/27/2017 7:59:32 PM
To: Harlow, David [harlow.david@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Srivastava, Ravi [Srivastava.Ravi@epa.gov]; Whitlow, Jeff [Whitlow.Jeff@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
CC: Alston, Lala [Alston.Lala@epa.gov]; South, Peter [South.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]

Subject: Meeting with Carmen Group, Inc. (Confirmed)
Attachments: FW: Confirmed: 12/4 at 3:00 pm ET: EPA - Carmen Group; RE: Meeting Request for Wayne Nastri -- Dec 4
Location: WJC-N 5400 + Video with OAQPS + **Conference phone and code/Ex.6**

Start: 12/4/2017 8:00:00 PM
End: 12/4/2017 8:45:00 PM
Show Time As: Busy

To: Wehrum, Bill; Gunasekara, Mandy; Harlow, David; Wood, Anna; Srivastava, Ravi; Whitlow, Jeff
Cc: Alston, Lala
Outside Attendee(s):

- Wayne Nastri, SCAQMD Executive Officer
- Dr. Phil Fine, Deputy Executive Officer for Planning
- Dr. Matt Miyasato, Deputy Executive Officer for Technology
- Dr. Lacki Tisopulos, Deputy Executive Officer for Engineering
- Gary Hoitsma, Carmen Group

FW: Confirmed: 12/4 at 3:00 pm ...

RE: Meeting Request for Way...

Message

From: Loving, Shanita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=439CE9C2D2104080A1B5908D3402BF20-LOVING, SHANITA]
Sent: 11/27/2017 6:10:32 PM
To: Gary Hoitsma [hoitsmag@carmengroup.com]
Subject: RE: Meeting Request for Wayne Nastri -- Dec 4

Okay, thank you. A meeting confirmation will be sent shortly.

Shanita Loving
Staff Assistant
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406 B, WJC-North
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 202-564-4728

From: Gary Hoitsma [mailto:hoitsmag@carmengroup.com]
Sent: Monday, November 27, 2017 1:07 PM
To: Loving, Shanita <Loving.Shanita@epa.gov>
Subject: Re: Meeting Request for Wayne Nastri -- Dec 4

Let's do 3:00pm. Thanks.

On Nov 27, 2017, at 12:37 PM, Loving, Shanita <Loving.Shanita@epa.gov> wrote:

> Hi Gary,
>
> Bill now has a conflict on his schedule at 4:00 pm. Will 2:00 pm or 3:00 pm work for you?
>
> Shanita Loving
> Staff Assistant
> Immediate Office of the Acting Assistant Administrator
> Office of Air and Radiation, USEPA
> Room 5406 B, WJC-North
> 1200 Pennsylvania Avenue, NW
> Washington, DC 20460
> Phone: 202-564-4728
>
> **From:** Gary Hoitsma [mailto:hoitsmag@carmengroup.com]
> **Sent:** Wednesday, November 22, 2017 3:16 PM
> **To:** Loving, Shanita <Loving.Shanita@epa.gov>
> **Subject:** Re: Meeting Request for Wayne Nastri -- Dec 4
>
> Yes thanks.
>
> On Nov 22, 2017, at 2:46 PM, Loving, Shanita <Loving.Shanita@epa.gov> wrote:
>
>> Okay, will 4:00 pm work on your end?
>>
>> Shanita Loving
>> Staff Assistant
>> Immediate Office of the Acting Assistant Administrator

Office of Air and Radiation, USEPA
Room 5406 B, WJC-North
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 202-564-4728

From: Gary Hoitsma [mailto:hoitsmag@carmengroup.com]
Sent: Wednesday, November 22, 2017 2:30 PM
To: Loving, Shanita <Loving.Shanita@epa.gov>
Subject: RE: Meeting Request for Wayne Nastri -- Dec 4

That's when the EPA public hearing begins where he is testifying. But I don't know where he is in the que. Assume there are many people testifying that day so don't know how long it would go.

From: Loving, Shanita [mailto:Loving.Shanita@epa.gov]
Sent: Wednesday, November 22, 2017 2:17 PM
To: Gary Hoitsma
Subject: RE: Meeting Request for Wayne Nastri -- Dec 4

Hi Gary,

Will December 4th at 10:00 am work?

Shanita Loving
Staff Assistant
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406 B, WJC-North
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 202-564-4728

From: Gary Hoitsma [mailto:hoitsmag@carmengroup.com]
Sent: Wednesday, November 22, 2017 2:08 PM
To: Loving, Shanita <Loving.Shanita@epa.gov>
Subject: RE: Meeting Request for Wayne Nastri -- Dec 4

He was planning to catch a 1:30 flight on Dec. 5. Was hoping for something earlier that day, or anything the day before. But if those are not possible, would guess he would change his schedule to do 1:00pm on the 5th. Let me know if there is any flexibility there. Thanks.

From: Loving, Shanita [mailto:Loving.Shanita@epa.gov]
Sent: Wednesday, November 22, 2017 1:58 PM
To: Gary Hoitsma
Cc: Atkinson, Emily
Subject: FW: Meeting Request for Wayne Nastri -- Dec 4
Importance: High

Hi Gary,

Bill Wehrum has reviewed your request and asked that we setup a 45 minute meeting in early December.

Please advise if you all could be available Tuesday, December 5, 2017 at 1:00 pm.

Thanks.

Shanita Loving
Staff Assistant
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406 B, WJC-North
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 202-564-4728

From: Atkinson, Emily
Sent: Wednesday, November 22, 2017 1:49 PM
To: Loving, Shanita <Loving.Shanita@epa.gov>
Subject: FW: Meeting Request for Wayne Nastri -- Dec 4

From: Gary Hoitsma [mailto:hoitsmag@carmengroup.com]
Sent: Tuesday, November 21, 2017 4:15 PM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: Meeting Request for Wayne Nastri -- Dec 4

Hi Josh,

I am the Washington DC Rep for SCAQMD in Southern California, where you know the agency's Executive Officer there, Wayne Nastri, former EPA Regional Administrator for Region 9. I remember we met earlier this year when Wayne and some of his staff visited your office back in March. Wayne will be in town again on Dec. 4 and early Dec. 5, and is hereby requesting an opportunity to meet with Assistant Administrator Wehrum at that time. I understand you all were EPA colleagues back in the Bush Administration.

Wayne is registered to testify in DC Dec. 4 at EPA's public hearing at 10:00am on the glider kit rulemaking. Is there any chance he can come by to see Bill and you later that day (Dec. 4) or early the next morning (Dec. 5)? Mostly just a courtesy call, including general discussion about SCAQMD's challenges meeting its AQMP goals and deadlines, its work developing clean vehicle technologies, its concerns about the future of DERA, etc.

Appreciate your consideration. Happy to provide more info if needed.

Thanks very much,

Gary

Gary Hoitsma
Carmen Group, Inc.
901 F Street, NW, Suite 600

Washington, DC 20004
202-218-4192 office
202-285-4307 cell

Appointment

From: Atkinson, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BB2155ADEF6A44AEA9410741F0C01D27-ATKINSON, EMILY]
Sent: 3/7/2018 1:18:05 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Charmley, William [charmley.william@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Sargeant, Kathryn [sargeant.kathryn@epa.gov]; Nelson, Brian [nelson.brian@epa.gov]; Moulis, Charles [moulis.charles@epa.gov]; Parsons, Christy [Parsons.Christy@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Orlin, David [Orlin.David@epa.gov]
CC: Carrillo, Andrea [Carrillo.Andrea@epa.gov]

Subject: HD Gliders: FRM Potential Options
Attachments: 2018 03 Wehrum mtg-request-form Gliders FRM Options.docx
Location: WJC-N 5400 + Video with AA + Dial: **Conference phone and code/Ex.6**

Start: 3/16/2018 2:00:00 PM
End: 3/16/2018 2:45:00 PM
Show Time As: Busy

To: Wehrum, Bill; Gunasekara, Mandy; Grundler, Christopher; Charmley, William; Hengst, Benjamin; Sargeant, Kathryn; Nelson, Brian; Moulis, Charles; Parsons, Christy; Kataoka, Mark; Orlin, David

2018 03 Wehrum mtg-request-form...

Appointment

From: Atkinson, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BB2155ADEF6A44AEA9410741F0C01D27-ATKINSON, EMILY]
Sent: 2/23/2018 8:30:33 PM
To: DeLuca, Isabel [DeLuca.Isabel@epa.gov]; John Millett [Millett.John@epa.gov]
CC: Birgfeld, Erin [Birgfeld.Erin@epa.gov]

Subject: MEMA Annual Legislative Summit Speech (Confirmed)
Attachments: FW: MEMA Speaking Invitation - April 10, 2018; RE: MEMA Speaking Invitation - April 10, 2018; Event Form OAR AA.DOCX; MEMA_Summit18_Agenda_3.16.18.pdf
Location: Mandarin Oriental Hotel, 1330 Maryland Ave SW, Washington, DC 20024

Start: 4/10/2018 3:15:00 PM
End: 4/10/2018 3:45:00 PM
Show Time As: Busy

Re: fuel efficiency and emissions standards, including CAFE and GHG emissions, issues critical to vehicle suppliers

FW: MEMA Speaking Invitati... | RE: MEMA Speaking Invitati... | MEMA_Summit1... | Event Form OAR AA.DOCX

Event Information Form

This form has been designed to assist in planning participation in events and activities.
This is not a confirmation of attendance.

Basic Background

Name of Event	MEMA 2018 Legislative Summit
Sponsoring Organization	Motor & Equipment Manufacturers Association
Date of Event	April 10, 2018
Time of Event	10 am – 2 pm
Expected time of remarks or participation by EPA official	11:15 am – 11:45 am
Location (please include city/town and street address)	Mandarin Oriental Hotel, 1330 Maryland Ave SW, Washington, DC 20024
Directions to the event (if appropriate, please also include relevant information about parking, the specific building, and best entrance to use)	Valet parking, event is in lower level in the Grand Ballroom
Where to meet POC	POC will meet you at hotel lobby

Event Description and Role of the EPA official

Brief description or outline of the event	Annual fly-in for MEMA members
Brochure, invitation and/or other event material(s)	Agenda attached
Agenda and order of speakers and biography/information of other speakers	Agenda attached
Name of person introducing EPA official	TBD – should be a MEMA division president / high level staff or member executive. Will send once final
Basic information about the role of the EPA official at the event. (For example, will they serve as a keynote speaker? Participate on a panel? Take part in a press conference? Tour a facility?)	Featured speaker
If the EPA official is a featured speaker, which topic(s) should they address and how long?	Timeframe: 20-minute remarks with 10-minute Q&A; Topics" midterm evaluation on vehicle greenhouse gas emissions, glider vehicles; any other air regs of motor vehicles, including off-highway heavy equipment
What rules would the audience like to hear about?	CAFE, glider rule
Will there be time for Q&A? If so, who will be moderating?	Ideally, 10 minutes of Q&A. We can do question cards and have a MEMA staff member moderate or have an open mic for the crowd.
Do you have a sense of the types of questions that may be asked?	Process of the midterm evaluation, timing of the NPRM, timing of glider rule finalization, potential for heavy-duty NOx proposed rule, CARB
Recommendations on the use of visuals/PowerPoint. Should the EPA official plan on using a PowerPoint Presentation?	No need for a PowerPoint

What is the physical layout of the room (e.g. size, and format of the interaction; podium, seated in armchair dialogue, or at a table, etc.)	Grand Ballroom of the Mandarin, have a riser at the front with a podium

About the Audience

Please tell us about the make-up of the audience for the event:	150 vehicle supplier executives
Expected number in attendance at the event	150
Will it be largely members of your organization?	Yes
Will others be in attendance? If so, who will be at the event? (General public, Businesspeople, Educators, Families, Students – what grade level, Children – how old)	Open to MEMA members only
Others? (Please describe)	N/A
Is the event open to press?	No

Contact Information

Your name:	Briana Huxley
Telephone Number:	202-312-9242
Mailing Address:	1030 15th St NW, Suite 500 East Washington, DC 20005
E-Mail Address:	Bhuxley@mema.org
Cell Phone Number:	508-525-3888
Fax Number:	202-737-3742
Best way to reach you at the event?	Cell – 508-525-3888

EPA Contact Person

Emily Atkinson, Administrative Speech Coordinator: 202-564-1850
John Millett, Communications Director: 202-564-2903

Appointment

From: Rakosnik, Delaney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=274573739a9f446883072599086ededd-Rakosnik, D]
Sent: 2/12/2019 8:01:30 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gilbride, Patrick [Gilbride.Patrick@epa.gov]; Goldman, Todd [Goldman.Todd@epa.gov]; Stolz, Luke [Stolz.Luke@epa.gov]; Mears, Gilbert [Mears.Gilbert@epa.gov]; Dutton, Allison [Dutton.Allison@epa.gov]
CC: Christensen, Kevin [christensen.kevin@epa.gov]

Subject: Meeting with OIG re: Glider Repeal Rule Significance Determination
Attachments: RE: OIG Request - Glider Repeal Rule Significance Determination
Location: WJC - N 5400 + Video with R3 3203 & R8 4103 + Conference phone and code/Ex.6

Start: 2/20/2019 4:00:00 PM
End: 2/20/2019 4:30:00 PM
Show Time As: Busy

TO: Bill Wehrum, Patrick Gilbride, Todd Goldman, Luke Stolz, Gilbert Mears, Allison Dutton

RE: OIG Request - Glider Repeal Ru...

Message

From: Dutton, Allison [Dutton.Allison@epa.gov]
Sent: 2/12/2019 8:53:43 PM
To: Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

Hi Delaney,

Please include the following OIG folks:
Gilbride, Patrick;
Goldman, Todd;
Stolz, Luke;
Mears, Gilbert;
Dutton, Allison

We will be in the following locations:
R3-PHL 3203-VTC-OIG-Restricted
R8Den-4103-FireholeRiver/OIG-Wynkoop-Restricted

Let me know if you need any additional information.
Alli

From: Rakosnik, Delaney
Sent: Tuesday, February 12, 2019 3:51 PM
To: Dutton, Allison <Dutton.Allison@epa.gov>
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

Who all should be invited to this meeting?

From: Dutton, Allison
Sent: Tuesday, February 12, 2019 3:03 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

Hi Delaney,
Gilbert Mears will attend in person. Thank you for coordinating this invite.

Below are the OIG VTC locations:
R3-PHL 3203-VTC-OIG-Restricted
R8Den-4103-FireholeRiver/OIG-Wynkoop-Restricted

-Alli

From: Rakosnik, Delaney
Sent: Tuesday, February 12, 2019 3:01 PM
To: Dutton, Allison <Dutton.Allison@epa.gov>
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

Bill uses WJC – N 5400. Who is the person at HQ you are referencing? I will include them in the invite.

From: Dutton, Allison
Sent: Tuesday, February 12, 2019 2:55 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

Hi Delaney,
Yes, 2/20 at 11amEST works for us.
Does Bill have a preferable VTC location? We have a team member in HQ who plans to attend in person.

Thanks,
Alli

From: Rakosnik, Delaney
Sent: Tuesday, February 12, 2019 2:28 PM
To: Dutton, Allison <Dutton.Allison@epa.gov>
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

How about 2/20 at 11am?

From: Dutton, Allison
Sent: Tuesday, February 12, 2019 10:14 AM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Cc: Marusiak, Eleanor <Marusiak.Eleanor@epa.gov>; Stolz, Luke <Stolz.Luke@epa.gov>; Vincent, Marc <Vincent.Marc@epa.gov>
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

Hi Delaney,
We are looking to schedule a 30 min meeting next week (week of 2/18) with Bill.
Please let us know his availability and we can send out the invite.

Thanks,
Alli

From: Vincent, Marc
Sent: Tuesday, February 12, 2019 9:09 AM
To: Dutton, Allison <Dutton.Allison@epa.gov>
Cc: Marusiak, Eleanor <Marusiak.Eleanor@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Stolz, Luke <Stolz.Luke@epa.gov>
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

Hi Alli,

Thanks for clarifying. Please work with Delaney Rakosnik (CC'ed) to schedule the meeting with Bill.

Marc Vincent
Office of Program Management Operations
Office of Air and Radiation
(202)564-0876

From: Dutton, Allison
Sent: Monday, February 11, 2019 12:06 PM
To: Vincent, Marc <Vincent.Marc@epa.gov>

Cc: Marusiak, Eleanor <Marusiak.Eleanor@epa.gov>
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

Hi Marc,

Deliberative Process / Ex. 5

Thanks,
Alli

From: Vincent, Marc
Sent: Monday, February 11, 2019 11:23 AM
To: Dutton, Allison <Dutton.Allison@epa.gov>
Cc: Marusiak, Eleanor <Marusiak.Eleanor@epa.gov>
Subject: RE: OIG Request - Glider Repeal Rule Significance Determination

Hi Alli,

Is there insight into what you would ask Bill as he was not at the agency when the rulemaking was done?

Marc Vincent
Office of Program Management Operations
Office of Air and Radiation
(202)564-0876

From: Dutton, Allison
Sent: Monday, February 11, 2019 11:22 AM
To: Marusiak, Eleanor <Marusiak.Eleanor@epa.gov>; Vincent, Marc <Vincent.Marc@epa.gov>
Subject: OIG Request - Glider Repeal Rule Significance Determination

Hello Eleanor and Marc,
We would like to schedule a 30 minute discussion with Bill Wehrum regarding our current assignment on the Glider Repeal Rule Significance Determination. If possible, we would like to hold this meeting next week (the week of February 18th) via VTC.

Please let us know available times or if we should coordinate with someone else.
Thanks,
Alli

Allison J. Dutton
Project Manager | U.S. EPA - Office of Inspector General
1650 Arch Street | Mail Code 3Ai00 | Philadelphia, PA 19103-2029
Desk: (215) 814-2349 | Cell: (215) 514-8758 | Fax: (215) 814-2351
dutton.allison@epa.gov
www.epa.gov/oig | File an OIG Hotline Complaint

Appointment

From: Atkinson, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BB2155ADEF6A44AEA9410741F0C01D27-ATKINSON, EMILY]
Sent: 3/19/2018 3:08:29 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]; Baptist, Erik [baptist.erik@epa.gov]

Subject: General Discussion
Attachments: Meeting with GC; RE: Meeting with GC
Location: WJC-N 5400 + Dial: **Conference phone and code/Ex.6**

Start: 3/21/2018 3:15:00 PM
End: 3/21/2018 4:00:00 PM
Show Time As: Busy

Re: Glider and cellulosic
To: Bill Wehrum, Mandy Gunasekara, David Harlow, Matt Leopold, Erik Baptist

Meeting with GC

RE: Meeting with GC

Message

From: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Sent: 3/16/2018 6:54:53 PM
To: Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]
Subject: Meeting with GC

Hey Emily and Josh,

Can you get a meeting with Bill, me, Harlow, Matt Leopold and Erik sometime early next week to discuss gliders? Let's plan for 45 minutes with a 15 minute buffer to whatever is next.

Sent from my iPhone

Message

From: Veney, Carla [Veney.Carla@epa.gov]
Sent: 3/19/2018 6:21:54 PM
To: Atkinson, Emily [Atkinson.Emily@epa.gov]
Subject: RE: Meeting with GC

I can make some time work between 10:45-12:00 on Wednesday.

-----Original Message-----
From: Atkinson, Emily
Sent: Monday, March 19, 2018 12:30 PM
To: Veney, Carla <Veney.Carla@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Meeting with GC

We could fit this in on Tuesday, March 22 at 12pm or 5pm or on Wednesday, March 21 at 9:30am or between 11:30am - 12:30pm.

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator Office of Air and Radiation, USEPA Room 5412B, 1200 Pennsylvania Avenue NW Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

-----Original Message-----
From: Veney, Carla
Sent: Monday, March 19, 2018 12:26 PM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Meeting with GC

Hi Emily, he doesn't have anything I can move right now. I'll be meeting with Matt later this afternoon and I'll mention this. What times can you throw out there that works earlier on your end?

-----Original Message-----
From: Atkinson, Emily
Sent: Monday, March 19, 2018 11:09 AM
To: Veney, Carla <Veney.Carla@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: FW: Meeting with GC

Hi Carla,

I have scheduled a general discussion for Friday, March 23 at 2pm but we would like to have the meeting earlier in the week.

Any spots you could free up for Matt tomorrow?

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator Office of Air and Radiation, USEPA Room 5412B, 1200 Pennsylvania Avenue NW Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

-----Original Message-----
From: Gunasekara, Mandy
Sent: Friday, March 16, 2018 2:55 PM
To: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: Meeting with GC

Hey Emily and Josh,

Can you get a meeting with Bill, me, Harlow, Matt Leopold and Erik sometime early next week to discuss gliders? Let's plan for 45 minutes with a 15 minute buffer to whatever is next.

Sent from my iPhone

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 2/27/2019 10:21:18 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Fwd: Materials - SAB Response Briefing
Attachments: Draft SAB Response 2.27.19.docx; ATT00001.htm

Begin forwarded message:

From: "Woods, Clint" <woods.clint@epa.gov>
Date: February 27, 2019 at 3:45:26 PM EST
To: "Eby, Natasha" <eby.natasha@epa.gov>, "Humphreys, Hayly" <humphreys.hayly@epa.gov>
Cc: "Fitzmorris, Amanda" <fitzmorris.amanda@epa.gov>
Subject: Materials - SAB Response Briefing

All,

Attached is draft response. In addition, could we print the pages of the following letters to accompany in binder?:
Pg. 1 -2:
https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOARD/7A84AADF3F2FE04A85258307005F7D70/$File/EPA-SAB-18-003+.pdf
Pg. 1-4:
https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOARD/4ECB44CA28936083852582BB004ADE54/$File/EPA-SAB-18-003+Unsigned.pdf
Pg. 1-6:
https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOARD/E7CB10891C8CAD8F852582B3006EFAF7/$File/EPA-SAB-18-002+.pdf
Pg. 1-7:
https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOARD/CF4E90721EEBC4C0852582B3006F0FD6/$File/EPA-SAB-18-001+.pdf

Clint Woods
Deputy Assistant Administrator
Office of Air and Radiation, U.S. EPA
202.564.6562

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 2/22/2019 2:31:44 PM
To: Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]
CC: Farrar, Wanda [farrar.wanda@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]
Subject: RE: OAR - 2019 Spring Regulatory Agenda Entries Input Needed by Noon Tuesday, Feb 19.
Attachments: Copy of OAR - 2019 Spring Regulatory Agenda Entries io.xlsx

Sorry for delay – Worked out a couple wrinkles. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 Attached has updated entries in green text with comments throughout.

Copy of OAR - 2019 Spring Reg...

Thanks!

From: Woods, Clint
Sent: Wednesday, February 20, 2019 11:59 AM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Cc: Farrar, Wanda <farrar.wanda@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>
Subject: RE: OAR - 2019 Spring Regulatory Agenda Entries Input Needed by Noon Tuesday, Feb 19.

Jonathan,

Will be sending you edits that reflect feedback from Bill, David, and Alex shortly. I'll plan to highlight suggested edits in green, as well as incorporate a few explanatory comments. According to OP, end of this week is updated/hard deadline from their end, so happy to discuss further as necessary. Sounds like they are also hoping to have a short check in post-OMB review, so we ought to have at least one more bite at the apple. Thanks!

Clint

From: Lubetsky, Jonathan
Sent: Friday, February 15, 2019 1:07 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Cc: Farrar, Wanda <farrar.wanda@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>
Subject: OAR - 2019 Spring Regulatory Agenda Entries Input Needed by Noon Tuesday, Feb 19.

Good Afternoon,

Attached for review is OAR's 2019 Spring Reg Agenda Entries. The programs have reviewed, updated, conferred with OP and OGC and obtained their program-level management approval. The deadline for OAR to submit to OP is COB Tuesday, February 19, 2019. Therefore, please review and provide feedback by noon Tuesday, February 19, 2019 or as soon as schedules permit. You can send your feedback to Wanda, John and me.

Please note that the yellow highlights indicate changes made by our programs to the information provided to us by OP in this spreadsheet. Also, when the entire row is highlighted, these items were not included in the original Reg Agenda spreadsheet and the programs added them.
Best regards,
Jonathan Lubetsky

<< File: OAR - 2019 Spring Regulatory Agenda Entries.xlsx >>

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 2/20/2019 2:32:29 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]
CC: Lewis, Josh [Lewis.Josh@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: RE: Calendar for Wednesday

Truly. I only came in to take advantage of the peace and quiet and to ensure that, having made the trek, I'd make myself read some stuff that I'd been meaning (and needing) to read. I'll likely blow out of here later this afternoon, so I can go home and shovel snow.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Wehrum, Bill
Sent: Wednesday, February 20, 2019 9:23 AM
To: Woods, Clint <woods.Clint@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Calendar for Wednesday

The office is pretty much deserted today. No need to be here in person.

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Woods, Clint
Sent: Wednesday, February 20, 2019 9:21 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Calendar for Wednesday

I'll be calling into the MON prebrief but should be in the office this afternoon. Thanks!

On Feb 20, 2019, at 8:22 AM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

Thanks David. Josh, Jon Edwards wants to reschedule his one-on-one for tomorrow or Friday.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Harlow, David
Sent: Wednesday, February 20, 2019 8:21 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Calendar for Wednesday

Bill,

I'm in the office too. (I just got on the road this a.m. in front of the snow.) If we're still planning to have, say, the MON pre-briefing this morning with RTP, I'm available to come into 5400.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Wehrum, Bill
Sent: Wednesday, February 20, 2019 8:17 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Calendar for Wednesday

Josh – I think we also should reschedule the ACE meeting. I now realize that we get a room full of people here in DC for the ACE meetings. I do not want anyone

to feel obligated to come in or call in on a day when the government is shut down. I'd like to find time to do that meeting tomorrow or Friday, if at all possible.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Lewis, Josh
Sent: Wednesday, February 20, 2019 7:54 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Re: Calendar for Wednesday

Ok. Before I get in touch with Jon and Sarah and others, are you planning to be in the office today? Or taking calls from home?

On Feb 20, 2019, at 7:34 AM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

> Thanks. I'm okay with everything else. I leave it to Sarah and Jon to decide if they want to do the one on ones. Same for the IG. The rest are calls with OAQPS or OTAQ, which should be fine.
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404
>
> On Feb 20, 2019, at 7:32 AM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:
>
>> Ok I'll get word to Otaq folks now about the 9 am
>>
>> On Feb 20, 2019, at 7:27 AM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>>
>>> I know for sure that I need to reschedule the 9:00 OTAQ meeting. Let's wait to pick another time. I will get back to you on everything else.
>>>
>>> _____
>>> Bill Wehrum
>>> Assistant Administrator
>>> Office of Air and Radiation
>>> U.S. Environmental Protection Agency

(202) 564-7404

On Feb 20, 2019, at 7:14 AM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:

> Bill - given the closure today, let us know how you want to proceed with meetings. I can open the phone lines for meetings as needed.
>
> On Feb 19, 2019, at 5:37 PM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:
>
>> Let's check tomorrow morning to see what's going on weather-wise. At a minimum, I'll open the line at 9 am for the LD GHG discussion.
>>
>> Re: the IG meeting at 11, the email from the IG said, "We would like to speak with Bill about the Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 Glider Repeal Rule Deliberative Process / Ex. 5
>>
>> Deliberative Process / Ex. 5
>>
>> That meeting is set up to be video conference with R3 and R8. We'll play that one by ear.

February 2018

<Picture (Device Independent Bitmap) 1.jpg>

<Picture (Device Independent Bitmap) 2.jpg> Wed, Feb 20

<Picture (Device Independent Bitmap) 3.jpg>	**Before 8:00 AM**
<Picture (Device Independent Bitmap) 4.jpg>	**8:00 AM – 9:00 AM**
<Picture (Device Independent Bitmap) 5.jpg>	9:00 AM – 9:30 AM
<Picture (Device Independent Bitmap) 6.jpg>	**9:30 AM – 9:45 AM**
<Picture (Device Independent Bitmap) 7.jpg>	9:45 AM – 10:30 AM
<Picture (Device Independent Bitmap) 8.jpg>	10:30 AM – 11:00 AM
<Picture (Device Independent Bitmap) 9.jpg>	11:00 AM – 11:30 AM
<Picture (Device Independent Bitmap) 10.jpg>	11:30 AM – 1:00 PM
<Picture (Device Independent Bitmap) 11.jpg>	1:00 PM – 2:30 PM
<Picture (Device Independent Bitmap) 12.jpg>	2:30 PM – 3:00 PM
<Picture (Device Independent Bitmap) 13.jpg>	3:00 PM – 4:00 PM

	<Picture (Device Independent Bitmap) 14.jpg>	4:00 PM – 4:30 PM
	<Picture (Device Independent Bitmap) 15.jpg>	**4:30 PM – 5:00 PM**
	<Picture (Device Independent Bitmap) 16.jpg>	**5:00 PM – 5:15 PM**
	<Picture (Device Independent Bitmap) 17.jpg>	5:15 PM – 5:45 PM
	<Picture (Device Independent Bitmap) 18.jpg>	**After 5:45 PM**
<Picture (Device Independent Bitmap) 19.jpg>		

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 2/20/2019 12:14:18 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Harlow, David [harlow.david@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Millett, John [Millett.John@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]
Subject: Re: Calendar for Wednesday

Bill - given the closure today, let us know how you want to proceed with meetings. I can open the phone lines for meetings as needed.

On Feb 19, 2019, at 5:37 PM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:

> Let's check tomorrow morning to see what's going on weather-wise. At a minimum, I'll open the line at 9 am for the LD GHG discussion.
>
> Re: the IG meeting at 11, the email from the IG said, "We would like to speak with Bill about the Deliberative Process / Ex. 5 Glider Repeal Rule Deliberative Process / Ex. 5
>
> Deliberative Process / Ex. 5
>
> That meeting is set up to be video conference with R3 and R8. We'll play that one by ear.

February 2019

<Picture (Device Independent Bitmap) 1.jpg>

<Picture (Device Independent Bitmap) 2.jpg> Wed, Feb 20

<Picture (Device Independent Bitmap) 3.jpg>	**Before 8:00 AM**	**Free**
<Picture (Device Independent Bitmap) 4.jpg>	**8:00 AM – 9:00 AM**	**Free**
<Picture (Device Independent Bitmap) 5.jpg>	9:00 AM – 9:30 AM	LD GHG Meeting
<Picture (Device Independent Bitmap) 6.jpg>	**9:30 AM – 9:45 AM**	**Free**
<Picture (Device Independent Bitmap) 7.jpg>	9:45 AM – 10:30 AM	Pre-Briefing for Option Selection for Miscellaneous Organic Chemical Manufacturing NESHAP (MON) Risk and Technology Review (RTR) (Tier 2, SAN 6494)
<Picture (Device Independent Bitmap) 8.jpg>	10:30 AM – 11:00 AM	One-on-One with Jon Edwards
<Picture (Device Independent Bitmap) 9.jpg>	11:00 AM – 11:30 AM	Meeting with OIG re: Glider Repeal Rule Deliberative Process / Ex. 5

<Picture (Device Independent Bitmap) 10.jpg>	11:30 AM – 1:00 PM	Personal Hold
<Picture (Device Independent Bitmap) 11.jpg>	1:00 PM – 2:30 PM	ACE Meeting
<Picture (Device Independent Bitmap) 12.jpg>	2:30 PM – 3:00 PM	One-on-One with Sarah Dunham
<Picture (Device Independent Bitmap) 13.jpg>	3:00 PM – 4:00 PM	Release of our Aircraft Lead Reports
<Picture (Device Independent Bitmap) 14.jpg>	4:00 PM – 4:30 PM	General discussion with Chris Grundler
<Picture (Device Independent Bitmap) 15.jpg>	**4:30 PM – 5:00 PM**	**Free**
<Picture (Device Independent Bitmap) 16.jpg>	**5:00 PM – 5:15 PM**	**Free**
<Picture (Device Independent Bitmap) 17.jpg>	5:15 PM – 5:45 PM	NATA - Regional Coordination
<Picture (Device Independent Bitmap) 18.jpg>	**After 5:45 PM**	**Free**

<Picture (Device Independent Bitmap) 19.jpg>

Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 2/19/2019 6:41:43 PM
To: Price, Doris [Price.Doris@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Strine, Lora [Strine.Lora@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Mroz, Jessica [mroz.jessica@epa.gov]; Carroll, Maria [carroll.maria@epa.gov]; Weaver, Marilyn [weaver.marilyn@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]
Subject: OAR Preview Overdue Report for Week Ending February 23, 2019
Attachments: OAR Preview Overdue Report for Week February 23, 2019.pdf

OAR Correspondence Coordinators:

Attached is the latest report for correspondence due from your program office. Please review and complete assignments by the due date indicated. If you have any questions or need assistance, please contact me. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

Appointment

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 2/15/2019 6:54:00 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]

Subject: Meeting Forward Notification: Meeting with OIG re: Glider Repeal Rule Deliberative Process / Ex. 5
Location: WJC - N 5400 + Video with R3 3203 & R8 4103 + 202-991-0477 + 680-2581

Start: 2/20/2019 4:00:00 PM
End: 2/20/2019 4:30:00 PM

Recurrence: (none)

Your meeting was forwarded

Gilbride, Patrick has forwarded your meeting request to additional recipients.

Meeting

Meeting with OIG re: Glider Repeal Rule Deliberative Process / Ex. 5

Meeting Time

Wednesday, 20 February 2019 11:00-11:30.

Recipients

Christensen, Kevin

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Message

From: Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
Sent: 2/15/2019 6:07:04 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]
CC: Farrar, Wanda [farrar.wanda@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]
Subject: OAR - 2019 Spring Regulatory Agenda Entries Input Needed by Noon Tuesday, Feb 19.
Attachments: OAR - 2019 Spring Regulatory Agenda Entries.xlsx

Good Afternoon,

Attached for review is OAR's 2019 Spring Reg Agenda Entries. The programs have reviewed, updated, conferred with OP and OGC and obtained their program-level management approval. The deadline for OAR to submit to OP is COB Tuesday, February 19, 2019. Therefore, please review and provide feedback by noon Tuesday, February 19, 2019 or as soon as schedules permit. You can send your feedback to Wanda, John and me.

Please note that the yellow highlights indicate changes made by our programs to the information provided to us by OP in this spreadsheet. Also, when the entire row is highlighted, these items were not included in the original Reg Agenda spreadsheet and the programs added them.
Best regards,
Jonathan Lubetsky

OAR - 2019 Spring Regulatory Agen...

Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 2/12/2019 1:22:01 PM
To: Price, Doris [Price.Doris@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Strine, Lora [Strine.Lora@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Mroz, Jessica [mroz.jessica@epa.gov]; Carroll, Maria [carroll.maria@epa.gov]; Weaver, Marilyn [weaver.marilyn@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]
Subject: RE: OAR Preview Overdue Report for Week Ending February 16, 2019
Attachments: OAR Preview Overdue Report for Week February 16, 2019.pdf

OAR Correspondence Coordinators:

Attached is the latest report for correspondence due from your program office. Please review and complete assignments by the due date indicated. If you have any questions or need assistance, please contact me. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

Message

From: Vincent, Marc [Vincent.Marc@epa.gov]
Sent: 2/11/2019 7:28:26 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Walters, Margaret [Walters.Margaret@epa.gov]; Hyde, Courtney [Hyde.Courtney@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Haley, Mike [Haley.Mike@epa.gov]
CC: Marusiak, Eleanor [Marusiak.Eleanor@epa.gov]; Cohen, Janet [cohen.janet@epa.gov]
Subject: FYI: Requested Extension for Responding to OIG Draft Report – Evaluation of Heavy-duty Vehicle Compliance Program Internal Controls (OPE-FY17-0026)
Attachments: OIG Draft Report - Heavy-duty Vehicle Compliance Program, 2.6.19.docx

Hi All,

As a FYI, we graciously took OIG's offer for an extension to responding to the draft report by requesting an extra three weeks. Based on our informal conversation with them, we believe this will be accepted and allow us to provide a formal signed response by March 29, 2019.

Please let us know if you have any questions.

Marc Vincent
Office of Program Management Operations
Office of Air and Radiation
(202)564-0876

From: Vincent, Marc
Sent: Wednesday, February 06, 2019 12:23 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Walters, Margaret <walters.margaret@epa.gov>; Hyde, Courtney <hyde.courtney@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Burch, Julia <burch.julia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>
Cc: Marusiak, Eleanor <Marusiak.Eleanor@epa.gov>
Subject: FYI: OIG Draft Report – Evaluation of Heavy-duty Vehicle Compliance Program Internal Controls (OPE-FY17-0026)

Hi All,

As a FYI, OIG has issued its draft report for the audit of OTAQ's Heavy-duty Vehicle Compliance Program Internal Controls titled *EPA Demonstrates Effective Controls for Its On-Road Heavy-Duty Vehicle Compliance Program; Further Improvements Could Be Made* (OPE-FY17-0026). Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please let us know if you have any questions.

Marc Vincent
Office of Program Management Operations
Office of Air and Radiation
(202)564-0876

From: Gilbride, Patrick
Sent: Wednesday, February 06, 2019 12:15 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Cohen, Janet <cohen.janet@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Vincent, Marc <Vincent.Marc@epa.gov>; Jackson, Cleophas <jackson.cleophas@epa.gov>; Duncan, Allen <duncan.allen@epa.gov>; Imfeld, Sterling <imfeld.sterling@epa.gov>; Brusstar, Matt <brusstar.matt@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Goldman, Todd <Goldman.Todd@epa.gov>; Wehrly, Linc <wehrly.linc@epa.gov>; Mesrobian, Sarah <mesrobian.sarah@epa.gov>; Haugen, David <haugen.david@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Kohler, James <Kohler.James@epa.gov>; El-Zoghbi, Christine <El-Zoghbi.Christine@epa.gov>; Christensen, Kevin <Christensen.Kevin@epa.gov>; OIG IGreview <OIG_IGreview@epa.gov>; OIG DIGreview <OIG_DIGreview@epa.gov>; Peralta, Maria <Peralta.Maria@epa.gov>; Zaremski, Sara <zaremski.sara@epa.gov>; Eyermann, Richard <Eyermann.Richard@epa.gov>
Subject: For Review – OIG report – Evaluation of Heavy-duty Vehicle Compliance Program Internal Controls (OPE-FY17-0026)

Bill,

Attached for your review is OIG's official draft report on our evaluation of OTAQ's Heavy-duty Vehicle Compliance Program Internal Controls (project no. OPE-FY17-0026). Please provide your response and any comments on the official draft within 30 days (or by COB Friday, March 8, 2019). We understand the acute impact of the shutdown on OTAQ's operations, particularly on the certification process, so we will be flexible should you need more time beyond the standard 30 days to respond. You may share this official draft with other EPA officials or staff who have a role in this area; however, it should not be shared with anyone outside the agency.

We very much appreciate the coordination and assistance provided by OTAQ and the National Vehicle and Fuel Emissions Laboratory.

If you have any questions, please contact me at 303-312-6969 or Jim Kohler, Project Manager, at 202-566-1032.

Thanks,
Pat

Patrick Gilbride
Director, Environmental Research Programs
U.S. EPA, Office of Inspector General
1595 Wynkoop St.
Denver, CO. 80202
303-312-6969

Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 10/24/2018 5:25:57 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Harlow, David [harlow.david@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: FW: Letter from Tennessee Technological University (TTU) to EPA, Mr. Fitzgerald, and Congresswoman Diane Black regarding the TTU glider emissions study
Attachments: 2018-10-23-Letters-from TTU to EPA, TFitzgerald.pdf

For situational awareness. The Administrator was copied on this Oct 23 letter to Fitzgerald and Cong. Black

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

From: Charmley, William
Sent: Wednesday, October 24, 2018 12:59 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: Letter from Tennessee Technological University (TTU) to EPA, Mr. Fitzgerald, and Congresswoman Diane Black regarding the TTU glider emissions study

Dear all,

Attached is a letter dated October 23, 2018 (yesterday) from TTU to EPA, Mr. Fitzgerald, and Congresswoman Black regarding the TTU emissions testing program and the June 15, 2017 letter from the President of TTU to Congresswoman Black that was attached to the Fitzgerald et. al. petition regarding the EPA glider provisions.

The letter is 1 page – in the attachment is the letter to all 3 recipients. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Below is also an article on this topic, which includes a link to the letter, which is where I downloaded the letter from.
bu
Thanks
Bill

Bloomberg GOVERNMENT

The Hill: University: Truck pollution research cited by EPA was 'not accurate'

October 24, 2018 12:15PM ET | The Hill

University: Truck pollution research cited by EPA was 'not accurate' The research the Environmental Protection Agency (EPA) cited in proposing to roll back a major truck pollution rule was "not accurate," the university that conducted the study ...

Read More

Major News Sources - EPA News Alert

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October 23, 2018

Mr. Tommy C. Fitzgerald
Fitzgerald Glider Kits
575 Technology Dr.
Sparta, TN 38583

Reference: Tennessee Tech University – Summary of Heavy Duty Truck Study and Evaluation of the Phase II Heavy Duty Truck Rule

Dear Mr. Fitzgerald:

In a letter to Congressman Diane Black on June 15, 2017, representatives of Tennessee Technological University ("Tennessee Tech") shared the results of research that had been performed by the university related to the subject topic. On February 19, 2018, Tennessee Tech President Philip Oldham notified you, Congressman Black, and the EPA Administrator that the university was investigating the methodology and accuracy of the study, and President Oldham requested the recipients to withhold any use or reference to the study pending the conclusion of Tennessee Tech's internal investigations.

The university has concluded its internal investigation and has found that certain conclusions reported in the June 2017 letter were not accurate. Specifically, the letter stated that, "*The results of the emissions test were compared with the 2010 EPA emissions standards for HDVs. Our research showed that optimized and remanufactured 2002-2007 engines and OEM 'certified' engines performed equally as well and in some instances out-performed the OEM engines.*" The university has determined that this statement is inaccurate in two respects. First, the field-testing procedures used by Tennessee Tech in this research effort were not sufficient to justify comparisons with EPA emissions standards. Second, following a review of the supporting data for these statements, Tennessee Tech has determined that the data does not support the statement that optimized and remanufactured engines performed equally as well as OEM "certified" engines.

The intent of the subject research was to conduct relative comparisons of emissions from OEM engines and engines remanufactured with the sponsoring company's glider kits. These tests were intended only to establish a baseline comparison of the two groups of engines. The university's review of the research has found that the research itself was methodologically sound, and that the methods, methodology, and measurements used were appropriate for the project based upon the project's original intent.

It is the desire of every individual involved with Tennessee Tech that we maintain the highest degree of integrity in everything that we do, especially in scholarly endeavors that lead to informing public policy. We take our responsibility in this area very seriously, and we sincerely regret the inconvenience caused by the inaccuracies in the June 2017 letter.

Sincerely,

Trudy Harper
Vice Chairman of the Board of Trustees, Tennessee Technological University

cc: Congressman Diane Black
Administrator, Environmental Protection Agency

October 23, 2018

Administrator
Environmental Protection Agency
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
MAIL CODE: 1101A
Washington, DC 20460

Reference: Tennessee Tech University – Summary of Heavy Duty Truck Study and Evaluation of the Phase II Heavy Duty Truck Rule

Dear Sir:

In a letter to Congressman Diane Black on June 15, 2017, representatives of Tennessee Technological University ("Tennessee Tech") shared the results of research that had been performed by the university related to the subject topic. On February 19, 2018, Tennessee Tech President Philip Oldham notified the EPA Administrator, Congressman Black, and the sponsor of the subject research that the university was investigating the methodology and accuracy of the study, and President Oldham requested the recipients to withhold any use or reference to the study pending the conclusion of Tennessee Tech's internal investigations.

The university has concluded its internal investigation and has found that certain conclusions reported in the June 2017 letter were not accurate. Specifically, the letter stated that, "*The results of the emissions test were compared with the 2010 EPA emissions standards for HDVs. Our research showed that optimized and remanufactured 2002-2007 engines and OEM 'certified' engines performed equally as well and in some instances out-performed the OEM engines.*" The university has determined that this statement is inaccurate in two respects. First, the field-testing procedures used by Tennessee Tech in this research effort were not sufficient to justify comparisons with EPA emissions standards. Second, following a review of the supporting data for these statements, Tennessee Tech has determined that the data does not support the statement that optimized and remanufactured engines performed equally as well as OEM "certified" engines.

The intent of the subject research was to conduct relative comparisons of emissions from OEM engines and engines remanufactured with the sponsoring company's glider kits. These tests were intended only to establish a baseline comparison of the two groups of engines. The university's review of the research has found that the research itself was methodologically sound, and that the methods, methodology, and measurements used were appropriate for the project based upon the project's original intent.

It is the desire of every individual involved with Tennessee Tech that we maintain the highest degree of integrity in everything that we do, especially in scholarly endeavors that lead to informing public policy. We take our responsibility in this area very seriously, and we sincerely regret the inconvenience caused by the inaccuracies in the June 2017 letter.

Sincerely,

Trudy Harper
Vice Chairman of the Board of Trustees, Tennessee Technological University

cc: Congressman Diane Black
Mr. Tommy C. Fitzgerald, Fitzgerald Glider Kits

October 23, 2018

The Honorable Diane Black
1131 Longworth HOB
Washington, DC 20515

Reference: Tennessee Tech University – Summary of Heavy Duty Truck Study and Evaluation of the Phase II Heavy Duty Truck Rule

Dear Congressman Black:

In a letter to you on June 15, 2017, representatives of Tennessee Technological University ("Tennessee Tech") shared the results of research that had been performed by the university related to the subject topic. On February 19, 2018, Tennessee Tech President Philip Oldham notified you, the EPA Administrator, and the sponsor of the subject research that the university was investigating the methodology and accuracy of the study, and President Oldham requested the recipients to withhold any use or reference to the study pending the conclusion of Tennessee Tech's internal investigations.

The university has concluded its internal investigation and has found that certain conclusions reported in the June 2017 letter were not accurate. Specifically, the letter stated that, "*The results of the emissions test were compared with the 2010 EPA emissions standards for HDVs. Our research showed that optimized and remanufactured 2002-2007 engines and OEM 'certified' engines performed equally as well and in some instances out-performed the OEM engines.*" The university has determined that this statement is inaccurate in two respects. First, the field-testing procedures used by Tennessee Tech in this research effort were not sufficient to justify comparisons with EPA emissions standards. Second, following a review of the supporting data for these statements, Tennessee Tech has determined that the data does not support the statement that optimized and remanufactured engines performed equally as well as OEM "certified" engines.

The intent of the subject research was to conduct relative comparisons of emissions from OEM engines and engines remanufactured with the sponsoring company's glider kits. These tests were intended only to establish a baseline comparison of the two groups of engines. The university's review of the research has found that the research itself was methodologically sound, and that the methods, methodology, and measurements used were appropriate for the project based upon the project's original intent.

It is the desire of every individual involved with Tennessee Tech that we maintain the highest degree of integrity in everything that we do, especially in scholarly endeavors that lead to informing public policy. We take our responsibility in this area very seriously, and we sincerely regret the inconvenience caused by the inaccuracies in the June 2017 letter.

Sincerely,

Trudy Harper
Vice Chairman of the Board of Trustees, Tennessee Technological University

cc: Administrator, Environmental Protection Agency
Mr. Tommy C. Fitzgerald, Fitzgerald Glider Kits

Message

From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 10/24/2018 4:56:23 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: University says controversial glider emissions study 'not accurate'

By Alex Guillén

10/24/2018 12:54 PM EDT

Tennessee Technological University today said that its manufacturer-funded 2017 study on emissions from glider trucks that concluded gliders have the same or better emissions as newly manufactured engines is "not accurate."

The research was backed by Fitzgerald Glider Kits, the nation's biggest maker of gliders, which are refurbished engines installed into new chassis and cabs. EPA cited that study in its proposal to repeal the first-ever glider emissions limits imposed by the Obama administration. Auto experts and environmentalists quickly questioned the TTU study, which was never released in full, and university officials in February launched an internal review and warned EPA against citing it further.

Some of the study's conclusions were "not accurate," Trudy Harper, vice chairman of the TTU Board of Trustees, wrote in letters to EPA, Fitzgerald and Rep. Diane Black (R-Tenn.).

She said the testing procedures used by TTU "were not sufficient to justify comparisons with EPA emissions standards." TTU also found that the study's data "does not support the statement that optimized and remanufactured engines performed equally as well" as new engines.

Harper added that "the research itself was methodologically sound" and said the measurements and methods were "appropriate for the project based upon the project's original intent."

A separate EPA study conducted in late 2017 concluded that gliders emit substantially more pollution than new engines. EPA's inspector general is reviewing that agency research at the request of congressional Republicans.

WHAT'S NEXT: EPA appears to have placed its plans to repeal the glider rule on the back burner, and has resumed enforcement after a court this summer reversed its decision not to enforce strict glider manufacturing caps, a move the industry has said could drive companies out of business.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2018/10/university-says-controversial-glider-emissions-study-not-accurate-2118848

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This email was sent to wehrum.bill@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 10/24/2018 10:20:06 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]
Subject: CARB, EPA Test For Low-NOx Truck Rule, But Future Clash May Loom | InsideEPA.com

https://insideepa.com/daily-news/carb-epa-test-low-nox-truck-rule-future-clash-may-loom

CARB, EPA Test For Low-NOx Truck Rule, But Future Clash May Loom

EPA and California officials are jointly testing various technologies to assess options for a new, low-nitrogen oxide (NOx) standard for heavy-duty truck engines, but it remains unclear whether California's plan to propose its own strict rule in 2019 will conflict with EPA's hands-off approach, undercutting broad industry calls for one national standard.

The California Air Resources Board (CARB) "has been coordinating closely with EPA technical staff on the development of the next generation of NOx standards for heavy-duty truck engines," says a CARB spokeswoman. "CARB has been meeting every two weeks with EPA Ann Arbor [MI] staff, and EPA is co-funding part of the CARB low-NOx demonstration project at Southwest Research Institute."

While EPA "has not announced if/when it will move forward with work on a national standard," CARB "hopes EPA will be able to begin work on that soon," the spokeswoman says.

CARB staff plans to propose its own low-NOx heavy-duty engine standard in December 2019, the spokeswoman adds, though she stopped short of saying whether the agency would advance a strict standard that state and local regulators have sought.

CARB has maintained the new standard is critical for certain regions of the state to attain federal ozone standards by 2023 and 2031, and fine particulate matter standards within the next eight years.

But faced with the prospect that California will move ahead without the federal government, trucking and engine manufacturing industries have been pushing both agencies to agree on one national standard, rather than California adopting its own, potentially more stringent regulation prior to any EPA action.

A source with the Truck & Engine Manufacturers Association (EMA) says the organization "has for some time been encouraging EPA to undertake a national heavy-duty on-highway rulemaking to both modernize and streamline the current regulatory program and to revise the program to reduce real-world NOx emissions from commercial vehicles. We are optimistic that EPA will announce its intent to move forward on such a program soon."

But in the meantime, "EMA will continue to cooperate with CARB on its efforts to adopt its next generation heavy-duty on-highway program."

The source says it remains unclear whether CARB will adopt its own regulation before EPA takes action, and whether the California rule will be more stringent than any future EPA measure.

An EPA spokesman says agency staff "are currently conducting early technical work on technologies capable of reducing NOx emissions under a broad range of operating conditions throughout the full life of heavy-duty engines" and that officials "would seek a holistic approach that reduces real-world NOx while simplifying existing requirements."

Further, "we know CARB is already well on its way to developing the new heavy-duty NOx program and the EPA staff are engaged at a technical level on that effort," the spokesman says.

However, in terms of "an announcement or timing of a future [EPA] rule, we don't have anything to share at this time."

But the EPA spokesman notes that since 2016, the agency "has heard from more than 30 companies/trade associations on the importance of highway heavy-duty NOx, indicating broad support for a 50-state rule."

Looming Debate

The looming debate over a new heavy-duty NOx standard echoes similar debates already playing out as the Trump administration advances its plans to weaken federal greenhouse gas rules governing light-duty vehicles and glider trucks that were aligned with California requirements.

The debate was sparked when EPA under the Obama administration in late 2016 accepted a petition filed by a host of local and state air quality regulators for the development of a low-NOx heavy-duty engine standard that would take effect in model year 2024.

At that time, sources said they did not expect EPA to support a 0.02 grams per brakehorse power-hour (g/bhp-hr) standard that was endorsed in the petition.

But the rule's status under the Trump administration has been murky, and sources have said they were expecting lengthy delays before the agency takes action on the issue.

Early this year, truck and engine makers publicly urged EPA to move forward with the new standard, seeking to ensure a national program as an alternative to what the sector fears would be a less-flexible program from California.

The manufacturers' plea also urged any forthcoming rules to not make it more difficult for the industry to meet existing heavy-duty truck GHG regulations -- a request that could be seen as advocacy for a relatively weaker NOx limit than what California has pushed for.

CARB officials said in regulatory notices in late 2016 that they envisioned the eventual establishment of national low-NOx emission standards that "reflect up to a 90 percent reduction in NOx emissions compared to the current emission standards." This would reflect the emission reductions achievable by a 0.02 g/bhp-hr standard for 2023 engines sold in the state, officials indicated at that time.

CARB also indicated that once the board adopts a 0.02 g/bhp-hr standard, either EPA will eventually follow with the same rule applying nationwide or that engine makers will decide to certify all their engines to the stricter California regulation rather than making two different engine model sets.

However, it is unclear whether the ongoing testing by CARB and EPA staff and the Southwest Research Institute demonstration program may result in a standard that is less stringent than the 0.02 g/bhp-hr limit.

“The exact value of the standard we propose is still to be determined,” the CARB spokeswoman says. “We plan to base our recommended new standard in part on the results of the heavy-duty low NOx demonstration project currently still in progress at Southwest Research Institute.”

'Not Doable'

Truck engine makers in late 2016 attacked California's plans when they were announced, including charging that pollution forecasts by the Los Angeles-area's South Coast air district and backed by CARB highly exaggerate NOx and ozone levels to justify more stringent regulations.

Industry representatives also argued then that CARB used inappropriate engine testing procedures and models to claim that its preferred standard could be achieved on diesel engines without a GHG penalty. "That is not doable without a huge GHG tradeoff, because

at some point you've got to be adding heat to ensure compliance at every mode," an industry source said at that time.

But top CARB staffers have claimed that achieving more stringent NOx engine standards can be accomplished while also reducing GHG emissions.

Nevertheless, engine makers have maintained that while there are about 250,000 new heavy-duty vehicles sold annually in the United States, only about 10,000 are sold in California. Even if beginning in 2024, 10,000 trucks are sold in California that meet the 0.02 g/bhp-hr standard, it would provide very little help in achieving the South Coast's 2031 ozone standard, the industry source said then. -- *Curt Barry* (cbarry@iwpnews.com)

Related News | Air | Climate Policy Watch |

Message

From: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Sent: 10/23/2018 9:02:32 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: AW OAR Briefing Information
Attachments: SAFE FRM Options.docx; Glider Reconsideration Update for Bill Wehrum - February 2 2018.pptx

Info I sent to AW for tomorrow's discussion.

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 10/19/2018 7:20:17 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]
CC: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: Acting Administrator meeting on Monday with Andrew Wheeler
Attachments: UCS_ October 19 2018.docx; Statement of the United States of America on the IPCC Special Report on Global Warming of 1.pdf

Attached is what I just sent down as background for Monday's meeting. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Josh

From: Lewis, Josh
Sent: Friday, October 19, 2018 3:13 PM
To: Eby, Natasha <eby.natasha@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Briefing materials for binder needed by 3:30 today

Here's background info for the UCS meeting.

From: Eby, Natasha
Sent: Friday, October 19, 2018 1:06 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Briefing materials for binder needed by 3:30 today

Hi Mandy, Josh and Alex!

The Administrator has just informed me he is leaving early today. Do you think you can provide me with his briefing materials (American Wind Energy Association and Union of Concerned Scientists) by 3:30 today please?

Thank you so much!

Natasha

Natasha Y. Eby
Special Assistant to the Administrator
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

Message

From: POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]
Sent: 10/17/2018 1:37:11 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: EPA moves science transparency, soot standard to backburner

By Alex Guillén

10/17/2018 09:35 AM EDT

EPA does not plan to move forward with its controversial science transparency proposal during the next year, according to the newly posted fall 2018 Unified Agenda.

That and several other high-profile rulemakings are included in EPA's long-term action agenda, which lists items the agency does not plan to act on over the next 12 months at least.

EPA took public comment earlier this year on the science transparency rule, which critics argued was designed to block experts from using certain scientific studies when writing environmental rules. The new agenda now projects the agency will finish the rule in 2020, although that date could easily slip.

The agenda also throws into doubt EPA's work on the latest review of the National Ambient Air Quality Standard for particulate matter, which was last updated in 2012. Former Administrator Scott Pruitt signed a memo in May directing EPA to make preparations to finish the review and potentially update the standard by the end of 2020. But the agenda has no projected date for EPA even to propose action on the PM standard.

Other regulatory actions on EPA's backburner include:

— Plans to repeal the Obama administration's first-ever carbon dioxide rules for "glider" trucks.

— Greenhouse gas emissions from aircraft. EPA finalized its endangerment finding in 2016, but the agency hasn't taken any action to limit emissions since then.

— Two proposed bans on certain uses of trichloroethylene under the Toxic Substances Control Act.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2018/10/epa-moves-science-transparency-soot-standard-to-backburner-2080730

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Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 10/15/2018 3:15:52 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: Still looking for your feedback Fwd: My talk at NACAA Next Week

Indeed. Thx for getting back to me

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Oct 15, 2018, at 10:09 AM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

> Chris - This looks fine to me. Lots going on.
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404
>
> On Oct 14, 2018, at 11:01 AM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:
>
> > Bill—in case you missed this, I am still looking for feedback. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5
> >
> > Deliberative Process / Ex. 5
> >
> > ---
> > Christopher Grundler, Director
> > Office of Transportation and Air Quality
> > U.S. Environmental Protection Agency
> > 202.564.1682 (Washington DC)
> > 734.214.4207 (Ann Arbor MI)
> > 734.645.5221 (mobile)
> > www.epa.gov/otaq
> >
> > Begin forwarded message:
> >
> > > **From:** "Grundler, Christopher" <grundler.christopher@epa.gov>
> > > **Date:** October 11, 2018 at 6:02:18 PM EDT
> > > **To:** "Wehrum, Bill" <Wehrum.Bill@epa.gov>
> > > **Subject: My talk at NACAA Next Week**

Hi Bill-

I am on the NACAA Fall Meeting Agenda next week (Tuesday—so I will miss the OAR Business Review, as will Byron who is in an all day deposition, fyi. Ben or Lee will cover. Our measures are all green).

I will be using some version of the attached, which I prepared for the aborted APCA meeting. I will be adding some of Charmley's more detailed slides on SAFE NPRM that he used at CAAAC, as well as add one or two slides on our stepped up compliance work,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I spoke today with Nancy Kruger of NACAA, and she provided the following list of topics that are likely to come up in Q and A. My suggestions in brief on how to handle, pending your feedback:

Deliberative Process / Ex. 5

Let me know what you think

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

<Grundler AAPCA fall biz mtg.pptx>

Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 10/12/2018 7:43:46 PM
To: Price, Doris [Price.Doris@epa.gov]; Strine, Lora [Strine.Lora@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Mroz, Jessica [mroz.jessica@epa.gov]; Carroll, Maria [carroll.maria@epa.gov]; Weaver, Marilyn [weaver.marilyn@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]
Subject: OAR Preview Overdue Report for Week Ending October 20, 2018
Attachments: OAR Preview Overdue Report for Week October 20, 2018.pdf

OAR Correspondence Coordinators:

Attached is the latest report for correspondence due from your program office. Please review and complete assignments by the due date indicated. If you have any questions or need assistance, please contact me. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

Message

From: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Sent: 10/11/2018 2:16:27 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]; Harlow, David [harlow.david@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Haman, Patricia [Haman.Patricia@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Congressional Letter on Gliders

Thanks Aaron

From: Ringel, Aaron
Sent: Thursday, October 11, 2018 9:41 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: Congressional Letter on Gliders

Team OAR,

I wanted to make sure you saw the attached letter we received yesterday from Reps. Posey, Abraham, King, Comer, Weber, Babin, and Biggs asking for a compliance deadline extension for glider kits. Please let me know if there is any update we can pass along to the member offices on our path forward.

Thanks,

-Aaron

From: Podliska, Rick [mailto:Rick.Podliska@mail.house.gov]
Sent: Wednesday, October 10, 2018 3:04 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: Congressional Letter on Gliders

Hello Aaron,

Please find attached a congressional letter to Acting Administrator Andrew Wheeler requesting a compliance extension to the Phase II rule as it relates to glider vehicles, glider engines, and glider kits. I have also attached a letter from the Dept. of Justice to Rep. Bill Posey stating there is "active litigation" pertaining to gliders. This is relevant because we cite the *Sierra Club v. Jackson* case and it references the need for a "pending judicial review" for Section 705 of the APA.

If you have any questions, please do not hesitate to contact us.

Thanks,

Rick Podliska
Senior Policy Advisor
Congressman Bill Posey (FL-08)
2150 Rayburn House Office Building
Tel. 202-225-3671

Congress of the United States
Washington, DC 20515

October 10, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: Compliance Extension to extend the effective date for regulations relating to glider vehicles, glider engines, and glider kits set forth in 81 Fed. Reg. 73,478 (Oct. 25, 2016)

Dear Acting Administrator Wheeler:

We are writing to request the U.S. Environmental Protection Agency (EPA) issue a compliance extension to extend the effective date of the Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase II rule, 81 Fed. Reg. 73,478 (Oct. 25, 2016) as it relates to glider vehicles, glider engines, and glider kits. This extension will provide much needed relief to the glider industry.

The glider kit and truck industry are facing financial ruin due to the annual arbitrary production cap under 40 C.F.R. § 1037.635. According to the glider industry, hundreds of American workers in the industry have been laid off in the last three months. The glider kit and truck industry will cease to exist in short order without meaningful relief.

In a statement, the EPA "will continue to work expeditiously to finalize a solution that provides regulatory relief and prevents any inadvertent economic harm to the glider industry while maintaining important air quality protections."[1] However, it has been over four months since this statement from EPA, and the glider industry is facing financial ruin due to the punitive and arbitrary rule as finalized under the previous Administration.

President Donald Trump has made the resolution of gliders an Administration priority, instructing EPA to resolve the issue last spring. However, the EPA has not provided relief to remedy this arbitrary and punitive rule.

The compliance extension will provide for a five-year delay on the glider kit cap and ban rule. This compliance extension will provide the industry with the appropriate time necessary to manage the new rule. It also provides EPA with additional time to begin thoughtful and appropriate rulemaking for the industry.

---

[1] *See* https://www.ccjdigital.com/epa-again-reverses-course-on-gliders-enforcement-will-now-enforce-annual-300-truck-cap/

PRINTED ON RECYCLED PAPER

EPA has the authority to extend the effective date under Section 705 of the Administrative Procedure Act (APA).[2] Such an action would be consistent with *Sierra Club v. Jackson*, in which the court confirmed EPA's authority to use Section 705 of the APA.[3] In *Sierra Club*, the court was "unwilling to infer a congressional policy that would deprive both an agency and the federal courts of their traditional authority to stay rules pending judicial review as codified in Section 705 of the APA."[4]

Again, we urge the EPA to issue a compliance extension to extend the effective date of the Phase II rule as it relates to glider vehicles, glider engines, and glider kits. If you have questions, please contact Rick Podliska, Senior Policy Advisor, for Rep. Bill Posey. Thank you for your service and consideration of our request. We look forward to your response.

Sincerely,

Bill Posey
Member of Congress

Ralph Abraham, M.D.
Member of Congress

Steve King
Member of Congress

James Comer
Member of Congress

Randy Weber
Member of Congress

Brian Babin
Member of Congress

Andy Biggs
Member of Congress

[2] *See Sierra Club v. Jackson*, 833 F. Supp. 2d 26 (D.D.C. 2012).
[3] *Id.*
[4] *Id.*

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

The Honorable Bill Posey
U.S. House of Representatives
Washington, DC 20515

SEP 0 6 2018

Dear Congressman Posey:

This responds to your letter to the Attorney General dated July 27, 2018, regarding an Environmental Protection Agency (EPA) rule entitled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2," and how it applies to glider vehicles, glider engines, and glider kits. We appreciate your interest in this important issue and have ensured that the materials you referenced have been shared with the relevant components of the Department of Justice (Department), including the Environment and Natural Resources Division, which represents the United States in litigation matters that relate to this rule. However, pursuant to longstanding policy, the Department does not provide non-public information related to matters in active litigation.

We also have forwarded a copy of your letter to the EPA for their information. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Stephen E. Boyd
Assistant Attorney General

Appointment

From: Administrator / Ex. 6 Wheeler Administrator / Ex. 6
Sent: 10/8/2018 2:58:37 PM
To: Bolen, Brittany [bolen.brittany@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]

Subject: Meeting with Union of Concerned Scientists
Attachments: EPA Meeting Request Form - Acting Administrator Wheeler (002).docx
Location: Administrator's Office

Start: 10/22/2018 3:30:00 PM
End: 10/22/2018 4:00:00 PM
Show Time As: Tentative

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 10/2/2018 4:24:01 PM
To: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
Subject: FW: Rep. Collins Letter to Acting Administrator Wheeler
Attachments: 10.2.18 Letter to EPA, Andrew Wheeler on Glider Rule and Impact on Small Business.pdf

Team OAR,

See attached. This is one of many letters/emails/calls we've gotten over the last two weeks in support of fixing the glider issue. Just want to make sure you were aware that there is a lot of hill interest in this issue right now.

Best,
Aaron

From: Larson, Sally [mailto:Sally.Larson@mail.house.gov]
Sent: Tuesday, October 2, 2018 12:18 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: Rep. Collins Letter to Acting Administrator Wheeler

Hi Aaron,

I hope you're well. I wanted to share with you an electronic copy of a letter that was just put in the mail from Rep. Collins to Acting Administrator Wheeler. Thanks, and please let me know if you have any questions.

Best,
Sally Rose

Sally Rose Larson
Legislative Director
Congressman Doug Collins (GA-09)
1504 Longworth House Office Building | Washington, DC 20515
202-225-9893
More from Congressman Collins: Facebook | Twitter | YouTube | E-newsletter

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House of Representatives
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COMMITTEE ON RULES

VICE CHAIRMAN OF
HOUSE REPUBLICAN CONFERENCE

October 2, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20004

Dear Administrator Wheeler,

As you are aware, smaller transportation and trucking businesses throughout the country have recently expressed concern about the impact that EPA's enforcement of glider regulations are having on their businesses. Businesses in Northeast Georgia are no exception.

One small transportation business in my district, Triple H Transport, Inc. has communicated extensively with my office about this issue because its operators fear losing their family-owned and -operated business altogether. Triple H, like many small transportation businesses around the country, relies heavily on the ability to purchase the lower-cost glider kits from larger manufacturers and dealers and then have teams of highly capable employees complete assembly of these kits in-house. This process allows the company to use these kits in the most efficient, effective, and economical way possible. This business model provides a cost-effective way to recycle parts from older vehicles in order to keep a fleet of trucks on the road and to keep employees on the payroll.

However, as currently written, the regulations pertaining to the sale and use of these glider kits arbitrarily prevent small businesses like Triple H and others in my district from purchasing glider kits, completing their assembly in-house, and then using those completed trucks in service to their own business. Additionally, because larger manufacturers now have compliance concerns, some of them are preventing Triple H and other small transportation businesses from being able to buy the kits at all. As written, this regulation appears to make little sense and serves only to prohibit smaller business from using glider kits.

I understand that EPA is considering a proposed rule to address various concerns with the current regulatory landscape surrounding gliders. As you continue this process, I encourage the EPA to review its interpretation of the existing rule and the unintended consequences it has on small businesses. Please do not hesitate to contact my office should you have any questions.

Sincerely,

Doug Collins
Ninth Congressional District of Georgia

PRINTED ON RECYCLED PAPER

Message

From: E&E News [ealerts@eenews.net]
Sent: 9/27/2018 5:30:18 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: September 27 -- Greenwire is ready

Read today's Greenwire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Thu., September 27, 2018

READ FULL EDITION

1. EPA:
Employees on edge as Trump team reorganizes

EPA is reshuffling its science, human resources and regional offices, leaving staffers worried about the quality of the agency's work and about their careers.

TOP STORIES

2. SUPERFUND:
EPA OKs plan to dig up radioactive waste at Mo. dump

3. AIR POLLUTION:
Wehrum outlines playbook for Obama rule rollbacks

4. SUPREME COURT:
Kavanaugh accuser says memory of assault 'indelible'

CONGRESS

5. NATURAL RESOURCES:
Committee approves endangered species, lands bills

6. AIR POLLUTION:
Democrats urge probe of glider kit study

POLITICS

7. NATIONAL PARKS:
NPS punts decision on Zinke's free Wolf Trap tickets

8. AVIATION:
Scientists challenge research-animal travel ban

9. MARINE MAMMALS:
Japan, IWC finish joint study amid talk of divorce

NATURAL RESOURCES

10. OIL AND GAS:
BLM methane rule, offshore safety revisions take effect soon

11. PUBLIC LANDS:
Study finds recreation a major economic driver

12. HURRICANE FLORENCE:
Wastewater enters waterway after flooding disables plant

13. MARINE MAMMALS:
NOAA report says fishing rule might put whales at risk

14. FISHERIES:
Greens cheer herring controls, but lobster industry worries

LAW

15. BIOFUELS:
Company settles with feds in RFS fraud case

16. ENDANGERED SPECIES:
Santa Fe forest ordered to consider impacts on salamander

17. COAL:
Lawyer: Black lung doctors thought they were 'above the law'

AIR AND WATER

18. AIR POLLUTION:
EPA advances proposed repeal of Clinton-era standards

19. WATER POLLUTION:
Red tide leads to fishing rule changes in Fla.

FEDERAL AGENCIES

20. FEMA:
Chief was warned over use of government cars — IG report

STATES

21. MARYLAND:
Dog, dog, goose: Canines tapped to control bird population

22. NORTH CAROLINA:
EPA drops 26 counties from vehicle emissions program

23. FLORIDA:
Missing kangaroo found safe in neighborhood

INTERNATIONAL

24. PORTUGAL:

12 charged over huge wildfire that killed 66 people

25. GREECE:

Cyclone warning as gale-force winds batter islands

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Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 9/25/2018 9:09:52 PM
To: Price, Doris [Price.Doris@epa.gov]; Strine, Lora [Strine.Lora@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Carroll, Maria [carroll.maria@epa.gov]; Weaver, Marilyn [weaver.marilyn@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]
Subject: OAR Preview Overdue Report for Week Ending September 29, 2018
Attachments: OAR Preview Overdue Report for Week September 29, 2018.pdf

OAR Correspondence Coordinators:

Attached is the latest report for correspondence due from your program office. Please review and complete assignments by the due date indicated. If you have any questions or need assistance, please contact me. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

Message

From: Vincent, Marc [Vincent.Marc@epa.gov]
Sent: 9/25/2018 3:48:12 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; OAQPS CMT [OAQPS_CMT@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Hyde, Courtney [Hyde.Courtney@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Bullard, Pamela [Bullard.Pamela@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Jones, Mike [Jones.Mike@epa.gov]; Collins, JoLynn [Collins.Jolynn@epa.gov]; Price, Doris [Price.Doris@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Childers, Pat [Childers.Pat@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]; Walters, Margaret [Walters.Margaret@epa.gov]; Haley, Mike [Haley.Mike@epa.gov]; Watkins, Erica [Watkins.Erica@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Alpert, Adina [Alpert.Adina@epa.gov]
CC: Marusiak, Eleanor [Marusiak.Eleanor@epa.gov]; Perez, Idalia [Perez.Idalia@epa.gov]
Subject: OAR GAO & OIG Sept 2018 Audit Tracking Report
Attachments: OAR GAO & OIG Sept 2018 Tracking Report.pdf

Hi All,

Attached is the monthly tracking report for OAR's active OIG and GAO audits with additional information found on OAR's GAO/OIG Audit SharePoint site.

Deliberative Process / Ex. 5

Please let us know if there are any questions and/or additional information is needed.

Marc Vincent
Office of Program Management Operations
Office of Air and Radiation
(202)564-0876

Message

From: Graham, Cheryl [Graham.Cheryl@epa.gov]
Sent: 9/19/2018 11:10:05 AM
To: Harnett, Bill [Harnett.Bill@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Henigin, Mary [Henigin.Mary@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Montoro, Marta [Montoro.Marta@epa.gov]; Rush, Alan [Rush.Alan@epa.gov]; Schillo, Bruce [Schillo.Bruce@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Millett, John [Millett.John@epa.gov]; South, Peter [South.Peter@epa.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Christopher.Vaden@usdoj.gov; Wood, Anna [Wood.Anna@epa.gov]; Edwards, Crystal [Edwards.Crystal@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; South, Mia [South.Mia@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Smith, Kristi [Smith.Kristi@epa.gov]; Iglesias, Amber [Iglesias.Amber@epa.gov]; Schachter, Scott (ENRD) [Scott.Schachter@usdoj.gov]; Doyle, Andrew (ENRD) [Andrew.Doyle@usdoj.gov]; leslie.hill@usdoj.gov [Leslie.Hill@usdoj.gov]; Maghamfar, Dustin (ENRD) [Dustin.Maghamfar@usdoj.gov]; Mitchell, Ken [Mitchell.Ken@epa.gov]; Wortman, Eric [Wortman.Eric@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]; Purdy, Angeline (ENRD) [Angeline.Purdy@usdoj.gov]; Debra Carfora [debra.carfora@usdoj.gov]; Perez, Idalia [Perez.Idalia@epa.gov]; martha.mann@usdoj.gov [Martha.Mann@usdoj.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Woods, Clint [woods.clint@epa.gov]; McLamb, Marguerite [McLamb.Marguerite@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: ARLO Deadline Calendar for the week of September 17, 2018
Attachments: 18-09-17 ARLO Deadline Calendar.docx

Attached is the current deadline calendar and other information that is sent out weekly from ARLO. If information in the attachment raises questions, please contact Gautam Srinivasan. Thanks

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 9/18/2018 8:28:49 PM
To: Price, Doris [Price.Doris@epa.gov]; Strine, Lora [Strine.Lora@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Carroll, Maria [carroll.maria@epa.gov]; Weaver, Marilyn [weaver.marilyn@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]
Subject: OAR Preview Overdue Report for Week Ending September 22, 2018
Attachments: OAR Preview Overdue Report for Week September 22, 2018.pdf

OAR Correspondence Coordinators:

Attached is the latest report for correspondence due from your program office. Please review and complete assignments by the due date indicated. If you have any questions or need assistance, please contact me. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 9/13/2018 9:49:39 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Morning Energy: Inside U.S. hurricane prep — Waters clearing? — Pruitt's next gig

By Kelsey Tamborrino | 09/13/2018 05:46 AM EDT

With help from Ben Lefebvre, Anthony Adragna, Annie Snider and Eric Wolff

INSIDE U.S. HURRICANE PREP: Preparations to harden vulnerable infrastructure ahead of Hurricane Florence's arrival on the coast of the Carolinas were continuing rapidly, with President Donald Trump warning on Wednesday that "bad things can happen when you're talking about a storm this size."

EPA blasted out a lengthy list of its prep work, which includes putting staff on the ground in South Carolina, North Carolina and Virginia to evaluate Superfund sites and help staff emergency operations centers. The agency listed at least 40 Superfund sites across Region 3 and 4 that it's watching. But as McClatchy reports, that Superfund review does not include inland sites that could be flooded by the storm.

Meanwhile, Duke Energy meteorologists estimate power outages in the Carolinas could hit 1 million to 3 million customers. The company said it is mobilizing more than 20,000 workers to help restore power — its largest ever effort. "The magnitude of the storm is beyond what we have seen in years," said Howard Fowler, Duke Energy's incident commander, in a statement. "With the storm expected to linger, power restoration work could take weeks instead of days."

The U.S. Nuclear Regulatory Commission is sending additional inspectors to plants in the Carolinas and is activating its regional incident response center in Atlanta "to provide around-the-clock staff support during the storm." Duke Energy's Brunswick nuclear plant south of Wilmington, N.C., could face hurricane-force winds, major storm surges and heavy rain, the NRC said. The company said it has procedures in place to begin shutting down plants at least two hours before the arrival of the dangerous winds.

Operators of the Colonial Pipeline — a key artery for delivering fuel from the Gulf Coast to the Northeast — are taking steps to maintain "adequate levels of fuel in Colonial's storage tanks to protect against flooding from expected rainfall."

Catch up on: Trump's attempts to rewrite history on Hurricane Maria | Trump's most outrageous storm descriptions |GOP appropriators cash transfer from FEMA to ICE

GOOD THURSDAY MORNING! I'm your host, Kelsey Tamborrino. Today's trivia winner is NRDC's Ed Chen, who correctly identified Harry Truman as the last president to serve without a college degree. For today: Which four presidents didn't win their state of residence? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

POLITICO Pro CANADA — CROSS-BORDER POLICY INTELLIGENCE FOR POLICY PROFESSIONALS — IS NOW LIVE. Navigate the twists and turns of Canada-U.S. trade talks and policy discussions in technology, health care, agriculture, energy and more. If you have an interest in cross-border intelligence or a stake in the Canada-U.S. economic relationship, learn more here.

WATERS CLEARING? Backers of a broad compromise water infrastructure package S. 3021 (115) are optimistic that Senate Majority Leader Mitch McConnell will devote the floor time to get the package across the

finish line — even if Sen. Richard Burr continues to try to stop its advancement in order to force a vote to reauthorize the Land and Water Conservation Fund. "We're going to be here in October so there will be time to get it all done," Senate EPW Chairman John Barrasso told reporters.

Barrasso said he needs to huddle with McConnell to formally find a time for floor consideration, but aides tracking the bill think there could be a window in the coming couple of weeks. The House is expected to clear the bill — ME hears even possibly by voice vote — today. No word from Burr's office on his plans regarding LWCF, though a spokesman said earlier this week "he will continue pushing the Senate for a vote" on the fund. A spokesman for McConnell said when asked about the bill's timing: "Of course he wants to get the bill done, and has said so many times."

Heads up: ME expects Barrasso and top EPW Democrat Tom Carper to discuss the bill's path forward at today's committee hearing. That kicks off at 10 a.m. in Dirksen 406.

Wind at its back: The Congressional Budget Office released a brief, initial take on the bill's costs and found it would reduce the deficit by $230 million over the next 10 years — largely because of sales from the Strategic Petroleum Reserve ordered under the measure. The analysis did not consider additional spending authorized by the bill that would have to be separately appropriated.

PRUITT'S NEXT GIG: Former EPA Administrator Scott Pruitt is in talks for a job as a consultant for the head of coal company Alliance Resource Partners, according to media reports. Pruitt, who stepped down from his EPA post in July after becoming the center of a host of scandals and official investigations, is discussing the job with Joseph Craft III, the CEO of Alliance.

Craft himself met with Pruitt multiple times while Pruitt was still heading the EPA, according to The New York Times, which first reported the job discussions. In a statement, Alliance said "[a]ny discussions that occurred between Mr. Craft and Mr. Pruitt are preliminary, and do not involve him becoming an employee of Alliance Resource Partners. Obviously, any discussions would not involve lobbying the federal government." Ethics guidelines instituted by Trump bar Pruitt from lobbying the EPA for five years.

Alliance is the second-largest coal producer in the eastern U.S., according to the company's website. The company's PAC has donated to mainly Republican candidates, and gave $3,500 to Pruitt's attorney general campaign in 2013, according to campaign finance documents.

Spotted: Pruitt plans to develop a new consulting firm and met with several executives during a Kentucky Coal Association meeting last week, two industry officials tell the Times. Kentucky Gov. Matt Bevin tweeted images from that meeting showing him seated at a table across from Pruitt.

NO NATIONWIDE WOTUS INJUNCTION: Critics of the Obama administration's Waters of the U.S. rule have now won injunctions against the rule covering more than half the country, but they have so far failed to put the 2015 rule on hold nationwide. A federal judge in Texas ruled late Wednesday that the injunction would apply only to the three states with litigation before his court — Texas, Louisiana and Mississippi. "An extraordinary remedy, a preliminary injunction should only be granted nationwide when it is clear and unambiguous that the harm threatened is one of a national character," Judge George Hanks, Jr., wrote in his opinion for U.S. District Court for the Southern District of Texas.

While battles over the Obama-era rule are playing out in district courts across the country, and more injunctions could yet be issued, Hanks' court is where industry groups and the Trump administration have tried to centralize the fight. The Justice Department had initially opposed the request for a nationwide injunction, as it generally does in district court cases, but dropped that opposition after a South Carolina district court last month invalidated the Trump administration's rule delaying the Obama-era regulation.

ACROSS THE FINISH LINE: The Senate on Wednesday overwhelmingly passed on a 95-2 vote the three-bill package, H.R. 5895 (115), which includes Energy-Water funding for fiscal 2019. The vote, Pro's Sarah Ferris reports, makes concrete the bipartisan deal that House and Senate leaders reached earlier this week to fund a host of nuclear programs and energy projects. If enacted, it will be the first time since 2009 that the Department of Energy receives its budget on time, Sarah writes.

HOPE SPRINGS ETERNAL: Senate Appropriations Chairman Richard Shelby told reporters the conference on a third minibus H.R. 6147 (115) containing the Interior and Environment title will take place today as scheduled, and he continued to express hope the chambers could still resolve their differences between the bills before the Sept. 30 end of the fiscal year. "That's our goal," he said. "We'll have to see."

Mum on disaster supplement, CR: Shelby wasn't sure how long any continuing resolution keeping the rest of the government open would run and didn't know when Congress would take up a disaster supplemental package to help those affected by the hurricane. But he indicated lawmakers would step in to help. "We'll do what we have to do," Shelby said. "We always have for disasters — whether tornadoes, whether earthquakes, whether hurricanes."

NOMINATION WITHDRAWN: The White House officially withdrew Steven Gardner's nomination to be the director of Interior's office of Surface Mining, Reclamation & Enforcement. Bloomberg reported last week that Gardner had withdrawn his name from consideration amid the ongoing delays in the process.

LCV BACKS $60M EFFORT: The LCV Victory Fund and its affiliated groups are mobilizing to support pro-environmental candidates — and they're putting millions into the effort. In a memo out this morning, the group will announce that it's making its largest "investment in elections at all levels by far" for a combined record total of $60 million. That number is double the amount invested in the last midterm election cycle for the group. LCV Victory is putting more than $25 million toward Senate and House programs, including field, mail, TV and digital programs, while another $25 million will be used in state elections for governors, legislators and other down-ballot races.

U.S. PASSES RUSSIA IN OIL PRODUCTION: The U.S. has surpassed Russia in oil production, becoming the world's largest producer, according to the Energy Information Administration's latest data. Oil production hit 10.9 million barrels a day in August, outdoing Russian output for the first time since 1999, the EIA said. "The milestone comes more than a decade since the start of the shale boom, when Chesapeake Energy, Exxon Mobil and other companies combined hydraulic fracturing and horizontal drilling technology to tap into oil and gas from shale formations," Pro's Ben Lefebvre writes.

WEIGHING IN: While climate leaders will converge in San Francisco for the first day of the Global Action Climate Summit (agenda here), the Heartland Institute will livestream its response from across the Bay. The conservative think tank will be live-streaming two panel discussions from the office of the Independent Institute in Oakland, Calif., from noon today until 1:30 p.m. PT, and again on Friday from 10:30 a.m. to noon. Watch can watch the climate summit's livestream here.

ROYALTY POLICY COMMISSION SEASON FINALE: Interior's Royalty Policy Committee will hold its final meeting for the year in Colorado today. The committee will discuss proposals that would update the Federal Oil and Gas Royalty Management Act to include coal; create a price index formula to use in calculating how much to charge for natural gas produced on federal property; and publish monthly data on how much energy is being produced on federal land. Another recommendation — that Interior start a pilot program to fast-track applications to drill new wells on already developed land — has gained the ire of environmental groups saying the plan would limit public input. The meeting will be the committee's first without Vincent DeVito, the former chairman who left Interior earlier this month to start work at oil and gas company Cox Oil Offshore LLC. Read the overall agenda.

NADA: Interior rightly crowed when a recent oil and gas lease sale in New Mexico netted the department nearly a billion dollars as oil and gas companies snatched up the right to drill in the oil-rich Permian Basin. But newly released sales results from a Sept. 11 lease sale in Nevada show that it's still all about location, location, location — the department received zero bids for nearly 300,000 acres on offer . The results show the bind Interior is in as it tries to expand oil and gas production on federal lands and offshore — the department can offer all it has, but there is still only a limited amount of federal property that draws drillers' interest.

HELLER RESPONDS: Nevada Sen. Dean Heller (R) said he would continue to block a measure moving forward on developing the Yucca Mountain nuclear waste repository despite Rep. John Shimkus' (R) charge that "a single senator's short-term political calculations" stand in the way of the project. "Without my leadership in the U.S. Senate, Yucca Mountain will get the green light," he said in a statement. "I will not let Nevada be overrun by states that want to move the nuclear waste they created out of their backyards and into ours." Heller faces Rep. Jacky Rosen, another opponent of the project, in what's expected to be a tight race this fall.

WOOD MACKENZIE: TARIFFS DRIVE DOWN SOLAR INSTALLATIONS, BUT FUTURE IS SUNNY: Solar installations in April, May and June fell 9 percent compared with the same period last year, and dropped 7 percent compared to the first quarter, according to the regular update from Wood Mackenzie Power & Renewables. The decline is largely due to the imposition of tariffs that jacked up module and cell prices by 30 percent. But costs excluding tariffs have continued to decline, and utilities have announced 8.5 GW in new projects in the first half of the year. The report also said to expect a big jump in installations next year as utilities seek to start construction to lock in the 30 percent Investment Tax Credit, though they will then likely wait to buy panels in 2020 and 2021, when tariff rates will have fallen.

QUICK HITS

— "Untapped Nevada: Oil and gas companies make their move," E&E News.

— "Drillers driven from Permian look to Powder River Basin, where pipelines await," S&P Global Market Intelligence.

— "Seemingly overnight, the oceans are exploding with tropical cyclone activity," The Washington Post.

— "Idaho: Federal judge erred scrapping forced oil leases," Associated Press.

— "Administration announces plan to streamline oil and gas extraction in national forests," The Hill.

— "How far will the Trump administration go to loosen offshore drilling rules?" The Nation.

HAPPENING TODAY

8 a.m. — Axios discussion on "The Road Forward: The Era of Autonomous Vehicles, 1234 9th St NW.

9 a.m. — The University of Maryland Department of Agricultural and Resource Economics workshop on "Environmental Taxes vs. Other Approaches: What Have We Learned," College Park, Md.

10 a.m. — Senate Environment and Public Works Committee hearing on "Advanced Nuclear Technology: Safety and Associated Benefits of Licensing Accident Tolerant Fuels for Commercial Nuclear Reactors," 406 Dirksen.

10 a.m. — House Energy and Commerce Committee markup of H.R. 6511 (115), the "Strategic Petroleum Reserve Reform Act," 2123 Rayburn.

10 a.m. — Senate Judiciary Committee markup on Brett Kavanaugh's nomination to the Supreme Court, 226 Dirksen.

10 a.m. — House Science Environment Subcommittee and Oversight Subcommittee joint hearing on "Examining the Underlying Science And Impacts of Glider Truck Regulations," 2318 Rayburn.

10 a.m. — Senate Energy Committee hearing "to Examine the Role of U.S. LNG in Meeting European Energy Demand," 366 Dirksen.

10:15 a.m. — House Natural Resources Committee markup of H.R. 6510 (115), "the Restore Our Parks and Public Lands Act," 1324 Longworth.

Noon — The Pray at the Pump Movement prayer vigil to urge Trump to rejoin the Paris Climate Agreement and to "petition God" to protect the U.S. from Hurricane Florence, Lafayette Square side by the White House.

1 p.m. — The National Academy of Sciences meeting of the Committee on Assessing the Taxonomic Status of the Red Wolf and the Mexican Gray Wolf, 2101 Constitution Avenue NW.

1 p.m. — House-Senate Conference Committee meeting on H.R. 6147 (115), HC-5.

1 p.m. — House Energy and Commerce Environment Subcommittee hearing on "Air Quality Impacts of Wildfires: Mitigation and Management Strategies," 2123 Rayburn.

1 p.m. — The Alliance for Industrial Efficiency and Ceres webinar on "Manufacturers Set Goals and Save Energy with DOE's (Energy Department) ISO 50001 Ready Program."

1:30 p.m. PDT — C-CHANGE at the Harvard T.H. Chan School of Public Health discussion on "Children's Health, the Measure of Success when Addressing Climate Solutions — What We Know, Don't Know & Need to Know," San Francisco.

2 p.m. — Route Fifty webcast on "Build Back Better: State and Local Lessons on Long-Term Disaster Recovery."

2 p.m. — House Natural Resources Indian, Insular and Alaska Native Affairs Subcommittee hearing on H.R. 4985 (115), the "Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act," 1324 Longworth.

3 p.m. PDT — Center for Climate and Energy Solutions discussion on "Meeting the Paris Goal: Strategies for Carbon Neutrality," San Francisco.

6 p.m. PDT — As You Sow discussion on "Oil & Autos: Transition Planning for a Low-Carbon Future," San Francisco.

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Stories from POLITICO Pro

Trump tries to rewrite history on Maria as Hurricane Florence approaches Back

By Christopher Cadelago and Andrew Restuccia | 09/12/2018 05:31 PM EDT

Facing renewed criticism of his administration's response to Hurricane Maria, President Donald Trump lashed out again on Wednesday, grousing about his administration's "unappreciated great job" on the Puerto Rico recovery - despite the remoteness of the island, poor access to electricity and the "totally incompetent Mayor of San Juan."

"We are ready for the big one that is coming!" an exuberant Trump concluded, as a new storm spun toward the East Coast.

The president's tweets, posted as cable news flipped almost entirely to tracking preparations in the Carolinas for Hurricane Florence, followed Trump's claims on Monday that his administration's response to Hurricane Maria was an "incredible unsung success" despite thousands who died — and the massive power failures that persisted for months after the storm, hobbling Puerto Rico's already struggling economy.

From the moment Trump ascended to the nation's highest office, the former reality TV boardroom brawler has made a habit of rewriting history, challenging the public to ignore what people plainly see with their own eyes - often on television, where Trump is watching it, too.

"If he doesn't like the reality, he changes it," said former Trump Organization executive Barbara Res. "He's able to take a reality and modify it and convince himself of that modified reality."

Over the past 20 months, Trump, who in his past life branded and sold steaks, vodka, neckties, perfume, wine, gold-leaf sconces and water, has often peddled statements that contradict his own remarks.

Trump insisted this spring that former FBI Director James Comey "was not fired because of the phony Russia investigation" even though the president told NBC News last year he was thinking about the probe when he decided to finally drop the hammer.

Trump asserted in July that the Russians "don't want Trump" to stay in the White House, despite Russian President Vladimir Putin having said publicly he wanted Trump to beat Hillary Clinton in 2016. U.S. officials have said Russia tried to sway the election in Trump's favor.

At an August 2017 rally, Trump took the media to task for not giving him enough credit for denouncing neo-Nazis in the wake of the fatal clashes in Charlottesville, Virginia, last year. "The words were perfect," Trump said, papering over his initial comments that appeared to equate counter-protesters and white nationalists.

White House aides and people close to Trump have grown accustomed to the president's frequent exaggerations and distortions, according to interviews with a half-dozen of the president's allies.

They acknowledge privately that Trump has, in the favored phrasing of those who know him, a "complicated relationship with the truth." White House lawyers have even cited Trump's frequent falsehoods as a rationale for him not sitting for an in-person interview with special counsel Robert Mueller.

"If he's got an insecurity, if there's something that he worries about, those are often the times he's even more adamant," said an outside adviser to the president.

Res said Trump's penchant for writing his own reality dates back to the 1990s, when his business empire was facing financial difficulties. "He managed to convince himself that he had nothing to do with it," she said.

Perhaps the most illustrative version of a presidential embellishment came early in his tenure. Confronted with the fact that the crowd size at his January 2017 inauguration paled in comparison to former President Barack Obama's, Trump flew into a rage and instructed his then-press secretary, Sean Spicer, to attack the media for reporting on the notable contrast.

"[P]hotographs of the inaugural proceedings were intentionally framed in a way, in one particular tweet, to minimize the enormous support that had gathered on the National Mall," Spicer said in those first fateful remarks from the briefing room, the day after the inauguration.

In actuality, the president himself sought to distort the crowd size. Internal documents first obtained by The Guardian showed that Trump and Spicer called the National Park Service to complain about the crowd size photos, leaving the "impression that President Trump wanted to see pictures that appeared to depict more spectators in the crowd," according to one National Park Service official.

Trump's claims this week that his administration did a "great job" in Puerto Rico stand in contrast to the ongoing recovery efforts and data that show Maria's death toll was much larger than previously reported. More than 3,000 people died from the storm, according to a recent report sponsored by the Puerto Rican government, many more than the prior official death toll that the federal government had maintained for months.

San Juan Mayor Carmen Yulín Cruz this week, juxtaposed the 3,000 deaths with Trump's professed success, offering a stinging rejoinder: "Can you imagine what he thinks failure looks like?"

When it comes to his response, Trump is deeply sensitive about comparisons to Hurricane Katrina - and he has never been able to let Cruz's sharp criticism go. A Politico investigation found the Trump administration's response to Hurricane Harvey, in Houston and along the Gulf Coast, was faster and greater than its response to Maria.

Trump's anger toward Cruz stems from his belief that she unfairly politicized the storm and helped cement the narrative that the federal response was ham-fisted from the beginning. "He genuinely, legitimately feels that was unfair," a former Trump administration official said.

The latest storm seems to have uncorked the president's lingering resentment.

"All he sees on cable news is reporting on how he failed in the aftermath of the hurricane," another former White House aide told POLITICO. Of Trump's inability to tamp down his rage, the person added: "Zero discipline."

Trump's latest spat, less than two months before the midterm elections, is part of a political calculation that voters will internalize his version of events and overlook what really happened. But some Republicans close to Trump acknowledge that risks alienating voters in Puerto Rico, whom Democrats are targeting ahead of the 2020 presidential election.

Trump and his administration's response to Maria left a majority of Puerto Rican respondents with a negative impression, according to a survey released Wednesday by The Washington Post and Kaiser Family Foundation. Some 52 percent of respondents rated Trump's performance as "poor," and 28 percent called it "fair." Only 15 percent gave him a positive rating.

Rep. Luis Gutierrez, a Democrat from Illinois who has frequently criticized the Trump administration over its response after Hurricane Maria, said he's planning a visit to Florida this weekend after traveling to several small towns in Pennsylvania to organize Puerto Ricans.

"Let me just say to the president, he should understand there are going to be 'electoral consequences,'" Gutierrez said in an appearance late Tuesday on MSNBC.

"Because hundreds of thousands of Puerto Ricans had to flee the island, because of what this government did and how it did not intervene. They now live in Florida, they now live in Pennsylvania, and, Mr. President, you should know they are registering to vote. They are mobilized — they are organizing."

FEMA Administrator Brock Long defended his agencies Maria recovery efforts in an interview with MSNBC on Wednesday.

"EMA put 100 percent into Puerto Rico, and these people back here are incredibly dedicated around the clock and stepped on all of the time," he said. "And the bottom line is that I know and they know that we kept Puerto Rico from total collapse as a result of Maria."

Others who worked on the response to Maria disagreed, adding that they were frustrated but not shocked by Trump's insistence that the federal government did a stellar job.

"I was not surprised," said Kenneth McClintock, a former secretary of state of Puerto Rico. "I was not insulted. If anything, I was sorry for the nation — that the nation has to put up with those attitudes."

McClintock blamed the federal government, including FEMA, for "significant mistakes" and a lack of urgency in the aftermath of Hurricane Maria, and he worried Trump's attitude will prevent agencies from conducting a serious stock-taking of the flawed federal response.

"The fact that it took [Trump] 13 days to come is an example of how we're not at the top of the list and we're not at the forefront of the agenda for this White House and for the agencies that had to wait for White House decisions," he said, referring to the nearly two-week gap between the hurricane decimating Puerto Rico and Trump's visit to the island.

Already, McClintock said, the federal response to Hurricane Florence appears more robust.

The president echoed that sentiment. Trump said on Tuesday that the administration was "totally prepared" for the storm, releasing a video online and warning his Twitter followers to be attentive to local authorities, adding that with "Mother Nature, you never know. But we know."

Other presidents paid dearly with their reputations for launching premature victory celebrations, including George W. Bush in 2003, for standing in front of a "Mission Accomplished" banner on an aircraft carrier to announce the end to major combat in Iraq. Thousands more died in that war.

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Trump's most outrageous storm descriptions — a series Back

By Matthew Choi | 09/12/2018 05:00 PM EDT

Natural disasters offer presidents the opportunity to seize the commander-in-chief role, both warning Americans to be responsible in the face of grave danger while providing reassurances that the federal government will be with them for the recovery.

For Trump, it also offers a chance to seize the spotlight himself.

Over his 20 months in office, Trump has stirred controversy with his bombastic descriptions of hurricanes and other storms. And while his hyperbolic statements may have helped Americans heed warnings to evacuate, Trump has also drawn criticism for later belittling the damage some storms have afflicted on impacted areas.

Below are some of Trump's most outrageous statements on the hurricanes that have hit the U.S. during his watch.

"If you look at a real catastrophe like Katrina, and you look at the hundreds and hundreds and hundreds of people that died, and you look at what happened here that's really a storm that was just totally overpowering, nobody's ever seen anything like this -- and what is your death count as of this moment? 70? 16 people, certified. 16 people versus in the thousands. ... You can be very proud of what's taken place."

Trump was heavily criticized last year for downplaying the damage Hurricane Maria afflicted on Puerto Rico, telling the island's residents shortly after the storm that compared to Hurricane Katrina, the death count from Maria was minimal. Later investigations found the death total from Hurricane Maria to be up to 3,000.

"I hate to tell you, Puerto Rico, but you've thrown our budget a little out of whack because we've spent a lot of money on Puerto Rico, and that's fine because we've saved a lot of lives."

Just before comparing Maria to Katrina, Trump told Puerto Ricans the high cost of recovery efforts threw "our budget out of whack." Senate Minority Leader Chuck Schumer afterward fired off on Twitter: "To have the gall to complain about PR while proposing tax cuts for millionaires that will cost trillions is the height of hypocrisy."

"[The Coast Guard] saved 16,000 people, many of them out in Texas, for whatever reason that is. People went out in their boats to watch the hurricane. That didn't work out too well."

After Hurricane Harvey struck East Texas, Trump lauded the Coast Guard for saving thousands of Texans from the flood waters. Trump insinuated many people in the water were out watching the hurricane. The comment was quickly rebuked by Texas officials including Harris County Flood Control District meteorologist Jeff Lindner who tweeted that many of those people were actually saving their neighbors from their flooded homes.

"I hear the Coast Guard saved 11,000 people by going into winds that the media would not go into. ... [The media] will not go into those winds unless it's a really good story, in which case they will."

Trump used a meeting with Coast Guard members to take a jab at the media while visiting an Air Force base in Houston following Hurricane Harvey. During his visit to Texas, Trump said the state would likely recover far faster than expected because "this is Texas." He added: "I think for a lot of places maybe it never gets done." After Hurricane Maria, swaths of Puerto Rico went without power for several months, which Trump blamed on the island's poor infrastructure.

"It's tremendously big and tremendously wet — tremendous amount of water."

Several Twitter users were quick to mock Trump for his description of Hurricane Florence on Tuesday. Speaking to reporters at the White House, Trump said the storm would be "tremendously big and tremendously wet." Shortly afterward, he defended his administration's response to Hurricane Maria last year, saying on Twitter that they "did an unappreciated great job in Puerto Rico, even though an inaccessible island with very poor electricity and a totally incompetent Mayor of San Juan."

"Bad things can happen when you're talking about a storm this size. It's called Mother Nature. You never know, but we know. We love you all."

In a video tweeted Wednesday morning, Trump continued to assert his administration's proactivity over preparations for Florence and warned residents of Virginia, North Carolina and South Carolina to evacuate areas in the storm's path. He repeatedly asserted on Twitter and during press briefings that his administration is as "ready as anyone has ever been" for the coming storm, and even canceled two campaign events to focus his attention on hurricane response.

"The hardest one we had by far was Puerto Rico because of the island nature. And I actually think it was one of the best jobs that has ever been done."

Praising his administration's efforts after Hurricane Maria, Trump said his response in Puerto Rico was an "incredible, unsung success" on Tuesday, prompting a verbal tussle with Puerto Rican officials and mainland Democrats. Though Trump claimed Puerto Rican Gov. Ricardo Rosselló would speak positively of the administration's hurricane response, the governor shortly after released a statement revealing recovery efforts are far from completed.

"There's a lot of love in this room."

One of the most iconic images of Trump's response to Hurricane Maria showed him chucking paper towels at hurricane survivors in a Puerto Rico church. The room sounded like a campaign rally, as Trump shook hands with cheering residents and handed off provisions like batteries and canned chicken. "Great people," he said at the time.

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GOP appropriators approved cash transfer from FEMA to ICE Back

By Jennifer Scholtes | 09/12/2018 02:33 PM EDT

Congressional spending leaders signed off this summer on a Department of Homeland Security money shuffle that's now fueling Democratic jabs at the Trump administration's "misplaced" priorities as a hurricane of historic force spins toward the Eastern Seaboard.

Republican appropriators in both chambers gave the go-ahead several weeks ago for the Trump administration to transfer $9.7 million from FEMA to Immigration and Customs Enforcement, according to lawmakers and aides on the spending committees.

The reprogramming request is one of dozens congressional spending leaders approve each month.

Unspent money from several other agencies — including TSA, the Coast Guard, and Customs and Border Protection — were also transferred to plus-up accounts for ICE by a total of about $200 million and the Secret Service by nearly $1.6 million, according to a document and request POLITICO reported last week.

"It has been no secret that President Trump's obsession with his wall, mass deportation, and the indiscriminate detention of children comes at a hefty price - a price that robs our country of its values and its resources," Senate Appropriations ranking Democrat, Sen. Patrick Leahy (D-Vt.), said in a statement Wednesday afternoon. "This case is no different, and now our Eastern Coast is left even more vulnerable in the path of Hurricane Florence."

Sen. Jeff Merkley (D-Ore.) first made headlines late Tuesday by saying on MSNBC that "just as hurricane season is starting ... the administration is working hard to find funds for additional detention camps."

A senior GOP aide said the FEMA money comes from accounts for things like administrative travel, agency IT support and infrastructure maintenance, and that the leftover funds would have otherwise gone unspent.

The reprogramming request DHS sent to lawmakers lists amounts transferred to ICE from FEMA regional operations, response and recovery, mitigation, "preparedness and protection," as well as "mission support." That money has been redistributed to ICE "custody operations" and "transportation and removal," as well as Secret Service work.

Aides from FEMA and DHS criticized reports of the funding switch via their official Twitter accounts, beginning a tit-for-tat with Merkley's office.

DHS press secretary Tyler Houlton tweeted Tuesday that the money came from "routine operating expenses" and that Merkley's statements on MSNBC are a "sorry attempt to push a false agenda." FEMA spokeswoman Jenny Burke tweeted Wednesday that the senator's office told the agency that "It's a TV hit, you take it where you can."

Firing back, Merkley spokeswoman Martina McLennan said "it's not surprising to see a defensive and completely fallacious response from the Trump administration to their irresponsible and dangerous decision to move money from FEMA to pursue their family separation agenda."

"If the president had done more than tossed paper towels at storm victims ... maybe he would understand why stripping money from FEMA to pay for locking up families at the border is so troubling ..." she said.

Other Democratic lawmakers have joined in deriding the Trump administration over the DHS transfers.

Rep. Bennie Thompson of Mississippi, the top Democrat on the House Homeland Security Committee, said in a statement Wednesday that "this is yet another example of the Trump Administration's outrageously misplaced homeland security priorities."

"The 2017 hurricane season made painfully clear that FEMA has limited capacity to respond to multiple disasters as it is," Thompson said. "With Hurricane Florence bearing down on the Carolinas and Puerto Rico still struggling after Maria, FEMA absolutely cannot afford to have any of its resources diverted."

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McConnell screws Dems ahead of election with October session Back

By Burgess Everett | 09/11/2018 05:56 PM EDT

Traditionally, the Senate hits the road in October of an election year. But the Senate is throwing tradition out the window this year.

Majority Leader Mitch McConnell is planning to keep the chamber in session for a significant portion of October if not four entire weeks, costing Democrats key campaign trail days and allowing the Senate to continue its work into the fall, according to five Republican officials. The Kentucky Republican wants to keep cranking through as many lifetime judicial nominations and executive nominations as he can with his majority in the balance and the GOP still with the unilateral ability to confirm President Donald Trump's picks.

Moreover, the Senate GOP has only two members who are considered vulnerable in the election: Ted Cruz of Texas and Dean Heller of Nevada. Democrats, meanwhile, are defending 10 seats total in states that Trump won in 2016, with at least four considered extremely competitive.

The House is expected to head home for the rest of the election season after passing a spending bill later this month. But with the Senate's unique role confirming the president's nominees and little political downside to staying in session, McConnell plans to forge ahead into October after slashing the August recess down to little more than two weeks.

"I plan to be here, yeah. Why wouldn't we be?" said Sen. Richard Burr (R-N.C.). "You see anything that's traditional these days? ... they don't need more than a couple of weeks to campaign."

The proposed work schedule also could give the GOP leverage over Senate Democrats and Minority Leader Chuck Schumer; if they are eager enough to return to the campaign trail, they may strike a deal with the GOP leader to swiftly confirm some nominees. But McConnell has to worry about attendance among his own ranks after a poor showing in August.

Still, another month in session will allow the GOP leader to continue reshaping the courts in a conservative image: The Senate GOP has already confirmed 26 circuit court nominees and 41 district court nominees to lifetime appointments, plus Supreme Court Justice Neil Gorsuch, in about 20 months time.

Another 27 district court judges and one circuit court judge is ready for the floor. And in the next two weeks, the Senate Judiciary Committee is on track to have three more circuit court judge nominees, 17 district court picks and Supreme Court nominee Brett Kavanaugh ready for the floor. Several more have been nominated by the president.

"We're going to clear the deck of all the circuit judges," McConnell told conservative radio host Hugh Hewitt last week. "If we can hold onto the Senate for two more years, we're going to transform the federal judiciary with young men and women who believe in the fundamental notion that the job of a judge is to interpret the law as it's written."

It's by far the most confirmations on the powerful circuit courts in modern history. And a reminder of the stakes of the upcoming election: If Democrats can pull off an upset win and take back the Senate, they can move to slow Trump's nominations and set the table for the next president from their party, just as McConnell did to President Barack Obama in 2015 and 2016.

McConnell compared the Senate races to a "knife fight in an alley" during an appearance in Kentucky on Tuesday. Republicans are favored to keep the Senate, but if Democrats run the table in conservative states like Texas, Tennessee and Arizona and protect their incumbents they could take back the chamber.

"All of them too close to call," McConnell said Tuesday. "I hope when the smoke clears we will still have a majority in the Senate."

The Senate is scheduled to be in for four weeks in October, though some senators and staffers had hoped that would be eliminated before the election, as it was in 2016 and 2014 when the majority parties were defending many incumbents.

Whether the chamber will actually stay in that long might depend on attendance: With just 51 GOP senators, Republicans can't risk many absences on tough judge votes. Some in the GOP who had called for no August recess missed votes, like Cruz. The Texas senator has missed 13 votes since July, the most he's missed since his presidential run in 2016, according to GovTrack.

Democrats also could cut a deal with Republicans to confirm some less controversial executive branch nominees and judges and win a longer fall break, allowing their incumbents more time on the campaign trail. But when Democrats agreed to a confirmation deal of eight district court judges in August to gain back a few days of recess, liberals like Demand Justice executive director Brian Fallon called the move "pathetic."

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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, Oklahoma 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

Senate passes minibus in race to avoid catch-all spending bill Back

By Sarah Ferris | 09/12/2018 07:18 PM EDT

The Senate on Wednesday overwhelmingly passed a spending package that marks Congress' first concrete step toward avoiding the kind of catch-all omnibus that President Donald Trump has said he won't sign this fall.

The vote, 92-5, seals a fiscal 2019 bipartisan funding deal that House and Senate leaders reached earlier this week to fund the Department of Veterans Affairs, as well as nuclear programs, energy projects, congressional operations and military construction.

Just two Republicans opposed the bill: Jeff Flake (R-Ariz.) and Rand Paul (R-Ky.). Three Democrats were also opposed: Kirsten Gillibrand (D-N.Y.), Elizabeth Warren (D-Mass.) and Ed Markey (D-Mass.).

The three-bill package, H.R. 5895 (115), contains a $5 billion funding increase for veterans services — making for the VA's largest-ever budget — to help pay for major infrastructure upgrades at health care facilities nationally, as well as the rollout of a new e-health records system.

Nuclear weapons programs also got a nearly half-billion dollar boost, bringing the total nuclear weapons program to $11.1 billion.

The Army Corps of Engineers, the Capitol Police and the Department of Energy's Office of Research would also see substantial increases. The legislation also includes millions of new dollars for a new paid internship program across Capitol Hill.

The finished conference report is likely to be taken up in the House on Thursday. Trump is expected to sign the bill, about two weeks ahead of the looming Sept. 30 deadline.

The White House in a statement on Wednesday night congratulated the House and Senate on reaching a conference agreement and said the minibus "aligns with many of the Administration's priorities, providing the necessary funding to implement President Donald J. Trump's historic reforms at the Department of Veterans Affairs, including those enacted in the VA MISSION Act, and to modernize and strengthen our nuclear deterrent. "

The statement added that Trump "looks forward to signing this legislation and continuing to work with Congress to enact Fiscal Year 2019 funding for the Department of Defense, Department of Homeland Security, and other agencies, while continuing to show fiscal restraint."

If enacted, it will be the first time since 2009 that the Department of Energy receives its budget on time.

Senate Appropriations Chairman Richard Shelby (R-Ala.) said Wednesday night that he had spoken to Vice President Mike Pence about the importance of Trump signing the spending package into law, rather than holding out to use the measure as leverage in his attempt to secure more money for a wall along the U.S.-Mexico border.

"I believe he will sign this bill," Shelby said. "This is progress. This is our goal. We're not there yet, but this is something that hasn't happened in years and years."

Those three bills, however, make up just one-tenth of annual spending. Even if the minibus is signed on time, dozens of other agencies could face budgetary uncertainty on Oct. 1.

Democrats have cheered the finished bill, which bucks some of the Trump administration's most severe proposed cuts to renewable energy programs, science research and the embattled Advanced Research Projects Agency-Energy. It also blocks funding for a Yucca Mountain nuclear waste site.

"House Democrats stood firm for our values and rejected both insufficient funding levels and partisan riders," Rep. Nita Lowey (D-N.Y.), the top Democrat on the House Appropriations panel, wrote in a statement this week.

But GOP leaders won out in a budget battle related to a veterans health care program — an issue that stalled negotiations for weeks this summer.

Democrats wanted billions of new dollars to fund veterans health, which is newly under Congress' purview. The program was previously funded automatically, outside of the budget caps.

House Republicans, backed by the White House, refused to boost the spending caps only months after this year's gigantic budget deal, H.R. 1892 (115).

The bill includes $500 million to fund the VA Community Care program through next year, though Democrats say that total cost will be more like $1.6 billion.

The program will also require an additional $8 billion in fiscal 2020 and $9 billion in fiscal 2021, according to Sen. Patrick Leahy (D-Vt.), the top Democrat on the Senate Appropriations Committee.

Leahy said his own proposal, which would have lifted the spending caps, was "met with strong opposition from House Republican leadership and the administration," and was left out.

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EIA: U.S. passes Russia to become world's largest oil producer Back

By Ben Lefebvre | 09/12/2018 03:43 PM EDT

The U.S. has surpassed Russia to become the world's largest oil producer, the U.S. Energy Information Administration announced today.

Oil production reached 10.9 million barrels a day in August, exceeding Russian output for the first time since 1999, the EIA said. The milestone comes more than a decade since the start of the shale boom, when Chesapeake Energy, Exxon Mobil and other companies combined hydraulic fracturing and horizontal drilling technology to tap into oil and gas from shale formations.

U.S. oil output will likely lead the world in oil production through 2019, the EIA report added. The U.S. had already outstripped Saudi Arabia as an oil producer in February, according to EIA data.

The surge in output — and the overturning of a ban on exports — has turned the U.S. industry into a major global force in the oil markets. Oil exports totaled 1.2 million barrels a day in 2017 and reached customers in China, Brazil and Australia, among other places.

President Donald Trump has made LNG a focus of his trade negotiations in Europe, although critics have said his other trade policies were also hindering the LNG sector.

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Shimkus slams Ryan over lack of Yucca funding in minibus Back

By Anthony Adragna | 09/12/2018 12:57 PM EDT

Rep. John Shimkus (R-Ill.) today blasted House Speaker Paul Ryan for failing to "stand strong" over the lack of funding for the Yucca Mountain nuclear waste repository in the minibus, H.R. 5895 (115), finalized earlier this week.

"I'm extremely disappointed that Speaker Ryan failed to stand strong on the House position, as well as the president's position, on funding in the appropriations process," Shimkus, who chairs the Energy and Commerce Environment Subcommittee, said in a statement.

"Instead, as we've allowed for a decade now, a single senator's short-term political calculations again triumphed over long-term, bipartisan policy priorities," Shimkus continued, an apparent reference to Sen. Dean Heller (R-Nev.), who is locked in a close reelection battle.

Heller, whose office did not respond to request for comment, hailed his successful efforts to remove Yucca funding from the final bill in a Sept. 10 statement. The House-passed version of the bill in June included $268 million to resurrect Yucca Mountain.

Shimkus vowed not to let up on efforts to move forward with the project in the next Congress.

"Next Congress, with a new Speaker and a new Appropriations Chairman, we will have another opportunity to do our job and put policy ahead of politics," he said.

Ryan's office did not respond to request for comment. Shimkus and the Speaker were spotted by the Huffington Post in a shouting match on the House floor over the issue in June.

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Subject: Morning Energy: Going to California — Samuel Bodman, remembered — Commerce modifies steel exclusion request process

By Kelsey Tamborrino | 09/10/2018 06:01 AM EDT

With help from Alex Guillén and Doug Palmer

GOING TO CALIFORNIA: The center of the U.S. climate change movement will officially be California this week as state government officials and advocates meet at the Global Climate Action Summit in San Francisco to push for measures to move beyond the 2015 Paris climate pact. The conference and a raft of side events are aimed at keeping momentum going to curb greenhouse gases since the Trump administration tore up the Obama playbook that sought to start a shift away from fossil fuels and toward renewables.

Of course, President Donald Trump, who has derided climate change as a hoax and intends to withdraw the U.S. from the international pact, won't be sending anyone to participate at the conference that will take place in California Gov. Jerry Brown's backyard. But ME is expecting a series of announcements on new action as investors and state and city leaders press for ever-deeper commitments on climate change, despite the White House's inaction.

The main event will begin Wednesday, but a host of affiliate events in the San Francisco Bay Area and elsewhere have also cropped up. Environmental leaders including Brown, billionaire environmentalist Tom Steyer, former New York City Mayor Michael Bloomberg, U.N. Framework Convention on Climate Change head Patricia Espinosa, former Vice President Al Gore and former EPA Administrator Gina McCarthy are among the names billed to speak throughout the week.

The festivities kick off just as a U.N. meeting in Bangkok failed to yield a breakthrough and deliver concrete proposals to the upcoming gathering in Katowice, Poland in December, where the nearly 200 nations that signed the Paris agreement had hoped to lay out a rulebook for the pact. Specifically, the talks hit roadblocks over defining responsibility for cutting emissions and coming up with the financial support for climate efforts. POLITICO Europe's Kalina Oroschakoff has more.

Those not attending this week's event can live-stream its happenings on YouTube, Facebook and Twitter.

— **BROWN SIGNS OFFSHORE BAN:** Ahead of the summit, Brown signed a bill Saturday blocking new federal offshore drilling in the state's waters, as well as any expansions to existing oil and gas infrastructure — signaling California's opposition to any potential Trump administration effort to expand oil drilling there. The bill would prohibit any new leases for construction of oil and gas-related infrastructure within state waters If the federal government authorizes any new offshore leases. "Today, California's message to the Trump administration is simple: Not here, not now," Brown said in a statement. "We will not let the federal government pillage public lands and destroy our treasured coast."

Some green groups panned the move as "pure theater." In a statement, 350.org Co-Founder Bill McKibben blasted Brown's signing. "Today's announcement is incredibly ironic since Brown has refused every effort by hundreds of community groups to get him to slow the pace of new permits for oil wells," he said, referring to state's ongoing oil and gas drilling activity.

— **Related reading:** C40 Cities, the Global Covenant of Mayors for Climate & Energy and the NewClimate Institute released new research backed by Bloomberg Philanthropies that highlights global reductions in carbon emissions driven by urban climate policies. Among the findings: By 2030, urban climate action can prevent approximately 1.3 million premature deaths per year and generate a net 13.7 million jobs across cities.

WELCOME TO MONDAY! I'm your host, Kelsey Tamborrino. Friday's trivia winner is David Bancroft from the Council on Environmental Affairs, who knew there are 10 former House members who have received Electoral College votes for both president and vice president in separate elections. Today's question: Which member of Congress created the first congressional website? Bonus points if you can name the web address. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

BAKER-SHULTZ CARBON TAX GROUP SAY IT WOULD BEAT PARIS TARGET: The carbon tax plan pushed by Republicans like James Baker, George Schultz and Christine Todd Whitman would exceed the 26-28 percent pollution reductions promised by the Obama administration under the Paris agreement. The proposal, first released by the Climate Leadership Council in February 2017, would start a tax at $40 per ton of carbon dioxide and increase it over time, with the revenues being returned to Americans via a "carbon dividend." The group's new analysis claims it would curb overall U.S. emissions 32 percent below 2005 levels by 2025, solidly beyond the Paris targets. The analysis also incorporates a Resources for the Future study from June that projected a $43/ton tax starting in 2021 could achieve 41 to 47 percent reductions by 2035, depending on the tax's growth rate.

The CLC also conducted some polling showing majority support for such a carbon tax, but don't expect Congress to jump to action anytime soon. "We've always known this was going to be a longer-term play," CLC Senior Vice President Greg Bertelsen told ME. "This is a major piece of legislation that we're promoting and like any major piece of legislation, that takes time to develop, time to educate lawmakers on it and it takes time to build the coalition of support." The current administration isn't likely to be receptive to a carbon tax either. Baker personally pushed the tax plan last year with top White House officials, who of course are focused on developing a plan to subsidize coal-fired power plants.

FOR YOUR RADAR: Majority Leader Kevin McCarthy said that the House will vote on the finished version of its first so-called minibus, H.R. 5895 (115), which contains Energy and Water titles, this week. Still, both chambers will only be in town for a few days, with the House and Senate out until Wednesday for Rosh Hashanah. The Senate won't vote until 5:30 p.m. that day, and the House takes its first vote at 6:30 p.m. That leaves just seven working days when both chambers are in session before the Sept. 30 funding deadline.

SAMUEL BODMAN REMEMBERED: Former Energy Secretary Samuel Bodman died at the age of 79 last week. Bodman, who served under former President George W. Bush, was both a chemical engineer and businessman. He served atop the Energy Department from 2005 to 2009, and was also deputy secretary of both Treasury and Commerce under Bush. The former president and former first lady mourned the loss of Bodman in a statement marking his passing. "Sam had a brilliant mind, and we are fortunate that he put his intellect to work for our country as secretary of energy," Bush said.

"Sam was a real life success story with an impressive career in the private sector before turning his attention to public service, serving in senior appointments across the government," Energy Secretary Rick Perry said in a statement. "He led the Department of Energy during the passage of landmark energy legislation that became the foundation for much of America's energy successes." Bodman died Friday at his home in El Paso, Texas.

PERRY TO MEET SAUDI, RUSSIAN OFFICIALS: Perry joined Saudi Arabia's Minister of Energy Khalid Al-Falih and Exxon Mobil CEO Darren Woods on the field during a Texas A&M University football game this weekend against Clemson. "It was great to join a few world energy leaders and fellow Aggies, @Khalid_AlFalih and Darren Woods, on Kyle Field for the @TAMU football game tonight. #GigEm," the

secretary tweeted with a video. Perry will meet with Saudi officials today in Washington, including Al-Falih, a U.S. government source told Reuters. The Energy secretary will also meet with Russian Energy Minister Alexander Novak on Thursday in Moscow, according to the news agency.

EXODUS AT EPA: Nearly 1,600 workers have exited EPA during the first 18 months since Trump took office, new records released under FOIA and analyzed by The Washington Post found. Those numbers include at least 260 scientists, 185 "environmental protection specialists" and 106 engineers. Amid the departures, fewer than 400 employees were hired in the same period, the newspaper found. The trend follows a months-long buyout and retirement process offered by EPA last year. "Several veteran EPA employees, who have worked for both Republican and Democratic administrations, said the agency's profound policy shifts under Trump hastened their departure," the Post reports.

ONE AND DONE: EPA announced it will host just one public hearing on its proposed replacement for the Clean Power Plan. The hearing will occur in Chicago on Oct. 1, according to a notice in the Federal Register. Each commenter will have 5 minutes to speak. The agency said it will take comments on the proposed Affordable Clean Energy rule no later than Oct. 31. The proposal, which has been condemned by blue states and green groups, would ease carbon regulations for coal-fired power plants and replace the stricter requirements pushed by the Obama administration.

COMMERCE MODIFIES STEEL EXCLUSION REQUEST PROCESS: After months of complaints about its slow and cumbersome process for reviewing requests for certain steel and aluminum products to be excluded from Trump's new tariffs, the Commerce Department is making some changes, according to a Federal Register notice set to published on Tuesday. "The Department understands the importance of having a transparent, fair and efficient exclusion and objection process. The publication of today's rule should make significant improvements in all three respects," the agency said in the notice, which lists many of the questions and complaints companies have about the current process, as well as the Commerce Department's response.

As of Aug. 30, the department had received more than 38,000 exclusion requests and more than 17,000 objections from domestic firms saying they could supply the product in question. The Federal Register notice did not say how many exclusion requests had been resolved. However, a recent letter to Commerce Secretary Wilbur Ross from Sen. Pat Toomey put the number at 2,900 as of Aug. 23.

FISHING, HUNTING EXPANDS AT WILDLIFE REFUGES: The Fish and Wildlife Service will open up more than 251,000 acres to new or expanded hunting and fishing opportunities across 30 national wildlife refuges, Interior Secretary Ryan Zinke declared Friday. "The last thing I want to see is hunting to become an elite sport, rather than a tradition passed on from generation to generation," Zinke said. "Today's announcement protects critical conservation funding, and ensures sportsmen have access to public lands for generations to come."

STATES PREPARE FOR HURRICANE FLORENCE: Several states have declared states of emergency ahead of Hurricane Florence's expected landfall. The storm reached sustained winds of 75 mph on Sunday, and it could directly hit the Southeast toward week's end, according to the National Hurricane Center. While it's too soon to know the storm's precise path, the storm center said: "All indications are that Florence will be an extremely dangerous Category 4 hurricane while it moves over the western Atlantic toward the southeastern United States." The South Carolina Emergency Operations Center tweeted this weekend it was "preparing for the possibility of a large-scale disaster or emergency situation as we all monitor the #Florence forecasts."

PLAINS ALL AMERICAN FOUND GUILTY IN 2015 SPILL: The Houston-based Plains All American Pipeline was found guilty Friday by a California jury for its 2015 oil spill at Santa Barbara's Refugio Beach. The company was found guilty of a felony for failing to properly maintain its pipeline. It was also found guilty on eight misdemeanor charges including failing to call emergency response agencies in a timely matter. Plains

All American faces at least $1.5 million in penalties if the conviction is sustained, John Savrnoch, the chief deputy district attorney for Santa Barbara County, told Reuters.

HEADS UP! Deputy Interior Secretary David Bernhardt will address an audience at The Heritage Foundation today to discuss the department's proposed changes to the Endangered Species Act, which Republicans and industry say has stymied economic growth in the West. Comments on that proposal are due by Sept. 24.

PLAYING THE FIELD HEARING: The House Natural Resources Oversight Subcommittee will hold a field hearing today focused on the federal Columbia River power system, mere days after a dispute played out on the Hill over a provision to the minibus bill that would impact salmon runs in the Columbia and Snake Rivers in Washington state. Today's oversight hearing will take place in Pasco, Wash., focusing on "the multipurpose benefits of the Columbia and Snake Rivers and the Federal Columbia River Power System." Officials from the Bonneville Power Administration, Washington Association of Wheat Growers and Nez Perce Tribe will testify, among others. **If you go:** The hearing begins at 10 a.m. PDT at Pasco City Hall.

MAIL CALL! YOU'RE INVITED: Three Michigan lawmakers wrote to acting EPA Administrator Andrew Wheeler last week, inviting the agency chief to the state to further discuss the nonstick toxic chemicals known as PFAS. The letter follows last week's House Energy and Commerce Committee hearing on the class of chemicals. "Michigan has been hit hard," Bipartisan Reps. Debbie Dingell, Fred Upton and Tim Walberg write. "The number of PFAS confirmed sites has been growing rapidly over the last few years."

— **Conservative groups**, including Americans for Tax Reform, Americans for Prosperity and Competitive Enterprise Institute, signed onto a letter last week to EPA calling on the agency to rescind the proposed 404 veto on Pebble Mine.

— **Fourteen California lawmakers** called on House Speaker Paul Ryan last week to make sure Jeff Denham's amendment to block a state water plan is included in the next spending bill signed into law. Denham, whose Central California district would feel some of the deepest cuts under the plan, successfully attached an amendment to the House's Interior-EPA appropriations bill to block federal funding related to implementation of the plan.

QUICK HITS

— "Inside the 'simple assault' case that got complicated," E&E News.

— "Nevada officials vow to fight federal plutonium storage plan," Associated Press.

— "Rise for Climate: Thousands march across U.S. to protest environment crisis," The Guardian.

— "Ex-GOP FERC chair on coal bailout: 'This too shall pass,'" Utility Dive.

— "Report: 10 percent of U.S. coal mined in 1H2018 went to plants scheduled to retire," POWER Magazine.

— "In Butte, acting EPA chief says Superfund remains a priority," Montana Public Radio.

HAPPENING THIS WEEK

MONDAY

9 a.m. — Resources for the Future's Policy Leadership Forum on "Evidence-Based Decision-making," focusing on environmental natural disasters, 1779 Massachusetts Avenue NW.

11:30 a.m. — The Washington Automotive Press Association and the Diesel Technology Forum discussion on "Why Diesel has a Future in the U.S. Automotive Market," 1626 North Capitol Street NW.

Noon — The Heritage Foundation discussion on "Improving the Implementation of the Endangered Species Act," 214 Massachusetts Avenue NE.

12:30 p.m. — The Johns Hopkins University Paul H. Nitze School of Advanced International Studies discussion on "Affordable and Clean Energy for All," 1740 Massachusetts Avenue NW.

1 p.m. — House Natural Resources Oversight Subcommittee hearing on "The Federal Columbia River Power System: The Economic Lifeblood & Way of Life for the Pacific Northwest," Pasco, Wash.

TUESDAY

8:30 a.m. — PRI Academic Network Conference 2018, San Francisco.

9 a.m. — Low-Emissions Solutions Conference on "The Land-Energy Nexus In Climate Change Mitigation," San Francisco.

9 a.m. — Alliance for a Sustainable Future discussion "Mayors and Business Advancing Climate Action," San Francisco.

11 a.m. — The Atlantic Council Global Energy Center discussion on "Connecting Europe: The Southern Gas Corridor and the Future of European Gas Supply," 1030 15th Street NW.

Noon — Inter-American Dialogue discussion on "Smart Cities in Latin America," 1155 15th Street NW.

1 p.m. — The Diesel Technology Forum webinar on "Carbon Cutting, Industrial Size — an official Global Climate Action Summit affiliate event."

4:30 p.m. — Global Women's Leadership Initiative discussion on "Global Climate Action Summit: Women Policy Leaders Driving Change in Global Climate Policy," San Francisco.

6:30 p.m. — 2018 Climate Action Forum with NPR and Climate One, San Francisco.

WEDNESDAY

9 a.m. — Global Climate Action Summit, San Francisco.

12:15 p.m. — The Henry L. Stimson Center discussion on "The Security Impacts of Illegal, Unreported, and Unregulated (IUU) Fishing," 902 Hart.

1 p.m. — Paris Mayor Anne Hidalgo convenes a half-day Cities4Climate conference, San Francisco.

3 p.m. — The Atlantic Council Global Energy Center discussion on "California Stories: Grounded Perspectives on Climate Policies and Actions," San Francisco.

6 p.m. — The Women's Council on Energy and the Environment's Career Building Section discussion on "leading across the energy sector," 1300 Pennsylvania Avenue NW.

THURSDAY

10 a.m. — Senate Environment and Public Works Committee hearing on "Advanced Nuclear Technology: Safety and Associated Benefits of Licensing Accident Tolerant Fuels for Commercial Nuclear Reactors," 406 Dirksen.

10 a.m. — House Science Committee's Environment Subcommittee and Oversight Subcommittee joint hearing on "Examining the Underlying Science And Impacts of Glider Truck Regulations," 2318 Rayburn.

10 a.m. — Senate Energy Committee hearing "to Examine the Role of U.S. LNG in Meeting European Energy Demand," 366 Dirksen.

1 p.m. — The National Academy of Sciences meeting of the Committee on Assessing the Taxonomic Status of the Red Wolf and the Mexican Gray Wolf, 2101 Constitution Avenue NW.

1 p.m. — House Oversight Committee hearing on "Evaluating Federal Disaster Response and Recovery Efforts," 2154 Rayburn.

1:30 p.m. — C-CHANGE at the Harvard T.H. Chan School of Public Health discussion on "Children's Health, the Measure of Success when Addressing Climate Solutions — What We Know, Don't Know & Need to Know," San Francisco.

2 p.m. — Route Fifty webcast on "Build Back Better: State and Local Lessons on Long-Term Disaster Recovery."

2 p.m. — House Natural Resources Indian, Insular and Alaska Native Affairs Subcommittee hearing on H.R. 4985 (115), the Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act, 1324 Longworth.

3 p.m. — Center for Climate and Energy Solutions discussion on "Meeting the Paris Goal: Strategies for Carbon Neutrality," San Francisco.

6 p.m. — As You Sow discussion on "Oil & Autos: Transition Planning for a Low-Carbon Future," San Francisco.

FRIDAY

8:30 a.m. — EPA Small Communities Advisory Subcommittee meeting to discuss water infrastructure, 1200 Pennsylvania Avenue NW.

9 a.m. — Washington Post Live discussion on "Transformers: Space," 1301 K Street NW.

9 a.m. — Stanford Woods Institute for the Environment briefing on "The 2009 EPA Endangerment Finding: Even Stronger Evidence in 2018," San Francisco.

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Stories from POLITICO Pro

Republican heavyweights to push carbon tax in White House meeting Back

By Eric Wolff | 02/08/2017 11:35 AM EDT

Former Secretary of State James Baker will lead a delegation of Republican former officials and economists today to lobby the White House to create a carbon tax.

Baker said he will meet with Gary Cohn, Trump's chief economic adviser, to push for a revenue-neutral carbon tax as a "limited government, free market" approach to dealing with carbon emissions. The AP reported that Vice President Mike Pence, Senior adviser Jared Kushner and Trump's daughter Ivanka have been invited to the meeting.

"I was and remain a skeptic on climate change, but the risks remain too great to ignore," Baker told reporters before the meeting. "We believe this would make America great again."

Trump himself is not expected to attend the meeting, and Baker said he did not request a meeting with the president. Baker will be going to the White House as part of the Climate Leadership Council, a group of Republicans pushing a carbon dividend program. Economists Greg Mankiw and Marty Feldstein, and Ted Halstead, CEO of the group, will attend today's meeting. Former treasury Secretary Hank Paulson and former Secretary of State George Shultz are part of the group but will not attend the meeting.

The group's proposal would start with a $40-per-ton tax on carbon and escalate over time. The money would then be distributed back to the public quarterly.

In exchange for the carbon tax, Baker wants the EPA to drop most of its carbon emissions regulations, including the right to regulate carbon at all.

To view online click here.

Back

EPA sheds 450 workers through buyouts, retirements Back

By Alex Guillén | 09/05/2017 08:31 PM EDT

EPA will shed more than 450 workers by the end of September, largely via early retirement and buyout packages, according to an agency official.

After a monthslong process, 362 workers last week accepted the voluntary buyouts, known in federal jargon as VERA and VSIP. Another 45 workers are still considering offers. Meanwhile, 12 more employees retired at the end of August, and another 33 are expected to retire at the end of this month, bringing EPA's workforce to 14,428, according to the official.

That's roughly in line with late-1980s levels. According to EPA's website, the agency employed 14,370 workers in 1989 before hitting a high of more than 18,000 in 1999.

"We're giving long-serving, hard-working employees the opportunity to retire early. We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment and American jobs," EPA Administrator Scott Pruitt said in a statement.

It was not immediately clear how much EPA spent on those buyouts, which can run as high as $25,000 per person. During a similar round of buyouts in 2014, EPA spent $11.3 million in incentives on 456 employees — though many of those positions were refilled, unlike most of the positions in this round.

The White House's proposed EPA budget sought single-year workforce reductions of 3,200, or about 21 percent of the agency, although Congress has resisted such drastic cuts to EPA's budget.

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Interior proposes changes to Endangered Species Act Back

By Ben Lefebvre | 07/19/2018 02:26 PM EDT

The Trump administration is proposing changes to the Endangered Species Act the government says will clarify the decades-old law, but that environmental groups argue could weaken it.

One proposal would adjust how the Interior and Commerce departments decide to add or remove plants and animals from lists of federally protected species and designate critical habitat. Another would rescind a blanket Fish and Wildlife Service rule that automatically provided endangered species protections to wildlife listed only as threatened. And a third would simplify the consultation process other agencies are required to go through with FWS or NOAA Fisheries to ensure their actions would not jeopardize protected species. The proposed rules will appear in the Federal Register "in coming days," according to FWS.

"It's a question of certainty, predictability, stability, and at the same time ensuring the lawful requirements to protect species," Deputy Interior Secretary David Bernhardt said of the proposed changes during a call with reporters. "But I think we can do it in a way that's a little better after 30-odd years of experience with these regs."

Environmental groups fired back, arguing that the changes will make it easier for industry, including companies in the oil and gas sector, to operate in protected areas.

"These proposals would slam a wrecking ball into the most crucial protections for our most endangered wildlife," Brett Hartl, government affairs director at the Center for Biological Diversity, said in a press release.

WHAT'S NEXT: A 60-day public comment period will start once the proposed rule changes are published in the Federal Register.

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House Republicans stalling appropriations 'minibus' package Back

By John Bresnahan, Sarah Ferris and Rachael Bade | 09/04/2018 08:38 PM EDT

Policy fights between House Republicans and nearly everyone else on Capitol Hill are slowing down final action on the first "minibus" package of annual spending bills, throwing in doubt a GOP plan to avoid a government shutdown on Oct. 1.

One of the policy disputes is over a provision being pushed by Washington Rep. Cathy McMorris Rodgers and other House Republicans. McMorris Rodgers — the No. 4 House Republicans and the top GOP woman lawmaker in Congress — faces a tough reelection fight this year.

The quarrel between House Republicans on the Appropriations Committee and the other "three corners" of the 2019 spending negotiations — House Democrats, plus Senate Republicans and Democrats — comes as GOP congressional leaders will tramp down to the White House on Wednesday to implore President Donald Trump not to provoke a government shutdown over border wall funding. Trump is seeking $5 billion for his controversial project next year, far more than Congress agreed to during negotiations earlier this year to end a prolonged funding fight.

Yet with House Democrats increasingly confident they will recapture control of the chamber in November — meaning Trump may not get any wall funding in the next Congress — some White House officials are urging Trump to fight it out now, even if that means a shutdown on Oct. 1, potentially sealing the fate of the House GOP majority.

Against this backdrop, Rep. Mike Simpson of Idaho, top Republican on the Appropriations Energy and Water Subcommittee, said disputes over more than a dozen policy riders — including a provision that impacts salmon runs in the Columbia and Snake River in Washington State, McMorris Rodgers' home state — have held up action on the first of the "minibus" conference reports, the $145 billion package that covers the Energy and Water Development, Military Construction and Veterans Affairs, and Legislative Branch funding bills.

This minibus, H.R. 5895 (115), is considered the easiest of the three such packages to get through Congress. The minibus, which funds agencies such as the Department of Energy, is typically noncontroversial. And breaking up the 12 annual spending bills in this fashion was the GOP congressional leadership's scheme to guarantee that at least some federal spending gets signed into law before the Sept. 30 deadline.

Appropriators in both chambers warn that if Congress has to pass a continuing resolution to fund the government, it will be at a funding level $36 billion lower than the omnibus funding deal, split equally between defense and non-defense spending.

"We're working through the bill," Simpson insisted on Tuesday, declining to get into the specifics of the policy fights. "The Columbia River is one of them. That's OK, we'll work through this."

"The three corners — the Democrats in the House and Senate, and the GOP in the Senate — kind of struck a deal. But they left us out," Simpson added. "And that's what created part of the problem."

House GOP leaders had wanted to have a conference report on this minibus voted on this week, but Simpson asserted "I can't say whether we'll get it done in time to have it out this week just because the time it takes to get through the bill." Simpson said he'd like to have a deal in place by the end of this week.

Simpson said he and House Appropriations Chairman Rodney Frelinghuysen (R-N.J.) met with their Senate counterparts — Sen. Lamar Alexander (R-Tenn.) and Senate Appropriations Chairman Richard Shelby (R-Ala.) — to try to settle their disputes. Negotiations are ongoing, Republican lawmakers and aides said.

"We're making progress, we hope that we can continue that," Shelby said.

One of the key issues involves "spill over" of water at the Columbia and Snake River dams. Environmental groups say that procedure makes it easier for salmon to spawn. But industry groups say the process cuts energy output at the dams, which could lead to higher electricity costs.

A Democratic aide called the "spill over" provision a political "gift" to McMorris Rodgers as she faces a rough reelection challenge. McMorris Rodgers and Rep. Dan Newhouse (R-Wash.) have pushed a provision to ban such spill overs. It was included in the House-passed Energy and Water bill, but was not part of the bipartisan deal.

"Dams and fish can coexist, and this language in the Energy and Water Development and Related Agencies Appropriations Bill is another avenue for us to stop the spill at the Columbia and Snake River dams," said McMorris Rodgers in a July statement. "We have to get this done to protect our dams, our fish, and ratepayers in the Pacific Northwest."

With final action slowing on such a normally straightforward funding package, multiple Hill aides say there's little chance a final agreement can be reached this week, eliminating GOP leaders' room for error with just 11 working days left until the deadline.

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POLITICOPRO

This email was sent to wehrum.bill@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 9/8/2018 5:23:53 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Heads Up--Speaking at SAE Next Week

Hi Bill:

I am speaking at an SAE Conference next Thursday. It is the North American International Powertrain Conference. Unique among SAE events, this is an annual, invitation-only conference. Invitees make up powertrain executives from the OEM and Tier 1 supplier community. About 200 people are invited, and the conference is held under Chatham House Rules, and is closed press. This year the legendary Bob Lutz will be the opening night speaker on Wednesday. Both Charmley and I have spoken at the conference in the past.

The format for my participation is as follows:

I have been invited to make a few opening remarks, followed by an interview on stage by one of the industry organizers, followed by questions from the audience.

I am still organizing my thoughts for my brief remarks. here is what im thinking of at this point:

Deliberative Process / Ex. 5

SAE provided the following questions for the interview on stage:

1. The last time we met, you left NAIPC to announce the VW defeat-device investigation. Since that time, other potential certification issues have been cited. Can you comment on how those events have influenced the thinking inside EPA for near term and future testing and certification practices and procedures, such as real-world testing?

2. You have been a proponent for common worldwide test procedures and emission standards, as long as they approach U.S. practices. Do you believe that the defeat device issue will help to expedite this goal which would allow a much broader base of data from which to gain confidence in OEM compliance?

3. The recent NPRM for 2022-2025 fuel economy and greenhouse gas standards and the draft EIS includes NHTSA CAFÉ analyses, such as dynamic fleet share and delayed scrappage which are new to the debate. Will EPA weigh in on the adequacy of these models to predict user preference and the resulting effects on overall fleet safety?

4. What influence do you believe the worldwide shift toward light trucks and SUV's will have on appropriateness of certain technologies, such as electrification, to achieve long-term reductions in GHG's?

5. Do you believe the long-range prediction of relatively low-cost petroleum will continue to be an economic detriment to future GHG legislation, despite the evidence of human contribution to global warming?

6. From a planning and strategy perspective, automakers are struggling with some of the new regulations and "rumors of regulation." There are many new areas being discussed at such as limits on enrichment, real-world emissions, and new sources of emissions such as tire and brake dust. From your perspective, what is the best way for automakers and suppliers to engage in these discussions, hopefully before the NPRM process?

I will be thinking about how to answer these (and other) questions, as well as composing my opening comments. We have a one on one when you are in A2 next week if you'd like to discuss.

Thanks,Chris

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 9/6/2018 8:44:35 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Woods, Clint [woods.clint@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]
Subject: Calendar for Friday

No read ahead materials for tomorrow's meetings. If you're coming in from DE in the morning, we'll likely cancel 9 am Roundtable so you have time to get here and settled before 9:30 meeting with Honda.

Wehrum, Bill Calendar
Wehrum.Bill@epa.gov
On Friday, September 07, 2018

Fri, Sep 7

All Day	On Leave: Delaney Rakosnik
8:00 AM – 9:00 AM	**Free**
9:00 AM – 9:30 AM	Management Roundtable
9:30 AM – 10:00 AM	Meet with Honda (Confirmed)
10:00 AM – 10:30 AM	Sunbelt Rental Tier 4 Genset Issue
10:30 AM – 11:00 AM	One-on-One with Jon Edwards
11:00 AM – 11:15 AM	Debrief with Kelly Glazer (Re: PCC mtg you attended Wed)
11:15 AM – 11:30 AM	**Free**
11:30 AM – 12:15 PM	Meet with Fitzgerald Trucks re: glider kits (Confirmed)
12:15 PM – 12:45 PM	**Free**
12:45 PM – 1:00 PM	General Discussion with Cathy Steppe
1:00 PM – 2:00 PM	Conference Call with TCEQ (Confirmed)
2:00 PM – 2:45 PM	Scheduling Meeting
2:45 PM – 3:30 PM	**Free**
3:30 PM – 4:00 PM	Personal Hold
4:00 PM – 5:00 PM	**Free**

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 9/5/2018 9:47:12 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Morning Energy: Conferees to meet, but approps deal elusive — OSTP nominee on tap — Last chance for PFAS

By Kelsey Tamborrino | 09/05/2018 05:45 AM EDT

With help from Anthony Adragna, Alex Guillén and Darius Dixon

LET'S GET TOGETHER: The House and Senate conference committee gathers today at 2 p.m. for a meeting on the first minibus, H.R. 5895 (115), that contains the energy and water title, but already things are off to a rocky start over, you guessed it, a policy rider. At issue is language being pushed by Washington Rep. Cathy McMorris Rodgers and other House Republicans related to the Columbia and Snake River in McMorris Rodgers' home state, POLITICO's John Bresnahan, Sarah Ferris and Rachael Bade report.

Idaho Rep. Mike Simpson, the top Republican on the Energy and Water subcommittee, said there are disputes over more than a dozen policy riders — including the provision that impacts salmon runs in the Columbia and Snake River — which have held up action on the first of the "minibus" conference reports. "We're working through the bill," Simpson said Tuesday, declining to get into specifics. "The Columbia River is one of them. That's OK, we'll work through this." Both McMorris Rodgers and Washington Rep. Dan Newhouse have pushed a provision to ban "spill overs" of water at the river dams, which was included in the House-passed Energy and Water bill, but not part of the bipartisan deal in the Senate.

And with final action slowing on what is normally one of the more straightforward funding packages of the bunch, multiple Hill aides say there's little chance a final agreement can be reached this week. "I can't say whether we'll get it done in time to have it out this week just because the time it takes to get through the bill," Simpson said, but added he'd like to have a deal in place by the end of this week.

Senate Appropriations Chairman Richard Shelby said he met with House Appropriations Chairman Rodney Frelinghuysen and other senior appropriators on Tuesday afternoon. "We're making progress," Shelby told reporters. "We're hoping we can continue that." Shelby also said appropriators are still hoping to complete work on their second minibus, H.R. 6147 (115) , that contains the Interior and Environment title ahead of the Sept. 30 deadline, but hedged a bit on whether it would. "All of them are alive. How much life? We don't know," Shelby said. (Sarah separately reports this morning on the success of the Senate's side of this year's appropriations battles, which in large part have to do with a plan hatched by Shelby and Appropriations ranking Democrat Patrick Leahy.)

Meanwhile, Republican leaders will also confer with President Donald Trump this afternoon in the latest attempt to convince him not to risk a government shutdown before Election Day, Rachael and John report. The president has threatened to veto any spending measures that don't include $5 billion for his planned border wall, but GOP leaders are hoping to delay that fight until after the election.

WELCOME TO WEDNESDAY! I'm your host, Kelsey Tamborrino. Entergy's Rob Hall had a two-day win this week, and was the first to correctly ID the five former presidents who once had offices in the Russell Senate Building: Warren Harding, Harry Truman, John F. Kennedy, Lyndon B. Johnson, and Richard Nixon. For today: Which U.S. national park contains the most lighthouses? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

OSTP NOMINEE ON TAP: The Senate Commerce Committee votes this morning on the nominations of Kelvin Droegemeier to be director of the Office of Science and Technology Policy and James Morhard to be deputy administrator of NASA, among others. Droegemeier has earned praise from Senate Democrats and is likely to skate to confirmation, even though he was never asked at his confirmation hearing last month whether he acknowledges the scientific consensus that human activity is driving climate change. **If you go:** The committee meeting begins at 10 a.m. in 106 Dirksen.

DO THE DOE SHUFFLE! The Energy Department has now installed what is at least the third interim director for its popular ARPA-E program, agency leaders told staff in an email Tuesday afternoon. DOE's Chief Financial Officer, John Vonglis, who was confirmed late last year, will lead the office until Trump pick Lane Genatowski gets the Senate's blessing. Eric Rohlfing led the operation shortly after Trump took office and before principal deputy director Chris Fall, who has now been tapped to be Science office director, was given the acting title. The announcement, signed by Energy Secretary Rick Perry and DOE No. 2 Dan Brouillette, also said that Office of Technology Transitions director Chanette Armstrong, will move to ARPA-E. Conner Prochaska will take Armstrong's post while also being chief commercialization officer.

REPORT: TRUMP TO TAP CLIMATE SKEPTIC: Trump is expected to tap William Happer, a Princeton physicist who has argued that increased carbon dioxide would benefit the planet, to be senior director for emerging technologies on the National Security Council, CNN reports. Happer also served in the Energy Department's Office of Science under former President George H.W. Bush.

LAST CHANCE FOR PFAS: EPA will hold its fifth and final "community engagement" meeting today on the toxic nonstick chemicals known as PFAS. The meeting will occur at the Riverfront Community Center in Leavenworth, Kan., and will follow the format of previous meetings, with a morning working session followed by a listening session, where the public can speak. Fort Leavenworth was one of 11 military installations that the Defense Department said last year was affected by elevated levels of the chemicals PFOS and PFOA. See today's agenda here.

The meeting comes one day before the issue will be front and center for its first congressional hearing before the House Energy and Commerce Committee on Thursday. Witnesses for that hearing were released Tuesday and include Peter Grevatt, EPA director of the Office of Groundwater and Drinking Water, and Maureen Sullivan, deputy assistant secretary of Defense for energy.

NEXT UP: EPA's Office of Inspector General, which weighed in on former Administrator Scott Pruitt's $3.5 million round-the-clock security detail on Tuesday, is ready to take on its next endeavor: glider vehicle emissions testing conducted by the agency in 2017 under Pruitt. As part of the audit, which follows complaints from congressional Republicans that the agency is targeting Tennessee manufacturer Fitzgerald, the OIG will look into the testing of glider vehicles at the EPA's National Vehicle and Fuel Emissions Laboratory. The OIG audit likely will take months, Pro's Alex Guillén reports. In the meantime, EPA is considering easing or repealing the glider regulations, which were part of the Obama administration's Phase 2 heavy-duty truck rule.

What else? EPA's Office of Inspector General is expected to unveil two reports today: one on the effectiveness of EPA's process for reviewing and approving air quality dispersion models and one on its citizen science efforts.

HOW ACE IS PLAYING OUT: EPA's own estimates on its proposed Affordable Clean Energy plan to regulate carbon dioxide emissions from power plants is turning off voters, a new POLITICO/Morning Consult poll found. When asked whether EPA "estimates that the proposal could, in some scenarios, increase annual premature deaths from certain particulate emissions by up to 1,400 by 2030" would make voters more or less likely to support the plan, 30 percent of respondents said it would make them "much more likely to oppose" the plan. Fifteen percent said it would make them "somewhat more likely" to oppose the ACE plan, while 9 percent

and 13 percent said it would make them "much more likely to support" or "somewhat more likely to support" the plan, respectively.

Asked a similar question about agency estimates that the proposal could reduce 2030 carbon dioxide emissions by as much as 1.5 percent from projected levels without the existing Clean Power Plan, 15 percent of voters said that knowledge would make them either "somewhat more" or "much more" likely to oppose the plan, while 45 percent said the opposite. The poll was conducted Aug. 28-31, with a margin of error of plus or minus 2 percentage points. It surveyed 1,964 registered voters.

COURT SAYS MASSACHUSETTS CARBON CAP APPLIES TO UTILITIES: Massachusetts' top court on Tuesday ruled that electric utilities are indeed subject to the state's major climate change law, including a shrinking cap on carbon emissions imposed last year following an order from Republican Gov. Charlie Baker. The New England Power Generators Association and GenOn argued that the cap cannot apply to the electric sector because it is already regulated under another part of the state law. But the seven-member Massachusetts Supreme Judicial Court ruled that the two parts of the law "complement each other," adding: "Given that the electric sector is one of the largest in-state greenhouse gas emission sources, it would make little to no sense for the Legislature to have excluded it from the critical emission reduction requirements."

REPORT: RESIDENTIAL SOLAR GROWS YEAR-OVER-YEAR: The megawatt-hours of energy storage used in the second quarter of this year is triple what was deployed during the same time period in 2017, at 156.5 MWh, according to today's U.S. Energy Storage Monitor report from the Energy Storage Association and Wood Mackenzie Power and Renewables. Among the growing segments, residential led the way with increases that were tenfold year-over-year. Non-residential and front-of-meter segments also both grew on an annual basis when measured in megawatt-hours. Residential deployments were mostly concentrated in California and Hawaii, which together made up 72 percent of megawatt-hours for the quarter.

HEADS UP! The House E&C Energy Subcommittee will hold a hearing Thursday on the Strategic Petroleum Reserve Reform Act, H.R. 6511 (115), which would allow the Energy secretary to carry out the leasing of underutilized SPR facilities. The hearing follows the DOE's announcement in July that it intends to finish within six months a study on how to modernize the SPR. The hearing is slated for 1 p.m. in 2123 Rayburn.

OOPS! The D.C. Circuit Court of Appeals will wait to hear from EPA before deciding whether to immediately reinstate an Obama-era chemical safety rule, the federal court said Tuesday, after it ordered the agency to reinstate the rule on Friday. In the one-page order issued Tuesday, the court says the order was issued "inadvertently" on Friday, Alex reports . Instead, it directs EPA to return it "forthwith," with no further explanation given on how the order was issued accidentally.

GAO HITS FEMA OVER DISASTER RESPONSE: The agency tasked with coordinating the response to natural disasters struggled to do just that in 2017 following four disasters — hurricanes Harvey, Irma, Maria, and the California wildfires — according to a report from the Government Accountability Office. The report out Tuesday highlighted the numerous challenges FEMA faced in areas including Puerto Rico and the Virgin Islands, like the need to provide services due to the loss of power. Last year's disasters highlighted "long-standing issues and revealed other emerging response and recovery challenges" at FEMA, the report said. "In addition, FEMA's available workforce was overwhelmed by the response needs."

At the height of FEMA deployments in mid-October, 54 percent of FEMA employees did not meet agency standards for "qualified" in disaster recovery, according to the report. That included not having enough bilingual employees to communicate with local residents or to translate documents. The report was requested by multiple members of Congress, and the agency will make recommendations once the ongoing research is completed.

MOVERS, SHAKERS: Jay Faison's ClearPath Foundation will announce the addition of two staffers to its ranks today. Chris Tomassi joins ClearPath as government affairs director. He previously was a Republican aide

on the Senate Appropriations Committee and senior counsel and aide on the Environment and Public Works Committee. Faith Smith also joins ClearPath as a policy analyst. She previously worked for the Texas Commission on Environmental Quality's Underground Injection Control Permits Section.

COUGH, COUGH: The LCV Victory Fund launched a new $663,000 ad campaign Tuesday targeting GOP Rep. Mike Coffman in Colorado. The ad, titled "Cough," will air in the Denver market for two weeks. In the ad, a narrator says "Coffman took over $800,000 from polluters ... then voted to let them spew dangerous toxins into our air and water."

— **EDF Action launched** a new ad hitting GOP Rep. Claudia Tenney for working with special interests, including "big polluters." The $235,000 ad buy will run in three areas of New York for two weeks: Syracuse, Utica and Binghamton.

QUICK HITS

— "Warnings over pollution met with a shrug in coal country," The Associated Press.

— "Transocean agrees to acquire Ocean Rig UDW for $2.7 billion," The Wall Street Journal.

— "Tropical Storm Gordon shuts 9 percent of oil output in Gulf of Mexico," Reuters.

— "'America First' or coal first? LNG groups want to know," E&E News.

— "Dire climate change warnings cut from Trump power-plant proposal," Bloomberg.

HAPPENING TODAY

9 a.m. — Future Power Markets Summit 2018, 1000 H Street NW.

9:30 a.m. — Senate Judiciary Committee continues hearing on the nomination of Brett Kavanaugh to the Supreme Court, 226 Dirksen.

10 a.m. — Senate Commerce Committee hearing on nominations of Kelvin Droegemeier to be director of the Office of Science and Technology Policy and James Morhard to be deputy administrator of NASA, among others, 106 Dirksen.

10:15 a.m. — House Natural Resources Committee markup on various bills, 1324 Longworth.

11:30 a.m. — Atomic Wings lunch and learn on "The U.S. Nuclear Fleet: Jobs, Exports, and Clean Energy Leadership," 2060 Rayburn.

Noon — The Environmental Law Institute webinar on a book titled "Beyond Politics: The Private Governance Response to Climate Change."

Noon — The Nuclear Threat Initiative releases the 2018 Nuclear Security Index, 1300 Pennsylvania Avenue NW.

Noon — Georgetown University discussion on "Rethinking Plastic: Answering a Global Call to Action," 3700 O Street NW.

1 p.m. — The National Academy of Sciences briefing on new report, "Exoplanet Science Strategy," 2101 Constitution Avenue NW.

2 p.m. — House Natural Resources Water, Power and Oceans Subcommittee hearing on title transfer bills, 1324 Longworth.

2:30 p.m. — The Great Lakes Commission and Northeast Midwest Institute briefing on "Great Lakes Regional Green Infrastructure Policy Analysis: Addressing Barriers to Implementation," 27 Independence Avenue SE.

3 p.m. — The Global Commission on the Economy and Climate releases 2018 "New Climate Economy" report, New York City.

5 p.m. — The Young Conservatives for Energy Reform & Christian Coalition hosts Conservative Clean Energy Summit, 400 New Jersey Avenue NW.

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Stories from POLITICO Pro

House Republicans stalling appropriations 'minibus' package Back

By John Bresnahan, Sarah Ferris and Rachael Bade | 09/04/2018 08:28 PM EDT

Policy fights between House Republicans and nearly everyone else on Capitol Hill are slowing down final action on the first "minibus" package of annual spending bills, throwing in doubt a GOP plan to avoid a government shutdown on Oct. 1.

One of the policy disputes is over a provision being pushed by Republicans in the Washington state delegation, including Rep. Cathy McMorris Rodgers and Dan Newhouse. McMorris Rodgers — the No. 4 House Republicans and the top GOP female lawmaker in Congress — faces a tough reelection fight this year.

The quarrel between House Republicans on the Appropriations Committee and the other "three corners" of the 2019 spending negotiations - House Democrats, plus Senate Republicans and Democrats - comes as GOP congressional leaders will tramp down to the White House on Wednesday to implore President Donald Trump not to provoke a government shutdown over border wall funding. Trump is seeking $5 billion for his controversial project next year, far more than Congress agreed to during negotiations earlier this year to end a prolonged funding fight.

Yet with House Democrats increasingly confident they will recapture control of the chamber in November - meaning Trump may not get any wall funding in the next Congress - some White House officials are urging Trump to fight it out now, even if that means a shutdown on Oct. 1, potentially sealing the fate of the House GOP majority.

Against this backdrop, Rep. Mike Simpson of Idaho, top Republican on the Energy and Water subcommittee on Appropriations, said disputes over more than a dozen policy riders — including a provision that impacts salmon runs in the Columbia and Snake River in Washington State, McMorris Rodgers' home state — have held up

action on the first of the "minibus" conference reports, the $145 billion package that covers the Energy and Water Development, Military Construction and Veterans Affairs, and Legislative Branch funding bills.

This minibus is considered the easiest of the three such packages to get through Congress. The minibus, which funds agencies such as the Department of Energy, is typically non-controversial. And breaking up the 12 annual spending bills in this fashion was the GOP congressional leadership's scheme to guarantee that at least some federal spending gets signed into law before the Sept. 30 deadline.

Appropriators in both chambers warn that if Congress has to pass a continuing resolution to fund the government, it will be at a funding level $36 billion lower than the omnibus funding deal, split equally between defense and non-defense spending.

"We're working through the bill," Simpson insisted on Tuesday, declining to get into the specifics of the policy fights. "The Columbia River is one of them. That's ok, we'll work through this."

"The three corners - the Democrats in the House and Senate, and the GOP in the Senate - kind of struck a deal. But they left us out," Simpson added. "And that's what created part of the problem."

House GOP leaders had wanted to have a conference report on this minibus voted on this week, but Simpson asserted "I can't say whether we'll get it done in time to have it out this week just because the time it takes to get through the bill." Simpson said he'd like to have a deal in place by the end of this week.

Simpson said he and House Appropriations Committee Chairman Rodney Frelinghuysen (R-N.J.) met with their Senate counterparts - Sen. Lamar Alexander (R-Tenn.) and Senate Appropriations Committee Chairman Richard Shelby (R-Ala.) - to try to settle their disputes. Negotiations are ongoing, Republican lawmakers and aides said.

"We're making progress, we hope that we can continue that," Shelby said.

One of the key issues involves "spill over" of water at the Columbia and Snake River dams. Environmental groups say that procedure makes it easier for salmon to spawn. But industry groups say the process cuts energy output at the dams, which could lead to higher electricity costs.

A Democratic aide called the "spill over" provision a political "gift" to McMorris Rodgers (R-Wash.) as she faces a rough reelection challenge. McMorris Rodgers and Rep. Dan Newhouse (R-Wash.) have pushed a provision to ban such spill overs. It was included in the House-passed Energy and Water bill, but was not part of the bipartisan deal.

"Dams and fish can coexist, and this language in the Energy and Water Development and Related Agencies Appropriations Bill is another avenue for us to stop the spill at the Columbia and Snake River dams," said McMorris Rodgers in a July statement. "We have to get this done to protect our dams, our fish, and ratepayers in the Pacific Northwest."

With final action slowing on such a normally straightforward funding package, multiple Hill aides say there's little chance a final agreement can be reached this week, eliminating GOP leaders' room for error with just 11 working days left until the deadline.

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'Back the way it was': One political odd couple works to end the shutdown cycle Back

By Sarah Ferris | 09/05/2018 05:07 AM EDT

In July, Democrats had a rare chance to sink one of President Donald Trump's judicial nominees. But then Sen. Patrick Leahy informed party leaders he wouldn't be voting.

The Vermont Democrat had made a promise, he explained, not to weigh in against the contentious pick because Sen. Richard Shelby (R-Ala.) was too sick to travel back to Washington — a bipartisan gesture that has all but disappeared in today's Senate.

That accord, in blatant defiance of partisanship, illustrates the way the two senior spending leaders have unexpectedly ended a decades-long standstill in the Senate Appropriations Committee this year, calling a political truce backed up by nothing more than a nonbinding verbal commitment to keeping controversial policy language out of funding bills.

"We haven't made this kind of progress in probably 20 years," Shelby, a first-term chairman, said in a recent sit-down interview in the Capitol. "What we're trying to do is make the Senate work. The Senate won't really work or be effective if appropriations doesn't work."

In just six months, the chamber has muscled through funding bills at a quicker clip than most sitting senators have ever witnessed. Amid political scandals and policy brawls, the Senate has cleared fiscal 2019 appropriations measures that make up 90 percent of all government spending, with almost no resistance from lawmakers on either side of the aisle.

Some skeptical observers note that the Senate is just one side of the Capitol and that some, if not most, government agencies are almost certainly still headed for a stopgap funding bill on Oct. 1. But the upper chamber's record on spending bills this year is an odds-defying success story that few predicted in an age of increasingly polarized congressional politics.

"I think there was a longing among those of us who've been here awhile to go back to the way things used to be," said Sen. Susan Collins (R-Maine), "where the appropriations bills were fully debated, almost always bipartisan, brought across the Senate floor and available for amendment."

The annual task of passing spending bills was made far simpler by the budget deal, H.R. 1892 (115), enacted in February, which freed up an additional $160 billion for Congress to allocate this year.

Still, multiple lawmakers and aides largely attribute the success to the ingenuity of Shelby and Leahy, a pair of institutionalists with a combined 75 years in office, who have witnessed the decadeslong erosion of Congress' most basic function: Funding the government.

"Sen. Shelby has made a huge difference by reaching out to the Democrats and up-front setting the rules that we would avoid 'poison pills,'" Collins said.

This spring, Shelby took the helm of the Senate Appropriations Committee from retired Sen. Thad Cochran (R-Miss.). Leahy, his longtime confidant, was already ranking Democrat.

The friendship began decades ago, however, between the former Southern Democrat and the New England agriculture ally.

The pair started meeting one-on-one just after Congress closed the books on its ugliest year of fiscal policy in recent memory, with two shutdowns, five stopgap spending bills and one massive omnibus, H.R. 1625 (115). The final product — 2,232 pages long — was shaped almost entirely without input from appropriators.

"We said, 'What is the sense of being here, doing all this work, if nothing happens?'" Leahy recalled in a recent interview, explaining that he only agreed to become the committee's ranking Democrat "because I thought we could get it back the way it was" before political feuds could hold up funding for entire federal departments.

Shelby, too, describes last year's legislative paralysis as a "turning point" that convinced even the Senate's political hardliners to shuck partisan show votes in favor of getting the job done.

Within weeks, Shelby and Leahy came up with a strategy to pass all 12 bills for the first time since 2000 by swearing off any new "poison pill" policy language — at least on their side of the Capitol.

On April 18, Shelby invited the panel's subcommittee chairmen to a closed-door meeting to announce his plan to work with Democrats on each of the dozen measures this year.

The chairman promised he wouldn't insert a single political rider into his own bill, the behemoth Defense funding measure, S. 3159 (115), and said Leahy had agreed to do the same. He reminisced about his years under successful appropriations chairmen like Thad Stevens, Robert Byrd and Daniel Inouye, before Congress was "lurching from crisis to crisis."

To his fellow appropriators and the rest of the GOP, Shelby stressed the importance of compromise.

"Things don't happen. You have to work at it. I know because I've been on both sides," said Shelby, who began his Senate career as a Democrat before switching parties in 1994. "If you just want your way, it's not going to work. You've got to reach out, you've got to give and take. You can make a statement. You can make a splash. You can create good will or ill will. But then the job doesn't get done."

For his part, Leahy worked to sell Democrats on the plan, recalling years when other political odd couples like Barry Goldwater and Hubert Humphrey, or Bob Dole and George McGovern, could cut the same kind of deals.

Less than a week later, the two Appropriations leaders sat down with Majority Leader Mitch McConnell and Minority Leader Chuck Schumer to begin a rare series of high-level talks before the official start of the spending season.

"We said, 'We want your backing. But we're going to do this no matter what,'" Leahy said, explaining that there was a sense of skepticism in some Capitol suites. "I think there was a feeling, 'Yeah guys, this would be really nice, but we haven't been able to do this for 15 to 20 years. Why would we do it now?'"

Both McConnell and Schumer supported the effort and eventually helped quash the types of political rebellions that have tanked appropriations bills in years past, according to multiple aides.

Last month, instead of taking its usual summer recess, the Senate overwhelmingly passed a third funding package, H.R. 6157 (115), that makes up two-thirds of government operations. If signed into law, it would be the first time in nearly a decade that the Pentagon, as well as HHS, don't start the fiscal year under yet another stopgap.

The Senate must now merge its bills with far more partisan ones from the House, where language on issues like abortion, nuclear waste and financial deregulation could still trip up negotiations.

But the cross-party pact was essential to spurring legislative action in the upper chamber, where a single senator can prolong the process and the prospect of votes on especially controversial amendments can spook leaders away from even bringing up a bill.

In closed-door meetings with Senate Democrats this summer, Schumer and his deputies instructed lawmakers to retreat from the usual political show votes that a minority party would typically force during an election year. In the end, not a single amendment on Obamacare, immigration or environmental issues ended up provoking a major fight on the floor.

The toughest hurdle, Leahy said, was convincing Democrats who were eager to use the spending bills as a proxy fight over Trump administration policies.

"'We're not in the majority. Right now, we have a whole lot of things you want and I want in here. So let's stick together on that,'" Leahy said he told his Democratic colleagues. "I said, 'No, we're not going to be like the House with 150 poison pills.'"

In talks with both Democrats and Republicans, Leahy often relied on personal ties, he said, as well as the keys to a coveted Capitol suite overlooking the National Mall, reserved for the Senate's longest-serving member.

The 78-year-old Vermonter enjoys inviting colleagues, and sometimes their families, to that balcony for a taste of single malt "holy water" at sunset, he said.

Shelby had his own party struggles, exacerbated by the fact that — in late July — Trump issued yet another threat via Twitter to sink funding bills as leverage to secure more money for a wall along the U.S.-Mexico border.

There is no guarantee, Shelby said, that the president will sign the final versions of bills he and Leahy have shepherded.

If lawmakers do succeed in dodging a funding lapse this month, though, the two committee leaders say they believe it will restore confidence in the Senate's ability to advance other bills.

"If we can show how the appropriations [process] could work and does work, then maybe some of this will rub off on the legislative end. ... Be a little more collegial, respectful," Shelby said. "People are watching us to see if this works."

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GOP congressional leaders to meet with Trump on Wednesday Back

By Rachael Bade and John Bresnahan | 09/04/2018 05:15 PM EDT

Congressional GOP leaders will meet with President Donald Trump Wednesday afternoon, the latest in an ongoing lobbying effort to convince the president not to shutter the government before Election Day, according to multiple sources.

Speaker Paul Ryan, Senate Majority Leader Mitch McConnell, House Majority Leader Kevin McCarthy, Senate Majority Whip John Cornyn and House Majority Whip Steve Scalise will head to the White House to brief the president on the GOP spending strategy.

The federal government's fiscal year ends on Sept. 30, just a few weeks before the critical midterm elections. But Trump has threatened to veto any spending measures that don't include $5 billion for his border wall with Mexico.

With Senate Democrats loath to give in without their own immigration concessions, GOP leaders have set in motion a plan to delay the funding fight over border security until after the election. But Trump has sent mixed signals about whether or not he will go along.

GOP leaders, fighting to save their majorities in Congress, have been impressing upon the president their belief that the House could be lost if Republicans shut the government down so close to Election Day. There are some factions in the White House, however, that believe the House is already lost and that the president should fight on for his own priorities while he still can.

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Droegemeier vows to improve climate models as science chief Back

By Anthony Adragna | 08/23/2018 12:12 PM EDT

Kelvin Droegemeier, nominee to head the White House Office of Science and Technology Policy, vowed today to improve climate change modeling and work on improving resilience to severe weather events if confirmed.

"We need improvements in climate models," he told the Senate Commerce Committee at his confirmation hearing. "There certainly is uncertainty, kind of an ironic way to say it, in climate models. We need to reduce it."

No senator directly asked Droegemeier, a meteorologist at the University of Oklahoma, whether he acknowledges the scientific consensus that human activity is driving the problem. He did tell Sen. Ted Cruz (R-Texas) that he welcomes "all points of view" about the science.

"Science rarely provides immutable answers about anything," Droegemeier said. "Science is the loser when we tend to vilify and marginalize other voices. I think we have to have everyone at the table talking about these things and let the science take us where it takes us."

Ensuring science is conducted without political interference is "absolutely, without question, important and, to me, there is no other way to do it," Droegemeier said, adding he would ensure work on climate change continued without interference.

Droegemeier has won significant praise from Senate Democrats and appears poised to skate to confirmation.

"If confirmed, you have a tough task ahead of you, but I think a lot of us on this committee are going to be happy that you're the White House science advisor," Sen. Bill Nelson (D-Fla.), ranking member of the committee, said in his opening statement.

Jim Morhard, nominee to be deputy administrator of NASA, told Sen. Ed Markey (D-Mass.) human activity has a "significant" impact on climate change but declined to state whether it is the dominant factor.

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Watchdog: EPA failed to justify lavish security for Pruitt Back

By Alex Guillén and Anthony Adragna | 09/04/2018 12:33 PM EDT

EPA failed to prove that former Administrator Scott Pruitt faced threats that justified pouring $3.5 million into round-the-clock security for him, the agency's internal watchdog said on Tuesday.

The number of agents in Pruitt's security detail more than tripled while the agency's costs doubled, according to the report, but it stopped short of identifying any unlawful activity by Pruitt, who left the agency in July under a cloud of scandal.

Pruitt received an unprecedented level of security once he joined EPA, expanding the door-to-door protection previous administrators had received to 24/7 coverage, even inside the agency's Washington headquarters. Agency officials had contended that a spike in the number of threats against Pruitt and his family, as well as protesters at his occasional public appearances, justified the extra protection.

But the Office of Inspector General report said the agency does not even have an approved process in place to determine when to increase an administrator's security, and the decision was made by Pruitt's office.

"Failure to properly justify the level of protective services provided to the Administrator has allowed costs to increase from $1.6 million to $3.5 million in just 11 months," the report concluded.

The report highlights Pruitt's oftentimes brash management style at the agency he had sued more than a dozen times during his prior tenure as Oklahoma's attorney general. Even as conservatives praised his deregulatory agenda, his time atop the agency was derailed by several scandals.

OIG is also conducting probes into Pruitt's extensive first-class travel, his $50-a-night condo rental from a lobbyist with business before EPA, large raises granted to top aides through a statutory loophole, EPA's use of a special hiring authority to bring on political staffers, his construction of a $43,000 secure phone booth and the nature of a meeting with a coal mining group.

Tuesday's report said EPA officials had relied on an August 2017 memo written by an OIG official that summarized threats made against Pruitt and his family, former administrator Gina McCarthy and other EPA employees. However, the memo was not a formal threat assessment because it "only consisted of statistical data of threats received by the OIG," which investigates all threats made against the administrator, the OIG report concluded.

The memo "did not assess the potential danger presented by any of these threats," the OIG said, adding that it was prepared nearly six months after the decision to implement 24/7 protection for Pruitt.

EPA was supposed to conduct a cost analysis and threat assessment within two weeks of Pruitt's arrival in February 2017 to determine whether or not to continue the round-the-clock protection his office had requested. The OIG report said it found evidence of a cost analysis, but no threat assessment.

"We have not received any documented evidence or justification supporting the decision to continue to provide 24/7 protective services," the OIG report says.

In a statement to POLITICO, EPA spokesman Michael Abboud said the agency "disagrees with the OIG's characterization of how a level of protective services is determined."

Dangerous people often do not make threats that would show up in a threat analysis, he said, citing recent attacks that occurred without warning, such as the 2017 shooting at the Republican congressional baseball practice and the 2011 attack on then-Rep. Gabby Giffords.

"A threat analysis cannot be the sole source of information used to determine if protective services are provided or the level of protection," Abboud said.

The OIG disagreed with EPA and said it considers its recommendations to improve EPA's process to be "unresolved." The threat analysis "should be used to document and justify the level of protective services to be provided," the report said. It also faulted EPA's proposed fixes for not requiring documentation about the decisions on the level of protection.

Sen. Tom Carper (D-Del.), top Democrat on the Environment and Public Works Committee, said the report confirmed their suspicions about Pruitt's spending.

"Mr. Pruitt's excessive, 24/7 security detail and the costs it incurred while Pruitt traveled the world first-class on the taxpayers' dime was not properly justified and was not based on a security threat analysis on risks to Pruitt," Carper said in a statement. "This is simply unacceptable."

The inspector general also found the agency improperly approved more than $100,000 in overtime costs related to security between January 2016 and March 2017 — prior to Pruitt's arrival.

Pruitt also drew criticism for flying exclusively in first class, both because his predecessors usually flew coach and because it came as he sought to slash his agency's budget and workforce. EPA against said a string of incidents — such as an individual who reportedly approached him in Atlanta's airport shouting, "Scott Pruitt, you're f---ing up the environment" — prompted his security team to recommend he travel in first class.

Pruitt also faced reports that he requested his security team use his vehicle's lights and sirens to travel around the city, and that he used guards to pick up dry cleaning and drive him around Washington to hunt for his favorite lotion.

Andrew Wheeler, Pruitt's deputy who is now acting administrator, canceled the 24/7 protection a week after Pruitt left, the OIG report says. Wheeler will be provided with "portal-to-portal" protection.

The inspector general report also said it could not determine whether the administrator's security team has statutory law enforcement authority — a status that allows agents to make arrests, conduct investigations and carry firearms. The agency now asserts it has that authority in a June 29 legal opinion from Associate General Counsel Wendy Blake in response to the draft report.

Outside of EPA, other Pruitt investigations remain underway.

House Oversight Chairman Trey Gowdy (R-S.C.) opened his own probe, which has involved meeting with top Pruitt aides for transcribed interviews. The White House and OMB also said they were conducting their own inquiries.

None of those investigations has produced any public reports or results, though a House Democratic aide to the Oversight Committee vowed its probe would continue. A spokeswoman for committee Republicans did not respond to request for comment.

"Although Mr. Pruitt is no longer at the agency, we continue to continue to investigate his wasteful use of taxpayer money and other mismanagement issues that plagued the EPA while Mr. Pruitt served the American people as Administrator," the Democratic aide said.

Meanwhile, the Government Accountability Office is still looking into Pruitt's decision to remove several members of EPA's scientific advisory committees who received research grant money from the agency. And the Office of Special Counsel, an independent agency, is investigating allegations that Pruitt retaliated against several career and one political staffer who questioned his spending and activities.

Several outside probes have concluded, including one GAO investigation that said that Pruitt's private phone booth violated spending laws, although EPA disputes that conclusion.

However, other closed investigations found no wrongdoing.

GAO concluded that Pruitt's appearance in a cattle industry group's video promoting repeal of a water regulation did not violate anti-lobbying laws. The OSC dismissed complaints that Pruitt's frequent travel to Oklahoma was politically motivated after finding "no evidence that Mr. Pruitt used government resources to travel to Oklahoma to support a future candidacy for state office."

And the Oklahoma Bar Association in July ended its investigation related to Pruitt's statement to Congress that he did not use personal email to conduct business as Oklahoma attorney general.

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EPA watchdog to audit agency glider truck emissions study Back

By Alex Guillén | 09/04/2018 03:05 PM EDT

EPA's inspector general said today it will audit the agency's 2017 testing of emissions from glider trucks following complaints from congressional Republicans that the agency is targeting Tennessee manufacturer Fitzgerald.

The November 2017 study, done at EPA's lab in Ann Arbor, Mich., concluded that glider trucks — refurbished engines placed inside new truck cabs — emit up to 55 times the particulate matter and 43 times the nitrogen oxides of newly built trucks under highway cruise conditions.

EPA's findings ran counter to a Fitzgerald-funded study from Tennessee Tech that said gliders were as clean as new engines. That study was never peer-reviewed or released in full publicly, and the school has since urged EPA not to rely on it for rulemakings amid allegations of "research misconduct."

House Science Chairman Lamar Smith and other Republicans in July alleged that EPA had worked with Volvo, an engine maker that competes with glider producers like Fitzgerald, to target the company's vehicles. EPA air chief Bill Wehrum last month responded to Smith that Volvo assisted EPA in obtaining glider trucks for testing, but that EPA had ignored Volvo's "unsolicited views on the EPA test program."

"As part of this audit, the OIG will examine the selection, acquisition and testing of glider vehicles at the EPA's National Vehicle and Fuel Emissions Laboratory, as well as the EPA's planning for this testing," the OIG said in its opening memo.

WHAT'S NEXT: The OIG audit likely will take months. EPA in the meantime is considering easing or repealing the glider regulations, which were part of the Obama administration's Phase 2 heavy-duty truck rule.

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Energy Department to conclude SPR update study within 6 months Back

By Ben Lefebvre | 07/24/2018 01:23 PM EDT

The Energy Department plans to finish within six months a study on how to modernize the Strategic Petroleum Reserve, a department official told lawmakers today.

The study would help the department decide the best way to update its 40-year-old system of oil storage sites for the first time in more than two decades, DOE Assistant Secretary of Fossil Energy Steven Winberg said during a House Energy and Commerce subcommittee hearing today.

"The need (to update SPR) is pretty great," Winberg told the energy subcommittee. "We have pipelines, valves and pumps that need to be replaced on the surface."

Republicans and Democrats on the committee both supported a draft bill that would allow the Energy Department to create a pilot program to lease excess SPR storage capacity to the private sector, potentially using proceeds to pay for updates to the system.

Congress has mandated selling enough oil out of the SPR to fund general budget projects that storage levels will fall to 45 percent of the system's capacity by 2027, according to a Government Accountability Office report. Leasing that space would make sense, said GAO Natural Resources and Environment Director Frank Rusco.

"Just leaving that excess capacity is just throwing money away," Rusco said at the hearing. "I'm sure there will be private sector interest in using this capacity. It's the cheapest way to store oil."

WHAT'S NEXT: DOE will ask private companies whether they would be interested in possibly leasing of SPR storage space.

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Court orders EPA to immediately reinstate chemical safety rule as industry objects Back

By Alex Guillén | 08/31/2018 06:29 PM EDT

The D.C. Circuit Court of Appeals today ordered EPA to immediately reinstate an Obama-era chemical safety rule just two weeks after it first struck down the Trump administration's delay of the requirements.

The unusual order cut short the typical period for any appeal, and industry groups that supported the Trump administration's delay complained this afternoon that the court had wrongly silenced them.

Courts typically give the losing side at least 45 days to decide whether to appeal before formally issuing an order, known in legal terms as "issuing the mandate." Environmental and labor groups on Aug. 24 asked the court to more quickly order EPA to reinstate the rule, arguing that giving EPA that full time would mean the rule might not be reinstated until October, further adding to a delay that the court said was unlawful.

The two-judge panel granted that request today in a one-page order that did not explain the decision.

Industry groups that supported delaying the rule — including the American Petroleum Institute, the American Chemistry Council and American Fuel & Petrochemical Manufacturers — quickly filed an emergency motion asking the court to reverse its order to EPA. The groups said they were preparing to file a response on Sept. 4, but that the court's Friday order meant they had no "notice or an opportunity to respond."

"The Court should accordingly rescind the Order and recall its mandate to give Industry Intervenors the opportunity to exercise their right to respond," they wrote.

WHAT'S NEXT: The court must decide whether to recall its order to EPA.

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Court withdraws mistaken order to reinstate EPA chemical rule Back

By Alex Guillén | 09/04/2018 05:00 PM EDT

A federal court today said it will wait to hear from EPA before deciding whether to immediately reinstate an Obama-era chemical safety rule.

The D.C. Circuit Court of Appeals last Friday ordered EPA to reinstate the rule — just two weeks after a three-judge panel struck down the Trump administration's delay of the rule. Environmentalists had asked the court to order EPA to act immediately, rather than wait the typical six weeks to give the agency a chance to appeal first. EPA and the industry groups and states supporting it had a chance to weigh in on the matter before the court issued its order.

But in a one-page order issued today, the court says the order was issued "inadvertently" on Friday and directs EPA to return it "forthwith." No further explanation was given as to how the order was issued accidentally.

The rule took effect in January 2017, but EPA moved to delay its implementation soon after President Donald Trump took office so the new administration could consider changes to its requirements.

WHAT'S NEXT: The court gave EPA and its supporters until 4 p.m. Wednesday to file their responses to the environmentalists' request to quickly order EPA to act. The court has no set deadline to act but could do so as early as Thursday.

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Message

From: POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]
Sent: 9/4/2018 7:07:17 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: EPA watchdog to audit agency glider truck emissions study

By Alex Guillén

09/04/2018 03:05 PM EDT

EPA's inspector general said today it will audit the agency's 2017 testing of emissions from glider trucks following complaints from congressional Republicans that the agency is targeting Tennessee manufacturer Fitzgerald.

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"As part of this audit, the OIG will examine the selection, acquisition and testing of glider vehicles at the EPA's National Vehicle and Fuel Emissions Laboratory, as well as the EPA's planning for this testing," the OIG said in its opening memo.

WHAT'S NEXT: The OIG audit likely will take months. EPA in the meantime is considering easing or repealing the glider regulations, which were part of the Obama administration's Phase 2 heavy-duty truck rule.

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Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 9/4/2018 1:06:20 PM
To: Price, Doris [Price.Doris@epa.gov]; Strine, Lora [Strine.Lora@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Carroll, Maria [carroll.maria@epa.gov]; Weaver, Marilyn [weaver.marilyn@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]
Subject: OAR Preview Overdue Report for Week Ending September 08, 2018
Attachments: OAR Preview Overdue Report for Week September 08, 2018.pdf

OAR Correspondence Coordinators:

Attached is the latest report for correspondence due from your program office. Please review and complete assignments by the due date indicated. If you have any questions or need assistance, please contact me. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 8/31/2018 8:36:01 PM
To: Lewis, Josh [Lewis.Josh@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: RE: FW:

Thank you!

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Lewis, Josh
Sent: Friday, August 31, 2018 4:35 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: FW:

Yes I'll take care of this first thing Tuesday. You may have seen in an email I sent earlier that Jon is also requesting a meeting with Bill next week.

On Aug 31, 2018, at 3:52 PM, Harlow, David <harlow.david@epa.gov> wrote:

Josh,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I am taking the liberty of passing this along to you in the first instance, figuring you would know how to place this into the proper channels for orderly distribution.

Thank you.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Jon Toomey [mailto:jtoomey@fitzgeraldtrucksales.com]
Sent: Friday, August 31, 2018 11:26 AM
To: Harlow, David <harlow.david@epa.gov>
Subject:

Hi David,

Could you please forward this letter on to Acting Administrator Wheeler.

Thank you,

Jon

<Request for Final Action.pdf>

Tommy C. Fitzgerald
(931) 864-4880 (p)
(931) 864-4883 (f)
tommyc@fitzgeraldtrucksales.com

August 31, 2018

The Honorable Andrew Wheeler
Acting Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20004

Dear Acting Administrator Wheeler,

As you know, on November 16, 2017, the Environmental Protection Agency (the "EPA") proposed a rule to repeal those provisions of the Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2, 81 Fed. Reg. 73,478 (Oct. 25, 2016), which relate to glider vehicles, glider engines, and glider kits. The comment period for the proposed rule closed on January 5, 2018, and we understand that the EPA has every intention of adopting a final rule on this matter.

We are writing to request that the EPA issue a final rule related to the applicability of the provisions of 40 C.F.R. § 1037.635, which include, among other things, an annual production "cap" on the number of glider vehicles, glider engines, and glider kits that can be manufactured or assembled. We also ask, if a full repeal is not possible due to time constraints outside the agency's control, we pray for alternative final relief as outlined in the proposed rule.

The glider kit and truck industry is facing financial ruin due to the annual arbitrary production cap under 40 C.F.R. § 1037.150(t). The strain on the industry grows worse with every day that passes without a final rule repealing the Phase 2 Rule's provisions on glider vehicles, glider engines and glider kits. In the last three months, hundreds of American workers in the industry have been laid off. The glider kit and truck industry will cease to exist in short order without meaningful relief.

The EPA in its proposed rule sought comment for an extension of time for compliance for glider vehicles, glider engines, and glider kits set forth in 40 CFR 1037.635. This question was asked with intention and those comments received provide support for EPA issuing a final rule that extends the effective date of 40 C.F.R. § 1037.150(t). It is also within the bounds of this agency to extend the effective date under Section 705 of the Administrative Procedure Act (APA) (see *Sierra Club v. Jackson*, 833 F. Supp. 2d 26 (D.D.C. 2012) (congress did not intend to prohibit EPA or the federal courts from staying the effective date of emission standards…under Section 705 of the APA) (emphasis added).

As we have previously made mention, the current public health losses are significant here, as hundreds of employees have been laid off and thousands more layoffs are expected. The elimination of the glider industry will impoverish the tens of thousands of American workers, consumers and families who depend on this industry. The public health and welfare are in

jeopardy and, a final rule extending the effective date for a minimum of five years, is the only remedy currently available.

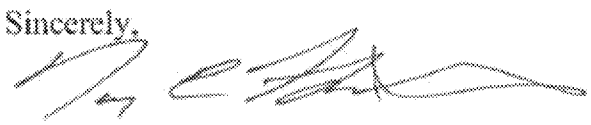
In addition to serving the public interest, a final rule extending the effective date is appropriate because those opposing EPA's proposed rule (Volvo Trucks), appear to have masked their public comments from the reality of their own operation. In Volvo Trucks comment to EPA, they unequivocally denounce glider trucks as unclean, and proclaim that "the environmental harm that would result from the repeal of the Phase 2 glider provisions is inexcusable." (see *page 13, Comment submitted by Steve Berry, Director, Regulatory Affairs, Volvo Group, 2060-AS116*).

These comments about alleged environmental consequences are strongly contradicted not only by those who filed comments in support of the repeal but also by the Volvo Group (see *Engines Revived, Production, Volvo Trucks, 5/8/18, available at https://www.volvotrucks.com/en-en/news/volvo-trucks-magazine/2018/may/remanufacturing-engines.html?hootPostID=b8edab1cb7ac9191a6d865b69d337f43*). Volvo Trucks operates an entire plant in Sweden that remanufactures old diesel engines, and they tout "they're as good as new and the process has less impact on the environment." Volvo Trucks continues that "most of the engines that arrive here are between eight and nine years old. However, we sometimes receive engines from the 1970s!" (emphasis added). Here, Volvo Trucks is operating an entire division that is analogous to the glider kit industry in America. (emphasis added). However, since Volvo Trucks does not offer the glider kit (new cab-chassis) as do other major Class 8 OEM manufacturers, they have sought to oppose this business model in the U.S. This is a classic example of lobbying to gain a business advantage.

There are simply no valid concerns regarding environmental harm from glider trucks. Volvo Trucks even acknowledges that "compared with a newly produced truck engine, the energy consumption of a remanufactured engine is 85 percent lower and the corresponding figure for the consumption of raw material is 80 percent." Volvo Trucks Plant Manager, Lars Farnskog, notes "preparing products for a second life represents enormous value for the company, our customers and the environment." This quote from Volvo Trucks appears to ring true. That is why, we are asking for relief as our very operation that represents enormous value for thousands of Americans, our company, and the environment is facing the stark reality of shuttering if a final rule extending the effective date of compliance is not issued.

Given the information provided above, we respectfully ask that a final action be issued to extend the effective date of 40 C.F.R. § 1037.150(t) to provide much needed relief to the glider industry.

Sincerely,



Tommy C. Fitzgerald
Founder and CEO
Fitzgerald Glider Kits, LLC.

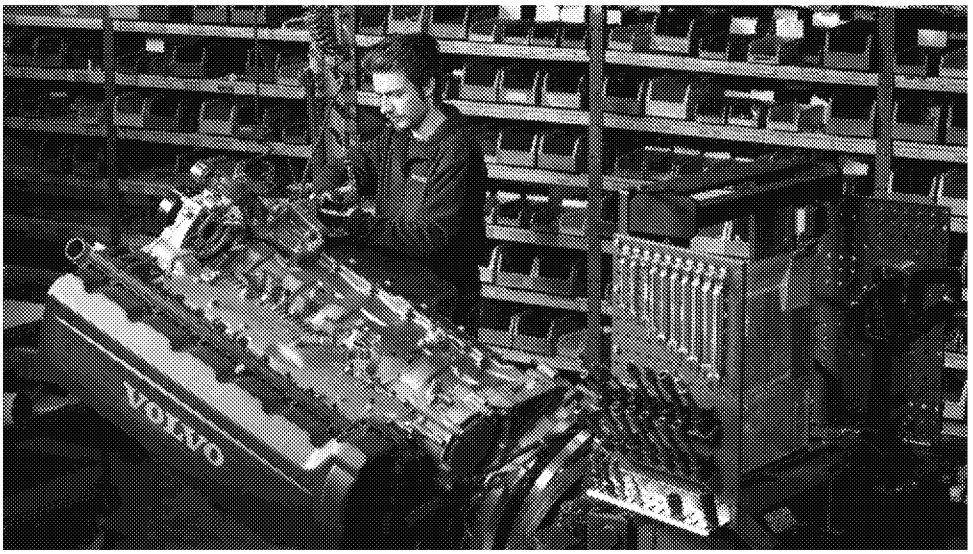
Production

Engines revived

5/8/18

Text: Linda Swanberg Photo: Jonatan Fernström

At the plant in Flen, worn-out engines for heavy-duty trucks are given a new lease of life. After remanufacturing, they are as good as new and the process has less impact on the environment.



Edward Finstorp, an operator, is fitting the engine attachments on a D13 engine for a Volvo truck. The plant in Flen is the largest remanufacturing facility in the Volvo Group, and also remanufactures engines for Volvo CE, Volvo Buses and Volvo Penta, among others.

Lars Färnskog, plant manager of the Volvo Parts Plant in Flen, Sweden.

Outside the low buildings at the Volvo Parts Plant in Flen, Sweden, rows of engines are waiting under blue plastic sheeting before being allowed to come in to the warmth. All engines that are returned by Volvo Trucks' dealers in Europe and Asia are sent here. Engines are one of 40 different exchange parts Volvo Trucks offers its customers and take the longest to remanufacture.

"It takes around 57 hours from the moment the engine is brought into the plant until it has been tested and painted," explains Lars Färnskog, plant manager in Flen.

The remanufacturing process begins with dismantling. The entire engine is taken apart, the parts that cannot be reclaimed are sent for recycling, while the parts that can be remanufactured are sent for cleaning and blasting. Once the moisture, oil residue and paint have disappeared, the parts move on to the machining department.

A co-ordinate measurement machine is used to check the valve housing that controls the oil pressure in a D12 engine.

Kristine Söderlund, an operator, polishes the oil ports on a crankshaft. This is one of the many procedures the different parts undergo before they are re-assembled once again to make an engine.

Here, many surfaces on parts such as the cylinder heads, crankshafts and engine blocks are sanded and milled with great precision and care.

"All the engines come here for a reason. However, as we don't know how an engine has been used, it's important to make sure that there are no uneven surfaces," says Jörgen Karlsson, a cylinder head renovator.

Like many of his colleagues, he knows a huge amount about engines. Remanufacturing requires top-class skills. At the plant in Flen, 150-200 different truck engine variants are remanufactured for Volvo Trucks.

"Most of the engines that arrive here are between eight and nine years old. However, we sometimes receive engines from the 1970s! We make sure that we also take very good care of them," adds Jörgen Karlsson.

During the journey through the plant, every engine component is inspected in several stages. When the time comes for testing, the engine has to pass the same tests as a newly produced model.

"A reconditioned engine carries the same warranty conditions as Genuine Volvo Parts and has the same quality, durability and performance," says Lars Färnskog.

A crankshaft for a D12 engine is waiting to be sanded. During remanufacturing, it is important that every irregularity is removed and surfaces are made smooth.

In addition to all the parts being remanufactured or replaced with new ones, updates are made in accordance with the latest specifications for each specific model. This means that the engines leaving Flen are as good as new – at the every least.

"We make sure that everything, from fuel access to software, is optimised. The customers who choose to purchase a remanufactured engine get a better product at a much lower price and, at the same time, they make an environmental contribution," says Lars Färnskog.

Compared with a newly produced truck engine, the energy consumption of a remanufactured engine is 85 per cent lower. The corresponding figure for the consumption of raw material is 80 per cent. Lars Färnskog is convinced that the large-scale environmental benefits are going to increase the demand for exchange parts.

Using magnetic powder and a lamp, the cylinder head is checked to ensure it does not have any cracks. Cracks can be clearly seen in the green light.

"We know that the world's natural resources are limited and that the price of raw materials is rising. At the same time, our customers are stepping up their demand for our products to be sustainable and re-usable," he says.

To enable cores like transmissions and engines to be remanufactured, it is important that they are prepared for this at the design stage. For this reason, the plant in Flen collaborates closely with product development and contributes input to projects at an early stage.

"Preparing products for a second life represents enormous value for the company, our customers and the environment," says Lars Färnskog.

Preparing products for a second life represents enormous value for the company, our customers and the environment.

Lars Färnskog
Plant manager, Flen

Flen plant

In total, Volvo Trucks offers 40 exchange parts, including everything from filters and pumps to transmissions and engines.

40 – The number of Volvo exchange parts Volvo Trucks offers – everything from filters and pumps to transmissions and engines.
85% – The reduction in energy consumption when a truck engine is remanufactured compared with new production.
80% – The reduction in raw material consumption when a truck engine is remanufactured compared with new production.
90% – The level of recycling in an old truck engine.
57 – The average number of hours it takes to remanufacture a truck engine.
150–200 – The number of different Volvo Trucks engine variants that are remanufactured.

210 – The number of employees.
27,000 m² – The total area of the plant.

Message

From: Shoaff, John [Shoaff.John@epa.gov]
Sent: 2/6/2019 8:48:18 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]
CC: Lewis, Josh [Lewis.Josh@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]
Subject: Summary of Programs' Review/Suggestions of QFRs
Attachments: 2019.01.28 - FINAL - ALL QFRs Wheeler 01.16.2019 OAR Edits.docx

Bill and Clint,

With compliments to Carissa, attached please find some input from programs on the last round of QFRs. This includes suggestions from OAQPS & OTAQ, OAP & ORIA did not have additions/comments. With your input/confirmation, we'll plan to use these, together with the remainder of the QFRs, as the pool for responding to future requests and also soliciting additional review on a case-by-case basis where needed, e.g., from OGC or OECA as next round of requests or draft responses might dictate. Thanks for your review!

John

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 7/25/2018 11:34:57 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]
CC: Atkinson, Emily [Atkinson.Emily@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Subject: Fwd: Revised backgrounder for Thursday's 2pm Navistar Meeting
Attachments: Navistar Meeting with AA Werhum on July 26 2018 with AA Wehrum final.docx; ATT00001.htm

For the 2 pm tomorrow. We'll have hard copies in the am

Begin forwarded message:

> **From:** "Sutton, Tia" <sutton.tia@epa.gov>
> **Date:** July 25, 2018 at 5:34:49 PM EDT
> **To:** OAR Briefings <OAR_Briefings@epa.gov>
> **Cc:** "Grundler, Christopher" <grundler.christopher@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Burch, Julia" <Burch.Julia@epa.gov>
> **Subject: Revised backgrounder for Thursday's 2pm Navistar Meeting**
>
> Revised version of the Navistar backgrounder is attached. Thanks!

Message

From: Vincent, Marc [Vincent.Marc@epa.gov]
Sent: 2/6/2019 5:23:16 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Walters, Margaret [Walters.Margaret@epa.gov]; Hyde, Courtney [Hyde.Courtney@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Haley, Mike [Haley.Mike@epa.gov]; Cohen, Janet [cohen.janet@epa.gov]
CC: Marusiak, Eleanor [Marusiak.Eleanor@epa.gov]
Subject: FYI: OIG Draft Report – Evaluation of Heavy-duty Vehicle Compliance Program Internal Controls (OPE-FY17-0026)
Attachments: OIG Draft Report - Heavy-duty Vehicle Compliance Program, 2.6.19.docx

Hi All,

As a FYI, OIG has issued its draft report for the audit of OTAQ's Heavy-duty Vehicle Compliance Program Internal Controls titled *EPA Demonstrates Effective Controls for Its On-Road Heavy-Duty Vehicle Compliance Program; Further Improvements Could Be Made* (OPE-FY17-0026). Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please let us know if you have any questions.

Marc Vincent
Office of Program Management Operations
Office of Air and Radiation
(202)564-0876

From: Gilbride, Patrick
Sent: Wednesday, February 06, 2019 12:15 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Cohen, Janet <cohen.janet@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Vincent, Marc <Vincent.Marc@epa.gov>; Jackson, Cleophas <jackson.cleophas@epa.gov>; Duncan, Allen <duncan.allen@epa.gov>; Imfeld, Sterling <imfeld.sterling@epa.gov>; Brusstar, Matt <brusstar.matt@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Goldman, Todd <Goldman.Todd@epa.gov>; Wehrly, Linc <wehrly.linc@epa.gov>; Mesrobian, Sarah <mesrobian.sarah@epa.gov>; Haugen, David <haugen.david@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Kohler, James <Kohler.James@epa.gov>; El-Zoghbi, Christine <El-Zoghbi.Christine@epa.gov>; Christensen, Kevin <Christensen.Kevin@epa.gov>; OIG IGreview <OIG_IGreview@epa.gov>; OIG DIGreview <OIG_DIGreview@epa.gov>; Peralta, Maria <Peralta.Maria@epa.gov>; Zaremski, Sara <zaremski.sara@epa.gov>; Eyermann, Richard <Eyermann.Richard@epa.gov>
Subject: For Review – OIG report – Evaluation of Heavy-duty Vehicle Compliance Program Internal Controls (OPE-FY17-0026)

Bill,

Attached for your review is OIG's official draft report on our evaluation of OTAQ's Heavy-duty Vehicle Compliance Program Internal Controls (project no. OPE-FY17-0026). Please provide your response and any comments on the official draft within 30 days (or by COB Friday, March 8, 2019). We understand the acute impact of the shutdown on OTAQ's operations, particularly on the certification process, so we will be flexible should you need more time beyond the standard 30 days to respond. You may share this official draft with other EPA officials or staff who have a role in this area; however, it should not be shared with anyone outside the agency.

We very much appreciate the coordination and assistance provided by OTAQ and the National Vehicle and Fuel Emissions Laboratory.

If you have any questions, please contact me at 303-312-6969 or Jim Kohler, Project Manager, at 202-566-1032.

Thanks,
Pat

Patrick Gilbride
Director, Environmental Research Programs
U.S. EPA, Office of Inspector General
1595 Wynkoop St.
Denver, CO. 80202
303-312-6969

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 8/10/2018 11:37:09 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Harlow, David [harlow.david@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Belser, Evan [Belser.Evan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Jorquera, Mario [Jorquera.Mario@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: FYI Gliders No Action Assurance Reply filed
Attachments: EPA Gliders NAA MTD Reply 8 9 16.pdf; ATT00001.htm

Please see attached for our as-filed reply in support of our motion to dismiss in the gliders no action assurance litigation. Environmental and State Petitioners had each filed responses in opposition.

Thanks,

Andrea Carrillo

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ENVIRONMENTAL DEFENSE FUND, et al.,	
Petitioners,	No. 18-1190, consolidated with No. 18-1192
v.	
ENVIRONMENTAL PROTECTION AGENCY,	
Respondent.	

REPLY IN SUPPORT OF
RESPONDENTS' MOTION TO DISMISS

Although EPA's Acting Administrator has withdrawn the July 6 No Action Assurance regarding gliders and has stated that EPA "will not offer any other" such assurance, Environmental Petitioners and State Petitioners claim that its effects have not been completely eradicated. Petitioners' arguments rely on speculation, and the cases they cite are not on point. EPA's Withdrawal Notice meets the test for mootness based on an agency's voluntary cessation of an action, and the Court should dismiss the petitions for lack of jurisdiction.

ARGUMENT

State Petitioners and Environmental Petitioners both argue that this case is not moot because the Court (or EPA itself) could reinstate the No Action Assurance in response to some future lawsuit. State Pet. Resp. at 3, Envt'l Pet. Resp. at 3. These hypotheticals are nothing more than speculation, and are not a basis to litigate the merits of an action that is moot. EPA has expressly disclaimed any intention of re-issuing the No Action Assurance. Environmental Petitioners suggest that if the Withdrawal Notice were challenged in court, EPA might deem that challenge "new information" sufficient to reverse course. Envt'l Pet. Resp. at 3. But EPA based the Withdrawal Notice on long-standing agency guidance, among other things, and future litigation over the Withdrawal Notice would not change that. No party has intervened in this case in support of the No Action Assurance, and there is no indication that anyone will seek judicial review of the Withdrawal Notice.

Similarly, State Petitioners raise the "possibility" that the Court could invalidate the Withdrawal Notice and reinstate the No Action Assurance. State Pet. Resp. at 1. Even if such a challenge were brought, Petitioners would have the right to seek to intervene and present their arguments on the merits of either the No Action Assurance or the Withdrawal Notice. Petitioners could also address the

appropriate remedy if the Court in a future action were to find a flaw in the Withdrawal Notice. For example, State Petitioners could argue that the Withdrawal Notice should not immediately be vacated, which would prevent the No Action Assurance from coming back into force. Because the Court can readily address Petitioners' interests in any future litigation over the Withdrawal Notice, the mere possibility of such litigation is no basis to reach the merits in this case.

Environmental Petitioners make two additional arguments, neither of which has merit. Environmental Petitioners argue that the Withdrawal Notice does not completely eradicate the effects of the No Action Assurance because EPA has not made a binding commitment to take enforcement action in the future. Envt'l Pet. Resp. at 3-5. But the decision whether or not to prosecute on a case-by-case basis is the quintessential example of a discretionary function. *Heckler v. Chaney*, 470 U.S. 821, 831 (1985) ("an agency's decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency's absolute discretion").

Not surprisingly, none of the cases cited by Environmental Petitioners supports their argument that EPA must affirmatively commit to file enforcement actions. In *Kifafi v. Hilton Hotels Retirement Plan*, 701 F.3d 178 (D.C. Cir. 2012), plaintiff claimed that his employer violated ERISA by "backloading," *i.e.*,

improperly calculating retirement benefits. *Id.* at 722. The employer amended its retirement plan and argued that backloading would not recur because it would be illogical, irrational, and absurd to "further violate the anti-backloading provision because doing so would subject [the employer] to further litigation" and possible tax consequences. *Id.* at 735. That promise, based on the employer's self-interest, is what the court found "is insufficient." *Id.* Similarly, the court in *United States v. Concentrated Phosphate Export Ass'n*, 393 U.S. 199 (1968), found that a party's "own statement that it would be uneconomical" to continue the challenged activity, "standing alone, cannot suffice." 393 U.S. at 203. In other words, in both these cases the courts simply found insufficient informal statements and promises offered by the parties in question, but the courts did not require the parties to take the type of affirmative action advocated by Environmental Petitioners here.

Environmental Petitioners also cite *Los Angeles Cnty. v. Davis*, 440 U.S. 625 (1979), but that case actually supports dismissal. In *Davis*, the Supreme Court *dismissed* as moot a challenge to an unused, "unvalidated" written hiring exam. The Court found there was no reason to believe the agency would alter its hiring practices in order to use the unvalidated exam, and that the agency's proposal to use the unvalidated exam had neither excluded any minority from employment nor deterred any minority from applying. 440 U.S. at 362-63. No "affirmative

commitment" was required, much less an affirmative commitment "to enforce the law." Envt'l Pet. Resp. at 5.[1]

None of Environmental Petitioners' cited cases stand for the proposition that EPA must commit to take enforcement actions, or establish a new general policy on when EPA would take enforcement actions. At most, they hold that a promise not to violate the law, by itself, is not a voluntary cessation. This is nothing more than a reiteration of the well-established test for when voluntary cessation moots a case: there must be no reasonable expectation that the alleged violation will recur, and there must be interim relief or events that completely eradicate the effects of the violation. *Kifafi*, 701 F.3d at 725. Both are present here. As we explained in our opening brief, the Withdrawal Notice completely nullifies and eradicates the effects of the No Action Assurance, and precludes its reissuance beyond any reasonable expectation.

Environmental Petitioners insist on more. According to them, EPA must make an affirmative commitment to take future enforcement actions against any future glider vehicle production that violates the Clean Air Act. Envt'l Pet. Resp.

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[1] Environmental Petitioners' citation to *True the Vote, Inc. v. IRS*, 831 F.3d 551 (D.C. Cir. 2016), fares no better. Envt'l Pet. Resp. at 4. In that case, the Court found that the agency had not even stopped the challenged conduct. 831 F.3d at 563 (two applications remain pending, and the agency had only "suspended" the challenged policy "until further notice"). Here, EPA has unequivocally withdrawn and affirmatively stated it will not re-issue the No Action Assurance, instead of merely suspending it.

at 5. Requiring such a commitment would go well beyond the Court's well-established test for mootness and would undermine *Heckler*'s recognition of enforcement discretion.

Environmental Petitioners' requirement would also be impractical to frame and impossible to enforce. Environmental Petitioners do not explain what type of "affirmative commitment" would satisfy them. Envt'l Pet. Resp. at 5. Would EPA have to initiate an enforcement proceeding before the Court could dismiss these petitions as moot? Environmental Petitioners acknowledge the problem by seeking a commitment to file prosecutions only "where appropriate." *Id.* But they cannot and do not explain how to evaluate where a prosecution is "appropriate." This tacit acknowledgement of prosecutorial discretion further undermines their insistence that the Withdrawal Notice is insufficient. The Withdrawal Notice completely removes any question that current requirements are enforceable and enforcement actions will be undertaken on a case-by-case basis in the Agency's discretion.

Environmental Petitioners also argue that adjudicating the merits of the No Action Assurance would be "meaningful" because the Court could find the No Action Assurance was void *ab initio*. Envt'l Pet. Resp. at 6. This argument relies on a chain of speculation that ultimately leads nowhere. According to Environmental Petitioners, if an enforcement action were filed for violations that

occurred after EPA issued the No Action Assurance but before EPA withdrew it, a glider manufacturer "could" theoretically plead for a lower civil penalty by claiming it relied on the No Action Assurance. *Id.* Environmental Petitioners' argument depends on three speculative events: that a glider manufacturer actually produced gliders in excess of the amount allowed under the interim provisions during the 20-day lifespan of the No Action Assurance; that the glider manufacturer will be sued for that production; and that the manufacturer will make this equitable argument to reduce a penalty.

But even if such a situation comes to pass, a decision from this Court, issued *after* the manufacturer relied on the No Action Assurance, would not be relevant. A court weighing the appropriate penalty to impose on a glider manufacturer would consider whether that manufacturer reasonably relied on the No Action Assurance at the time it produced the hypothetical additional gliders, between July 6 and July 26, 2018. Later developments, such as a decision vacating the No Action Assurance, would have no bearing on whether it was reasonable to rely on that document while it was in effect. It will make no difference in a penalty proceeding whether EPA withdraws the No Action Assurance prospectively, or whether the Court voids it retroactively.

Finally, Petitioners mischaracterize the nature of EPA's argument. State Petitioners assert that EPA's motion to dismiss is a concession of error, and Environmental Petitioners frame EPA's motion as a default on the merits. State Pet. Resp. at 2, Envt'l Pet. Resp. at 2. Neither characterization is correct. EPA promptly informed the Court of the Withdrawal Notice and explained why that action moots these petitions. Because the Court lacks subject matter jurisdiction to adjudicate a mooted controversy, the underlying merits are simply no longer at issue. If the Court disagrees, EPA requests an opportunity to brief the merits in full.

CONCLUSION

For all the foregoing reasons, the petitions for review should be dismissed, and Petitioners' motions should be denied.

Dated: August 9, 2018

Respectfully submitted,

JEFFREY H. WOOD
Acting Assistant Attorney General

JONATHAN D. BRIGHTBILL
Deputy Assistant Attorney General

/s/ Daniel R. Dertke
DANIEL R. DERTKE, Sr. Attorney
U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611

Washington, D.C. 20044--7611
(202) 514-0994

OF COUNSEL:

ANDREA CARRILLO
Office of General Counsel, U.S. EPA
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS

I hereby certify that the forgoing Reply in Support of Respondents' Motion to Dismiss complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains **1680 words**, according to the count of Microsoft Word. I further certify that this document complies with the requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in a proportionally spaced font using Microsoft Word 2013, in 14-point Times New Roman.

s/ Daniel R. Dertke
ATTORNEY FOR RESPONDENTS
AUGUST 9, 2018

CERTIFICATE OF SERVICE

I certify that on this 9th day of August, 2018, the foregoing REPLY IN SUPPORT OF RESPONDENTS' MOTION TO DISMISS was served electronically via the Court's CM/ECF system upon counsel of record.

/s/ Daniel R. Dertke
DANIEL R. DERTKE

Message

From: Vincent, Marc [Vincent.Marc@epa.gov]
Sent: 2/6/2019 4:05:37 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; OAQPS CMT [OAQPS_CMT@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Hyde, Courtney [Hyde.Courtney@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Bullard, Pamela [Bullard.Pamela@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Jones, Mike [Jones.Mike@epa.gov]; Collins, JoLynn [Collins.Jolynn@epa.gov]; Price, Doris [Price.Doris@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Childers, Pat [Childers.Pat@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]; Walters, Margaret [Walters.Margaret@epa.gov]; Haley, Mike [Haley.Mike@epa.gov]; Watkins, Erica [Watkins.Erica@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Alpert, Adina [Alpert.Adina@epa.gov]; Williams, JosephW [Williams.Josephw@epa.gov]
CC: Marusiak, Eleanor [Marusiak.Eleanor@epa.gov]; Perez, Idalia [Perez.Idalia@epa.gov]
Subject: OAR GAO & OIG Feb 2019 Audit Tracking Report
Attachments: OAR GAO & OIG Feb 2019 Tracking Report.pdf

Hi All,

Attached is the monthly tracking report for OAR's active OIG and GAO audits with additional information found on OAR's GAO/OIG Audit SharePoint site.

Deliberative Process / Ex. 5

Please let us know if there are any questions and/or additional information is needed.

Marc Vincent
Office of Program Management Operations
Office of Air and Radiation
(202)564-0876

Message

From: Vincent, Marc [Vincent.Marc@epa.gov]
Sent: 2/5/2019 10:20:04 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; OAQPS CMT [OAQPS_CMT@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Hyde, Courtney [Hyde.Courtney@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Bullard, Pamela [Bullard.Pamela@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Jones, Mike [Jones.Mike@epa.gov]; Collins, JoLynn [Collins.Jolynn@epa.gov]; Price, Doris [Price.Doris@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Childers, Pat [Childers.Pat@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]; Walters, Margaret [Walters.Margaret@epa.gov]; Haley, Mike [Haley.Mike@epa.gov]; Watkins, Erica [Watkins.Erica@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Alpert, Adina [Alpert.Adina@epa.gov]; Williams, JosephW [Williams.Josephw@epa.gov]
CC: Marusiak, Eleanor [Marusiak.Eleanor@epa.gov]; Perez, Idalia [Perez.Idalia@epa.gov]
Subject: FYI: OAR-Related Assignments in OIG's 2019 Annual Plan
Attachments: _epaoig_fy_2019_annual_plan.pdf

Hi All,

As a FYI, OIG issued it's 2019 annual plan (attached) which includes 12 assignments that pertain to OAR. These assignments include the following:

Title	Objectives	Estimated/ Actual Start Date
Carryover		
Internal Controls Over Heavy-Duty Vehicle Emissions Program	To determine whether the EPA's existing internal controls effectively detect and prevent on-road heavy-duty vehicle emissions fraud.	FY 17, Q2
Office of Air and Radiation Timekeeping Practices	To evaluate the Office of Air and Radiation's timekeeping practices to determine whether they comply with agency policies and procedures, as well as relevant regulations.	FY 17, Q2
EPA Oversight of Smokestack Emissions Testing and Reporting	To determine the effectiveness of EPA oversight in assuring that emission stack tests are conducted in accordance with EPA regulations, policy and guidance.	FY 18, Q2
Emissions Monitoring Data Quality for Large Stationary Sources of Air Pollution	To determine whether selected continuous emissions monitoring data meet applicable quality assurance and control criteria.	FY 18, Q2
Response to Congressional Requests on Glider Vehicle Testing	To determine whether (1) the selection and testing of glider vehicles for the November 20, 2017, report (Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles) violated any policies or procedures intended to ensure the objectivity and integrity of tests conducted at the EPA's lab, and (2) the selection and testing of glider vehicles as part of this study differed from the standard practice of selecting and testing of vehicles on the EPA's heavy-duty chassis dynamometer.	FY 18, Q4
New		
EPA Actions to Address Elevated Cancer Risks from Air Toxics Emissions from Point Sources	To determine whether the EPA's residual risk and technology review process has sufficiently identified and addressed any elevated cancer risks from air toxics emitted by major facilities.	FY 19, Q2
EPA's External Civil Rights Compliance Offices' Response to Title VI Air Complaints	To determine the efficacy, efficiency and transparency of the External Civil Rights Compliance Offices' processes in receiving, responding to and resolving Title VI discrimination complaints against organizations that receive EPA Clean Air Act funding.	FY 19, Q2

Indian Tribal Grants	To determine whether the costs claimed under selected individual Indian tribal grants are reasonable, allocable and allowable in accordance with applicable laws, regulations, and grant terms and conditions.	FY 19, Q2
Diesel Emissions Reduction Act Harbor Authority Grants	To determine whether the costs claimed under this grant are reasonable, allocable and allowable in accordance with applicable laws, regulations, and grant terms and conditions.	FY 19, Q3
Office of Air and Radiation Quality Management System Implementation	To determine whether the Office of Air and Radiation has established a quality assurance management system in accordance with the EPA's Quality System requirements.	FY 19, Q4
EPA Oversight of Synthetic Minor Sources	To determine whether the EPA and state/local oversight is sufficient to assure that "synthetic minor" sources comply with the emission or operational limits in their air permits.	FY 19, Q4
Audit(s) of Congressionally Mandated Projects –Air Quality Grants Awarded in California	To determine whether costs claimed under the grants are reasonable, allowable and allocable in accordance with the applicable laws, regulations and grant terms and conditions; and whether the objectives of the grants are being met.	FY 19, Q4

Please let us know if you have any questions.

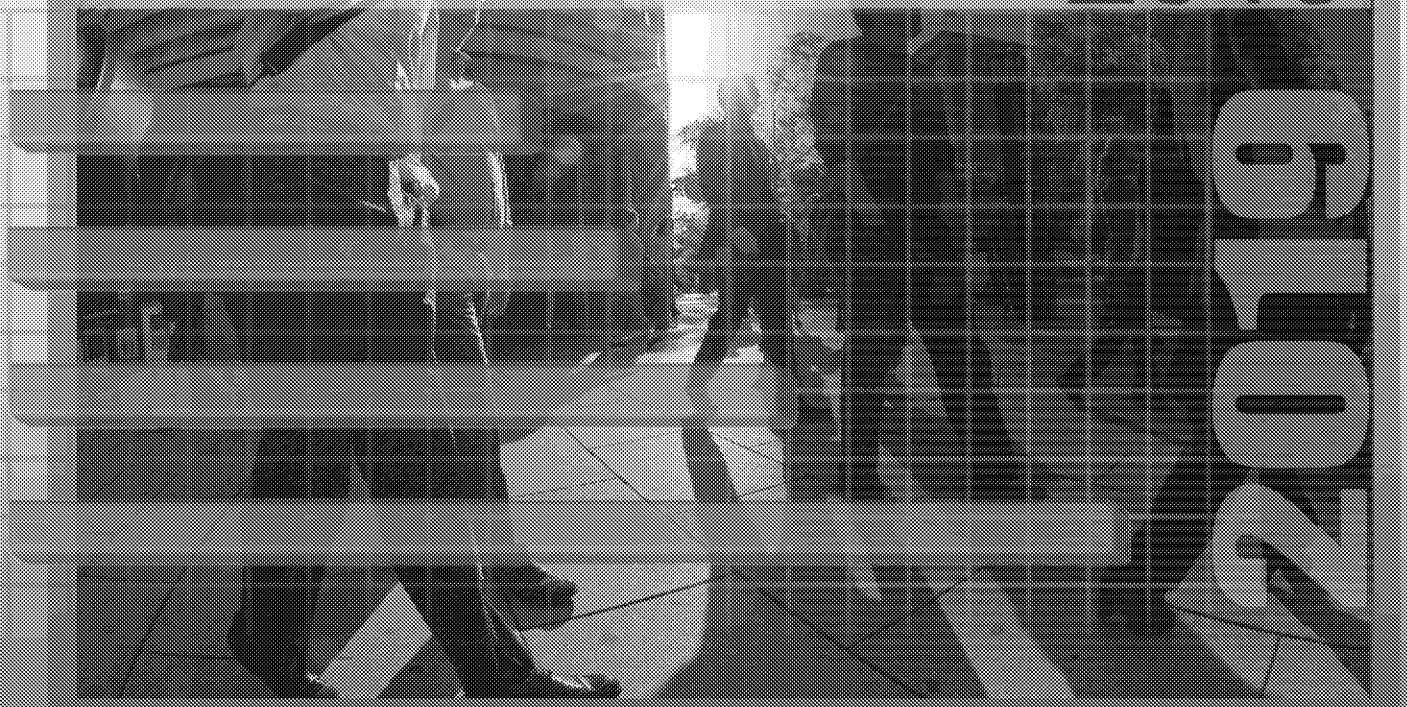
Marc Vincent
Office of Program Management Operations
Office of Air and Radiation
(202)564-0876

U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

ANNUAL PLAN

FISCAL YEAR 2019



This plan is available via the internet at www.epa.gov/oig.

Definitions

Carryover	Assignments started in a prior fiscal year that are still in progress.
Discretionary	Assignments not required by law or regulation but address areas of high risk.
Mandated	Assignments that the OIG is required to conduct by law or regulation.

Abbreviations

CIGIE	Council of the Inspectors General on Integrity and Efficiency
CSB	U.S. Chemical Safety and Hazard Investigation Board
EPA	U.S. Environmental Protection Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FY	Fiscal Year
OA&E	Office of Audit and Evaluation
OI	Office of Investigations
OIG	Office of Inspector General
OMB	Office of Management and Budget
PRIA	Pesticide Registration Improvement Act
U.S.C.	United States Code

Are you aware of fraud, waste or abuse in an EPA program?

EPA Inspector General Hotline
1200 Pennsylvania Avenue, NW (2431T)
Washington, DC 20460
(888) 546-8740
(202) 566-2599 (fax)
OIG_Hotline@epa.gov

Learn more about our OIG Hotline.

EPA Office of Inspector General
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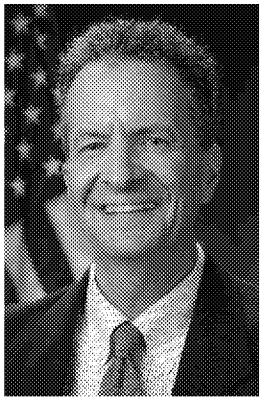
Message from the Acting Inspector General


Charles J. Sheehan

I am pleased to present the U.S. Environmental Protection Agency's (EPA's) Office of Inspector General (OIG) Annual Plan for fiscal year (FY) 2019. This document describes how the OIG will achieve its statutory mission to promote economy, efficiency, effectiveness and integrity in the programs and operations of the EPA and the U.S. Chemical Safety and Hazard Investigation Board (CSB). Further, it shows how the OIG will continue to promote the goals and objectives of our Strategic Plan.

This OIG Annual Plan identifies mandated and discretionary assignment topics continuing from FY 2018, as well as mandated and discretionary assignments scheduled to start during FY 2019. I note, however, that the OIG often performs unanticipated work based on legislative mandates, congressional inquiries, hotline requests or governmentwide reviews. It is important that we remain flexible to address these and other priorities as they arise.

The OIG is committed to implementing this plan through audits, evaluations and investigations in compliance with the Inspector General Act; applicable professional standards of the Comptroller General of the United States; and the *Quality Standards for Federal Offices of Inspector General* issued by the Council of the Inspectors General on Integrity and Efficiency. Readers are encouraged to consult our website, www.epa.gov/oig, to view reports implementing this Annual Plan.

Criteria used to support the aims identified in the OIG Annual Plan include goals and objectives in our 5-year Strategic Plan, results of risk assessments conducted across agency programs and operations based on prior OIG work, priorities identified by our stakeholders, U.S. Government Accountability Office high-risk assessments, congressional interest, Office of Management and Budget (OMB) priorities, and agency vulnerability/internal control assessments under OMB Circular A-123 and the Federal Managers' Financial Integrity Act.

For those interested in our work, we welcome feedback on the quality and value of our products and services via OIG_WEBCOMMENTS@epa.gov.

Charles J. Sheehan

Charles J. Sheehan
Acting Inspector General

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About the EPA Office of Inspector General

EPA Office of Inspector General

The Office of Inspector General (OIG) is an independent office of the U.S. Environmental Protection Agency (EPA) that detects and prevents fraud, waste and abuse to help the agency protect human health and the environment more efficiently and cost effectively.

The EPA OIG was created and is governed by the Inspector General Act of 1978, as amended (5 U.S.C. App. 3). The act established Offices of Inspectors General as independent and objective units to perform the following functions:

1. Conduct audits and investigations relating to the programs and operations of their agencies.

2. Provide leadership and recommendations designed to promote the economy, efficiency and effectiveness of agency programs and to prevent and detect fraud, waste and abuse.

3. Provide a means for keeping the head of the agency and Congress fully and currently informed about problems and deficiencies, as well as the necessity and progress of corrective actions.

EPA OIG staff members are located at headquarters in Washington, D.C.; at regional offices in all 10 EPA regions; and at other EPA locations, including Research Triangle Park, North Carolina, and Cincinnati, Ohio.

In FY 2004, Congress designated the EPA Inspector General to also serve as the Inspector General for the U.S. Chemical Safety and Hazard Investigation Board (CSB).

EPA's Mission

The EPA's mission is to protect human health and the environment. The OIG's Strategic and Annual Plans are designed to align implementation of the Inspector General Act with the EPA's strategic goals to help the agency achieve its performance goals in the most economical, efficient and effective manner possible. The list below identifies the EPA's FY 2018–2022 strategic goals, which we consider when planning audits, evaluations and investigations. The Appendix provides a summary of the OIG's Strategic Plan 2019–2023.

EPA's FY 2018–2022 Strategic Goals

Strategic Goals

Core Mission: Deliver real results to provide Americans with clean air, land, and water, and ensure chemical safety.

- Objective 1.1 – Improve Air Quality: Work with states and tribes to accurately measure air quality and ensure that more Americans are living and working in areas that meet high air quality standards.
- Objective 1.2 – Provide for Clean and Safe Water: Ensure waters are clean through improved water infrastructure and, in partnership with states and tribes, sustainably manage programs to support drinking water, aquatic ecosystems, and recreational, economic, and subsistence activities.
- Objective 1.3 – Revitalize Land and Prevent Contamination: Provide better leadership and management to properly clean up contaminated sites to revitalize and return the land back to communities.
- Objective 1.4 – Ensure Safety of Chemicals in the Marketplace: Effectively implement the Toxics Substances Control Act, and the Federal Insecticide, Fungicide, and Rodenticide Act, to ensure new and existing chemicals and pesticides are reviewed for their potential risks to human health and the environment and actions are taken when necessary.

Cooperative Federalism: Rebalance the power between Washington and the states to create tangible environmental results for the American people.

- Objective 2.1 – Enhance Shared Accountability: Improve environmental protection through shared governance and enhanced collaboration with state, tribal, local, and federal partners using the full range of compliance assurance tools.
- Objective 2.2 – Increase Transparency and Public Participation: Listen to and collaborate with impacted stakeholders and provide effective platforms for public participation and meaningful engagement.

Rule of Law and Process: Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law.

- Objective 3.1 – Compliance with the Law: Timely enforce environmental laws to increase compliance rates and promote cleanup of contaminated sites through the use of all of EPA's compliance assurance tools, especially enforcement actions to address environmental violations.
- Objective 3.2 – Create Consistency and Certainty: Outline exactly what is expected of the regulated community to ensure good stewardship and positive environmental outcomes.
- Objective 3.3 – Prioritize Robust Science: Refocus the EPA's robust research and scientific analysis to inform policy making.
- Objective 3.4 – Streamline and Modernize: Issue permits more quickly and modernize our permitting and reporting systems.
- Objective 3.5 – Improve Efficiency and Effectiveness: Provide proper leadership and internal operations management to ensure that the Agency is fulfilling its mission.

Matrix of EPA Goals and Strategies OIG Plans to Address with Audits and Evaluations

When conducting our mandated and carryover audits and evaluations during FY 2019, we will consider the EPA's FY 2018–2022 strategic goals. The table below shows how our planned audits and evaluations align with each of the agency's objectives.

	EPA's FY 2018–2022 Strategic Objectives							
Planned FY 2019 OIG Projects *Carryover projects not included*	**Improve air quality** (Objective 1.1)	**Provide for clean and safe water** (Objective 1.2)	**Revitalize land and prevent contamination** (Objective 1.3)	**Ensure safety of chemicals** (Objective 1.4)	**Prioritize robust science** (Objective 3.3)	**Compliance with the law** (Objective 3.1)	**Partner with states and other stakeholders** (Objectives 2.1, 2.2)	**Operate efficiently and effectively** (Objectives 3.2, 3.4, 3.5)
Air Directorate								
EPA Oversight of Synthetic Minor Sources	X				X			
EPA Actions to Address Elevated Cancer Risks from Air Toxics Emissions from Point Sources	X			X	X			
EPA's External Civil Rights Compliance Offices' Response to Title VI Air Complaints	X							
Office of Air and Radiation Quality Management System Implementation	X			X	X			X
Contract and Assistance Agreement Directorate								
Travel Card Risk Assessment						X		X
2018 Risk Assessment of EPA's Purchase Cards and Convenience Checks						X		X
EPA Improper Payments Reporting for FY 2018						X		X
Agency Use of Blanket Purchase Agreements						X		X
EPA Acquisition System Data Integrity – Controls Over Contract Clauses						X		X
EPA Acquisition System Data Integrity – Input Into the System						X		X
Office of the Chief Financial Officer Contract Award – Hotline						X		X
Efficiency Directorate								
EPA's Risk Assessment Process								X
Environmental Research Programs Directorate								
Accuracy and Reliability of Office of Research and Development's Strategic Measure 21 – "Research Products Meeting Customer Needs"								X
Financial Directorate								
FY 2018 Financial Statements: Hazardous Waste Electronic Manifest System Fund								X
FY 2018 Financial Statements: Pesticides Registration Fund								X
FY 2018 Financial Statements: Pesticides Reregistration and Expedited Processing Fund								X
EPA's FY 2019 Reporting in Accordance with the DATA Act								X
FY 2019 EPA Financial Statements								X
FY 2018 Financial Statements: Frank R. Lautenberg Chemical Safety for the 21st Century Act								X

	EPA's FY 2018–2022 Strategic Objectives							
Planned FY 2019 OIG Projects *Carryover projects not included*	**Improve air quality** (Objective 1.1)	**Provide for clean and safe water** (Objective 1.2)	**Revitalize land and prevent contamination** (Objective 1.3)	**Ensure safety of chemicals** (Objective 1.4)	**Prioritize robust science** (Objective 3.3)	**Compliance with the law** (Objective 3.1)	**Partner with states and other stakeholders** (Objectives 2.1, 2.2)	**Operate efficiently and effectively** (Objectives 3.2, 3.4, 3.5)
Forensic Directorate								
FY 2019 Single Audit Program								X
Clean Water and Drinking Water State Revolving Funds								X
Audit(s) of Congressionally Mandated Projects – Air Quality Gants Awarded in California	X					X		
Indian Tribal Grants						X	X	X
Diesel Emissions Reduction Act Harbor Authority Grants						X	X	X
EPA's Use of Intergovernmental Personnel Act Agreements & Details								X
Information Resources Management Directorate								
EPA's Compliance with the Federal Information Security Modernization Act for FY 2019						X		X
Land Cleanup and Waste Management Directorate								
Superfund Site Visits – Verification of Effectiveness of Institutional Controls			X					X
Identifying Risks of Closed Hazardous Waste Units with No Viable Funding Company			X					X
Superfund Cost Recover			X					X
Toxics, Chemical Management and Pollution Prevention Directorate								
EPA Oversight of the States' Managed Pollinator Protection Plans				X			X	X
Border 2020 Program	X	X	X	X			X	X
Lautenberg Act Resource Planning and Management				X		X		X
Water Directorate								
Analysis of EPA Enforcement Results (2006–2018)		X						X
EPA's Addressing Harmful Algal Blooms Under Clean Water Act and Safe Drinking Water Act Authorities		X				X		
EPA's Actions Addressing Per- and Polyfluoroalkyl Substances (PFAS) in Drinking Water		X	X	X	X	X		
Microplastic Pollution and the Effectiveness of EPA's Research Efforts to Assess and Reduce Microplastics in U.S. Waters		X		X	X	X		
Ohio Concentrated Animal Feeding Operations – Hotline		X				X	X	
Immediate Office for Office of Audit and Evaluation								
Quality Control Review of EPA OIG Reports Issued in FY 2018								X
EPA FY 2019 Management Challenges	X	X	X	X		X	X	X

Identifying Risks at EPA

Top EPA Management Challenges—Reported by OIG in FY 2018

The OIG reviewed major challenges (including an analysis of relevant risks) and planning priorities across the EPA and solicited input from agency leadership to identify OIG topics of interest that would be of greatest benefit to the agency and the American public it serves. This section summarizes the agency's key management challenges identified by the OIG in FY 2018, which will help guide the general direction and focus of OIG audits, evaluations and investigative work in FY 2019.

OIG-identified key management challenges for the EPA	FY 2017	FY 2018
Oversight of States, Territories and Tribes Authorized to Accomplish Environmental Goals: The EPA has made important progress, but our work continues to identify challenges throughout agency programs and regions, and many of our recommendations to establish consistent baselines and monitor programs are still not fully implemented.	•	•
Enhancing Information Technology Security to Combat Cyber Threats (*formerly Limited Capability to Respond to Cyber Security Attacks*)**:** Though the EPA continues to initiate actions to further strengthen or improve its information security program, the agency lacks a holistic approach to managing accountability over its contractors and lacks follow-up on corrective actions taken.	•	•
Workload Analysis: The EPA needs to identify its workload needs so that it can more effectively prioritize and allocate limited resources to accomplish its work.	•	•
Mandated Reporting Requirements: The agency faces challenges in tracking and submitting reports mandated by law that contain key program information for Congress, the EPA Administrator and the public.		•
Data Quality for Program Performance and Decision-Making: Poor data quality negatively impacts the EPA's effectiveness in overseeing programs that directly impact public health.		•

About the CSB and Identifying Risks

CSB's Mission

The CSB's mission is to investigate accidental chemical releases at facilities, report to the public on the root causes, and recommend measures to prevent future occurrences. The EPA OIG has the responsibility to audit and investigate CSB programs and review proposed laws and regulations to determine their potential impact on CSB programs and operations.

Matrix of CSB Goals OIG Plans to Address with Audits

When conducting our mandated work during FY 2019, we will consider the CSB's three strategic goals outlined in its FY 2017–2021 Strategic Plan. The table below shows how our planned FY 2019 audits and evaluations align with each of the CSB's goals.

	CSB's FY 2017–2021 Strategic Goals		
Planned FY 2019 OIG projects	Prevent recurrence of significant chemical incidents through independent investigations	Advocate safety and achieve change through recommendations, outreach and education	Create and maintain an engaged, high-performing workforce
Efficiency Directorate			
2019 Risk Assessment of CSB's Purchase Cards			X
CSB Improper Payments Reporting for FY 2018			X
Financial Directorate			
FY 2018 CSB Financial Statements (Contracted)			X
Information Resources Management Directorate			
CSB Compliance with the Federal Information Security Modernization Act for Fiscal Year 2019	X	X	X
Immediate Office for Office of Audit and Evaluation			
CSB FY 2019 Management Challenges	X	X	X

Top CSB Management Challenges — Reported by OIG in FY 2018

The OIG reviewed the major risks, challenges and planning priorities across the CSB and solicited input from board leadership to identify and select OIG topics of interest that would be of greatest benefit to the board and the American public it serves. This section summarizes the CSB's key management challenges identified by the OIG in FY 2018, which will help guide the general direction and focus of OIG audit and investigative work in FY 2019.

The Position of CSB Chairperson Lacks Authority to Hold Board Members Accountable

Historically, the CSB has been plagued with leadership issues such as tension among board members, disputes over the Chairperson's authorities, and complaints of alleged abuses by board members including the Chairperson. The position of CSB Chairperson does not have the statutory authority to take corrective action against other board members for inappropriate behaviors or to hold them accountable. The CSB should strengthen its internal policies and request that Congress assess these issues and make the necessary changes to provide the Chairperson with the authority to correct inappropriate or destabilizing behaviors by board members.

Budget Uncertainties and the President's Proposals to Eliminate the CSB Negatively Impact Efforts to Attract, Hire and Retain Staff

The CSB should continue to work with Congress toward achieving funding needs. The President's budget for FY 2019 proposed eliminating the CSB. Although Congress has continued to fund the CSB and the CSB Chairperson stated that Congress has no plans to eliminate the CSB, this budget uncertainty impedes the CSB's ability to attract, hire and retain staff.

Prior Management Challenge Removed

As a result of corrective actions taken and additional justification provided by the CSB, we removed the challenge cited for FY 2017 that the CSB address human resources management issues. The CSB provided documents and information supporting that it has completed all but one of the 18 recommendations from a 2015 Office of Personnel Management report. For the remaining recommendation—to establish a Human Capital Plan—the CSB developed and drafted such a plan and intends to implement it in FY 2019.

The Plan: Overall Strategy

Annual planning is a dynamic process and requires adjustments throughout the year to meet priorities and anticipate and respond to emerging issues with available resources. The OIG has examined the cross-agency risk assessments, agency challenges, EPA 2018–2022 Strategic Plan, CSB 2017–2021 Strategic Plan, OIG 2019–2023 Strategic Plan, prior work, future priorities, and stakeholder input to develop and prioritize its FY 2019 work.

Making Choices—A Customer-Driven Process

OIG work that is not mandated is proposed, considered and selected through a rigorous process using the criteria listed in the section below. From these criteria, we develop a portfolio of assignments that represents the best possible return on investment in terms of (1) monetary or public value and (2) responsiveness in addressing the needs, risks, challenges, priorities and opportunities of OIG stakeholders. We also invite our staff to formulate assignment suggestions from their immediate knowledge of EPA and CSB operations and from their consideration of stakeholder input and risks.

Another aspect of our customer-driven approach is the OIG Hotline, which provides a confidential channel for EPA and CSB employees, EPA and CSB contractors, and the public to report instances of fraud, waste and abuse, and raise other issues pertaining to agency programs. Each year, the OIG receives hundreds of complaints, referrals, suggestions and allegations. The OIG promptly processes this information, initiates OIG investigations when warranted, refers issues for audits or evaluations when warranted, and refers issues to the appropriate office or agency if not within the OIG's jurisdiction. The OIG often uses data analysis tools to analyze hotline matters. This analysis assists the OIG in identifying trends that are reported to the hotline to improve the overall efficiency and effectiveness of our investigations and audits.

Criteria Considered in Identifying and Selecting New Discretionary Assignments for FY 2019

Potential threats to OIG independence:

- Are there any potential threats to OIG independence if we perform this project?

Will the OIG be able to comply with professional standards, legal requirements and ethical principles?

Importance of idea:

- What is the known extent of the issue (e.g., sensitive or other populations impacted, area involved and environmental justice)?
- Is the topic of the project generating interest from Congress, the public and/or news organizations? Why?

Estimated return on investment:

- What is the potential environmental or human health benefit (return on investment) to be derived, and how extensive is the potential for reduction or prevention of environmental, human health or business risks?
- What is the expected return on investment (e.g., potential questioned costs, funds put to better use or other potential monetary benefits, improved decision-making, improved data quality/reliability, reduced vulnerabilities and strengthened internal controls)?
- Are programs performing with the greatest efficiency and effectiveness possible regarding allocation and application of resources?

Potential risk of fraud, waste or abuse:

- What resources, data, physical or cybersecurity equipment, program integrity and potential violations of laws/regulations are involved?

Impact of current management challenges or internal control weaknesses:

- How does the project align with OIG current management challenges or internal control weaknesses identified at the EPA or the CSB?
- Are programs providing timely, accurate, complete and useful information for decision-making?
- Are computer security and privacy programs comprehensive and actively implemented throughout the organization to balance risk and mission requirements?

Prior audit results:

- What are the conditions or changes since the prior audit was conducted by the EPA OIG, U.S. Government Accountability Office or other auditing body?
- What new information or indications of auditable issues are available?

The Plan: Office of Audit and Evaluation Carryover and New Assignments for FY 2019

The OIG's Office of Audit and Evaluation (OA&E) performs the following functions:

- Plans and conducts complex audits and evaluations, including follow-ups on EPA programs, systems and operations.
- Serves as the OIG's national technical expert for assigned areas of responsibility, advising OIG personnel and others concerning program operations and audit/evaluation approaches.

- Works with senior officials from the EPA; the Office of Management and Budget (OMB); other federal, state and local government offices; and professional and environmental organizations to further coordination, customer service and results.
- Prepares reports and delivers presentations on audit and evaluation methods, findings and recommendations.
- Conducts research on, and stays attuned to, methods and best practices within the OIG community for use in our audits and evaluations.

Ten directorates within the OA&E are responsible for independent oversight of EPA and CSB programs, and they recommend improvements to programs and operations. The directorates are as follows:

- Air
- Contract and Assistance Agreement
- Efficiency
- Environmental Research Programs
- Financial
- Forensic
- Information Resources Management
- Land Cleanup and Waste Management
- Toxics, Chemical Management and Pollution Prevention
- Water

Projects are also undertaken by the Immediate Office within OA&E.

Air Directorate

The Air Directorate is responsible for conducting assignments to assess the EPA's programs and activities to protect human health and the environment through progress toward air quality goals.

Point of Contact: Jim Hatfield (919) 541-1030

Title	Primary objectives	Estimated/actual start date
Carryover		
EPA Oversight of Smokestack Emissions Testing and Reporting (OA&E-FY18-0186)	To determine the effectiveness of EPA oversight in assuring that emission stack tests are conducted in accordance with EPA regulations, policy and guidance.	Second Quarter 2018
Emissions Monitoring Data Quality for Large Stationary Sources of Air Pollution (OA&E-FY18-0181)	To determine whether selected continuous emissions monitoring data meet applicable quality assurance and control criteria.	Second Quarter 2018
Mandated		
NONE		
New Discretionary		

Title	Primary objectives	Estimated/actual start date
EPA Oversight of Synthetic Minor Sources	To determine whether the EPA and state/local oversight is sufficient to assure that "synthetic minor" sources comply with the emission or operational limits in their air permits.	Fourth Quarter 2019
EPA Actions to Address Elevated Cancer Risks from Air Toxics Emissions from Point Sources	To determine whether the EPA's residual risk and technology review process has sufficiently identified and addressed any elevated cancer risks from air toxics emitted by major facilities.	Second Quarter 2019
EPA's External Civil Rights Compliance Offices' Response to Title VI Air Complaints	To determine the efficacy, efficiency and transparency of the External Civil Rights Compliance Offices' processes in receiving, responding to and resolving Title VI discrimination complaints against organizations that receive EPA Clean Air Act funding.	Fourth Quarter 2019
Office of Air and Radiation Quality Management System Implementation	To determine whether the Office of Air and Radiation has established a quality assurance management system in accordance with the EPA's Quality System requirements.	Fourth Quarter 2019

Contract and Assistance Agreement Directorate

The Contract and Assistance Agreement Directorate is responsible for conducting assignments on the EPA's management of contracts, grants, cooperative agreements and interagency agreements.

Point of Contact: Michael Petscavage (202) 566-0897

Title	Primary objectives	Estimated/actual start date
Carryover		
EPA Oversight of Assistance Agreement Close-Out (per the Grants Oversight and New Efficiency Act) (OA&E-FY18-0250)	1. To determine the dollar amount of EPA awards that expired at least 2 years ago with unliquidated obligations or zero obligations remaining, and whether the EPA has complied with Resources Management Directive System 2520-03-p2, EPA Order 5700.6A2 Policy on Compliance, EPA Order 1610 and OMB Uniform Grants Guidance §200.343. 2. To determine the reasons the EPA carried expired awards for 2 or more years. (Potential scenarios include administrative documentation not submitted to the EPA, programmatic documentation [final reports] not submitted to the EPA, and projects not completed.) 3. To determine the impact of the expired awards; specifically, (a) the financial impact of unliquidated obligations and debt costs, and (b) the potential environmental and public health results from projects not completed or unspent funds.	Second Quarter 2018
Internal Control Oversight of EPA's Senior Environmental Employment Program (OA-FY18-0053)	To determine whether internal controls for over $207 million in Senior Environmental Employment program grants (awarded between FYs 2008 and 2016) verify that recipients are in compliance with the Environmental Programs Assistance Act (P.L. 98-313) and EPA Senior Environmental Employment Guidance and Procedures Manual for the remaining funds totaling $33 million.	First Quarter 2018
Hotline Compliant 2018-0227: Contract Compliance for EPA Contract EP-C-16-001 (OA&E-FY18-0234)	To determine whether funding actions taken by the EPA are allowable and whether they cause potential risks to the agency, and whether invoices are being approved and paid without proper review of costs.	Third Quarter 2018
EPA's CSRA Contract Billing Controls (OA&E-FY18-0110)	To determine whether the EPA's contract administration of the CSRA contract EP-W-11-019, Task Order 12, has effective controls to prevent billing and funding fraud, waste and abuse.	Second Quarter 2018
Mandated		
Travel Card Risk Assessment	To conduct an FY 2019 risk assessment of the EPA travel card program to assess the risk of illegal, improper and erroneous expenditures made through the agency's travel card program; and determine the nature, timing and extent of testing necessary.	Third Quarter 2019
2018 Risk Assessment of EPA's Purchase Cards and Convenience Checks	The OIG is required to conduct an annual assessment of the EPA's purchase card and convenience check programs. The purpose of the assessment is to determine the scope and number of audits.	Second Quarter 2019
EPA Improper Payments Reporting for FY 2018	To evaluate the EPA's reporting of improper payments during FY 2018.	Second Quarter 2019

Title	Primary objectives	Estimated/actual start date
New Discretionary		
Agency Use of Blanket Purchase Agreements	1. To determine whether blanket purchase agreements are in compliance with applicable laws, regulations, contract provisions and other requirements. 2. To determine whether EPA is maximizing usage of current blanket purchase agreements to achieve savings, and whether other blanket purchase agreement opportunities exist.	Second Quarter 2019
EPA Acquisition System Data Integrity – Controls Over Contract Clauses	To determine compliance with Federal Acquisition Regulations and EPA criteria.	Third Quarter 2019
EPA Acquisition System Data Integrity – Input into the System	1.To determine the validity, completeness and accuracy of EPA Acquisition System data for reliability purposes. 2. To assess the EPA Acquisition System's timeliness, availability, and ease of use to obtain data needed.	Second Quarter 2019
Office of the Chief Financial Officer Contract Award – Hotline	1. To determine whether Contracts EPW18007 and EPW18008 were properly awarded in accordance with Federal Acquisition Regulation competition requirements. 2. To determine whether equipment purchased under Contract EPW07024 was properly purchased under the contract and transferred to current contracts in accordance Federal Acquisition Regulation requirements.	First Quarter 2019

Efficiency Directorate

The Efficiency Directorate is responsible for identifying ways for EPA and CSB programs and operations to improve processes and realize cost savings, thus freeing resources for high-priority environmental projects.

Point of Contact: Mike Davis (513) 487-2363

Title	Primary objectives	Estimated/actual start date
Carryover		
EPA's Water Infrastructure Finance and Innovation Act Program (OA-FY18-0023)	To determine whether the EPA has established effective internal controls for the Water Infrastructure Finance and Innovation Act Program.	First Quarter 2018
EPA's Management of Counter Terrorism and Emergency Response Equipment (OA&E-FY18-0109)	To determine whether the EPA has the needed and required counter terrorism and emergency response equipment and whether the equipment is efficiently managed, tracked and available for potential counter terrorism or emergency response incidents.	Second Quarter 2018
EPA's Management of Hurricane Harvey Funding (OA&E-FY18-0270)	To determine whether, in its emergency response to Hurricane Harvey, the EPA effectively managed the Disaster Relief Funding received from the Federal Emergency Management Agency.	Fourth Quarter 2018
U.S. Army Corps of Engineers Interagency Agreements (OA&E-FY18-0200)	To determine whether the EPA is being fiscally responsible in awarding interagency agreements with the U.S. Army Corps of Engineers and whether the agency is meeting planned expectations in time, cost and outcomes in its use of interagency agreements.	Third Quarter 2018
EPA's Management of Mobile Phones (OA&E-FY18-0290)	To determine whether the EPA is effectively managing its mobile phones.	Fourth Quarter 2018
PeoplePlus Efficiency and Effectiveness (OA&E-FY18-0283)	To determine whether PeoplePlus is efficient and effective for use in the time and attendance and cost allocation processes and has effective practices, programs and policies.	Fourth Quarter 2018
Mandated		
CSB Purchase Card Risk Assessment	To perform a risk assessment of agency purchase card usage, as required by the Government Charge Card Abuse Prevention Act of 2012.	Second Quarter 2019
CSB Improper Payments Reporting for FY 2018	Per OMB, as the CSB does not need to report on improper payments, we will verify that it publishes an annual Performance and Accountability Report in November 2018 and that it has done a risk assessment in the last 3 years.	First Quarter 2019
New Discretionary		
EPA's Risk Assessment Process	To determine whether the EPA is following the Government Accountability Office's *Internal Control Standards for the Federal Government* and OMB Circular A-123 for preparing risk assessments for programs.	First Quarter 2019

Environmental Research Programs Directorate

The Environmental Research Programs Directorate conducts independent assignments that evaluate the EPA's research and development programs, with a focus on areas that support human health and environmental protection.

Point of Contact: Patrick Gilbride (303) 312-6969

Title	Primary objectives	Estimated/actual start date
Carryover		
Internal Controls Over Heavy-Duty Vehicle Emissions Program (OPE-FY17-0026)	To determine whether the EPA's existing internal controls effectively detect and prevent on-road heavy-duty vehicle emissions fraud.	Second Quarter 2017
Response to Congressional Requests on Glider Vehicle Testing (OA&E-FY18-0271)	To determine whether (1) the selection and testing of glider vehicles for the November 20, 2017, report (Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles) violated any policies or procedures intended to ensure the objectivity and integrity of tests conducted at the EPA's lab, and (2) the selection and testing of glider vehicles as part of this study differed from the standard practice of selecting and testing of vehicles on the EPA's heavy-duty chassis dynamometer.	Fourth Quarter 2018
Office of Research and Development's Support of and Alignment with Regional Science Programs (OA&E-FY18-0247)	To determine whether the Office of Research and Development's support of regional science programs helps accomplish the EPA's mission, and whether results of regional science initiatives impact agency decision-making.	Fourth Quarter 2018
Oversight of Office of Research and Development Grants to Universities (OA&E-FY18-0248)	To determine whether the Office of Research and Development oversees and monitors grants awarded to universities in accordance with applicable laws, regulations, policies and procedures; and university grantees are completing agreed-upon work that meets the defined purpose of the grant.	Third Quarter 2018
Mandated		
NONE		
New Discretionary		
Accuracy and Reliability of Office of Research and Development's Strategic Measure 21, "Research Products Meeting Customer Needs"	To determine whether the data collected and used for the Office of Research and Development's Strategic Measure 21—on whether research products are meeting customer needs—provides a reasonable and accurate measure of customer satisfaction, and whether the Office of Research and Development faces any barriers when collecting data to support this new measure.	Second Quarter 2019

Financial Directorate

The Financial Directorate is responsible for rendering opinions on financial statements produced by the EPA and the CSB, and it conducts audits of other EPA financial matters for efficiency and effectiveness.

Point of Contact: Paul Curtis (202) 566-2523

Title	Primary objectives	Estimated/actual start date
Carryover		
FY 2017 Financial Statements: Pesticides Registration Fund (PRIA Fund) (OA-FY18-0087)	To render an opinion on the agency's PRIA financial statements and determine compliance with laws and regulations, effectiveness of internal controls, and accuracy of reported performance information.	Second Quarter 2018
FY 2017 Financial Statements: Pesticides Reregistration and Expedited Processing Fund (FIFRA Fund) (OA-FY18-0086)	To render an opinion on the agency's FIFRA financial statements and determine compliance with laws and regulations, effectiveness of internal controls, and accuracy of reported performance information.	Second Quarter 2018
FY 2017 Financial Statements: Hazardous Waste Electronic Manifest System Fund (OA-FY18-0088)	To render an opinion on the agency's Hazardous Waste Electronic Manifest System Fund and determine whether the financial statements were fairly presented in all material respects, the EPA's internal controls over financial reporting were in place, and EPA management complied with applicable laws and regulations.	Second Quarter 2018
FY 2018 EPA Financial Statements (OA&E-FY18-0189)	To render an opinion on the agency's financial statements and determine whether the EPA's consolidated financial statements were fairly stated in all material respects, the EPA's internal controls over financial reporting were in place, and EPA management complied with applicable laws and regulations.	Second Quarter 2018
FY 2018 CSB Financial Statements (Contracted)	To render an opinion on the CSB's financial statements and determine whether the CSB's financial statements were fairly stated in all material respects, CSB's internal controls over financial reporting were in place, and CSB management complied with applicable laws and regulations.	Fourth Quarter 2018
Mandated		
FY 2019 CSB Financial Statements (Contracted)	To render an opinion on the CSB's financial statements and determine whether the CSB's financial statements were fairly stated in all material respects, CSB's internal controls over financial reporting were in place, and CSB management complied with applicable laws and regulations.	Fourth Quarter 2019
FY 2018 Financial Statements: Hazardous Waste Electronic Manifest System Fund	To render an opinion on the agency's Hazardous Waste Electronic Manifest System Fund and determine whether the financial statements were fairly presented in all material respects, the EPA's internal controls over financial reporting were in place, and EPA management complied with applicable laws and regulations.	Second Quarter 2019
FY 2018 Financial Statements: PRIA Fund	To render an opinion on the agency's PRIA financial statements and determine compliance with laws and regulations, effectiveness of internal controls, and accuracy of reported performance information.	Second Quarter 2019

Title	Primary objectives	Estimated/actual start date
FY 2018 Financial Statements: FIFRA Fund	To render an opinion on the agency's FIFRA financial statements and determine compliance with laws and regulations, effectiveness of internal controls, and accuracy of reported performance information.	Second Quarter 2019
EPA's FY 2019 Reporting in Accordance with the DATA Act	To assess the completeness, timeliness, quality and accuracy of FY 2019 data submitted for publication on USASpending.gov within the Office of the Chief Financial Officer; and assess the EPA's implementation and use within the Office of the Chief Financial Officer of the governmentwide financial data standards established by the OMB and the Treasury.	Second Quarter 2019
FY 2019 EPA Financial Statements	To render an opinion on the agency's financial statements and determine whether the EPA's consolidated financial statements were fairly stated in all material respects, the EPA's internal controls over financial reporting were in place, and EPA management complied with applicable laws and regulations.	Third Quarter 2019
FY 2018 Financial Statements: Frank R. Lautenberg Chemical Safety for the 21st Century Act	To render an opinion on the agency's financial statements and determine whether the financial statements were fairly presented in all material respects, the EPA's internal controls over financial reporting were in place, and EPA management complied with applicable laws and regulations.	Third Quarter 2019
New Discretionary		
NONE		

Forensic Directorate

The Forensic Directorate is responsible for conducting audits of EPA assistance agreements and contracts to identify potentially fraudulent actions. This directorate also determines the acceptability of costs claimed under specific financial instruments. Forensic audits apply auditing skills to situations with legal consequences and use risk assessment tools to represent the first line of defense against fraud, waste and abuse in agency programs.

Point of Contact: John Trefry (202) 566-2474

Title	Primary objectives	Estimated/actual start date
Carryover		
Salary Overpayment and Debt Forgiveness Waiver Process (OA-FY18-0084)	To determine whether the agency is properly collecting salary overpayments from its employees.	Second Quarter 2018
Amendment Process for Assistance Agreements Related to Brownfields (OA-FY18-0077)	To determine whether the EPA followed agency procedures when amending assistance agreements.	First Quarter 2018
Splitting/Combining Time-Off and Monetary Awards (OA-FY18-0090)	To determine whether the agency is inappropriately splitting/combining time-off and monetary awards to circumvent regulations.	Second Quarter 2018
EPA Office of Criminal Enforcement, Forensics and Training Law Enforcement Availability Pay Reporting (OA-FY18-0075)	To determine whether Criminal Investigators assigned to the EPA's Office of Criminal Enforcement, Forensics and Training properly record Law Enforcement Availability Pay hours in compliance with federal requirements and EPA-established policies and procedures.	First Quarter 2018
Congressional Request Audit – EPA's Adherence to Policies, Procedures and Oversight Controls Pertaining to the Administrators Travel (OA-FY17-0382)	To address three requests pertaining to concerns about Administrator Scott Pruitt's travel—primarily his frequent travel to and from his home state of Oklahoma at the taxpayers' expense.	Fourth Quarter 2018
Office of Investigations Support – City of Houston, Texas' Compliance with Clean Water State Revolving Fund Requirements (OA-FY17-0380)	To assist the OIG Office of Investigations in addressing irregularities in the city of Houston's Clean Water State Revolving Fund program, we are reviewing whether the city used the fund for eligible projects, contracts were awarded in compliance with applicable eligibility requirements, and the city adequately monitored and reported the results of its prime contractors' use of Minority and Women Business Enterprises.	Fourth Quarter 2017
Office of Air and Radiation Timekeeping Practices (OA-FY17-0090)	To evaluate the Office of Air and Radiation's timekeeping practices to determine whether they comply with agency policies and procedures, as well as relevant regulations.	Second Quarter 2017
Mandated		
FY 2019 Single Audit Program	The OIG Single Audit Team reviews and processes single audit reports (mandated under the Single Audit Act) that are prepared by Certified Public Accountant firms and state audit organizations.	Fourth Quarter 2019

Title	Primary objectives	Estimated/actual start date
New Discretionary		
Clean Water and Drinking Water State Revolving Funds	To determine whether an opportunity exists to decrease or eliminate funding now that State Revolving Fund programs have been capitalized and revolving for decades.	First Quarter 2019
Audit(s) of Congressionally Mandated Projects – Air Quality Grants Awarded in California	To determine whether costs claimed under the grants are reasonable, allowable and allocable in accordance with the applicable laws, regulations and grant terms and conditions; and whether the objectives of the grants are being met.	Fourth Quarter 2019
Indian Tribal Grants	To determine whether the costs claimed under selected individual Indian tribal grants are reasonable, allocable and allowable in accordance with applicable laws, regulations, and grant terms and conditions.	Second Quarter 2019
Diesel Emissions Reduction Act Harbor Authority Grants	To determine whether the costs claimed under this grant are reasonable, allocable and allowable in accordance with applicable laws, regulations, and grant terms and conditions.	Third Quarter 2019
EPA's Use of Intergovernmental Personnel Act Agreements and Details	To determine whether the EPA is using the Intergovernmental Personnel Act Agreements and Detail instruments to achieve the results intended.	First Quarter 2019

Information Resources Management Directorate

The Information Resources Management Directorate reviews the economy, efficiency and effectiveness of EPA and CSB investments in systems for achieving environmental goals and ensuring the integrity of data used for decision-making. The directorate also reviews strategies for setting priorities and develops plans to accomplish priorities and measure performance.

Point of Contact: Rudolph Brevard (202) 566-0893

Title	Primary objectives	Estimated/actual start date
Carryover		
EPA's Processes for Preserving Emails and Text Messages and Responding to Freedom of Information Act Requests (OA&E-FY18-0217)	To determine whether the EPA took action to complete OIG recommendations regarding the preservation of email and text messages, and the improvement of the agency's Freedom of Information Act process.	Third Quarter 2018
EPA Processes for Purchasing Software Provided by the Working Capital Fund – OIG Hotline (OA&E-FY18-0261)	To determine whether the EPA follows documented policies and procedures for providing software purchased under the Working Capital Fund. (We plan to conduct very limited field work to complete this project.)	Fourth Quarter 2018
EPA's Compliance with the Federal Information Security Modernization Act for FY 2018 (OA&E-FY18-0194)	To determine whether the EPA implemented an information systems security management program that is compliant with the Federal Information Security Modernization Act of 2014.	Third Quarter 2018
CSB's Compliance with the Federal Information Security Modernization Act for FY 2018 (OA&E-FY18-0195)	To determine whether the CSB implemented an information systems security management program that is compliant with the Federal Information Security Modernization Act of 2014.	Third Quarter 2018
EPA's Processes for Managing Background Investigations and Plans of Action and Milestones (OA-FY17-0139)	To determine whether the EPA has established a process to verify that background investigations are conducted for those individuals (federal employees and contractors) with privileged access permissions to the agency's information systems and network, and to what extent the EPA is managing and remediating known technical vulnerabilities to reduce cybersecurity risks to the agency's information system infrastructure.	Second Quarter 2017
Information System Security Controls for EPA's Budget Systems (OA-FY18-0065)	To determine whether the Office of the Chief Financial Officer identified and tested all inherited security controls for the EPA's Budget Automation System and took steps to require the contractor for the replacement budget system to comply with federal requirements for testing information systems security controls.	First Quarter 2018
Pesticide Registration Fees, Vulnerability Mitigation and Database Security Controls for EPA's FIFRA and PRIA Systems (OA-FY17-0091)	To conduct a network vulnerability assessment of the information technology resources that protect the confidentiality, integrity and availability of the network infrastructure used to process the registration service fees for specific pesticide registrations, amended registrations, and associated tolerance actions as required by the Pesticide Registration Improvement Act of 2003.	Second Quarter 2017

Title	Primary objectives	Estimated/actual start date
Mandated		
CSB's Compliance with the Federal Information Security Modernization Act for FY 2019	To determine whether the CSB implemented an information systems security management program that is compliant with the Federal Information Security Modernization Act of 2014.	Second Quarter 2019
EPA's Compliance with the Federal Information Security Modernization Act for FY 2019	To determine whether the EPA implemented an information systems security management program that is compliant with the Federal Information Security Modernization Act of 2014.	Second Quarter 2019
New Discretionary		
NONE		

Land Cleanup and Waste Management Directorate

The Land Cleanup and Waste Management Directorate is responsible for conducting assignments to assess EPA programs, activities and initiatives to protect human health and the environment through cleanup and waste management, accident prevention and emergency response.

Point of Contact: Tina Lovingood (202) 566-2906

Title	Primary objectives	Estimated/actual start date
Carryover		
Superfund Enforcement (OA&E-FY18-0019)	To determine whether the EPA is enforcing Potentially Responsible Parties' compliance with EPA Superfund Comprehensive Environmental Response, Compensation, and Liability Act Response Settlements and Unilateral Administrative Orders.	Third Quarter 2018
Superfund Task Force (OA&E-FY18-0291)	To determine whether the EPA followed applicable criteria (e.g., laws and rules) in creating the Superfund Task Force and the development of its report and recommendations, and whether the EPA appropriately responded to a Freedom of Information Act request from July 2017 regarding the Superfund Task Force. This project would focus on communication, the decision-making process and documentation.	Fourth Quarter 2018
Land Application of Sewage Sludge (OPE-FY17-0019)	To determine whether the EPA has implemented appropriate controls over the land application of sewage sludge that protect human health and the environment.	Fourth Quarter 2017
Mandated		
NONE		
New Discretionary		
Superfund Site Visits – Verification of the Effectiveness of Institutional Controls	To determine whether the EPA's Superfund Institutional Controls achieve their stated goal of preventing human exposure at Superfund sites.	Fourth Quarter 2019
Identifying Risks of Closed Hazardous Waste Units with No Viable Funding Company	To determine whether the EPA is identifying and addressing liabilities for closed hazardous waste units (mostly landfills) that have no viable company to fund continued monitoring and corrective action.	Second Quarter 2020
Superfund Cost Recovery	To determine whether the EPA fully recovers costs incurred to clean up Superfund sites, and whether the EPA is achieving Superfund cost recovery program goals.	Third Quarter 2019

Toxics, Chemical Management and Pollution Prevention Directorate

The Toxics, Chemical Management and Pollution Prevention Directorate is responsible for conducting assignments to assess the EPA's management of chemical risks and programs to prevent pollution.

Point of Contact: Jeffrey Harris (202) 566-0831

Title	Primary objectives	Estimated/actual start Date
Carryover		
EPA's Implementation and Enforcement of the Lead-Based Paint Renovation Repair and Painting Rule (OA&E-FY18-0162)	To determine whether the EPA has an effective strategy to implement and enforce the Lead-Based Paint Renovation, Repair and Painting Rule.	Second Quarter 2018
Implementation of Executive Order 13771 (OA&E-FY18-0177)	To evaluate the EPA's management controls for implementing Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs.	Third Quarter 2018
Effectiveness of EPA's Tribal Pesticide Enforcement Cooperative Agreements, FIFRA Section 23(a)(1)	To determine whether EPA/tribal pesticide enforcement program (FIFRA) cooperative agreements are effective in promoting compliance and protecting vulnerable populations.	Fourth Quarter 2018
Mandated		
NONE		
New Discretionary		
EPA Oversight of the States' Managed Pollinator Protection Plans	To determine the effectiveness of the EPA's oversight of the states' Managed Pollinator Protection Plans designed to mitigate the acute risk to bees from pesticides products.	First Quarter 2019
Border 2020 Program	To determine the effectiveness of Border 2020 program controls implemented in response to a 2008 OIG review, we will evaluate: 1. Whether current program controls (strategic plan, performance measures, EPA Regions 6 and 9 action plans, grantee/partner guidance on project documentation and data quality) are sufficient for verifying that program objectives/activities are accomplished and are linked to the achievement of desired environmental and human health goals/benefits. 2. What progress the program can demonstrate toward achieving environmental objectives (e.g., promote access to safe drinking water for 5,000 households, maintain effective air monitoring networks) in its strategic plan that were scheduled for completion in 2014, 2015 and 2018.	Fourth Quarter 2019
Lautenberg Act Resource Planning and Management	To determine whether the Office of Chemical Safety and Pollution Prevention and its Office of Pollution Prevention and Toxics has met all Lautenberg Act deadlines to date, and whether the Office of Pollution Prevention and Toxics has developed management plans and internal management controls to meet the ongoing statutory requirements of the law.	Fourth Quarter 2019

Water Directorate

The Water Directorate is responsible for conducting assignments to assess the EPA's protection and restoration of healthy aquatic communities and waters that sustain human health.

Point of Contact: Kathlene Butler (404) 562-9736

Title	Primary objectives	Estimated/actual start Date
Carryover		
Public Notification of Drinking Water Quality (OPE-FY17-0020)	To determine how Safe Drinking Water Act primacy states ensure the notification of customers when public water systems exceed maximum contaminant/action levels for contaminants, and whether the EPA should enhance its role to catalyze robust communication of drinking water quality/risks.	Fourth Quarter 2017
Hurricane Response for 2017 Storms in Regions 6, 4 and 2 (OPE-FY18-0005)	To determine how the EPA's preparedness and response efforts during three 2017 hurricanes protected human health and water resources from storm-related drinking and surface water contamination.	First Quarter 2018
Mandated		
NONE		
New Discretionary		
Analysis of EPA Enforcement Results (2006-2018)	To determine trends in enforcement results stemming from EPA enforcement actions (injunctive relief, supplementary environmental projects and penalties) over time (2006–2018); and the key factors explaining differences in enforcement results stemming from EPA enforcement actions over time, among EPA regions, and among environmental statutes.	First Quarter 2019
EPA's Addressing Harmful Algal Blooms Under Clean Water Act and Safe Drinking Water Act Authorities	To determine whether the EPA is using its authorities under the Clean Water Act and Safe Drinking Water Act to protect human health and the environment from harmful algal blooms.	Second Quarter 2019
EPA's Actions Addressing Per- and Polyfluoroalkyl Substances (PFAS) in Drinking Water	To determine how the EPA's actions in addressing Per- and Polyfluoroalkyl Substances (PFAS) in drinking water protect public health.	First Quarter 2019
Microplastic Pollution and the Effectiveness of EPA's Research Efforts to Assess and Reduce Microplastics in U.S. Waters	To identify the extent to which the EPA's existing Clean Water Act programs and Office of Research and Development research initiatives address threats and risks to public health and the environment from microplastic pollution.	Third Quarter 2019
Ohio Concentrated Animal Feeding Operations – Hotline	Determine what actions EPA Region 5 took in response to the November 2011 citizen petition regarding Ohio's Concentrated Animal Feeding Operations permitting program, and whether Region 5 has given final approval for Ohio's Concentrated Animal Feeding Operations National Pollutant Discharge Elimination System permit program transfer to Ohio's Department of Agriculture.	First Quarter 2019

Immediate Office

The OA&E's Immediate Office is responsible for (1) conducting new and follow-up audits to assess agency programs and functions and (2) determining whether sufficient controls are in place to reduce the agency's risk of fraud, waste and abuse in its operations. The Immediate Office also develops, coordinates and reports on OIG-identified agency management challenges and internal control weaknesses.

Points of Contact: Jerri Dorsey-Hall (919) 541-3601
Janet Kasper (312) 886-3059
Eric Lewis (202) 566-2664

Title	Primary objectives	Estimated/actual start date
Carryover		
NONE		
Mandated		
Quality Control Review of EPA OIG Reports Issued in FY 2018	OA&E quality assurance staff annually assess whether there are systemic issues during referencing, compliance monitoring reviews, and compliance with generally accepted government auditing standards and OIG policy.	First Quarter 2019
CSB FY 2019 Management Challenges	To identify issues the OIG determines to be the CSB's major management challenges for FY 2019.	First Quarter 2019
EPA FY 2019 Management Challenges	To identify issues the OIG determines to be the EPA's major management challenges for FY 2019.	First Quarter 2019
New Discretionary		
NONE		

The Plan: Office of Investigations FY 2019 Focus

The OIG's Office of Investigations (OI) is responsible for investigating allegations of criminal activity and serious misconduct in EPA and CSB programs and operations. The OI often collaborates with other law enforcement entities and external stakeholders to enhance the effectiveness of its work. The OI participates in interagency task forces and working groups as well as in OIG outreach programs by providing fraud awareness briefings to educate agency employees and external organizations that receive EPA funds on potential indicators of fraud.

The Inspector General Act identifies the Assistant Inspector General for Investigations as responsible for developing and implementing an investigative program that furthers OIG objectives. The Assistant Inspector General for Investigations' primary responsibilities include investigating possible violations of criminal statutes relating to EPA and CSB programs and activities; investigating allegations of serious misconduct by EPA and CSB employees; interfacing with the U.S. Department of Justice on OIG-related criminal matters; and coordinating investigations and OIG initiatives with other federal, state, local and tribal investigative agencies.

The OIG's investigative process is mostly reactive, and the OI performs its proactive work strategically as opportunities and resources allow. Reactive work begins with the receipt of an allegation that impacts the agency, one of its employees, a grantee or a program area. Proactive work is generated through various means, including analysis of EPA and CSB funding distribution, as well as outreach with internal and external stakeholders.

Due to the reactive nature of the OI's work, investigations are opened in accordance with priorities set forth in the OIG Strategic Plan for FYs 2018–2022 and in consideration of prosecutorial guidelines established by U.S. Attorneys. OIG investigations are governed by the *Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority* and by the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Investigations*, as well as other federal statutes and regulations.

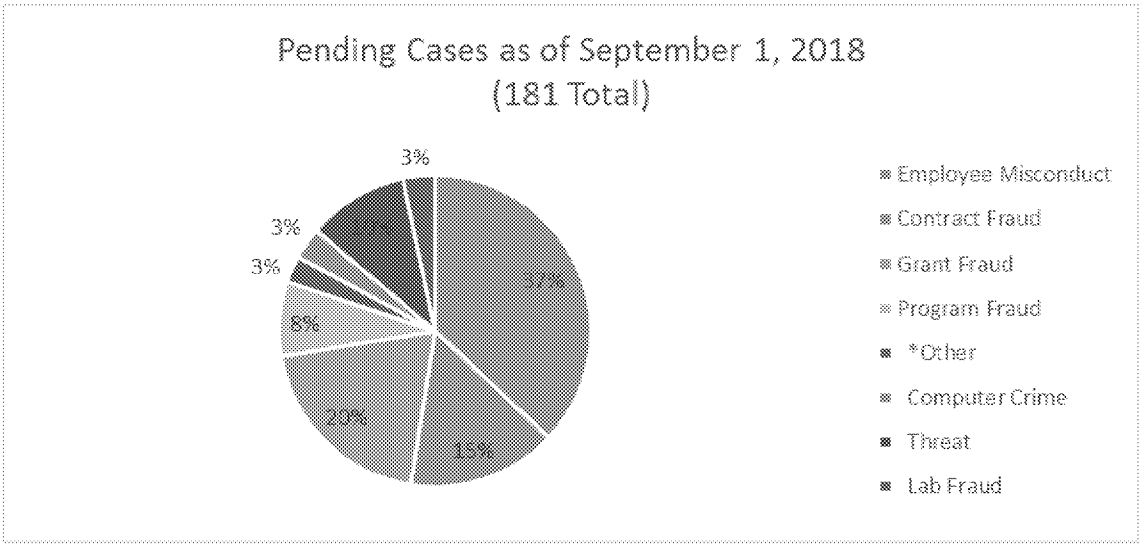
Investigative efforts often lead to criminal convictions, administrative sanctions or civil monetary penalties. Investigations are initiated as a result of allegations or referrals from private citizens; OIG audits and evaluations; EPA and CSB employees; Congress; other federal, state, local and tribal law enforcement agencies; and proactive efforts directed at areas with high potential for fraud, waste and abuse.

Point of Contact: Allan Williams (202) 566-2386

Pending Investigative Activities

The OIG plays a critical oversight role helping to ensure that EPA and CSB funds are properly expended and not subject to fraud, waste or abuse. Pending cases as of September 1, 2018, totaled 181. The following pie chart shows that, of the 181 pending cases, 84 (or 46 percent) are

fraud-related. Employee misconduct is also high, representing 67 cases (37 percent). Potentially, these cases have been on the rise due to recent attention from Congress and the attention garnered from our investigative successes being publicized by the media. The pie chart below provides a summary of EPA OIG investigative activity by case type.



** The "Other" category covers investigations such as Falsifying Official Documents/Forgery, Misuse of Government Property (by non-employee) and Destruction of Government Property (by non-employee).*

FY 2019 OI Annual Plan

GOAL 1: Contribute to improved EPA and CSB programs and operations that protect human health and the environment and enhance safety.

The OI will conduct investigations into allegations of fraud and other crimes involving EPA grants and contracts that provide assistance to state, local and tribal governments; universities and nonprofit recipients. The OI will play a critical role in ensuring that these funds are expended properly and are not subject to fraud, waste or abuse. The following list details our FY 2019 priorities:

- **Financial fraud (grants and contracts).** These investigations may involve multiple agencies and focus on criminal activities related to agency grants, state revolving funds, interagency agreements and cooperative agreements that provide assistance to state, local and tribal governments; universities and nonprofit recipients. Collectively, these programs account for about half of the EPA's budget. These investigations also focus on acquisition management, contracts and procurements. The OI focuses on fraudulent activities such as mischarging, defective pricing, defective products, kickbacks and collusion.

- **Program fraud.** These investigations focus on activities that could undermine the integrity of agency programs involving safety and public health and undermine or erode the public trust and confidence in the EPA's pursuit of its mission, programs or

employees. This range includes serious misconduct or criminal activity (i.e., criminals misrepresenting themselves as EPA employees in furtherance of a scheme or artifice to defraud; or the fraudulent use of EPA seals, certifications, letterhead or logos in furtherance of a scheme to defraud). These investigations also focus on criminal activity that relies on, takes advantage of, or exploits systematic weaknesses or vulnerabilities of the agency for personal gain (i.e., fraudulent assertions of "EPA approved" training, products or services in furtherance of a scheme to defraud).

- **Laboratory fraud.** These investigations deal with contract laboratory fraud relating to water quality and Superfund data, as well as payments made by the EPA for erroneous environmental testing data. Cases also include investigating results that could undermine the basis for EPA decision-making, regulatory compliance and enforcement actions.

- **Threats directed against EPA and CSB employees, facilities and assets.** These investigations involve the physical safety of EPA and CSB employees, agency contractors, and all property and data. Investigations include the identification of attacks against the EPA's computer and network systems and the protection of resources, infrastructure and intellectual property. The OI coordinates these investigations with the Federal Bureau of Investigation; the U. S. Attorney's Offices; the U.S. Department of Homeland Security; and other federal, state and local law enforcement agencies as appropriate.

GOAL 2: Conduct audits and investigations that enable EPA and CSB to improve business practices and accountability.

- **Employee integrity and alleged criminal conduct or serious administrative misconduct.** These investigations involve allegations made against EPA and CSB employees that could threaten the credibility of the agency and the integrity of its resources. If an employee misconduct case does not conclude with a judicial action, the OI prepares a report of investigation for the EPA to handle the case administratively. The OI also tracks corrective or disciplinary actions taken by the EPA. To communicate and collaborate on employee misconduct cases, the OI participates in biweekly meetings with the EPA's Office of General Counsel and Office of Mission Support. Additionally, the OI is an active participant in the EPA's Insider Threat Program.

- **Travel/Purchase card fraud.** These investigations may involve coordinating with the EPA's Office of the Chief Financial Officer to investigate instances of abuse involving individual travel cards issued to agency employees, and purchase cards issued for the procurement of supplies and equipment.

- **Small business innovative research and Guardian Task Force work**. The OI provides investigative support to and participates as needed in various multiagency criminal task forces on evolving national issues to prevent and detect fraud, waste and abuse.

- **Stakeholder outreach**. The OI provides fraud awareness briefings to educate employees and groups about potential fraud indicators. The OI also works with the EPA to help educate employees on how to prepare for an active threat situation.

- **Disaster relief spending oversight.** These are investigations that involve examining disaster relief spending for fraud, waste and abuse. The OI also participates with the EPA OIG's OA&E and other federal OIGs on the Federal Disaster Assistance Fraud Task Force.

Appendix A:
Overview of the Office of Inspector General Strategic Plan 2019–2023

VISION

Be the premier oversight organization trusted to speak the truth, promote good governance, and contribute to improved human health and the environment.

MISSION

Conduct independent audits, evaluations and investigations; make evidence-based recommendations to promote economy, efficiency and effectiveness; and prevent and detect fraud, waste, abuse, mismanagement and misconduct for the U.S. Environmental Protection Agency and the U.S. Chemical Safety and Hazard Investigation Board.

GOALS

Contribute to improved EPA and CSB programs and operations protecting human health and the environment, and enhancing safety.

Conduct audits, evaluations and investigations that enable the EPA and the CSB to improve business practices and accountability.

Improve OIG processes, resource allocation and accountability to meet stakeholder needs.

OBJECTIVES

- **Influence actions and change that contribute to improved human health, safety and environmental quality.**
- **Produce results that contribute to the identification, reduction or elimination of environmental risks and challenges.**

- **Protect the integrity of programs and operations through criminal, civil and administrative investigations.**
- **Influence actions and identify best practices to improve efficiency and accountability, and achieve monetary benefits.**
- **Reduce risk of loss by detecting and achieving monetary benefits.**
- **Reduce risk of loss by detecting and preventing fraud, waste, abuse, mismanagement and misconduct.**

- **Ensure that our products and services are timely, responsive and relevant, and maximize protection of human health and the environment and return on investment.**
- **Ensure that our processes and actions are efficient and effective through continuous improvement.**
- **Recruit, develop and retain an innovative, high-performing and diverse workforce that is valued, appreciated and respected.**
- **Enhance constructive relationships and foster collaborative solutions.**

Core Value: **Be the best in public service**

Customer Service | Integrity | Accountability

Message

From: POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]
Sent: 7/17/2018 1:19:15 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Greens ask court to order EPA to enforce glider truck rule

By Alex Guillén

07/17/2018 09:17 AM EDT

Three environmental groups today asked a federal appeals court to force EPA to enforce a strict production cap on glider trucks after the agency said it will not enforce that provision of the rule while it works on repealing it.

In an emergency motion filed with the U.S. Court of Appeals for the D.C. Circuit, the green groups argue that EPA's decision not to enforce the regulation "rewards a handful of manufacturers that lobbied [former EPA Administrator Scott Pruitt] for a Clean Air Act loophole at the expense of the health and welfare of the American people, not to mention competing firms who follow the law."

Glider trucks are rebuilt engines placed inside new truck cabs. An EPA study last year found they emit as much as 55 times as much pollution as new engines.

The 2016 truck rule limits glider manufacturers, such as Tennessee-based Fitzgerald, to producing just 300 trucks for 2018, a steep decline for most. EPA said earlier this month it would use its "enforcement discretion" and not enforce the cap, allowing companies to sell up to ten times as many glider trucks this year. Fitzgerald and others last year told EPA that the cap "would effectively destroy the glider industry."

But the Sierra Club, Environmental Defense Fund and Center for Biological Diversity argue this blanket decision is different from the normal case-by-case enforcement discretion agencies have wide latitude to employ.

"A decision by this Court permitting this gambit to stand would open the door for every federal agency simply to ignore whichever laws do not conform to its current policy preferences," the groups wrote.

WHAT'S NEXT: The environmental groups asked the court to act quickly on the matter, and to order EPA to enforce the cap in the meantime.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2018/07/greens-ask-court-to-order-epa-to-enforce-glider-truck-rule-1586412

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August 8, 2018

Andrew Wheeler
Acting Administrator, USEPA
1200 Pennsylvania Avenue
Washington, DC 20460
Wheeler.andrew@Epa.gov

Dear Acting Administrator Wheeler:

Those of us signing this letter have each had the honor to lead the US Environmental Protection Agency's Office of Air, the office within EPA responsible for implementing the federal Clean Air Act. Decades of scientific research show that exposure to air pollution causes or exacerbates asthma, heart disease, cancer, and premature death and that reductions in air pollution save lives and improve daily quality of life for millions of Americans. We worked for both democratic and republican administrations, and are proud of the progress this country has made towards cleaner air.

As your time as Acting Administrator begins, you have the opportunity to clearly set the direction of the agency and return to its core statutory mission of protecting public health. We urge you to take that opportunity, and any of us would be happy to talk with you further about the issues we raise in this letter.

In the 1960s and 70s, this country realized that the waste products associated with an industrial economy endangered clean air and water. In 1970, faced with the kind of smoggy skies most Americans alive today have never seen in our country, Congress recognized as national policy the importance of clean air to this country's health and economic vitality. It established the USEPA to implement the Clean Air Act and other foundational public health laws. In the 1970 Clean Air Act, and then again in 1990, it established safeguards to ensure that no matter where you live in this country, the air you breathe should not make you sick.

In both 1970 and 1990, Congress, and the republican presidents who signed the laws, recognized three important things:

- Protecting public health is neither partisan nor political, and must be based on good science. Setting a standard for healthy air is not a matter of opinion, no more than determining a healthy blood pressure or cholesterol level.
- Science is always improving. As our scientific knowledge improves, we understand more about how air pollution affects human health and ecosystems, and we may need to change how we define healthy air. As technology improves, we are able to reduce or prevent harmful air emissions more efficiently and at lower cost. With the Clean Air Act,

Congress wisely recognized that EPA should review its rules regularly so they would reflect current science.

- Congress wisely told EPA to set health standards on health science alone and it told EPA to take cost and other impacts into account as we work to meet the scientifically established goal of clean and healthy air. Thus, the Clean Air Act requires USEPA to consider the state of technology, the cost to business, potentially adverse impacts on water, energy, and other issues as well as the impacts on human health and the environment, as it carries out the law.

These foundational principles seem to be lost in recent rhetoric that is trying to make Americans believe that an agency founded to protect Americans from smog, polluted drinking water and hazardous waste in their communities, is somehow an enemy of the American people and our economy.

All of us realize that improvements can be made to programs that have been put in place as we learn from implementation, facts on the ground change and new technology is developed. In that spirit we have looked at the many Trump Administration Clean Air Act proposals and policies announced under the Clean Air Act since January 2017, including the most recent proposal to freeze fuel economy and tailpipe CO2 standards. We are hard pressed to find a single one that finds a different or better way to reduce air pollution. Some, like the effort to restore the loophole for super-polluting glider trucks, will unquestionably lead to more public health impacts.

One of the areas that requires strong attention and can always benefit from new thinking is the challenge to reduce carbon and methane emissions. The proposals we have seen, rather than finding better ways to meet the challenge, are stepping back from addressing harmful carbon pollution. The time invested in stepping back and the litigation likely to follow will impair our nation's ability to deal with the inevitable hardships that are coming with a changed climate—hotter temperatures, more violent storms and flooding, more drought and wildfires. Again, the recent proposal on tailpipe and fuel standards is a compelling example. By all accounts, the auto industry, the state of California and other stakeholders are willing to discuss flexibilities and adjustments that will allow the industry to make continued progress towards cleaner, more efficient vehicles and improved public health, safety and economic vitality. We urge you to advocate strongly for those discussions to take place, constructively, before any final determination is made.

Other policies that are focused on improving the efficient implementation of key Clean Air Act programs must find a balance between streamlining and adequate oversight. We have to take care to not undermine the architecture that has enabled EPA to deliver cleaner air to all Americans without adversely affecting the economy over the past fifty years.

While in office, each one of us was exposed to strong advocacy from the full range of stakeholders interested in EPA's air quality work and did our best to make decisions that reflected thoughtful consideration of all viewpoints, an objective factual record, and EPA's

public health mission and statutory responsibilities. As you assume leadership, we urge you to reconsider some of the proposals that seem to be motivated by a reckless drive to de-regulate, no matter the cost, or in response to requests by industries or individuals motivated by their own bottom line or political leanings, not by what is best for the American people.

Thank you for your consideration of these issues, and please contact any of us if you would like to discuss them further.

Sincerely yours,

/s/

Roger Strelow, 1974-1977
David Hawkins, 1977-1981
Bob Perciasepe, 1998-2001
Gina McCarthy, 2009-2013
Janet McCabe (Acting), 2013-2017

Cc: Bill Wehrum, OAR

Message

From: Graham, Cheryl [Graham.Cheryl@epa.gov]
Sent: 8/8/2018 12:04:32 PM
To: Harnett, Bill [Harnett.Bill@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Henigin, Mary [Henigin.Mary@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Montoro, Marta [Montoro.Marta@epa.gov]; Rush, Alan [Rush.Alan@epa.gov]; Schillo, Bruce [Schillo.Bruce@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Millett, John [Millett.John@epa.gov]; South, Peter [South.Peter@epa.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Christopher.Vaden@usdoj.gov; Wood, Anna [Wood.Anna@epa.gov]; Edwards, Crystal [Edwards.Crystal@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; South, Mia [South.Mia@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Smith, Kristi [Smith.Kristi@epa.gov]; Iglesias, Amber [Iglesias.Amber@epa.gov]; Schachter, Scott (ENRD) [Scott.Schachter@usdoj.gov]; Doyle, Andrew (ENRD) [Andrew.Doyle@usdoj.gov]; leslie.hill@usdoj.gov [Leslie.Hill@usdoj.gov]; Maghamfar, Dustin (ENRD) [Dustin.Maghamfar@usdoj.gov]; Mitchell, Ken [Mitchell.Ken@epa.gov]; Wortman, Eric [Wortman.Eric@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]; Purdy, Angeline (ENRD) [Angeline.Purdy@usdoj.gov]; Debra Carfora [debra.carfora@usdoj.gov]; Perez, Idalia [Perez.Idalia@epa.gov]; martha.mann@usdoj.gov [Martha.Mann@usdoj.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Woods, Clint [woods.clint@epa.gov]; McLamb, Marguerite [McLamb.Marguerite@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: ARLO Deadline Calendar as of August 6, 2018
Attachments: 18-08-06 ARLO Deadline Calendar.docx

Attached is the current deadline calendar and other information that is sent out weekly from ARLO. If information in the attachment raises questions, please contact Gautam Srinivasan. Thanks

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 8/7/2018 2:47:54 PM
To: Price, Doris [Price.Doris@epa.gov]; Strine, Lora [Strine.Lora@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Carroll, Maria [carroll.maria@epa.gov]; Weaver, Marilyn [weaver.marilyn@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]
Subject: OAR Preview Overdue Report for Week Ending August 11, 2018
Attachments: OAR Preview Overdue Report for Week Ending August 11, 2018.pdf

OAR Correspondence Coordinators:

Attached is the latest report for correspondence due from your program office. Please review and complete assignments by the due date indicated. If you have any questions or need assistance, please contact me. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

Message

From: Graham, Cheryl [Graham.Cheryl@epa.gov]
Sent: 7/31/2018 8:46:47 PM
To: Harnett, Bill [Harnett.Bill@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Henigin, Mary [Henigin.Mary@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Montoro, Marta [Montoro.Marta@epa.gov]; Rush, Alan [Rush.Alan@epa.gov]; Schillo, Bruce [Schillo.Bruce@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Millett, John [Millett.John@epa.gov]; South, Peter [South.Peter@epa.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Christopher.Vaden@usdoj.gov; Wood, Anna [Wood.Anna@epa.gov]; Edwards, Crystal [Edwards.Crystal@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; South, Mia [South.Mia@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Smith, Kristi [Smith.Kristi@epa.gov]; Iglesias, Amber [Iglesias.Amber@epa.gov]; Schachter, Scott (ENRD) [Scott.Schachter@usdoj.gov]; Doyle, Andrew (ENRD) [Andrew.Doyle@usdoj.gov]; leslie.hill@usdoj.gov [Leslie.Hill@usdoj.gov]; Maghamfar, Dustin (ENRD) [Dustin.Maghamfar@usdoj.gov]; Mitchell, Ken [Mitchell.Ken@epa.gov]; Wortman, Eric [Wortman.Eric@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]; Purdy, Angeline (ENRD) [Angeline.Purdy@usdoj.gov]; Debra Carfora [debra.carfora@usdoj.gov]; Perez, Idalia [Perez.Idalia@epa.gov]; martha.mann@usdoj.gov [Martha.Mann@usdoj.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Woods, Clint [woods.clint@epa.gov]; McLamb, Marguerite [McLamb.Marguerite@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: ARLO Deadline Calendar as of July 30, 2018
Attachments: 18-07-30 ARLO Deadline Calendar.docx

Attached is the current deadline calendar and other information that is sent out weekly from ARLO. If information in the attachment raises questions, please contact Gautam Srinivasan. Thanks

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

Message

From: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Sent: 7/16/2018 7:23:23 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Points for AAW
Attachments: Glider Points_2018 07 16.docx

Hey Bill – can you review the attached? These are for AAWs Sen. Carper discussion.

Mandy M. Gunasekara
Principal Deputy Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency

Message

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 7/10/2018 10:27:26 PM
To: Konkus, John [konkus.john@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: RE: Question about non enforcement approach re Gliders
Attachments: Compilation of Rule Bridge NAAs.pdf

You can give him this compilation

The statement is below.

From: Konkus, John
Sent: Tuesday, July 10, 2018 5:36 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Question about non enforcement approach re Gliders

We'll need this by mid-morning please. Thank you!

From: Bodine, Susan
Sent: Tuesday, July 10, 2018 3:28 PM
To: Konkus, John <konkus.john@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: RE: Question about non enforcement approach re Gliders

Suggested statement from spokesman:

As stated in Assistant Administrator Wehrum's request for a no action assurance (NAA), OAR intends to propose a rule to extend the deadline for glider manufacturers to comply with the emission standards of the 2016 Phase 2 Heavy Duty truck rule. OECA's NAA policy allows NAAs that provide a bridge to a rulemaking, where the program office has announced a regulatory change but cannot complete the rule in time to avoid undue hardship to members of the regulated community. Attached are 13 examples of such "bridge to a rule" NAAs.

Any edits, Bill or Mandy?

From: Konkus, John
Sent: Tuesday, July 10, 2018 3:11 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: RE: Question about non enforcement approach re Gliders

Deliberative Process / Ex. 5

From: Bodine, Susan
Sent: Tuesday, July 10, 2018 3:03 PM
To: Konkus, John <konkus.john@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: RE: Question about non enforcement approach re Gliders

We could provide him with copies of 13 previous NAAs that were issued in anticipation of rulemaking ("bridge to a rule" NAAs)

From: Konkus, John
Sent: Tuesday, July 10, 2018 2:46 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>
Subject: FW: Question about non enforcement approach re Gliders

Susan and Mandy: Can you all take a look at this below? Thank you.

From: Eric Lipton [mailto:lipton@nytimes.com]
Sent: Tuesday, July 10, 2018 2:39 PM
To: Block, Molly <block.molly@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: Question about non enforcement approach re Gliders

Someone has suggested to me that the memos sent out on Friday violate long-standing EPA policy related to when it is appropriate to issue a non enforcement statement.

The policy on enforcement discretion from 1995 and reiterated in 2014 states that the enforcement discretion is allowed in cases of emergencies where public safety could be impact and also extremely unusual circumstances where clearly in public interest and no other way to address it.

But it is clearly not intended stop or circumvent a regulation, it expressly says that.

How do you explain of this use of the enforcement discretion provisions?
Is the EPA planning, under Mr. Wheeler, to revoke this memo from July 6th?
How do you explain the use of enforcement discretion in this case given the policy guidance documents that I am attaching here?
Why can't the issues being addressed through normal rule making procedures?

I have no immediate deadline for you on this one. I wanted to consider your responses before I figure out what we will do.

Thanks in advance

Eric

Eric Lipton
The New York Times

Washington Bureau
202 862 0448 office
202 370 7951 mobile
lipton@nytimes.com

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 20 2012

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

HCFC Importers and Producers (see enclosed list)

Re: No Action Assurance Regarding the Production and Import of HCFCs in 2012

Dear Sir/Madam:

Today, the EPA is providing a no action assurance (No Action Assurance) to the attached list of producers and/or importers of HCFC-22 and/or HCFC-142b – two types of hydrochlorofluorocarbons (HCFCs) regulated under 40 C.F.R. §§ 82.17 and 82.19. This No Action Assurance is being issued in response to a request set forth in the memorandum to me dated December 21, 2011, from Assistant Administrator for Air and Radiation Gina McCarthy. As explained more fully below, this No Action Assurance establishes that the EPA will exercise its enforcement discretion to not pursue enforcement for violations of the prohibition at 40 C.F.R. § 82.15 on consumption, production and import without allowances if producers and importers do not exceed the amount listed in the proposed regulatory text of section 82.16(a)(1), 77 Fed. Reg. 237, 251 (January 4, 2012). The percentages listed in the proposed regulatory text in section 82.16(a)(1) would provide the following allowance amounts in 2012:

- A company with an HCFC-142b baseline would be allowed to produce or consume up to 4.9% of its baseline allowances listed at 40 CFR 82.17 and 82.19;
- A company with an HCFC-22 baseline would be allowed to produce or consume up to 17.7% of its baseline allowances listed at 40 CFR 82.17 and 82.19.

EPA's regulations at 40 C.F.R. Part 82 prohibit the production or importation of HCFCs without possessing an allowance allocated by EPA for each kilogram of HCFC. The allowances allocated for the time period between 2004 and 2009 were established by EPA in a 2003 rule (68 Fed. Reg. 2819), and the allowances allocated for the 2010-2014 period were set forth in a subsequent rule promulgated in December 2009 (the 2009 Rule). Each year, EPA also issues a letter to the producers and importers notifying them of their respective annual allocation of allowances based on these regulations.

Aspects of the 2009 Rule that relate to the allocations of HCFC-22 and HCFC-142b allowances for the 2010-2014 time period were challenged in the D.C. Circuit. On August 27, 2010, the Court issued a decision vacating the 2009 Rule in part. The other aspects of the 2009 Rule, including allocations of HCFC-123, HCFC-124, HCFC-225ca and HCFC-225cb allowances, were not challenged, and are not affected by this NAA.

On January 4, 2012, the EPA published a proposed rule to address the Court's vacatur of the 2009 Rule (77 Fed. Reg. 237) and to establish calendar year allowances for production and consumption. This rule is not final and the EPA will be taking comment before issuing a final rule.

This No Action Assurance establishes that the EPA will exercise its discretion not to pursue enforcement for violations of 40 C.F.R § 82.15 provided that production or importation of these HCFCs is conducted in accordance with the methodology described above.

The No Action Assurance is to remain in effect until either (1) 11:59 P.M. EST, December 31, 2012, or (2) the effective date of the final rule governing HCFC calendar year allowances for 2012, whichever occurs earlier.

This exercise of discretion is subject to the following conditions:

- Companies must continue to comply with recordkeeping and reporting requirements at 40 C.F.R. § 82.24, including quarterly production and import reports.
- Any HCFCs produced or imported in 2012 pursuant to this No Action Assurance shall count towards the company's 2012 allocation and shall require the expenditure of allowances for 2012.
- This exercise of discretion terminates 11:59 P.M., EST, December 31, 2012 or on the effective date of the EPA rule governing HCFC allowances for calendar year 2012, whichever occurs earlier.
- The EPA reserves the right to revoke or modify this No Action Assurance.

The issuance of a No Action Assurance for this period of time is in the public interest as it will prevent disruptions in the supply of HCFCs for refrigeration purposes. I believe this action will not increase environmental harm, as no additional allowances are or will be allocated based on this action.

If you have any further questions regarding this matter, please contact Charlie Garlow of my staff at (202) 564-1088 or garlow.charlie@epa.gov.

Sincerely,

Cynthia Giles

Cynthia Giles

Enclosures

Cc: Gina McCarthy
Sarah Dunham
Drusilla Hufford
David Donaldson

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 07 2012

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

Randy Rawson
American Boiler Manufacturer's Association
8221 Old Connecticut Rd., Ste. 202
Vienna, VA 22182

Pete Pagano
American Iron and Steel Institute
1140 Connecticut Ave., NW, Ste. 705
Washington, DC 20036

Leslie Hulse
American Chemistry Council
700 Second St., NE
Washington, DC 20002

Matt Todd and John Wagner
American Petroleum Institute
1220 L St., NW
Washington, DC 20005-4070

Tim Hunt
American Forest & Paper Association
1111 19th St., NW #800
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Robert Bessette
Council of Industrial Boiler Owners
6801 Kennedy Rd., Ste 102
Warrenton, VA 20187

Bill Perdue
American Home Furnisher's Association
317 W. High Ave., 10th Floor
PO Box HP-7
High Point, NC 27261

David Buff
Florida Sugar Industry
6026 NW 1st Place
Gainesville, FL 32607

Re: No Action Assurance Regarding Certain Deadlines in the March 2011 Major Source Boiler MACT Rule and the March 2011 CISWI Rule

Dear Sir/Madam:

Today, the EPA is providing a no action assurance (No Action Assurance) to all owners and/or operators of industrial boilers and commercial or industrial solid waste incineration units with respect to the notification deadlines contained in two regulations (discussed below), and subject to certain specified terms and conditions. This No Action Assurance is being issued in response to a request from Assistant Administrator for Air and Radiation Gina McCarthy. As explained more fully below, this No Action Assurance establishes that the EPA will exercise its enforcement discretion to not pursue enforcement action for violations of certain notification deadlines established in two recent final rules issued under sections 112 and 129 of the Clean Air Act. Specifically, this No Action Assurance addresses provisions of (1) the final rule to regulate industrial, commercial, and institutional boilers and process heaters located at major sources of hazardous air pollutant emissions (the "Major Source Boiler MACT"), 76 Fed. Reg. 15,608 (March 21, 2011), and (2) the final rule to regulate emissions of certain air pollutants from commercial and industrial solid waste incineration units (the "CISWI Rule"), 76 Fed.

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Reg. 15,704 (March 21, 2011). For each rule specified above, this is limited to any violations of each specified notification deadline that may have occurred from the original effective date of the Major Source Boiler MACT and/or CISWI Rule until this No Action Assurance is no longer in effect for the relevant deadline.

Under the Major Source Boiler MACT, sources of hazardous air pollutants that are subject to the Rule pursuant to 40 C.F.R. § 63.7490 are designated as "affected sources." The Major Source Boiler MACT requires that an existing affected source that started up before May 20, 2011 submit an Initial Notification to the relevant authority not later than 120 days after May 20, 2011, making such notice due September 17, 2011. 40 C.F.R. § 63.7545(b). The Major Source Boiler MACT also requires that a new or reconstructed affected source that started up on or after May 20, 2011 submit an Initial Notification not later than 15 days after the actual date of startup. 40 C.F.R. § 63.7545(c).

New sources that become subject to Subpart CCCC of 40 C.F.R. Part 60 under the CISWI Rule must also comply with notification requirements. For such sources, the CISWI Rule requires that a notification be sent to the relevant authority prior to commencing construction. This notice must include each of the following: a statement of intent to construct; the anticipated date of commencement of construction; all documentation produced as a result of the siting requirements of §60.2050; the waste management plan as specified in §§60.2055 through 60.2065; and the anticipated date of initial startup. 40 C.F.R. § 60.2190. CISWI requires that a notification of the date that construction of the source will commence be postmarked no later than 30 days after such date, in accordance with 40 C.F.R. § 60.7(a)(1). 40 C.F.R. § 60.2230. A notification of the actual date of initial startup of an affected facility must also be sent, postmarked within 15 days after initial startup, in accordance with 40 C.F.R. § 60.7(a)(3). 40 C.F.R. § 60.2230.

When these rules were issued, the Major Source Boiler MACT was to become effective on May 20, 2011, and the CISWI Rule was to become effective on September 21, 2011. On May 18, 2011, however, the EPA published a notice in the Federal Register delaying the effective dates of the Major Source Boiler MACT and the CISWI Rule. In the notice of delay, as it had previously, the EPA stated that it was in the process of developing a proposed reconsideration of certain aspects of both rules. Industrial, Commercial, and Institutional Boilers and Process Heaters and Commercial and Industrial Solid Waste Incineration Units; Final Rules; Delay of Effective Dates, 76 Fed. Reg. 28,663 ("Delay Notice") (citing National Emission Standards for Hazardous Air Pollutants; Notice of Reconsideration, 76 Fed. Reg. 15,266, 15,267 (March 21, 2011)). The EPA proposed reconsideration of both rules in December 2011, and currently intends to finalize the reconsiderations in the spring of 2012.

On January 9, 2012, the federal district court for the District of Columbia issued a decision vacating and remanding the May 18, 2011, Delay Notice. *Sierra Club v. Jackson*, No. 11-1278 (D.D.C. Jan. 9, 2012).

The vacatur of the Delay Notice has caused confusion and concern in the regulated community, particularly among sources who, but for the Delay Notice, would have submitted the above-discussed notifications prior to January 9, 2012. The vacatur, in conjunction with the proposed reconsideration of the major Source Boiler MACT, has created additional uncertainty regarding notice requirements because the EPA has proposed revisions to the compliance dates for all units (the date by which a unit must be in compliance with the substantive requirements in the Boiler MACT Rule) and to the subcategories for some units. Under the Major Source Boiler MACT, a source must identify its compliance date and applicable subcategory in its Initial Notification. If the EPA issues final action on reconsideration with amended compliance dates and subcategory revisions similar to those in the

proposed reconsideration, all of the approximately 1,800 notifications from affected facilities would be incorrect, and thus would have to be revised and resubmitted. Since the EPA intends to issue a final action on reconsideration of the Major Source Boiler MACT in the spring of this year, it makes sense for sources to avoid duplicative work and wait to submit their Initial Notifications until after the final rule is issued.

For the reasons discussed above, this No Action Assurance establishes that the EPA will exercise its discretion not to pursue enforcement for violations of the notification deadlines identified below that were established in the Major Source Boiler MACT Rule and the CISWI Rule, provided that the conditions set forth below are satisfied. Specifically, the EPA will exercise its discretion not to pursue enforcement for the following violations:

Major Source Boiler MACT:

- Failure to submit a complete Initial Notification by the dates required under the Major Source Boiler MACT (*see* 40 C.F.R. § 63.7545(b) & (c)).

New Sources Under the CISWI Rule:

- Failure to timely submit a complete notification prior to construction containing all elements identified in 40 C.F.R. § 60.2190;
- Failure to timely submit a notification of construction as required by 40 C.F.R. § 60.2230 that complies with 40 C.F.R. § 60.7(a)(1); and
- Failure to timely submit a notification of start-up as required by 40 C.F.R. § 60.2230 that complies with 40 C.F.R. § 60.7(a)(3).

I emphasize that this No Action Assurance applies only to the timeliness of these requirements, not to the underlying requirements themselves. I also note that nothing in this No Action Assurance affects any other provisions in the Major Source Boiler MACT or CISWI Rule besides those explicitly listed above.

This exercise of discretion is subject to the following conditions:

- The No Action Assurance is to remain in effect for the above-listed Major Source Boiler MACT provisions until either (1) 11:59 PM EDT, December 31, 2012, or (2) the effective date of a final rule addressing the proposed reconsideration of the Major Source Boiler MACT, whichever occurs earlier. The No Action Assurance is to remain in effect for the above-listed CISWI provisions until either (1) 11:59 P.M. EDT, April 30, 2013, or (2) the effective date of a final rule addressing the proposed reconsideration of the CISWI Rule, whichever occurs earlier. The EPA has proposed new notification deadlines in its proposed reconsideration of each rule, and, if the Agency takes final action to adopt those proposed deadlines, they will control.

- The EPA reserves the right to revoke or modify this No Action Assurance.

The issuance of a No Action Assurance for this period of time is in the public interest to alleviate public confusion and to ensure orderly administration of the affected rules. The EPA had delayed the effectiveness of the rules containing the deadlines, leading owners of affected facilities to not make certain notifications by the deadlines imposed by the rules. In addition, the proposed changes to the Major Source Boiler MACT notification deadlines and subcategories of sources, if finally adopted, would render notifications sent pursuant to the current Rule ineffective and require new notification. I believe this action will not increase environmental harm, as no requirements to comply with emissions

standards are affected by this action and the EPA expects new provisions in a final rule to soon supercede the notification deadlines addressed above.

If you have any further questions regarding this matter, please contact Sara Froikin of my staff at (202) 564-3187 or froikin.sara@epa.gov.

Sincerely,

Cynthia Giles

cc: Gina McCarthy
Steve Page
Peter Tsirigotis
Robert Wayland
David Cozzie

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 13 2012

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

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Daniel Moss
Society of Chemical Manufacturers & Affiliates
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Washington, DC 20036-5810

Renee Lesjak Bashel
National Steering Committee
Small Business Ombudsman / Small Business
Environmental Assistance Programs
101 South Webster (AM/7)
Madison, WI 53703

Re: No Action Assurance Regarding Certain Work Practice or Management Practice Standard Deadlines in the March 2011 Area Source Boiler Rule

Dear Sir/Madam:

Today, the EPA is providing a no action assurance (No Action Assurance) to all owners and/or operators of existing industrial boilers and commercial and institutional boilers at area sources that are subject to the requirement to conduct a tune-up by March 21, 2012 in the final rule discussed below. This No Action Assurance is being issued in response to a request from Assistant Administrator for Air and Radiation Gina McCarthy. As explained more fully below, this No Action Assurance addresses provisions of the final rule to regulate industrial boilers and commercial and institutional boilers at area sources of hazardous air pollutant emissions (the "Area Source Boiler Rule"), 76 Fed. Reg. 15,554 (March 21, 2011). Specifically, this No Action Assurance establishes that the EPA will exercise its enforcement discretion to not pursue enforcement action for failure to complete a tune-up required by a work practice or management practice standard by the compliance date of March 21, 2012 established in 40 C.F.R. § 63.11196(a)(1), subject to certain specified terms and conditions.

Under the Area Source Boiler Rule, area sources that fall into two subcategories of boilers – existing or new coal units with heat input capacity of less than 10 million Btu per hour, and existing or new biomass or oil units – are required to comply with work practice or management practice standards that consist of undergoing biennial tune-ups. 40 C.F.R. § 63.11201(b) (requiring compliance with the work practice or management practice standards specified in Table 2 to Subpart JJJJJJ of Part 63 of the C.F.R.); 40 C.F.R. Part 63, Subpart JJJJJJ, Table 2 (listing requirements by boiler subcategory). For existing affected boilers, the Area Source Boiler Rule established that the first of these tune-ups must be completed by March 21, 2012. 40 C.F.R. § 63.11196(a)(1).

Over 180,000 existing area source boilers are required to do tune-ups under the Area Source Boiler Rule. However, many facilities with older affected boilers have indicated that it is not possible to meet the March 21, 2012 compliance date. Entities particularly affected include those with large numbers of facilities with affected boilers, such as in the telecommunication sector; those with a large number of affected boilers, such as military installations; and those with seasonal boilers, such as the sugar cane industry and facilities in Alaska. These industries' representatives have identified specific problems with testing required to comply with the tune-up requirement in the final rule. Specifically, the final rule requires stack testing to measure carbon monoxide and oxygen as a component of the tune-up. 40 CFR 63.11223(b)(5). The rule further requires that combustion be optimized consistent with manufacturers'

specifications. 40 CFR 63.11223(b)(3). However, many facilities with area source boilers have indicated that they are not equipped to measure carbon monoxide and oxygen, and must undergo alterations such as the installation of a sampling port or platform before stack testing would be possible. Other facilities with older affected boilers have noted that many boilers will need to be repaired before they will be able to meet manufacturer specifications, such as the proper air-to-fuel ratio, and be ready to undergo the testing needed to comply with the tune-up requirements. Given the limited number of individuals qualified to conduct and complete these repairs, industry representatives assert that they are unable to schedule and complete the repairs, in addition to scheduling and completing the tune-ups, during the one-year initial compliance period specified in the final rule. At this time, the EPA continues to evaluate these assertions and observations. While we have not concluded that each of these points is valid, the Agency has sufficient concern at this time about these issues to question whether compliance by March 21, 2012 is feasible for a significant number of parties.

In addition, the EPA recently published a proposed reconsideration of the Area Source Boiler Rule that would adjust the relevant initial compliance date for compliance with work practice or management practice standards from March 21, 2012, to March 21, 2013, which would provide affected sources subject to the tune-up requirement with an additional year to demonstrate initial compliance with that requirement. National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers; Proposed Rule; Reconsideration of Final Rule, 76 Fed. Reg. 80,532 (Dec. 23, 2011). The regulated community is aware of the EPA's proposed extension to the compliance date, and this has caused confusion and uncertainty in the regulated community. The EPA stated that this change was proposed in part because the EPA recognized that some sources – particularly those with large numbers of affected boilers or seasonal boilers – cannot timely complete the testing needed to comply with the tune-up requirements. 76 Fed. Reg. at 80,535.

Finally, the only way for sources to avoid being in noncompliance if they cannot meet the tune-up compliance date would be for sources to stop operating their boilers until the tune-up can be completed. However, the affected categories of sources include many for which shutdown would be problematic and possibly dangerous, such as hospitals, clinics, nursing homes, and schools. It would not be in the public interest for such sources to shut down.

For the reasons discussed above, this No Action Assurance establishes that the EPA will exercise its discretion not to pursue enforcement for violations of the deadline to complete an initial tune-up identified in 40 C.F.R. § 63.11196(a)(1). This No Action Assurance applies only to the timeliness of the tune-up, and I note that nothing in this No Action Assurance affects any other provisions in the Area Source Boiler Rule.

This exercise of discretion is subject to the following conditions:

- The No Action Assurance is to remain in effect until either (1) 11:59 PM EDT, October 1, 2012, or (2) the effective date of a final rule addressing the proposed reconsideration of the Area Source Boiler Rule, whichever occurs earlier. The EPA has proposed new deadlines for initial tune-ups in its proposed reconsideration of the Area Source Boiler Rule, and, if the Agency takes final action to adopt those proposed deadlines, they will control.

- The EPA reserves the right to revoke or modify this No Action Assurance.

The issuance of a No Action Assurance for this period of time is in the public interest to ensure all existing sources have sufficient time to complete their initial tune-ups. I believe this action is consistent with the protections afforded under the proposed reconsideration of the Area Source Boiler Rule.

If you have any further questions regarding this matter, please contact Sara Froikin of my staff at (202) 564-3187 or froikin.sara@epa.gov.

Sincerely,

Cynthia Giles

Cynthia Giles
Assistant Administrator

Cc: Gina McCarthy
Steve Page
Peter Tsirigotis
Robert Wayland

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 18 2012

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Extension of the March 13, 2012, No Action Assurance Regarding the Area Source Boiler Rule to Apply to the Deadline for Submitting the Notification of Compliance Status Regarding Initial Tune-Ups for Certain Area Source Boilers, and Amendment to the No Action Assurance Expiration Date

TO: Gina McCarthy
Assistant Administrator, Office of Air and Radiation

FROM: Cynthia Giles
Assistant Administrator, Office of Enforcement and Compliance Assurance

Under the Area Source Boiler Rule, 76 Fed. Reg. 15,554 (March 21, 2011), owners and/or operators of certain types of boilers are required to complete biennial tune-ups of those boilers.[1] For existing boilers of these types, the Area Source Boiler Rule requires that the initial tune-up be completed by March 21, 2012. 40 C.F.R. § 63.11196(a)(1).

The Area Source Boiler Rule also requires that sources subject to the initial tune-up requirement, and not required to conduct a performance stack test, must submit a Notification of Compliance Status regarding the initial tune-up by 120 days after the compliance date of March 21, 2012. 40 C.F.R. 63.11225(a)(4). This means that sources must submit such a Notification by July 19, 2012. The Notification must include, among other information, a certification that states: "This facility complies with the requirements in § 63.11214 to conduct an initial tune-up of the boiler."

On March 13, 2012, the EPA issued a no action assurance to all owners and/or operators of existing industrial boilers and commercial and institutional boilers at area sources of hazardous air pollutant emissions stating that EPA would not enforce the requirement to conduct an initial tune-up by March 21, 2012. Letter from Cynthia Giles, Assistant Administrator, to Kate Williams et al. (March 13, 2012) ("No Action Assurance") (see copy attached to this letter). As discussed more fully in that document, the No Action Assurance was primarily based upon EPA's concern that sources were reporting a shortage of qualified individuals to prepare boilers for tune-ups and then conduct those tune-ups by the regulatory

[1] 40 C.F.R. § 63.11201(b) (requiring compliance with the work practice or management practice standards specified in Table 2 to Subpart JJJJJJ of Part 63 of the C.F.R.); 40 C.F.R. Part 63, Subpart JJJJJJ, Table 2 (listing requirements by boiler subcategory).

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deadline, as well as upon the uncertainty in the regulated community resulting from the pending reconsideration of the Area Source Boiler Rule. The No Action Assurance states that it remains in effect until either (1) 11:59 PM EDT, October 1, 2012, or (2) the effective date of a final rule addressing the proposed reconsideration of the Area Source Boiler Rule, whichever occurs earlier.

To date, a final rule addressing the proposed reconsideration of the Area Source Boiler Rule has not been issued, and thus the No Action Assurance continues to remain in effect. Nothing that EPA has learned since the issuance of the original No Action Assurance letter has led EPA to question its original concerns about the feasibility of all sources timely completing an initial tune-up. Sources that did not complete a tune-up cannot now certify that they conducted one. Thus, we are now extending the No Action Assurance for sources required to complete an initial tune-up by March 21, 2012, to also include the deadline for submitting the Notification of Compliance Status regarding the initial tune-up. This extension of the March 13, 2012, No Action Assurance is being issued in response to your request.

This extension of the No Action Assurance applies only to the requirement to submit a Notification of Compliance Status regarding the initial tune-up by July 19, 2012, and does not affect or apply to any other provisions in the Area Source Boiler Rule.

This exercise of discretion is subject to the following conditions:

- This extension of the March 13, 2012, No Action Assurance is to remain in effect until either (1) 11:59 PM EST, December 31, 2012, or (2) the effective date of a final rule addressing the proposed reconsideration of the Area Source Boiler Rule, whichever occurs earlier. The EPA has proposed new deadlines for initial tune-ups, and thus for the Notification of Compliance Status, in its proposed reconsideration of the Area Source Boiler Rule, and, if the Agency takes final action to adopt those proposed deadlines, they will control.

- The EPA reserves the right to revoke or modify this extension of the March 13, 2012 No Action Assurance.

In addition, given that no final rule addressing the proposed reconsideration of the Area Source Boiler Rule has been issued to date, but EPA still expects to issue such a final rule, the pending reconsideration continues to create uncertainty in the regulated community. Thus, this letter also amends the expiration date of the March 13, 2012, No Action Assurance, such that the No Action Assurance will remain in effect until either (1) 11:59 PM EST, December 31, 2012, or (2) the effective date of a final rule addressing the proposed reconsideration of the Area Source Boiler Rule, whichever occurs earlier. The conditions of the earlier March 13, 2012, No Action Assurance are otherwise unaffected.

As discussed in the March 13, 2012, No Action Assurance, the issuance of this amendment and extension of the No Action Assurance is in the public interest and is consistent with the protections afforded under the proposed reconsideration of the Area Source Boiler Rule.

If you have any further questions regarding this matter, please contact Sara Froikin of my staff at (202) 564-3187 or froikin.sara@epa.gov.

Attachments: March 13, 2012, No Action Assurance

Cc:

Steve Page, US EPA
Peter Tsirigotis, US EPA
Robert Wayland, US EPA
Kate Williams, Alaska Oil and Gas Association
Randy Rawson, American Boiler Manufacturer's Association
Leslie Hulse, American Chemistry Council
David Darling, American Coatings Association
Tim Hunt, American Forest & Paper Association
Bill Perdue, American Home Furnisher's Association
Pete Pagano, American Iron and Steel Institute
Matt Todd and John Wagner, American Petroleum Institute
Debra Jezouit, Class of '85 Regulatory Response Group
Robert Bessette, Council of Industrial Boiler Owners
Felix Mestey, Department of Defense
Grif Bond, Environmental Health & Safety Communications Panel
David Buff, Florida Sugar Industry
Dan Bosch, National Federation of Independent Business
Jennifer Youngblood, National Tribal Air Association
Renee Lesjak Bashel, National Steering Committee, Small Business Ombudsman / Small Business Environmental Assistance Programs
Daniel Moss, Society of Chemical Manufacturers & Affiliates

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 2 1 2012

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

Jed Mandel, President
Truck and Engine Manufacturers Association
333 West Wacker Drive
Suite 810
Chicago, IL 60606

Dear Sir:

This letter is in response to concerns raised by the manufacturers of nonroad spark-ignition engines rated at 25 horsepower or greater (LSI engines) regarding the lack of availability of fuel lines meeting the Category 1 permeation limits in the 2004 version of Society of Automotive Engineers (SAE) Publication J2260 (SAE J2260: 2004) for use in equipment powered by LSI engines. For the reasons set forth below, the United States Environmental Protection Agency (EPA) will exercise its discretion not to pursue enforcement under 40 C.F.R. § 1068.101(a) where a manufacturer uses fuel lines meeting the 1996 version of SAE Publication J2260 (SAE J2260: 1996) and meets the conditions specified below. This No Action Assurance is effective immediately and will continue until the date the rule change described below becomes effective, or until November 30, 2013, whichever is earlier.

The EPA adopted evaporative emission requirements for LSI engines on November 8, 2002. 67 Fed. Reg. 68242. These requirements, codified in 40 C.F.R. Part 1048, required LSI engine manufacturers to meet certain evaporative emission requirements by using or specifying the use (to equipment manufacturers installing LSI engines) of fuel lines meeting the Category 1 limits for permeation in SAE J2260: 1996. The regulations were updated on December 8, 2008, to require fuel lines meeting the Category 1 limits for permeation contained in SAE J2260: 2004 instead of SAE J2260: 1996. When writing the original regulations in 2002, EPA believed that adopting the Category 1 standard in SAE J2260: 1996 would allow the use of fuel lines already in common use in the automotive industry (designed to meet stricter automotive evaporative emission requirements), and that LSI engine manufacturers could find "off-the-shelf" automotive-grade products for the LSI engines and equipment containing LSI engines. The adoption of the Category 1 standard in SAE J2260: 1996 had the added advantage of aligning EPA requirements with those of the State of California. In 2008, EPA revised this requirement by changing the regulation to reference SAE J2260: 2004, as part of a broader effort to update all provisions that were incorporated by reference into the regulations. As noted in the proposed rule, while EPA knew that SAE J2260: 2004 uses different test procedures, EPA believed that the stringency of the evaporative emission requirements would not change. EPA's overall expectation was that fuel lines meeting SAE J2260: 1996 would also meet SAE J2260: 2004. Further, EPA never

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intended to require LSI manufacturers to meet a different standard for equipment sold in states outside of California than they are required to meet in California.

Since that time, several LSI engine manufacturers and equipment manufacturers have demonstrated to EPA's satisfaction that fuel lines meeting the SAE J2260: 2004 are not readily available to LSI engine manufacturers or equipment manufacturers. This lack of availability is related to a lack of testing data rather than data indicating that fuel lines meeting the SAE J2260: 1996 will not meet the permeation limits contained in SAE J2260: 2004. Certain companies have indicated that equipment manufacturers may soon be idling assembly lines due to lack of supply of fuel lines that have been verified to comply with SAE J2260: 2004.

The EPA intends to address the lack of availability of LSI fuel lines meeting the required specification in a future rulemaking. Once adopted, a new provision will allow the use of LSI fuel lines meeting the requirements of either SAE J2260: 1996 or SAE J2260: 2004. The EPA believes this allowance will provide the intended level of emissions control while, at the same time, allowing manufacturers to produce compliant equipment meeting a common EPA and California LSI fuel line standard.

Pending the completion of this rule change and effective immediately, the EPA will exercise its enforcement discretion (through this No Action Assurance) not to pursue enforcement action for failure to meet the evaporative emission requirements related to fuel lines installed on LSI engines where LSI engine or equipment manufacturers meet the following conditions:

1. Install fuel lines meeting SAE J2260: 1996; and
2. Comply with all State, local, or Federal laws pertaining to these engines and equipment.

This No Action Assurance is to remain in effect until the earlier of (1) 11:59 PM EST, November 30, 2013, or (2) the effective date of a final rule allowing the use of fuel line meeting SAE J2260: 1996 on equipment containing LSI engines. The issuance of this No Action Assurance is in the public interest. I believe that this action will not result in increased emissions. The EPA reserves the right to revoke or modify this No Action Assurance at any time.

If you have any questions regarding this matter, you may call Anne Wick, Vehicle and Engines Team Leader, at (202) 564-2063.

Sincerely,

for Cynthia Giles

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 19 2012

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Ms. Tracy Heinzman
Wiley, Rein & Fielding, L.L.P.
1776 K Street, N.W.
Washington, D.C. 20006

Re: No Action Assurance Regarding the Production of Methyl Bromide for 2013 Critical Uses

Dear Ms. Heinzman:

I am writing in response to your November 16, 2012, letter to the United States Environmental Protection Agency on behalf of the Methyl Bromide Industry Panel representing producers and importers, in which you request that the EPA not enforce restrictions on methyl bromide production and import found at 40 CFR § 82.4 until such time as the EPA's Office of Air and Radiation issues a final rule that authorizes the production and import of methyl bromide for critical uses in 2013. In your letter, you explain that methyl bromide production and import is essential to ensure pest control in some vital agricultural sectors, including controlling infestations in domestic plantings and food supply operations.

EPA recently signed for publication a notice of proposed rulemaking authorizing critical use of methyl bromide for 2013. EPA intends to finalize the rule as quickly as feasible, after considering public comment. I understand that without the production or importation of critical use methyl bromide in early 2013, critical users will have difficulty meeting their needs for early spring applications. The EPA recognizes, however, that the current regulations only authorize the production, importation or use of critical use methyl bromide through December 31, 2012. Thus, there is no current regulatory authorization to produce, import or use methyl bromide for critical uses in 2013.

For the reasons outlined in your letter, the EPA will exercise its enforcement discretion not to pursue enforcement for violations of 40 CFR § 82.4 against companies identified in the proposed 2013 critical use exemption rule as holders of critical use allowances for 2013, to produce, import or sell critical use methyl bromide for the proposed critical uses for 2013, in amounts not to exceed 340,831 kg. EPA will also exercise its enforcement discretion not to pursue enforcement for violations of 40 CFR § 82.4 against persons identified in the proposed rule as approved critical users who purchase or use critical use methyl bromide produced or imported by such companies for locations and uses identified as approved critical uses in the proposed 2013 critical use exemption rule. This exercise of discretion will begin on January 1, 2013, and is subject to the following conditions:

- Companies must continue to report 2012 and 2013 production and importation of methyl bromide to the EPA as required under the critical use regulations at 40 CFR § 82.13;

- Any critical use methyl bromide produced or imported in 2013 prior to the effective date of the final rule shall still count towards the company's 2013 allocation and, once the rule is effective,

require the expenditure of 2013 vintage critical use allowances for all methyl bromide used during calendar year 2013;

- The allowance allocations are based on each company's proportionate share of allowances in the proposed rule, as follows:
  - Chemtura: Preplant 196,114 kg; Post Harvest: 11,008 kg
  - Albemarle: Preplant 80,647 kg; Post Harvest: 4,527 kg
  - ICL-IP: Preplant 44,567 kg; Post Harvest: 2,502 kg
  - TriCal: Preplant 1,388 kg; Post Harvest: 78 kg

- Companies and critical users identified in the proposed rule must comply with all requirements of 40 CFR § 82.4 and the proposed rule;

- This exercise of discretion terminates upon the effective date of the final rule for 2013 or 11:59 E.D.T., July 31, 2013, whichever occurs earlier; and

- The EPA reserves the right to revoke or modify this no action assurance.

The issuance of a no action assurance for this short period of time is in the public interest as it will prevent disruptions in critical pest control activities. I believe that this action will not increase environmental harm, as no additional allowances are or will be allocated based on this action.

If you have any further questions regarding this matter, please contact Charles Garlow, (202) 564-1088.

Sincerely,

for Cynthia Giles
Assistant Administrator

cc: Gina McCarthy
Assistant Administrator, Office of Air and Radiation

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 07 2013

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

HCFC Importers and Producers (see attached list)

Re: Extension of No Action Assurance Regarding the Production and Import of HCFCs

Dear Sir/Madam:

Today, the EPA is revising and extending the no action assurance (No Action Assurance) issued on January 20, 2012 (attached), to the attached list of producers and importers of HCFC-22 and HCFC-142b – two types of hydrochlorofluorocarbons (HCFCs) regulated under 40 C.F.R. Part 82. This revised and extended No Action Assurance is being issued in response to a request set forth in the memorandum to me dated December 20, 2012, from Assistant Administrator for Air and Radiation Gina McCarthy (McCarthy Memorandum). As explained more fully below, this No Action Assurance establishes that the EPA will exercise its enforcement discretion not to pursue enforcement for violations of the prohibitions at 40 C.F.R. § 82.15 on consumption, production and importation of HCFC-22 and HCFC-142b without allowances if producers and importers do not exceed the amounts specified below.

EPA's regulations at 40 C.F.R. Part 82 prohibit the production and importation of HCFCs without possessing an allowance allocated by EPA for each kilogram of HCFC. The allowances allocated for the time period between 2004 and 2009 were established by the EPA in a 2003 rule (68 Fed. Reg. 2819), and the allowances allocated for the 2010-2014 period were set forth in a subsequent rule promulgated in December 2009 (the 2009 Rule). Each year, EPA also issues a letter to the producers and importers notifying them of their respective annual allocation of allowances based on these regulations.

Aspects of the 2009 Rule that relate to the allocations of HCFC-22 and HCFC-142b allowances for the 2010-2014 time period were challenged in the D.C. Circuit. On August 27, 2010, the Court issued a decision vacating the 2009 Rule in part. The other aspects of the 2009 Rule, including allocations of HCFC-123, HCFC-124, HCFC-225ca and HCFC-225cb allowances, were not challenged, and are not affected by this No Action Assurance.

On January 4, 2012, the EPA published a proposed rule to address the Court's vacatur of the 2009 Rule (77 Fed. Reg. 237) and to allocate calendar-year allowances for production and consumption. This rule is not yet final. The percentages listed in the proposed regulatory text, Section 82.16(a)(1), provided the following allowance amounts for 2012:

- A company with an HCFC-142b baseline would be allowed to produce or consume up to 4.9% of its baseline allowances listed at 40 CFR 82.17 and 82.19;
- A company with an HCFC-22 baseline would be allowed to produce or consume up to 17.7% of its baseline allowances listed at 40 CFR 82.17 and 82.19.

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For calendar year 2013, the proposed regulation identifies options for calculation of the amounts of allowances. The McCarthy Memorandum identifies the lowest amount of allowances a company would receive under any of the options identified in the proposed regulation.[1] Those minimum amounts are as follows:

- HCFC-22 Production: Excluding Arkema, a company with an HCFC-22 production baseline would be allowed to produce up to 11.9% of its baseline allowances listed at 40 CFR 82.17; Arkema would be allowed to produce up to 14.7% of its baseline allowances listed at 82.17;
- HCFC-22 Consumption: Excluding Arkema and Solvay Fluorides, a company with an HCFC-22 consumption baseline would be allowed to consume up to 11.4% of its baseline allowances listed at 40 CFR 82.19; Arkema and Solvay Fluorides would be allowed to consume up to 14.7% of their baseline allowances listed at 82.19;
- HCFC-142b Production: Excluding Arkema, a company with an HCFC-142b production baseline would be allowed to produce up to 4.9% of its baseline allowances listed at 40 CFR 82.17; Arkema would be allowed to produce 0% of its baseline allowances listed at 82.17;
- HCFC-142b Consumption: Excluding Arkema and Solvay Solexis, a company with an HCFC-142b consumption baseline would be allowed to consume up to 4.9% of its baseline allowances listed at 40 CFR 82.19; Arkema and Solvay Solexis would be allowed to consume up to 0.4% of their baseline allowances listed at 82.19.

Only consumption, production and importation of HCFC-22 and HCFC-142b in amounts less than or equal to the amounts set forth above will be treated as included within the scope of this No Action Assurance.

This exercise of discretion is subject to the following conditions:

- Companies must continue to comply with recordkeeping and reporting requirements at 40 C.F.R. § 82.24, including quarterly production and import reports.
- Any HCFCs produced or imported in 2012 or 2013 pursuant to this No Action Assurance shall still count towards the company's 2012 or 2013 allocation and shall require the expenditure of allowances for the relevant control period.
- This exercise of discretion terminates 11:59 P.M., EST, December 31, 2013 or on the effective date of the EPA final rule governing HCFC allowances for calendar years 2012 and 2013, whichever occurs earlier.
- The EPA reserves the right to revoke or modify this No Action Assurance.

The issuance of a No Action Assurance for this period of time is in the public interest as it will prevent disruptions in the supply of HCFCs for refrigeration purposes. I believe this action will not increase environmental harm, as no additional allowances are or will be allocated based on this action.

[1] This minimum amounts are calculated based upon the use of recoupment options 3 and 4 discussed in the proposed rule. Those options are more fully discussed in the Recoupment Options Memorandum included in the docket for the pending rulemaking (EPA-HQ-OAR-2011-0354-0006).

If you have any further questions regarding this matter, please contact Charlie Garlow of my staff at (202) 564-1088 or garlow.charlie@epa.gov.

Sincerely,

Cynthia Giles

Cynthia Giles,
Assistant Administrator

Enclosure

Cc: Gina McCarthy
Sarah Dunham
Drusilla Hufford

Producers and Importers of HCFC-22 and HCFC-142b
Companies with baseline allowances at 40 CFR §§82.17 and 82.19

ABCO Refrigeration Supply
Altair Partners
Arkema
Carrier Corporation
Coolgas Investment Property
DuPont
H.G. Refrigeration Supply
Honeywell
Mexichem Fluor Inc
Kivlan & Company
MDA Manufacturing
Mondy Global
National Refrigerants
Refricenter of Miami
Refricentro
R-Lines
Saez Distributors
Solvay Fluorides
Solvay Solexis
USA Refrigerants

Attachment 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 27 2013

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: No Action Assurance for the NPDES Stormwater Multi-Sector General Permit for Industrial Activities

FROM: Cynthia Giles

TO: Regional Administrators, Regions 1 - 10

This memorandum is to inform you of the pending lack of a Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) and to alert you to the Environmental Protection Agency's (EPA or Agency) current position on our civil enforcement response to this situation. The current MSGP under the National Pollutant Discharge Elimination System (NPDES) program will expire at midnight on September 29, 2013. The affected EPA Regions have signed a Federal Register notice announcing the proposed reissuance of the MSGP; however, the permit will not be finalized until approximately six months after the expiration of the 2008 MSGP. While facilities with coverage under the 2008 MSGP (available at http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf) will automatically be granted an administrative continuance of permit coverage and are required to continue to comply with the 2008 MSGP after its expiration, any new facilities that begin discharging stormwater associated with industrial activity after September 29, 2013 in those areas where EPA is the NPDES permitting authority will not be able to obtain general permit coverage until a new permit is issued.

Because a new general permit has not yet been promulgated that will cover such new facilities during the period after expiration of the 2008 MSGP and the effective date of the new MSGP, I have determined that it is appropriate to exercise my enforcement discretion and issue this "no action assurance" to address this gap in coverage. Specifically, the Agency will not pursue administrative or civil judicial enforcement actions for lack of permit coverage against new facilities that begin discharging stormwater associated with industrial activity after September 29, 2013, provided that these newly-discharging facilities meet the following requirements:

1. Eligibility. For coverage under this no action assurance, any new facility must meet the 2008 MSGP eligibility criteria.

2. Prior Notification. Prior to the discharge of stormwater associated with industrial activity after September 29, 2013 by a new facility, such facility must notify the

appropriate EPA NPDES permitting authority of both their operator status and intention to operate in accordance with the 2008 MSGP.

3. Compliance. Any new facility must comply with all obligations of the 2008 MSGP. These obligations include but are not limited to (a) Stormwater Pollution Prevention Plan (SWPPP) development and implementation, (b) proper installation and maintenance of best management practices, (c) stormwater discharge monitoring, (d) site inspections, (e) implementation of corrective action measures, and (f) any additional sector-specific requirements outlined in Part 8 of the 2008 MSGP. Any new facility must also submit the reports required pursuant to Part 7 of the 2008 MSGP directly to the appropriate EPA NPDES permitting authority.

This no action assurance does not apply to criminal violations or to situations where egregious circumstances exist which may cause serious harm or which may present an imminent and substantial endangerment to public health or the environment, or where no best management practices are in place to protect public health or the environment. The Agency also reserves the right, at any time, to exercise its discretion to address a specific discharge should circumstances warrant.

This no action assurance approach for new facilities that begin discharging stormwater associated with industrial activity after September 29, 2013 will terminate on March 30, 2014, or 30 days after the issuance of a new general permit, whichever comes first. EPA also reserves the right to withdraw or revise this no action assurance at any time. If you have any questions about this matter, please contact Mark Pollins, Director of the Water Enforcement Division, at (202) 564-4001.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 22 2014

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

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American Chemistry Council
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Responsible Industry for a Sound Environment
1156 15th Street, NW, Suite 400
Washington, DC 20005

Jay J. Vroom, President
CropLife America
1156 15th Street, NW, Suite 400
Washington, DC 20005

Re: No Action Assurance Regarding Pesticide Export Labeling

Dear Sir/Madam:

I am writing to address concerns raised about an implementation issue involving the final rule, "Labeling of Pesticide Products and Devices for Export; Clarification of Requirements" (Export Labeling Rule). See 78 Fed. Reg. 4073 (Jan. 18, 2013). Industry stakeholders recently brought to the EPA's attention their concern that, as a result of this final rule, provisions for "supplemental labeling" no longer appear in the regulations. The omission of the supplemental labeling provisions in the final rule was inadvertent, and on December 19, 2013, the EPA publically announced its intent to expeditiously correct this problem through a revision to the current rule (see attached letter from Jay Ellenberger, Deputy Director, Field and External Affairs Division, U.S. Environmental Protection Agency, to Has Shah, Senior Director, American Chemistry Council). However, a rulemaking to correct this error is not expected to be final until after the compliance date in the Export Labeling Rule, which is January 21, 2014. Therefore, as provided in this letter, I am exercising my discretion to provide that the EPA will not pursue enforcement for violations of the pesticide export labeling requirements found in 40 C.F.R. Part 168, Subpart D subject to the conditions and limitations outlined in this letter.

Specifically, this no action assurance (NAA) is in response to a request from the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP) and to concerns raised by industry stakeholders that the inability to use supplemental labeling caused by this inadvertent omission could create trade barriers, increase costs, and hamper other nations' ability to

properly place their own labels on these products. Implementation of the rule as it currently exists would also create an undue hardship on the pesticides industry by severely hampering their ability to export into international commerce and could result in significant and avoidable economic injury. The EPA agrees with these concerns and intends to expeditiously amend this regulation through a direct final rule. In the corrected rule EPA intends to (1) revise existing 40 C.F.R. §168.66 to remove the requirement to comply with the labeling requirements found in 40 C.F.R. §156.10(a)(4), and (2) include regulatory text that more closely resembles the language the Agency included in 40 C.F.R. §168.66 of the Export Labeling Rule as originally proposed. See 76 Fed. Reg. 18,995 (April 6, 2011). When final (which is anticipated to be in July 2014), the corrected rule would allow companies to use collateral labeling on the outside of shipping containers. However, there will be a "gap" between the compliance date of the Export Labeling Rule and the direct final rule the EPA intends to promulgate to correct the error for labeling requirements.

Accordingly, this NAA is intended to bridge this temporary gap and to avoid the hardships caused by the Export Labeling Rule which the EPA intends to correct through a direct final rule. Pursuant to this NAA, EPA will not enforce for violations of the pesticide export labeling requirements found in 40 C.F.R. Part 168, Subpart D solely for pesticides exported on or after January 21, 2014, subject to the following conditions and limitations:

- All pesticide products for export are labeled in a manner consistent with the "supplemental labeling" requirements of 40 C.F.R. §168.66 as originally proposed. See 76 Fed. Reg. at 18,999-19,000 (April 6, 2011).

- Entities exporting pesticide product must comply with all other requirements of the Export Labeling Rule.

- This NAA is to remain in effect for the above-listed pesticide export labeling provisions until either (1) 11:59 PM EDT, July 31, 2014, or (2) the effective date of a final rule addressing the omission of the supplemental labeling provisions in the Export Labeling Rule as described above, whichever occurs earlier.

- The EPA reserves the right to revoke or modify this NAA at any time.

OCSPP does not anticipate that this NAA for the limited period of time specified above will result in any new adverse environmental or safety risks. These shipments are for export only and will not be distributed in the U.S. for use by the public. In addition, the necessary safety and precautionary instructions as required by the Export Labeling Rule will accompany exports to ensure adequate safety for those handling products during the transportation of the goods.

Nothing in this No Action Assurance affects any other provisions in the Export Labeling Rule, other than those explicitly listed above, or any other legal requirement applicable to these products and the export of pesticides.

If you have any questions regarding this matter, please contact Tom Charlton of my staff at (202) 564-6960 or charlton.tom@epa.gov.

Sincerely,

Cynthia Giles

Attachment

cc: Jim Jones
Steve Bradbury

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 21 2014

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Ms. Tracy Heinzman
Wiley, Rein & Fielding, L.L.P.
1776 K Street, N.W.
Washington, D.C. 20006

Re: No Action Assurance Regarding the Production of Methyl Bromide for 2014 Critical Uses

Dear Ms. Heinzman:

I am writing in response to your November 14, 2013, letter to the United States Environmental Protection Agency on behalf of the Methyl Bromide Industry Panel representing producers and importers, in which you request that the EPA not enforce restrictions on methyl bromide production and import found at 40 CFR § 82.4 until such time as the EPA's Office of Air and Radiation issues a final rule that authorizes the production and import of methyl bromide for critical uses in 2014.

EPA recently signed for publication a notice of proposed rulemaking authorizing critical use of methyl bromide for 2014. EPA intends to finalize the rule as quickly as feasible, after considering public comment. The EPA recognizes, however, that the current regulations only authorize the production, importation or use of critical use methyl bromide through December 31, 2013. Thus, there is no current regulatory authorization to produce, import or use methyl bromide for critical uses in 2014.

For the reasons outlined in your letter, the EPA will exercise its enforcement discretion not to pursue enforcement for violations of 40 CFR § 82.4 against companies identified in the proposed 2014 and 2015 critical use exemption rule as holders of critical use allowances for 2014, to produce, import or sell critical use methyl bromide for the proposed critical uses for 2014, in amounts not to exceed 410,984 kg. EPA will also exercise its enforcement discretion not to pursue enforcement for violations of 40 CFR § 82.4 against persons identified in the proposed rule as approved 2014 critical users who purchase or use critical use methyl bromide produced or imported by such companies for locations and uses identified as approved critical uses in the proposed rule. This exercise of discretion will begin immediately, and is subject to the following conditions:

- Companies must continue to report 2014 production and importation of methyl bromide to the EPA as required under the critical use regulations at 40 CFR § 82.13;

- Any critical use methyl bromide produced or imported in 2014 prior to the effective date of the final rule shall still count towards the company's 2014 allocation and, once the rule is effective, require the expenditure of 2014 vintage critical use allowances for all methyl bromide used during calendar year 2014;

- The allowance allocations are based on each company's proportionate share of allowances in the proposed rule, as follows:

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- Chemtura: Preplant 234,358 kg; Post Harvest: 15,397 kg
- Albemarle: Preplant 96,373 kg; Post Harvest: 6,332 kg
- ICL-IP: Preplant 53,258 kg; Post Harvest: 3,499 kg
- TriCal: Preplant 1,658 kg; Post Harvest: 109 kg

- Companies and critical users identified in the proposed rule must comply with all requirements of 40 CFR § 82.4 and the proposed rule;

- This exercise of discretion terminates upon the effective date of the final rule for 2014 or 11:59 E.D.T., July 31, 2014, whichever occurs earlier; and

- The EPA reserves the right to revoke or modify this no action assurance.

The issuance of a no action assurance for this short period of time is in the public interest as it will prevent disruptions in critical pest control activities. I believe that this action will not increase environmental harm, as no additional allowances are or will be allocated based on this action.

If you have any further questions regarding this matter, please contact Charles Garlow, 202-564-1088.

Sincerely,

Cynthia Giles

Cynthia Giles,
Assistant Administrator

cc: Janet McCabe
Acting Assistant Administrator, Office of Air and Radiation

Attachment 2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 27 2014

OFFICE OF WATER

MEMORANDUM

SUBJECT: Request to Extend the No Action Assurance for New Industrial Facilities Needing Stormwater Permit Coverage

FROM: Nancy Stoner
Acting Assistant Administrator
Office of Water (OW)

TO: Cynthia Giles
Assistant Administrator
Office of Enforcement and Compliance Assurance (OECA)

The purpose of this memorandum is to request that the Office of Enforcement and Compliance Assurance (OECA) extend the No Action Assurance (NAA) issued on September 27, 2013 (copy attached). This NAA addressed new industrial facilities needing National Pollutant Discharge Elimination System (NPDES) general permit coverage for their stormwater discharges in areas where EPA is the permitting authority after the expiration of the 2008 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP). The NAA was intended to "bridge" the period between the expiration of the 2008 MSGP and the issuance of the new MSGP. The NAA is scheduled to expire on March 30, 2014 or upon the issuance of the new MSGP, whichever is earlier. However, for the reasons outlined below, events, many of which were unanticipated and unpreventable, have served to delay the final MSGP. Accordingly, I am requesting that OECA extend the September 27, 2013 NAA to continue the bridge to the final permit, which we now expect to issue by September 30, 2014.

Background

The 2008 MSGP expired at midnight on September 29, 2013. The Federal Register notice announcing the proposed reissuance of the MSGP was published on September 27, 2013. Because of this timing, the final MSGP could not be finalized for several months after the expiration of the 2008 MSGP. Facilities that obtained coverage under the 2008 MSGP prior to its expiration were automatically granted an administrative continuance of permit coverage; the administrative continuance will remain in effect until a new permit is issued. Therefore, facilities already covered under the 2008 MSGP are not required to submit a new Notice of Intent (NOI) for permit coverage until the new MSGP is issued, and these facilities must continue to comply with all of the requirements in the 2008 permit, including requirements for monitoring and reporting. Until the new MSGP is issued, however, "new" facilities (*i.e.*, those facilities not covered under the 2008 MSGP) that begin discharging industrial stormwater after September 29, 2013 are unable to file an NOI for general permit coverage. The

September 27, 2013 NAA covered these newly-discharging facilities, provided that these facilities: (1) meet the 2008 MSGP eligibility criteria; (2) notify the appropriate EPA permitting authority of their operator status and their intention to operate in accordance with the 2008 MSGP; and (3) comply with all requirements of the 2008 MSGP, including, but not limited to, stormwater pollution prevention plan (SWPPP) development and implementation and proper installation and maintenance of best management practices.

Basis and Need for an Extension

The reissuance of the MSGP is behind schedule for several reasons, many of which were beyond the Agency's control. The government shutdown occurred immediately after the permit was proposed, which prevented progress on various tasks required to reissue the permit, including consultations under the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), and the development of the electronic Notice of Intent (eNOI) system. Additionally, at the request of commenters and the Office of Management and Budget (OMB), the original 60-day public comment period was extended an additional 30 days, and did not close until December 26, 2013. Seventy-six comment letters were received which raised 550 separate issues that need to be addressed prior to options selection and final agency review (FAR). Several issues raised by commenters (*e.g.*, comments on new requirements for discharges to Federal CERCLA sites, comments on the incorporation of the new aircraft deicing Effluent Limitation Guideline, comments from the mining industry) are particularly challenging to address, and are requiring a significant expenditure of additional staff resources. The breadth and scope of many of the issues raised in the comments was unanticipated. Consequently, the Office of Water (OW) anticipates that it will take approximately six additional months to issue the final MSGP. The required steps to finalize the permit include approximately two months to address all of the comment issues and to make final changes to the permit, approximately one month to complete the options selection and FAR processes, and 90 days of OMB review. During this timeframe, OW will continue to be engaged in consultations under the ESA and the NHPA, will complete an Environmental Assessment under the National Environmental Policy Act and will work with your staff to complete the new eNOI system.

During the period of time that the MSGP expired in September 2013 and before it is reissued later this year, OW anticipates that approximately 40 new industrial facilities will need NPDES general permit coverage for their stormwater discharges in areas where EPA is the NPDES permitting authority. Because these new facilities will not have the ability to obtain coverage under a general permit, OW requests that OECA extend the September 27, 2013 NAA. As provided under the current NAA, we are requesting that to be covered under an extended NAA facilities must continue to: (1) meet the 2008 MSGP eligibility criteria; (2) notify the appropriate EPA permitting authority of their operator status and their intention to operate in accordance with the 2008 MSGP; and, (3) comply with all requirements of the 2008 MSGP, including, but not limited to, SWPPP development and implementation and proper installation and maintenance of best management practices.

Thank you for your consideration of this request. If you have questions or require additional information please contact me or Connie Bosma of my staff at 564-6773.

Attachment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 27 2014

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Extension of No Action Assurance for the NPDES Stormwater Multi-Sector General Permit for Industrial Activities

FROM: for Cynthia Giles
Assistant Administrator

TO: Regional Administrators, Regions 1 - 10

This memorandum is to inform you of the continued lack of a final Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) and to remind you of the Environmental Protection Agency's (EPA or Agency) position on our civil enforcement response to this situation. The current MSGP under the National Pollutant Discharge Elimination System (NPDES) program expired at midnight on September 29, 2013. The Federal Register notice announcing the proposed reissuance of the MSGP was published on September 27, 2013. While facilities with coverage under the 2008 MSGP were automatically granted an administrative continuance of permit coverage and are required to continue to comply with the 2008 MSGP after its expiration, any new facilities that begin discharging stormwater associated with industrial activity after September 29, 2013 in those areas where EPA is the NPDES permitting authority are not able to obtain general permit coverage until a new permit is issued.

To address this gap in coverage, on September 27, 2013, I exercised my enforcement discretion to cover these newly-discharging facilities, provided that these facilities: (1) meet the 2008 MSGP eligibility criteria; (2) notify the appropriate EPA permitting authority of their operator status and their intention to operate in accordance with the 2008 MSGP; and (3) comply with all requirements of the 2008 MSGP, including, but not limited to, stormwater pollution prevention plan (SWPPP) development and implementation and proper installation and maintenance of best management practices (Attachment 1). That exercise of discretion was to be effective until March 30, 2014, or upon the issuance of a new MSGP, whichever came first. However, as detailed in a March 2014, memorandum from Nancy Stoner, Acting Assistant Administrator, Office of Water (Attachment 2), for reasons outside the Agency's control the new MSGP will not be finalized until the end of September, 2014, approximately twelve months after the expiration of the 2008 MSGP.

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Because a new general permit has not yet been promulgated that will cover such new facilities during the period after expiration of the 2008 MSGP and the effective date of the new MSGP, I have determined that it is appropriate to exercise my enforcement discretion to extend the September 27, 2013, "no action assurance" to address this continuing gap in coverage. Specifically, the Agency will not pursue administrative or civil judicial enforcement actions for lack of permit coverage against new facilities that begin discharging stormwater associated with industrial activity after September 29, 2013, provided that these newly-discharging facilities meet the following requirements:

1. Eligibility. For coverage under this no action assurance, any new facility must meet the 2008 MSGP eligibility criteria.

2. Prior Notification. Prior to the discharge of stormwater associated with industrial activity after September 29, 2013 by a new facility, such facility must notify the appropriate EPA NPDES permitting authority of both its operator status and intention to operate in accordance with the 2008 MSGP.

3. Compliance. Any new facility must comply with all obligations of the 2008 MSGP. These obligations include but are not limited to (a) Stormwater Pollution Prevention Plan (SWPPP) development and implementation, (b) proper installation and maintenance of best management practices, (c) stormwater discharge monitoring, (d) site inspections, (e) implementation of corrective action measures, and (f) any additional sector-specific requirements outlined in Part 8 of the 2008 MSGP. Any new facility must also submit the reports required pursuant to Part 7 of the 2008 MSGP directly to the appropriate EPA NPDES permitting authority.

This no action assurance does not apply to criminal violations or to situations where egregious circumstances exist which may cause serious harm or which may present an imminent and substantial endangerment to public health or the environment, or where no best management practices are in place to protect public health or the environment. The Agency also reserves the right, at any time, to exercise its discretion to address a specific discharge should circumstances warrant.

This no action assurance approach for new facilities that begin discharging stormwater associated with industrial activity after September 29, 2013 will terminate on September 30, 2014, or 30 days after the issuance of a new general permit, whichever comes first. EPA also reserves the right to withdraw or revise this no action assurance at any time. If you have any questions about this matter, please contact Mark Pollins, Director of the Water Enforcement Division, at (202) 564-4001.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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JUL 30 2014

OFFICE OF
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Responsible Industry for a Sound Environment
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Jay J. Vroom, President
CropLife America
1156 15th Street, NW, Suite 400
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Re: No Action Assurance Regarding Pesticide Export Labeling Extension

Dear Sir/Madam:

I am writing to respond to concerns raised about the upcoming expiration of the No Action Assurance that I issued on January 22, 2014. As provided in this letter, I am again exercising my discretion to provide that the EPA will not pursue enforcement for violations of the pesticide export labeling requirements found in 40 C.F.R. Part 168, Subpart D subject to the conditions and limitations outlined in this letter.

On January 22, 2014, I issued a No Action Assurance (NAA) to address an implementation issue concerning the final rule, "Labeling of Pesticide Products and Devices for Export; Clarification of Requirements" (Export Labeling Rule). See 78 Fed. Reg. 4073 (Jan. 18, 2013). The Agency issued the NAA (attached) in response to industry stakeholder concerns that, because of this final rule, provisions for "supplemental labeling" no longer appear in the regulations. As noted in the January 22, 2014 NAA the omission of the supplemental labeling provisions in the final rule was inadvertent, and EPA intended to immediately promulgate a rule to address this error. Therefore, the NAA issued in January was intended to address a number of hardships and avoid significant economic injuries by serving as a temporary bridge to cover the gap between the compliance date of the Export Labeling Rule (January 21, 2014) and the projected effective date of a direct final rule that would have corrected this inadvertent omission.

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The direct final rule was published in the Federal Register on April 30, 2014 (79 Fed. Reg. 24,347). The EPA received several comments during the 30-day comment period. As a result, EPA was required to withdraw the direct final rule and to issue a notice of proposed rulemaking (NPRM) to correct the supplemental labeling omission. The notice of withdrawal and the NPRM were published in the Federal Register on July 11, 2014. Because the Agency withdrew the direct final rule, there continues to be a gap between the current rule's requirements and the effective date of a new rule correcting the omission of the supplemental labeling requirements. Therefore, at the request of the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP) and for the same reasons articulated in the NAA of January 22, I am continuing to exercise my discretion to provide that EPA will not pursue enforcement for violations of the pesticide export labeling requirements found in 40 C.F.R. Part 168, Subpart D as provided below.

This NAA is intended to bridge the temporary gap and avoid the hardships caused by the inadvertent omission of "supplemental labeling" provisions in the Export Labeling Rule which the EPA intends to correct through a final rule. Pursuant to this NAA, EPA will not enforce for violations of the pesticide export labeling requirements found in 40 C.F.R. Part 168, Subpart D solely for pesticides exported on or after July 31, 2014, subject to the following conditions and limitations:

- All pesticide products for export are labeled in a manner consistent with the "supplemental labeling" requirements of 40 C.F.R. § 168.66 as originally proposed. See 76 Fed. Reg. at 18,999-19,000 (April 6, 2011).

- Entities exporting pesticide products must comply with all other requirements of the Export Labeling Rule.

- This NAA is to remain in effect for the above-listed pesticide export labeling provisions until either (1) 11:59 PM EST, February 28, 2015, or (2) the effective date of a final rule addressing the omission of the supplemental labeling provisions in the Export Labeling Rule as described above, whichever occurs earlier.

- The EPA reserves the right to revoke or modify this NAA at any time.

OCSPP does not anticipate that this NAA for the limited period of time specified above will result in any new adverse environmental or safety risks. These shipments are for export only and will not be distributed in the U.S. for use by the public. In addition, the necessary safety and precautionary instructions as required by the Export Labeling Rule will accompany exports to ensure adequate safety for those handling products during the transportation of the goods.

Nothing in this No Action Assurance affects any other provisions in the Export Labeling Rule, other than those explicitly listed above, or any other legal requirement applicable to these products and the export of pesticides.

If you have any questions regarding this matter, please contact Tom Charlton of my staff at (202) 564-6960 or charlton.tom@epa.gov.

Sincerely,

Cynthia Giles

Attachment

cc: Jim Jones
Jack Housenger

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 19 2014

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: No Action Assurance Regarding EPA-Issued Step 2 Prevention of Significant Deterioration Permits and Related Title V Requirements Following *Utility Air Regulatory Group v. Environmental Protection Agency*

FROM: Cynthia Giles, Assistant Administrator

TO: Janet McCabe, Acting Assistant Administrator, Office of Air and Radiation
Regional Administrators, Regions I-X

On July 24, 2014, the Office of Air and Radiation (OAR) and the Office of Enforcement and Compliance Assurance (OECA) jointly issued a memorandum in response to the Supreme Court's decision in *Utility Air Regulatory Group (UARG) v. Environmental Protection Agency (EPA)*, 124 S.Ct. 2427 (2014). *See* "Next Steps and Preliminary Views on the Application of Clean Air Act Permitting Programs to Greenhouse Gases Following the Supreme Court's Decision in Utility Air Regulatory Group v. Environmental Protection Agency" (July 24, 2014) (available at http://www.epa.gov/nsr/documents/20140724memo.pdf). In that memorandum, the agency provided its preliminary thinking on the implications of the decision for PSD permits issued to "Step 2" sources. Generally speaking, Step 2 sources[1] are sources that were classified as major, and required to obtain a Prevention of Significant Deterioration (PSD) or title V permit, based solely on greenhouse gas (GHG) emissions. The Supreme Court decision in *UARG* held that the EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD or title V permit and that EPA's regulations implementing that approach are invalid. The July 24, 2014 memorandum indicated that the agency planned "to provide additional views in the future with respect to Step 2 sources that have already obtained a PSD permit" and noted that it might be appropriate to "remove GHG BACT limitations from such permits and convert such permits into minor source permits where this is feasible and minor source requirements remain applicable."

[1] Such sources are generally known as "Step 2" sources because the EPA deferred the requirement for such sources to obtain PSD and title V permits until Step 2 of its phase-in of permitting requirements for greenhouse gases under the Prevention of Significant Deterioration and title V Greenhouse Gas Tailoring Rule, 75 Fed. Reg. 31514, 35569-71 (June 3, 2010); 40 C.F.R. § 52.21(b)(49)(v).

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Today, OAR provided further information on how it intends to proceed regarding EPA-issued Step 2 PSD permits.[2] More specifically, the EPA described its intention to undertake a rulemaking action to revise 40 C.F.R. § 52.21(w) of EPA's PSD regulations to enable EPA to apply section 52.21(w) to rescind EPA-issued Step 2 PSD permits consistent with EPA's understanding of the Supreme Court's decision. The EPA expects to be able to complete this rule no later than December 31, 2015. After the appropriate revisions to 40 C.F.R. § 52.21 are completed, EPA will then proceed to rescind EPA-issued Step 2 PSD permits in response to requests from applicants that can demonstrate they are eligible for rescission.

As noted in OAR's memorandum, it may be December 31, 2015 before the EPA completes the rulemaking process that will allow the agency to rescind any Step 2 PSD permits that it issued under the regulations the Supreme Court held to be invalid. We are aware that the agency has already received requests to rescind some EPA-issued Step 2 PSD permits, and to issue a No Action Assurance regarding some EPA-issued Step 2 PSD permit provisions in the interim.[3]

The EPA is sensitive to the difficulties faced by sources that have EPA-issued Step 2 PSD permit requirements that may remain in place until EPA can fully implement the Supreme Court's decision. Thus, OECA is issuing the narrowly-tailored No Action Assurance set forth below to sources with EPA-issued Step 2 PSD permits. The Supreme Court's decision finding portions of EPA's regulations to be invalid is an "extremely unusual circumstance[] where an assurance is clearly necessary to serve the public interest" and, until EPA's rulemaking process is complete, no other mechanism is adequate to address the situation. *See* "Processing Requests for Use of Enforcement Discretion," at 2 (Mar. 3, 1995); "Policy Against 'No Action' Assurances (Nov. 16, 1984). The public interest that is served in this instance is the granting of interim relief from GHG terms and conditions in EPA-issued Step 2 PSD permits that may be rescinded after the Supreme Court decision, any related terms and conditions in title V permits, and specific title V regulatory requirements that may be triggered by the existence of EPA-issued Step 2 PSD permits.

<u>No Action Assurance for EPA-Issued Step 2 PSD Permit Terms and EPA-Issued Step 2 PSD Permit Terms in Title V Permits</u>

This No Action Assurance establishes that the EPA will exercise its enforcement discretion not to pursue enforcement of the terms and conditions relating to GHGs in a source's EPA-issued Step 2 PSD permit, and for related GHG terms and conditions that are contained in the source's title V permit, if any.

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[2] In this memorandum, the term "EPA-issued Step 2 PSD permit" includes Step 2 PSD permits issued by the EPA Regions, as well as Step 2 PSD permits issued by states delegated to issue permits on EPA's behalf under 40 C.F.R. § 52.21. *See* 40 C.F.R. §52.21(u). The term "state-issued Step 2 PSD permits" refers to Step 2 PSD permits issued by states pursuant to the applicable EPA-approved State Implementation Plan provisions.

[3] Sources seeking a No Action Assurance may fall into one of three categories; they could have (1) built their facility consistent with the Step 2 PSD permit and have started operations, but seek relief from operational requirements in the permit, (2) built the facility consistent with the Step 2 PSD permit, but have not started operations and seek relief from testing and operational requirements in the permit, or (3) not finished construction and seek relief from all aspects of the permit.

This No Action Assurance applies only to potential violations of the GHG requirements in an EPA-issued Step 2 PSD permit itself (and related title V permit terms, if any). In other words, the EPA will exercise its discretion to not include a count for violating the GHG requirements in an EPA-issued Step 2 PSD permit (or any related terms in a title V permit) in any enforcement action, as provided in this memorandum.

However, there are three important limitations on the scope of this No Action Assurance. First, as outlined above, the No Action Assurance applies only to the GHG-related terms and conditions in an EPA-issued Step 2 PSD permit (and any related terms in a title V permit). The No Action Assurance does not apply to any terms or conditions of an EPA-issued Step 2 PSD permit which apply to non-GHG pollutants. For example, as noted in the July 24 memorandum and OAR's memorandum of today, a source with an EPA-issued Step 2 PSD permit may now have other regulatory or permitting obligations (*e.g.*, minor New Source Review (NSR) requirements, which generally concern sources emitting pollutants subject to National Ambient Air Quality Standards (NAAQS)). The source may have previously not needed to obtain a minor NSR permit because it was previously considered a major source and obtained an EPA-issued Step 2 PSD permit to satisfy its preconstruction permitting obligations. Until such time as the source and the state permitting authority can determine whether and how to replace Step 2 PSD permit conditions for such pollutants with a permit satisfying minor NSR requirements, continued compliance with PSD permit terms and conditions for such pollutants is important to protect the NAAQS.

Second, if a source's action that is in violation of a GHG condition in an EPA-issued Step 2 PSD permit triggers another requirement, or violates another state or federal requirement, then the EPA may enforce that separate (non-Step 2 PSD permit) requirement. For example, the source may wish to confirm that the existence of, and compliance with, the EPA-issued Step 2 PSD permit is not considered a necessary method for complying with other federal, state or local requirements (*e.g.*, the state is presuming the source builds consistent with the efficiency requirement in the EPA-issued Step 2 permit in order to satisfy other state air pollution requirements). Therefore, sources are encouraged to consult with their state or local air pollution control agency before deciding how to proceed regarding their EPA-issued Step 2 PSD permit.

Third, this No Action Assurance does not grant relief from requirements that, while similar or identical to the EPA-issued Step 2 PSD permit terms, are mandated by separate statutory or regulatory provisions. For example, a source may be required to install and operate a carbon dioxide (CO2) monitor under the EPA-issued Step 2 PSD permit, but it may also be required to install and operate a CO2 monitor pursuant to the Acid Rain regulations at 40 C.F.R. Part 75. Accordingly, this No Action Assurance would cover only the CO2 monitoring requirement in the EPA-issued Step 2 PSD permit (and any related title V permit terms), and would not cover any other requirements related to CO2 monitors.

<u>No Action Assurance for Title V Regulatory Requirements</u>

As noted in OAR's memorandum, the EPA understands that title V permitting authorities and sources with EPA-issued Step 2 PSD permits have asked about the extent to which such sources

need to address the EPA-issued Step 2 PSD permit requirements in an application for a title V permit. A permitting authority and a few sources have also asked whether they should submit such a title V permit application at all. Consistent with the July 24, 2014 memorandum, and in order to act consistently with our understanding of the Supreme Court's decision pending regulatory action to effectuate that decision, the EPA will exercise its enforcement discretion not to pursue enforcement of provisions of Federal regulations or provisions in EPA-approved title V programs to the extent that the provisions:

(1) Require a source to obtain a title V permit solely because it has an EPA-issued Step 2 PSD permit;

(2) Require a source to incorporate and assure compliance with EPA-issued Step 2 PSD permit conditions in a new title V permit the source is obtaining based on non-GHG emissions or requirements; or

(3) Require a source with an existing title V permit to amend its title V permit to incorporate and assure compliance with the terms and conditions of an EPA-issued Step 2 PSD permit.

Effective Date of the No Action Assurance

As noted in today's OAR memorandum on this matter, the revisions to 40 C.F.R. § 52.21(w) may not be final until December 31, 2015; EPA will then need to receive and process any requests to rescind EPA-issued Step 2 PSD permits, and state permitting agencies may need to subsequently revise title V permits. Therefore, this No Action Assurance is effective immediately to sources with EPA-issued Step 2 permits, and it will remain in effect for all covered sources until 11:59 PM EDT, September 30, 2016. This No Action Assurance ceases to apply to a source once its EPA-issued Step 2 PSD permit is rescinded, and if applicable, its title V permit is accordingly revised, whichever is later.

The EPA reserves the right to revoke or modify this No Action Assurance at any time.

State-Issued Step 2 PSD Permits and Any Related Title V Requirements Are Not Covered

As discussed above, this No Action Assurance applies only to the GHG-related terms and conditions of certain EPA-issued Step 2 PSD permits and any related title V permit provisions, and those title V regulatory requirements that may be triggered by the existence of the EPA-issued Step 2 PSD permit. It does not apply to state-issued Step 2 PSD permits (permits issued by states with an approved PSD program in its State Implementation Plan), any related title V permit provisions, or any title V permit or regulatory requirements that may be triggered by the existence of the state-issued Step 2 PSD permit.

This No Action Assurance does not extend to state-issued Step 2 PSD permits because the EPA is not able to determine at this time whether other state authority-based mechanisms (*e.g.*, state authority to rescind the permit) are available to provide relief from the state-issued Step 2 PSD

permit requirements under state law.[4] In addition, as stated in the July 24 memorandum, we do not read the Supreme Court's decision as precluding states from retaining permitting requirements for major sources of GHG emissions to the extent state law provides independent authority to do so. The EPA also does not want to pre-judge an approved state's decisions regarding its response to the Supreme Court's decision; therefore, sources with state-issued Step 2 PSD permits should consult their state permitting agency regarding the actions that the state intends to take with regard to its Step 2 PSD permit.

Contact Information

If you have any questions about this No Action Assurance memorandum, please contact Apple Chapman at (202) 564-5666, or chapman.apple@epa.gov.

[4] As noted above, a No Action Assurance is appropriate only when there is "no other mechanism" available to address the situation. As explained in the OAR memorandum, there will be an unavoidable delay in rescinding EPA-issued Step 2 PSD permits, and until that time there is no other mechanism available to the EPA (or delegated states) with respect to those permits.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 21 2015

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Conditional No Action Assurance Regarding RFS Attest Engagement Reporting Deadline for the 2014 Compliance Year

FROM: Cynthia Giles
Assistant Administrator

TO: Janet G. McCabe
Acting Assistant Administrator
Office of Air and Radiation

Pursuant to your request of May 15, 2015 (attached), I am today providing a "no action assurance" (No Action Assurance) relating to the June 1, 2015 attest engagement reporting deadline for the 2014 compliance year under the Renewable Fuel Standard (RFS) program, as provided in this memorandum.

Because of delays in promulgating the final annual volume percentage requirements for the 2014 compliance year, the RFS annual reporting deadlines are out of sequence. Regulated parties are required to submit "attest engagement reports" for the 2014 compliance year by June 1, 2015. However, regulated parties are not yet required to submit their attest engagement reports for the 2013 compliance year, which makes it impractical for certain regulated parties to complete their attest engagement reports by June 1, 2015.

As noted in your memorandum, the EPA therefore has committed to issue a rule to amend these reporting deadlines.[1] Specifically, the EPA intends to propose to change the attest engagement reporting deadline for the 2014 compliance year for renewable identification number (RIN)-generating renewable fuel producers (domestic and foreign), RIN-generating importers, other parties owning RINs and independent third-party auditors from June 1, 2015, to January 31, 2016.[2]

Consistent with the intent and purpose of this proposed regulatory action, this No Action Assurance provides that the EPA will exercise its enforcement discretion not to pursue enforcement actions against

[1] *See also* Enviroflash notification, "Upcoming Announcement of Proposed Changes to RFS Reporting Deadlines" (May 19, 2015) (notification of intent to revise attest reporting deadlines).

[2] The attest engagement requirements for RIN-generating renewable fuel producers (domestic and foreign), RIN-generating importers, other parties owning RINs, and independent third-party auditors are found at 40 C.F.R § 80.1464(b), (c) and (i). The deadline to submit these reports is set forth at 40 C.F.R. § 80.1464(d).

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a RIN-generating renewable fuel producer (domestic and foreign), a RIN-generating importer, any other party owning RINs, and an independent third-party auditor solely for violations of the 2014 attest engagement reporting deadline at 40 C.F.R. § 80.1464(d). This No Action Assurance does not apply to the June 1, 2015 deadline for exporters of fuel to submit their reports for the 2014 compliance year, nor does it extend to any other RFS-related requirement.[3] Furthermore, as applied to an individual regulated party, this No Action Assurance is conditioned upon the regulated party complying with all other RFS requirements applicable to it. This No Action Assurance will remain in effect until either (1) 11:59 PM EST, January 30, 2016, or (2) the effective date of a final rule addressing the 2014 attest engagement deadlines, whichever occurs earlier.

The issuance of this No Action Assurance is in the public interest to alleviate confusion and ensure the orderly administration of the RFS program. In addition, I understand that this action will not result in any adverse environmental impacts, as no requirements to comply with the RFS volume standards nor any requirements to comply with emission standards are affected by this action. The EPA reserves its right to revoke or modify this No Action Assurance.

If you have any further questions regarding this matter, please contact Jeff Kodish, of my staff, at (303) 312-7153, or kodish.jeff@epa.gov.

Attachment

cc: Byron Bunker, OAR, OTAQ
Susan Shinkman, OECA, OCE
Phillip Brooks, OCE, OCE, AED

[3] The EPA provided guidance regarding the 2014 attest engagement reporting deadlines for renewable fuel exporters in its March 17, 2015 Enviroflash.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 15 2015

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Enforcement Discretion of the Attest Engagement Reporting Deadline for the 2014 Compliance Year

FROM: Janet G. McCabe
Acting Assistant Administrator

TO: Cynthia Giles, Assistant Administrator
Office of Enforcement and Compliance Assurance

The Office of Air and Radiation requests that the Office of Enforcement and Compliance Assurance exercise enforcement discretion regarding the June 1, 2015 attest engagement reporting deadlines in the Renewable Fuel Standard (RFS) program for the 2014 compliance year. Specifically, OAR requests that OECA exercise enforcement discretion as a bridge to a final rulemaking that will set the 2014 annual volume percentages and change associated attest engagement reporting deadlines. We anticipate this final rule will be signed no later than November 30, 2015.

As you know, the 2014 annual volume-setting rule has proven to be very challenging. We were not able to finalize the volume requirement for 2014 in a timely manner. In 2014, we amended the RFS program regulations to delay the program's 2013 reporting deadlines because we had not yet finalized the 2014 RFS volume standards. As a result, the current regulations include reporting deadlines that are out of sequence such that the 2013 reporting deadlines follow the 2014 reporting deadlines. This makes it impractical for certain regulated parties to comply with certain reporting deadlines.

As a part of the proposed RFS volume standards for 2014, 2015, and 2016, we will also be proposing changes to the annual compliance demonstration and attest engagement reporting deadlines for the 2013, 2014, and 2015 compliance years. The agency will propose to amend these reporting deadlines in order to put them back in sequential order, as well as to provide an appropriate amount of time between the deadlines for the 2013, 2014, and 2015 annual compliance reports and attest engagement reports.

The current regulations at 40 CFR 80.1464(d) require regulated parties to submit attest engagement reports for the 2014 compliance year by June 1, 2015. On March 17, 2015, we issued an Enviroflash notice to clarify that obligated parties (refiners and importers of gasoline and diesel fuel) are not required to submit 2014 compliance demonstration reports or the associated attest engagement reports until the agency issues a final rule establishing the final 2014 RFS standards and sets (in that action) a compliance demonstration deadline for those standards. The agency interpreted the annual compliance demonstration and attest engagement reporting deadlines at 40 CFR 80.1451(a) and 80.1464(a) and (d) to be inoperative for obligated parties for the 2014 compliance year because final RFS standards for

2014 have not been established, and it is therefore impossible for obligated parties to assess their compliance with the applicable standards. At the same time, we clarified in the Enviroflash that exporters of renewable fuel must submit at a minimum partial compliance demonstration and attest engagement reports by the respective regulatory deadlines and full reports following publication of the 2014 RFS volume rule because an exporter's compliance obligation is determined entirely by the volume and type of renewable fuel exported and not the renewable fuel volume percentage standards. It is therefore possible for exporters to partially or fully meet the current regulatory reporting deadlines including the June 1, 2015 deadline for attest engagement reports.

The Enviroflash did not specifically address the attest engagement requirements for parties other than obligated parties and exporters. Following issuance of the March 17, 2015 Enviroflash, the agency received comments from attest engagement auditors indicating that it would be impractical for certain other parties to meet the June 1, 2015 attest engagement deadline at 40 CFR 80.1464(d) for the 2014 compliance year. The auditors explained that they generally rely on the beginning balance of Renewable Identification Numbers (RINs) based on attest procedures performed in the previous year, and that it would be impractical for them to do this since the agency delayed the 2013 attest engagement deadlines until after the 2014 attest engagement deadline.

In order to address these concerns, the agency will propose to change the June 1, 2015 attest engagement reporting deadline for the 2014 compliance year for RIN-generating renewable fuel producers (domestic and foreign), RIN-generating importers, and other parties owning RINs to January 31, 2016.[1] Since independent third-party auditor annual attest requirements are dependent upon the submission of the RIN verification reports to the EPA, the agency will also propose to delay the 2014 attest engagement reporting deadline for independent third-party auditors from June 1, 2015 to January 31, 2016.

Accordingly, we request that the OECA exercise its enforcement discretion to not pursue enforcement actions against RIN-generating renewable fuel producers (domestic and foreign), RIN-generating importers, other parties owning RINs, and independent third-party auditors for violations of the 2014 attest engagement reporting deadlines at 40 CFR 80.1464(d) until 11:59 PM EDT, January 30, 2016, or the effective date of a final rule addressing the 2014 attest engagement deadlines, whichever occurs earlier. We do not anticipate that this action will result in any adverse environmental impacts, as no requirements to comply with the RFS volume standards are affected by this action.

Please contact Byron Bunker on my staff if you have any questions.

Attachment: Enviroflash

cc: Phillip A. Brooks, Director, Air Enforcement Division, OECA
Christopher Thompson, Chief, Western Field Office, Air Enforcement Division, OECA
Jeff Kodish, Fuels Team Leader, Air Enforcement Division, OECA

[1] The attest engagement requirements for RIN-generating renewable fuel producers (domestic and foreign), RIN-generating importers, other parties owning RINs, and independent third-party auditors are found at 40 CFR 80.1464(b),(c) and (i), and the associated deadline is specified in 40 CFR 80.1464(d).

From: EnviroFlash [mailto:enviroflash@epa.gov]
Sent: Tuesday, March 17, 2015 2:19 PM
To: Kodish, Jeff
Subject: RFS Annual Compliance Deadline

This Enviroflash relates to the dates that obligated parties and exporters must file their annual compliance demonstration reports and associated attest engagement reports required by 40 CFR 80.1451(a) and 80.1464(a). EPA is today clarifying that obligated parties (refiners and importers of gasoline and diesel fuel) under the Renewable Fuel Standard (RFS) program are not required to submit compliance demonstration reports (or associated attest engagements) for the 2014 standards until EPA issues a final rule establishing the final 2014 RFS standards and sets (in that action) a compliance demonstration deadline for those standards.

Under the Clean Air Act, EPA establishes RFS percentage standards through annual rulemaking. The Act provides that rulemaking for a given compliance year is to be completed by November 30 of the prior year. However, on December 9, 2014, the EPA issued a Federal Register Notice announcing that it would not be finalizing the 2014 percentage standards under the RFS program until sometime in 2015. 79 FR 73007.

EPA regulations require obligated parties to submit compliance reports by March 31 of each year for the previous annual compliance period, and submit attest engagements with respect to these compliance reports by June 1 of each year. 40 CFR 80.1451(a) and 80.1464(d). EPA interprets these reporting and attest engagement deadlines at 40 CFR 80.1451(a) and 80.1464(a) to be inoperative for obligated parties for the 2014 compliance year because final RFS standards for 2014 have not been established, and it is therefore impossible for obligated parties to assess their compliance with the applicable standards. Therefore, obligated parties are not required to submit compliance reports or attest engagements for the 2014 compliance year in accordance with the deadlines set forth in 40 CFR 80.1451(a) and 80.1464(d). When EPA issues a final rule establishing 2014 RFS percentage standards, we will in the same action establish a deadline for compliance demonstration reports and attest engagements for obligated parties associated with the 2014 standards.

The situation is different for exporters of renewable fuel in that it is possible for exporters to partially or fully meet the regulatory deadlines for compliance reports and attest engagements, as described in more detail below. An exporter's renewable volume obligation ("ERVO") is determined entirely by the volume and type of renewable fuel exported. Therefore, all exporters are able to comply with the requirement in 40 CFR 80.1451(a)(1)(vi) to report their ERVOs for 2014 by the March 31, 2015 annual compliance demonstration deadline.

Beginning September 17, 2014, exporters of renewable fuel must retire RINs to satisfy ERVOs within 30 days of each export. ERVOs associated with exports occurring between January 1, 2013 and September 16, 2014 must be satisfied at the time of the compliance demonstration deadline for the 2013 compliance period. 40 CFR 80.1430(g). That deadline is currently set by 40 CFR 80.1451(a)(1)(xiv) as 30 days after publication in the Federal Register of the final rule establishing the 2014 RFS percentage standards. Considering that all exporters currently know their 2014 ERVOs, and that certain 2014 ERVOs (for exports on or after September 17, 2014), must be satisfied within 30 days of export and other 2014 ERVOs (for exports prior to September 17, 2014) need only be satisfied at the time of the compliance demonstration for the 2013 compliance period (which is 30 days after publication of the final 2014 rule), EPA interprets the March 31, 2015 deadline in 40 CFR 80.1451(a) for 2014 annual

compliance demonstration reports for exporters, and the associated deadline for attest engagements for such reports, as follows.

All exporters of renewable fuel in 2014 must submit annual compliance reports by the March 31, 2015 deadline that includes at a minimum the information specified in 40 CFR 80.1451(a)(1)(i)(exporter's name), (ii)(EPA company registration number), and (vi)(the exporter renewable volume obligation for all of calendar 2014). All exporters may elect to fully comply with the annual reporting requirement in 40 CFR 80.1451(a)(1).

In addition, those parties that exported renewable fuel on or after September 17, 2014 must include information pursuant to 80.1451(a)(1)(viii) regarding RINs retired to satisfy such ERVOs, and (x) regarding cellulosic biofuel waiver credits used, if applicable.

For all exporters not submitting complete annual compliance reports by March 31, 2015, (e.g., those exporters that have not elected to fully report RINs retired to meet their full calendar year ERVOs), supplemental annual compliance reports are due 30 days after EPA issues a final 2014 rule, unless EPA modifies this deadline through rulemaking.

Attest engagements with respect to the partial or complete annual compliance reports submitted by March 31, 2015 are due on June 1, 2015, in accordance with 40 CFR 80.1464(d). Attest engagements with respect to supplemental annual compliance reports are due 90 days after issuance of the 2014 final rule, consistent with the attest engagement deadline specified for the 2013 compliance year that is specified in 80.1464(g), unless this deadline is modified by EPA through rulemaking.

EPA will publish another Enviroflash if it issues rules changing the deadlines described in this Enviroflash.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN - 4 2018

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John McCann
President
Mace Security International
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Re: No Action Assurance Affecting Bear Spray and Certain Other Fog-type Defense Aerosol Spray Manufacturers

Dear Sir/Madam:

Today the EPA is providing a no action assurance (No Action Assurance) to manufacturers of bear sprays and similar fog-type defense aerosol sprays that as of January 1, 2018, are prohibited from using HFC-134a as a propellant in these sprays. This No Action Assurance is being issued in response to a December 22, 2017, request from William Wehrum, Assistant Administrator for the Office of Air and

Radiation (OAR). As explained more fully below, this No Action Assurance addresses certain provisions of the EPA's final rule, Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes under the Significant New Alternatives Policy Program (SNAP Rule) (July 2015). Under Title VI of the Clean Air Act, the EPA's Significant New Alternatives Policy (SNAP) program evaluates the human health and environmental effects of alternatives to ozone-depleting substances and publishes a list of acceptable and unacceptable substitutes. The EPA issued a final rule on July 20, 2015, with an effective date of August 19, 2015. This rule made HFC-134a unacceptable as a propellant in consumer and law enforcement defense aerosol uses as of July 1, 2016. A later compliance date of January 1, 2018, applied to certain personal defense spray aerosol products such as those addressed by this No Action Assurance. The 2015 Final SNAP Rule made HFC-134a unacceptable as a propellant in consumer and law enforcement defense aerosol uses based on information the Agency had at the time on the availability of safer alternatives. Most, but not all, defense sprays are pepper sprays. The EPA is aware of 10 companies in the United States that manufacture bear sprays or similar fog-type aerosol defense sprays.

In September 2015, two chemical suppliers that produce HFC-134a challenged the July 2015 SNAP Rule. On August 8, 2017, in *Mexichem Fluor, et. al. v. EPA*, a two-judge majority of the U.S. Court of Appeals for the District of Columbia Circuit issued a decision to vacate the July 2015 SNAP Rule to the extent it requires manufacturers, such as those subject to the January 1, 2018, deadline, who are already using alternatives to ozone depleting substances (e.g., HFC-134a) in lieu of ozone depleting substances to switch to another substance. Industry and environmental intervenors filed petitions for rehearing by the panel and by the full court. The court is withholding its mandate pending disposition of the petitions for rehearing. If the court issues the mandate for this case, it will obviate the need for a No Action Assurance because the EPA would apply the rule's requirements consistent with the court's decision.

In addition, in July 2017, one of the manufacturers subject to the January 2018 compliance date, Safariland (supported by a number of other defense aerosol spray manufacturers), submitted a petition under 40 C.F.R. § 82.184(c)(4) requesting the EPA amend the listing decision under the SNAP Rule prohibiting the use of HFC-134a in certain products. Specifically, the petition requested that the EPA amend an "acceptable, subject to use conditions" listing for HFC-134a to add a use condition for personal defense sprays. OAR has met several times with the petitioner and has reviewed additional technical information that OAR did not have at the time it finalized the 2015 SNAP Rule. This information indicates that for defense aerosol sprays that must be discharged as a "cloud" or "fog" over a specific distance and velocity (such as bear sprays) alternative formulations are not yet available that meet the necessary performance criteria. Specifically, performance may be particularly challenging for products such as bear sprays and fog-type defense sprays that that need to efficiently and quickly release an effective amount over a wide area in a short period of time to ensure safety. Based on its review of this new information, OAR issued a letter on December 21, 2017, informing Safariland that it has "tentatively concluded that a longer transition period is needed for aerosol propellant use of HFC-134a as it pertains to bear sprays and certain other defense aerosol sprays and [is] actively assessing [its] options."

The pending litigation and Safariland petition regarding the 2015 SNAP Rule have created unusual circumstances and confusion. First, the court issued a decision to vacate the July 2015 SNAP rule, but withheld the issuance of the mandate as it considers the petitions for rehearing, and in the interim, the January 2018 compliance date for the rule has just passed. Second, in response to the Safariland petition, OAR has tentatively concluded that a longer transition period (e.g., later compliance date) is needed for aerosol propellant use of HFC-134a as it pertains to bear sprays and certain other defense aerosol sprays,

and yet the January 2018 compliance date is now in effect. Under these unusual and limited circumstances, it is appropriate to issue this No Action Assurance for a limited amount of time while the court considers the petitions for rehearing and the EPA considers next steps in response to the Safariland petition.

Specifically, this No Action Assurance establishes that the EPA will exercise its enforcement discretion not to pursue enforcement action against manufacturers of bear sprays and similar fog-type defense sprays that fail to replace HFC-134a with an alternative propellant in these products by January 1, 2018. This No Action Assurance will remain in effect until either: (1) 11:59 PM EDT, March 5, 2018; or (2) the issuance of the D.C. Circuit Court of Appeals mandate, whichever occurs earlier. If the court has not issued the mandate by March 5, 2018, the EPA will consider whether an extension of this No Action Assurance is appropriate. The EPA reserves the right to revoke or modify this No Action Assurance.

The issuance of a No Action Assurance for this period of time is in the public interest to alleviate confusion and to ensure the orderly administration of the affected rule. It will also allow the EPA to determine the appropriate next steps following its tentative conclusion that a longer transition period is appropriate for these products. Finally, the issuance of a No Action Assurance for this period of time is in the public interest to ensure the uninterrupted manufacturing of personal defense sprays such as bear sprays and other fog-type defense sprays. Due to limited duration of this action, it should have minimal environmental impact.

If you have further questions regarding this matter, please contact Apple Chapman at chapman.apple@epa.gov or (202) 564-5666.

Sincerely,

Susan Parker Bodine

cc: William Wehrum, Assistant Administrator, Office of Air and Radiation
Elizabeth Shaw, Deputy Assistant Administrator, Office of Air and Radiation
Sarah Dunham, Director, Office of Atmospheric Programs
Cynthia Newberg, Director, Stratospheric Protection Division

Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 7/31/2018 8:24:17 PM
To: Price, Doris [Price.Doris@epa.gov]; Strine, Lora [Strine.Lora@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Carroll, Maria [carroll.maria@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]
Subject: RE: OAR Preview Overdue Report for Week Ending July 21, 2018
Attachments: OAR Preview Overdue Report for Week Ending August 4, 2018.pdf

OAR Correspondence Coordinators:

Attached is the latest report for correspondence due from your program office. Please review and complete assignments by the due date indicated. If you have any questions or need assistance, please contact me. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

Message

From: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Sent: 7/25/2018 1:00:13 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Fwd: Draft memo withdrawing glider NAA & draft cover letter template
Attachments: DRAFT Memo to Withdraw Gliders NAA 7.24.18 243pm.docx; ATT00001.htm; DRAFT Memo to Withdraw Gliders NAA 7.24.18 243pm clean.docx; ATT00002.htm

To discuss tomorrow

Sent from my iPhone

Begin forwarded message:

From: "Schwab, Justin" <Schwab.Justin@epa.gov>
Date: July 24, 2018 at 8:32:30 PM EDT
To: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Subject: FW: Draft memo withdrawing glider NAA & draft cover letter template

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From: Carrillo, Andrea
Sent: Tuesday, July 24, 2018 2:52 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Draft memo withdrawing glider NAA & draft cover letter template

Attorney Client / Ex. 5

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3392 (office)| (202) 603-4003 (telework/cell)| WJCN 7426KK

From: Carrillo, Andrea
Sent: Tuesday, July 24, 2018 1:29 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Schwab, Justin <schwab.justin@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Orlin David (Orlin.David@epa.gov) <Orlin.David@epa.gov>
Subject: Draft memo withdrawing glider NAA & draft cover letter template

Please find attached a draft memo from the Acting Administrator withdrawing the gliders No Action Assurance that is ready for your review. **Attorney Client / Ex. 5**

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Please let us know if it would be helpful to discuss either attachment further.

Thanks,

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
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Message

From: Chris Miller [cmiller@ajw-inc.com]
Sent: 7/21/2018 12:12:23 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Charmley, William [charmley.william@epa.gov]
Subject: MECA-AESI letter to Admn Wheeler on gliders
Attachments: MECA-AESI letter on EPA Glider non-enforcement memo - 180718.docx; ATT00001.htm

Hello - I was told that you may be acting as Administrator Wheeler's chief of staff. I'd be much obliged if you could forward the attached to him for consideration, and also pass along my personal regards/greetings.

Thanks, Chris

Christopher J Miller
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July 18, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Wheeler,

We write to request that you formally stay the decision dated July 6, 2018, from Susan Bodine, Assistant Administrator of OECA, to Bill Wehrum, Assistant Administrator of OAR, and entitled "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles." It undermines regulatory certainty, harms air quality and public health, and is a clear violation of the Administrative Procedures Act. Not to mention the adverse impact it will have on tens of thousands of jobs in the supplier industry.

As you may be aware, both of our organizations joined a group of stakeholders including; American truck and engine manufacturers, automotive suppliers and related businesses, many states, and numerous public health and environmental organizations, in opposing the loophole that your predecessor sought to enlarge against the clear directives of the Clean Air Act. We testified against further expansion of the production cap in the final heavy duty Phase 2 rule (300 glider kits per year per manufacturer) because it would directly and negatively affect our members' and their customers' bottom-line, and significantly increase air pollution. The 300 unit sales cap was set in-part based on input from the glider industry that suggested that such a limit is economically sustainable (see Fitzgerald Glider Kits quote prior to finalization of the heavy-duty Phase 2 Rule http://www.truckinginfo.com/channel/equipment/article/story/2013/04/the-return-of-the-glider.aspx).

MECA and AESI members have over 40 years of experience and a proven track record in developing and manufacturing emission control and efficiency technology for a wide variety of on-road and off-road gasoline and diesel fueled vehicles and equipment in all world markets. Our members represent 70,000 of the nearly 300,000 North American jobs building the technologies that improve the fuel economy and lower emissions of today's vehicles. These jobs are located in nearly every state in the United States – the top 10 states in the U.S. are Michigan, Texas, Illinois, Virginia, New York, Indiana, North Carolina, Ohio, Pennsylvania, and South Carolina. The mobile source emissions control industry has generated hundreds of billions of dollars in U.S. economic activity since 1975 and continues to grow and add more jobs in response to

environmental regulations. In 2017, emission control manufactures have invested over $3 billion in developing the technologies that reduce emissions from mobile sources.

The Bodine-Wehrum memo is harmful to regulatory certainty and the improved transparency which you are attempting to implement at the Agency. Like the proposed loophole, the memo creates an uneven playing field that undermines the billions of dollars of investments that our companies have made to deliver the latest clean vehicle technologies, and that would, in turn, threaten tens of thousands of U.S. jobs for our companies. The "new motor vehicle" designation for glider vehicles under the Clean Air Act gives EPA the authority to regulate glider vehicles. The glider kit and glider vehicle provision in the Phase 2 heavy-duty rule took an important step in closing the loophole that previously existed. Component suppliers rely on regulatory certainty when they make long term investments, and we request that the Agency support the mobile emission control supplier industry and maintain the heavy-duty Phase 2 regulation in the current finalized form, as supported by OEMs, trucking associations, suppliers and states.

Our industry has played an important role in the emissions success story associated with light and heavy-duty vehicles in the United States, and has continually supported EPA's efforts to manage air quality problems. MECA and AESI urge you to issue a stay of this enforcement discretion decision and we welcome the opportunity to meet with you and your staff in the near future to answer any questions you might have on this important issue.

Sincerely,

Rasto Brezny
Executive Director
Manufacturers of Emission Controls Association
rbrezny@meca.org

Christopher Miller
Executive Director
Advanced Engine Systems Institute
cmiller@ajw-inc.com

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 7/16/2018 9:44:40 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Morning Energy: Second 'minibus' pulls in — The great California divide — Trump-Putin meeting's energy potential

By Kelsey Tamborrino | 07/16/2018 05:42 AM EDT

With help from Daniel Lippman

SECOND 'MINIBUS' PULLS IN: With negotiations still stalled on the first fiscal 2019 "minibus" funding bill, the House Rules Committee will meet today on the second minibus, which means debate on a host of thorny, energy-related issues. The measure, H.R. 6147 (115), combines funding for Interior-Environment with Financial Services, and while not as controversial as some of the other spending bills the House is slated to take up, it'll offer lawmakers ample opportunity to zero in on the indiscretions of former EPA Administrator Scott Pruitt, as well as address issues like what coastlines should be exempt from offshore drilling.

House Republican leaders are aiming to keep any fighting off the floor by curtailing the amendments to the two-bill package, Pro's Lauren Aratani reports. And because the Rules panel will likely seek a "structured" rule, the most controversial tweaks are expected to be cast aside. Still, Democrats will use debate over the spending bill to rehash Pruitt's missteps, Lauren reports, and pursue continued investigation into allegations that he misused taxpayer money.

The panel begins work today on more than 160 proposed amendments submitted last week to the Interior-Environment portion, including one to ensure EPA's inspector general will continue its investigations into Pruitt, and another that would bar funds from being used to install a private phone booth in or near the office of the Interior secretary. Another proposed tweak would require EPA to publicly disclose all funds used for top-level travel, within 10 days of each trip — a clear call to Pruitt's tenure at EPA.

ME is also keeping an eye on an amendment from Democratic Rep. Paul Tonko that would bar EPA from using money to adopt a rule that would keep the agency from using research without publicly disclosed data, as Lauren highlights. Dozens of lawmakers from both parties have also sponsored amendments that would bar federal funds from being used to support offshore drilling in various locations off the nation's coasts, as the White House seeks to expand exploration for oil and gas. Read more here.

GOOD MONDAY MORNING! I'm your host, Kelsey Tamborrino. The League of Conservation Voters' Gene Karpinski was first to identify Hawaii as the state that does not have a straight line forming part of its border. Today's question comes from Bracewell's Frank Maisano in honor of this week's All-Star game: Which presidents threw out the first pitch at an All-Star game in D.C.? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

JUST RELEASED: View the latest POLITICO/AARP poll to better understand Arizona voters over 50, a voting bloc poised to shape the midterm election outcome. Get up to speed on priority issues for Hispanic voters age 50+, who will help determine whether Arizona turns blue or stays red.

What role will Hispanic voters over 50 play in Arizona this Fall? Read POLITICO Magazine's new series "The Deciders" which focuses on this powerful voting bloc that could be the determining factor in turning Arizona blue.

THE GREAT CALIFORNIA DIVIDE: California Democrats rebuked Sen. Dianne Feinstein this weekend and endorsed her progressive opponent, state Sen. Kevin de León, who has been embraced by climate hawks among other liberal activists in his long-shot bid to keep Feinstein from winning a fifth term. The vote offers a glimpse into the dynamics in the state Democratic party, POLITICO's Carla Marinucci and Jeremy B. White report, where infighting between moderate and progressive factions has taken over.

The decision to endorse de León delivers a much-needed lifeline to the struggling campaign of the state Senate president pro tem, who came in second in California's jungle primary earlier this year to earn a spot against Feinstein in November. De León has made climate and environmental policy keystone issues and has been endorsed by Climate Hawks Vote, 350 Action, 350.org's Bill McKibben and billionaire environmentalist Tom Steyer. The nod from the state party ensures his campaign valuable voter outreach information and the potential for an infusion of federal campaign cash, Carla and Jeremy report.

Feinstein on Saturday downplayed the symbolism of the de León endorsement. "This was not a close primary election, and there were 32 people on the ballot," she said of the June vote. "I take nothing for granted ... we work hard." For his part, de León told POLITICO on Saturday that he thinks "it's always good to have younger generations rise up and assume positions of leadership."

Still, the vote draws attention to the deepening divide between in state's Democratic party and what action Feinstein is taking to lessen the pressure. Last week, the California Democrat told E&E News she supports a ban on fracking in the state, something she had previously stopped short of saying. As the ranking Democrat on the Senate Judiciary Committee, Feinstein has also touted her importance in the effort to oppose Brett Kavanaugh's nomination to the Supreme Court — another issue closely watched by environmentalists and industry alike.

Climate Hawks Vote Founder R.L. Miller said in a statement the group appreciated Feinstein's "new position on fracking," but highlighted de León's potential in California. "Kevin de Leon has shown vision, courage, and tenacity," Miller said. "He's an extraordinary leader for extraordinary times, moving California toward a bright future with bills like his SB 100 (100 percent clean energy by 2045) and SB 54, the California Values Act (sanctuary state) that was just upheld in court." Read more.

TRUMP-PUTIN MEETING'S ENERGY POTENTIAL: The president is in Helsinki today for his highly anticipated meeting with Russian President Vladimir Putin. While the two have met before on the sidelines of other events, today's confab will be the first meeting between the two presidents, Jon Huntsman, the U.S. ambassador to Russia, said Sunday . Unlike official presidential summits, the meeting in Helsinki will not feature a joint statement or any predetermined policy results. "You don't know what's going to come out of this meeting, but what it will be is the first opportunity for these presidents to actually sit down across a table, alone and then with their teams, to talk about everything from meddling in the election, to areas where we have some shared interests," Huntsman said.

Of course, President Donald Trump made news last week on the Russian energy front at a breakfast meeting with NATO chief Jens Stoltenberg where he said Germany is "totally controlled by Russia" and specifically called out the controversial Nord Stream 2 gas pipeline project. Energy Secretary Rick Perry said last week Trump thinks the "Nord Stream 2 is not in the European Union's best interest, and my bet is he'll be more than happy to tell President Putin that straight to his face," Axios reported . The State Department told Reuters last week that Western firms invested in the pipeline were at risk of sanctions, although Perry told reporters that sanctions would be "kind of the last place we would like to land" but said they were an option.

WHERE'S WHEELER? Marking another departure from the Pruitt era at EPA, the agency gave a heads-up that acting Administrator Andrew Wheeler will be in Canonsburg, Pa., this afternoon. Wheeler will be in the area to attend a meeting of the Washington County Chamber of Commerce, alongside Region 3 Administrator Cosmo Servidio.

ON TAP THIS WEEK: The Rules Committee will meet Tuesday to consider a resolution, H. Con. Res. 119 (115), that calls a carbon tax "detrimental" to the U.S. economy and "not in the best interest" of the country. The meeting tees up a likely vote later this week on the non-binding resolution, following a recent push by conservative groups to take up the measure. The legislation is led by Majority Whip Steve Scalise, Pro's Anthony Adragna reports, and could offer an interesting vote for Climate Solutions Caucus members, who have yet to weigh in on specific solutions for addressing climate change.

EPA ETHICS OFFICIAL DEFENDS FOIA PROCESS: Kevin Minoli, EPA's principal deputy general counsel, replied last night to the top Democrat on the House Oversight Committee, who on Friday pressed for a subpoena over the agency's handling of FOIA requests. In his letter, Minoli offers to brief Congress on the agency's FOIA Expert Assistance Team that was created in 2013 to "make the FOIA process at EPA better." While Minoli's letter acknowledges "EPA's FOIA program is far from perfect," he highlights the work of the FEAT and other offices, writing that they have "laid a foundation from which EPA's FOIA program could be a model of what a FOIA program should be, not an example of what a FOIA program should not be." Read the letter.

MAIL CALL! Thirteen attorneys general on Friday demanded in a letter to Wheeler that his agency withdraw an order to manufacturers of glider trucks that the agency will not enforce a strict 300-unit production cap for 2018 and 2019, which was issued by Pruitt on his last day. The AGs call the move "clearly unlawful" and a violation of EPA's policy against "no action assurances." In a statement, New York AG Barbara Underwood said Pruitt gave "a parting gift to polluters on his very last day as EPA Administrator — bolstering the Trump Administration's legacy of siding with corporations over people." New York, along with California, Connecticut, Illinois, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Oregon, Pennsylvania, Vermont and Washington, signed onto the letter, as did the Pennsylvania Department of Environmental Protection and the California Air Resources Board.

— **GOP Reps. Greg Walden, Gregg Harper and John Shimkus** wrote to Wheeler on Friday, seeking additional information on EPA's process for reviewing grant applications. Read the letter here.

CLEARPATH ACTION BACKS UPTON: Jay Faison's ClearPath Action Fund will announce its endorsement of Michigan Rep. Fred Upton today. The clean energy advocacy group will begin running digital ads backing the Michigan Republican as part of a six-figure effort for his reelection. Upton, who is the chairman of Energy and Commerce's Energy Subcommittee, "has an accomplished record of shepherding many bills hitting every facet of clean energy innovation," Faison said in a statement.

MOVERS, SHAKERS: Matthew Mailloux, managing director at the American Conservation Coalition, joined the New Hampshire Office of Strategic Initiatives as Gov. Chris Sununu's energy adviser.

— **Katie Valentine** is now a media relations associate at the Conservation Fund. She is the former deputy climate editor at ThinkProgress.

QUICK HITS

— "California is preparing for extreme weather. It's time to plant some trees," The New York Times.

— "Energy execs set fundraiser for Fla. Gov. Rick Scott," E&E News.

— "Widespread unrest erupts in southern Iraq amid acute shortages of water, electricity," The Washington Post.

— "Fill 'er up, or plug it in? Oil, utilities fight to fuel vehicles of the future," The Wall Street Journal.

— "Pence family's failed gas stations cost taxpayers $20M+," The Associated Press.

— "National parks could get much-needed money for upkeep through bipartisan bill," ABC News.

HAPPENING THIS WEEK

MONDAY

Noon — The National Iranian American Council briefing on "Joint Comprehensive Plan of Action (JCPOA) 2.0: Iran, Europe, Trump, and the Future of the Iran Deal," SVC-210.

2 p.m. — The Environmental and Energy Study Institute holds a briefing on safely decommissioning nuclear power plants, HC-8.

4 p.m. — The Institute of World Politics lecture on "Energy Trends: Nuclear and Non-nuclear," 1521 16th St. NW.

5 p.m. — House Rules Committee meets to formulate a rule on H.R. 6147 (115), the "Interior, Environment, Financial Services, and General Government Appropriations Act, 2019," H-313.

6:45 p.m. — Smithsonian Associates discussion on "Making Sense of Climate Change," 1100 Jefferson Drive SW.

TUESDAY

8:30 a.m. — POLITICO's Pro Summit, 999 Ninth St. NW.

8:45 a.m. — The United States Institute of Peace discussion on "Wildlife Poaching and Trafficking: Combating a Vital Source of Terrorism," 2301 Constitution Ave. NW.

9:45 a.m. — Senate Environment and Public Works Committee hearing on "The Endangered Species Act Amendments of 2018," 406 Dirksen.

10 a.m. — House Natural Resources Federal Lands Subcommittee hearing on federal land bills, 1324 Longworth.

10 a.m. — The Atlantic Council discussion on "Ready and Resilient," focusing on disaster preparedness, 1030 15th St. NW.

10 a.m. — House Oversight Interior, Energy and Environment Subcommittee hearing on "Tribal Energy Resources: Reducing Barriers to Opportunity," 2247 Rayburn.

10 a.m. — House Science Energy and Environment Subcommittees joint hearing on "The Future of Fossil: Energy Technologies Leading the Way," 2318 Rayburn.

10 a.m. — Senate Energy and Natural Resources Committee hearing on the Interior Department's final list of critical minerals, 366 Dirksen.

1 p.m. — EPA meeting on pesticide health and safety, Rosslyn, Va.

WEDNESDAY

9 a.m. — EPA public hearing on "Proposed Renewable Fuel Standards for 2019, and the Biomass-Based Diesel Volume for 2020," Ypsilanti, Mich.

9 a.m. — House Energy and Commerce Energy Subcommittee hearing on "Powering America: The Role of Energy Storage in the Nation's Electricity System," 2322 Rayburn.

10 a.m. — Senate Commerce Committee hearing on "SHARKS! — Innovations in Shark Research and Technology," 253 Russell.

10 a.m. — House Transportation Economic Development, Public Buildings and Emergency Management Subcommittee hearing on "Are We Ready? Recovering from 2017 Disasters and Preparing for the 2018 Hurricane Season," 2167 Rayburn.

10:30 a.m. — The Center for Strategic and International Studies discussion on "Digitalization in the Industrial Sector: Implications for Energy, Technology, and Policy," 1616 Rhode Island Ave. NW.

2:30 p.m. — Senate Indian Affairs Committee hearing on three bills, including S. 3168 (115), to amend the Omnibus Public Land Management Act of 2009 to make Reclamation Water Settlements Fund permanent, 628 Dirksen.

1 p.m. — The Atlantic Council discussion on "Oil and Iran: How Renewed Sanctions Will Affect Iran and World Markets," 1030 15th St. NW.

THURSDAY

9 a.m. — The Atlantic Council discussion on "Finnish Perspectives on Energy Security in Europe," 1030 15th St. NW.

10 a.m. — Senate Environment and Public Works Committee hearing on nomination of Mary Bridget Neumayr to be a member of the Council on Environmental Quality, 406 Dirksen.

12 p.m. — The Woodrow Wilson Center's China Environment Forum discussion on "Aiming Low: Wielding New Low-carbon Tools to Help Chinese and U.S. Cities Peak Carbon," 1300 Pennsylvania Ave. NW.

FRIDAY

10 a.m. — The Middle East Policy Council briefing on "Withdrawal from the Joint Comprehensive Plan of Action (JCPOA): Options for the Trump Administration," 562 Dirksen.

CORRECTION: The July 13 edition of Morning Energy incorrectly attributed a statement related to Yucca Mountain. It came from Rep. Dina Titus.

THAT'S ALL FOR ME!

To view online:
https://subscriber.politicopro.com/newsletters/morning-energy/2018/07/second-minibus-pulls-in-279903

Stories from POLITICO Pro

Lawmakers battle over busting budget to pay for veterans health care Back

By Sarah Ferris and Jennifer Scholtes | 07/12/2018 07:29 PM EDT

Spooking House conservatives and risking a presidential veto, Senate spending leaders are proposing to blow past budget limits to fund a popular private health care program for military veterans.

Minutes before they were to meet on Thursday, congressional appropriators canceled their first public conference talk that had been intended to settle differences in three of the 12 annual spending bills President Donald Trump must sign by Sept. 30 to avert a government shutdown. One of the three provides for spending on veterans.

The 11th-hour cancellation came amid a cross-Congress showdown over how to pay for a program that allows some veterans to spend taxpayer money on private doctors and hospitals. The question is whether to break budget limits, known as caps, to come up with the cash.

"They canceled the meeting. But it's all about the VA," Senate Appropriations Chairman Richard Shelby (R-Ala.) told reporters Thursday, apparently referring to GOP leaders. "Do we break the caps? Do we prorate everything else? Do we cut other veterans programs to fund this? We got a shortfall, and we got to work it out. And we're not there yet."

Congress needs to approve $1.6 billion for fiscal 2019, plus nearly $18.2 billion more in the two years thereafter, to fully fund what has been authorized for the VA Choice program and its successor within the new VA Mission Act.

The suggestion that Congress "break the caps" set by the budget deal, H.R. 1892 (115), struck this year is already irking House conservatives, who would be loath to vote on any final spending bill that goes above those limits — even in the face of an impending shutdown this fall. The idea likely would not play well, either, in talks with a White House that was already seen as surprisingly conciliatory in signing that grand budget deal.

Money for veterans programs comes with special political protections, however, since policymakers want to avoid the uncomfortable optics of fighting funding for those who have served in the military. And top Democrats are already trying to use that perception to their advantage.

"You don't go to a veterans assembly and say 'We're not going to help the veterans,'" Sen. Patrick Leahy (D-Vt.), ranking Democrat on the Senate Appropriations Committee, said Thursday.

The administration has been heavily involved in discussions for weeks. The White House budget office has argued that any extra VA money would be akin to breaking this year's budget deal.

"It's obviously critically important to give veterans the resources they need, and we think that can happen inside the existing caps," according to a senior administration official.

Leahy planned to offer an amendment during the conference meeting that would have added funding for the veterans health care program. The meeting was then postponed, he said, because negotiators didn't want to go on record against doling out that cash. A GOP aide said that Republicans weren't expecting any amendments in Thursday's meeting, the first time negotiators would meet face-to-face.

"A lot of the people were I think concerned, I'm told, that they'd have to vote today," Leahy said.

The issue isn't as simple as supporting or opposing money for VA Choice, though.

The funding problem began last month, when Congress enacted a bill, S. 2372 (115), that created a budget gap by switching the program's community care services from the mandatory side of the ledger to the discretionary side.

Democrats — as well as some Republican appropriatiors — are in favor of exempting the new money from Congress' strict spending caps. But many Republicans, including White House officials, say the cash should come out of the government's already-determined budget, even if that means trimming the toplines for other programs.

That means Congress would need to divert hundreds of millions of dollars from other programs into the veterans health care program, which until this year, was funded automatically.

For their part, House lawmakers have already agreed to pay for part of the program without blowing through budget limits. The veterans spending bill, H.R. 5786 (115), that the House passed last month as part of a three-bill minibus would fully fund the program for fiscal 2019.

In a statement to POLITICO on Thursday, House Speaker Paul Ryan called out Leahy by name, saying the Senate spending bill "neglected" to fund the VA program despite the House's action.

"This attack is the height of hypocrisy," said a senior House GOP aide. "Democrats are scrambling to cover up the fact they have not kept their promises as the House did."

House GOP leaders have repeatedly refused to adjust Congress' current spending cap to pay for the additional discretionary spending on the veterans program. Instead, Republicans agreed to pitch in that $1.1 billion by reshuffling existing money from the House's funding bill for the Department of Homeland Security.

Their Democratic counterparts, led by Rep. Nita Lowey (D-N.Y.), have protested the move, arguing that it will shortchange other domestic programs. Lowey's own caps-busting amendment was rejected by the spending committee.

The fight over the budget caps has been long simmering and nearly broke out into the open earlier this summer.

Shelby had long backed Leahy's amendment to surpass the caps, but the GOP chairman was forced to shelve his support for bringing it to the floor at the last minute after several conservatives raised issues with it, according to Senate aides.

Shelby even declared on the Senate floor in May that he would support a plan that exceeds the caps, warning that Congress' newest version of the veterans law authorized large sums of spending "without providing any way to pay for it under the spending caps."

"Fortunately, there is existing law and ample precedent for adjusting spending caps to reflect changes resulting from a shift in mandatory spending to discretionary spending," Shelby said on the floor.

Anthony Adragna and John Bresnahan contributed to this report.

To view online click here.

Back

Pruitt scales back EPA's use of science Back

By Emily Holden and Annie Snider | 04/24/2018 03:28 PM EDT

Environmental Protection Agency chief Scott Pruitt announced Tuesday he would seek to bar the agency from relying on studies that don't publicly disclose all their data, a major policy change that has long been sought by conservatives that will sharply reduce the research the agency can rely on when crafting new regulations.

The unveiling of the proposed rule delivers a win to Republicans like House Science Chairman Lamar Smith (R-Texas), who unsuccessfully pushed legislation to impose the same type of change. The move also demonstrates Pruitt's persistence in pursuing President Donald Trump's anti-regulation agenda just two days before the embattled EPA chief is due to face fierce questioning from lawmakers about his hefty spending, expanded security detail and cheap condominium rental from the wife of an energy lobbyist.

At an invitation-only meeting at EPA headquarters with Smith, Sen. Mike Rounds (R-S.D.) and other supporters of the policy, Pruitt said the proposed rule was critical in ensuring that the agency was transparent about how it is making decisions to justify costly new regulations. It is the latest step Pruitt has taken to fundamentally shift the agency's approach to science.

"It is a codification of an approach that says as we do our business at the agency the science that we use is going to be transparent, it's going to be reproduceable, it's going to be able to be analyzed by those in the marketplace. And those who watch what we do can make informed decisions about whether we've drawn the proper conclusions or not," Pruitt said.

Text of the proposed rule was not immediately available.

The proposal, based on legislation pushed by Smith, is intensely controversial, and scientists and public health groups say it will prevent federal regulators from enacting health and safety protections. Nearly 1,000 scientists, including former EPA career staffers, signed a letter opposing the policy sent by the Union of Concerned Scientists to Pruitt on Monday.

Their primary concern was that many of the country's bedrock air and water quality regulations are based on research that cannot disclose raw data because it includes the personal health information.

But industry has its own version of the same problem. EPA often relies on industry studies that are considered by companies to be confidential business information when determining whether new pesticides and toxic chemicals are safe to use. Internal EPA emails obtained under the Freedom of Information Act show that EPA political officials, including Nancy Beck, who became the chief of the agency's chemical safety office last year after working for years at a chemical industry lobbying group, worried that the new policy would limit the agency's ability to consider industry data or would force companies to make this proprietary data public.

"We will need to thread this one real tight!" Richard Yamada, political official who led work on the new policy wrote to Beck after she raised the concerns.

It was not immediately clear if the new proposed rule included measures to address those concerns.

Rush Holt, CEO of the American Association for the Advancement of Science, said Pruitt's changes could keep the agency from revising public health regulations as problems arise or new data comes to light.

"On the surface it sounds so innocuous or even beneficial. What could be wrong with transparency? Well it's clear to me that this is not based on an effort to be transparent. It is rather based on an effort to be just the opposite," he said.

"EPA is particularly important because when science is misused, people die," he added.

Pruitt has been discussing the new scientific policy publicly for weeks, but it only went to the White House for interagency review last week. Such swift review is very rare for the Office of Management and Budget, which often takes months to vet a new policy. At least one group, the Environmental Defense Fund, has requested a meeting with OMB officials to discuss the rule, but OMB's website shows that no meetings have been scheduled with interested groups.

Many public health studies can't be replicated without exposing people to contaminants, and environmental disasters such as the Deepwater Horizon oil spill cannot be recreated, the group said, raising intellectual property, proprietary and privacy concerns.

Pruitt's predecessor Gina McCarthy, and her air chief Janet McCabe, in an op-ed in The New York Times in March said concerns about studies are dealt with through the existing peer-review process, which ensures scientific integrity.

"[Pruitt] and some conservative members of Congress are setting up a nonexistent problem in order to prevent the E.P.A. from using the best available science," they said.

To view online click here.

Back

Net neutrality, offshore drilling, tax-free churches: What's dredged up in the latest spending debate Back

By Lauren Aratani | 07/16/2018 05:03 AM EDT

House leaders will bring two more spending bills to the floor this week, still aiming to pass all 12 of the fiscal 2019 measures before federal cash runs out on Sept. 30. Albeit a softball compared to the more controversy-packed funding bills, this second "minibus" provides ample opportunity for political potshots and fiery policy debate.

House Republican leaders are expected to keep much of that fighting off the floor by curtailing amendments to the two-bill package, H.R. 6147 (115), which includes funding for the Interior Department, EPA, IRS, SEC and General Services Administration — among several other agencies — as well as federal courts and Washington, D.C.

But issues such as federal jobs for young immigrants, financial transactions with marijuana vendors and the indiscretions of former EPA Administrator Scott Pruitt are sure to come up as GOP leaders prep for floor debate.

The House Rules Committee is set to meet Monday night to wade through the more than 240 proposed amendments to the Financial Services, H.R. 6258 (115), and Interior-Environment titles. Because the panel will likely seek a "structured" rule, the most controversial tweaks are expected to be cast aside before the legislative duo is called up for floor debate. What to watch:

Sticking it to Scott Pruitt

Though Pruitt is EPA administrator no more, Democrats will use this week's spending bill to rehash his missteps and pursue continued investigation into allegations that he misused taxpayer money. One proposed amendment would withhold funds for finalizing any EPA rules Pruitt initiated, until the agency's inspector general completes its investigations into the former administrator's spending.

Another proposed tweak would require the EPA to publicly disclose all funds used for top-level travel, within 10 days of each trip.

The bill already includes a committee-approved, tongue-in-cheek provision that would bar the EPA's chief from purchasing fountain pens that cost more than $50, following reports that Pruitt spent $3,230 on especially pricey writing tools. And an amendment has been proposed that would essentially bar the Interior secretary from installing a private phone booth, after Pruitt spent $43,000 on a soundproof stall.

Supporting the marijuana economy

More than 20 co-sponsors — from both sides of the aisle — have piled on in support of an amendment that would prevent financial institutions from being penalized for serving legal marijuana businesses.

Disputing research requirements

Rep. Paul Tonko (D-N.Y.) has drafted an amendment that would bar the EPA from using money to adopt a rule that would keep the agency from using research without publicly disclosed data. Conservatives argue that the rule brings transparency to scientific research, but many scientists contend that the stipulation would allow the agency, under the guise of transparency, to pick and choose which research it will use for regulations.

Protecting employment for DREAMers

An amendment by Rep. Pete Aguilar (D-Calif.), and another by Rep. Darren Michael Soto (D-Fla.), would ensure immigrants protected under the Deferred Action for Childhood Arrivals program are eligible for federal employment. Although some moderate Republicans have voiced support for that effort, chances of action have grown slim after House Republicans failed last month to bring GOP immigration proposals to the floor.

Stopping offshore drilling

Dozens of lawmakers from both parties have sponsored amendments that would bar federal funds from being used to support offshore drilling in various locations off the nation's coasts, as the White House seeks to expand exploration for oil and gas.

Curtailing church donations

Several Democrats have endorsed an amendment by Rep. Debbie Wasserman Schultz (D-Fla.), and another by Rep. John Lewis (D-Ga.), that would seek to continue enforcement of the current prohibition on tax-exempt nonprofit organizations endorsing or donating to political candidates. House Republicans have included language in the Financial Services title that would basically ban the IRS from rooting out churches that break that rule.

Reviving net neutrality

Democrats have proposed an amendment that would restore the FCC's net neutrality rules, after the commission's repeal took effect this month.

To view online click here.

Back

Billionaire Steyer endorses de León over Feinstein Back

By David Siders | 04/18/2018 11:53 AM EDT

LOS ANGELES — Tom Steyer, the billionaire Democratic mega-donor, is endorsing Kevin de León in his longshot bid to unseat California Sen. Dianne Feinstein, the latest rebuke of Feinstein from her party's increasingly agitated left flank.

Steyer's endorsement - if followed by outside spending - could improve de León's standing in a race that he has so far failed to make competitive. Feinstein, a centrist Democrat, holds a massive advantage over the progressive state senator in both fundraising and public opinion polls.

"I have known Sen. de León for years and have fought alongside him on immigrant rights, expanding health care, and climate change," Steyer said in a prepared statement. "Our work together on behalf of all Californians has assured me that he would be a champion of California's priorities and values. Kevin de León has proven himself to be the best of the next generation, and I am proud to support him for U.S. Senate."

The endorsement was not unexpected. Steyer once considered challenging Feinstein himself, and he has appeared on cable television previously as a near-surrogate for de León. Earlier this year, Steyer described the contest on MSNBC as "incrementalism versus visionary thinking in the Democratic Party."

Lauded by many young, progressive activists in California, de León in February deprived Feinstein of her own state Democratic Party's endorsement, outpolling her by 17 percentage points in the delegate vote.

But the state senator remains largely unknown to the broader electorate in California. Feinstein leads him 42 percent to 16 percent among likely voters, according to a Public Policy Institute of California poll last month.

The race between Feinstein and de León is unlikely to be decided before November. With no prominent Republican running in the state's top-two primary in June, Feinstein and de León are both expected to advance to the general election.

To view online click here.

Back

Feinstein: I'm equipped to lead anti-Kavanaugh brigade Back

By Carla Marinucci | 07/14/2018 01:39 PM EDT

OAKLAND, Calif. — Sen. Dianne Feinstein, the ranking Democrat on the Senate Judiciary Committee, said Saturday that the vetting process for the confirmation of Brett Kavanaugh to the Supreme Court will be "incredibly difficult," and that her staff is reading nearly 1 million documents that she said could give red-state Democrats reason to oppose his nomination.

Feinstein made her toughest comments to date about opposing Kavanaugh's nomination while addressing a "Unity Breakfast" of her supporters at a California Democratic Party executive Committee meeting in Oakland. State party activists will decide later Saturday on an endorsement in Feinstein's race against progressive state Sen. Kevin de León.

Reminding supporters of her seniority in the Senate and her leadership position on the Judiciary Committee, Feinstein said she has helped write the party's modern-day battle plan for a Supreme Court confirmation. She said that she has sat in on more than 10 confirmation hearings for Supreme Court justices since she was elected in 1992. But Kavanaugh's nomination, Feinstein said, "is beyond, [it is] different from all of them. ... Because this man will be the deciding vote on most things we hold most dear."

"This president has said he would appoint the person that would take down Roe [v.Wade] ... and I take him at his word," she said.

Feinstein told Democrats that now, as the nomination process goes forward, "we have a massive effort going ... We collect information from everywhere," including the Bush Presidential archives.

"The vetting process of this justice is going to be incredibly difficult... it's estimated that 1 million pieces of paper that our staff is going to need to go through prior to a hearing," she said. "I can tell you this: That it is really key and critical that Democrats, including those in difficult states, get the support of our party so that they can do the right thing in this vote..."

Feinstein noted that "we have five Democratic [senators up for reelection] from states that Donald Trump won [by large margins], and this makes this vote difficult for them," she said. "For me, it's not difficult at all. But I'm the lead Democrat on the committee, and we will put together a kind of message, I hope, for the American people which will enable those Democrats to vote along with us."

To view online click here.

Back

Feinstein gets progressive smackdown Back

By Carla Marinucci and Jeremy B. White | 07/15/2018 08:01 AM EDT

California Democrats, torn by infighting between moderate and progressive factions, rebuked Sen. Dianne Feinstein's bid for a fifth term — for the second time this year.

The state party's executive committee voted Saturday to endorse progressive state Sen. Kevin de León in the general election, signaling what many fear will be a divisive Democrat-on-Democrat battle going toward to the fall in California, where the party hoped to put the focus on a host of crucial congressional races that could determine control of the House of Representatives.

The endorsement delivers a lifeline to de León's struggling campaign — and the party's imprimatur, which is accompanied by valuable access to slate cards, email lists and voter outreach machinery that will allow him to reach an estimated 2 million Democratic voters. And he could also get an infusion of federal campaign cash shared with the party, party officials said.

Feinstein, who was also snubbed in February at the annual state convention where party activists declined to endorse her bid for reelection, had pleaded for party unity prior to Saturday's vote. She asked the executive committee of the California Democrats, the nation's largest state Democratic Party, to choose "no endorsement" — what many saw as a strategic defense to head off an aggressive challenge for the party's endorsement by de León.

And in an effort to frame the endorsement clash in the context of the national political landscape, the senator's team circulated a "no-endorsement" plea signed by a half-dozen Democrats whose campaigns in contested California districts are a linchpin of the national party's strategy to retake the House.

The final vote gave de León 217 votes, or 65 percent — beating the 60 percent required threshold — versus 94 votes, or 28 percent, for the "no endorsement" urged by Feinstein, and 22 votes, or 7 percent, for the senator herself.

The Senate contest pits two contrasting pols: Feinstein — at 85, the oldest member of the Senate — and De León, 51, a former state Senate president pro tem and son of a single immigrant mother. She is a centrist long at odds with her state party's leftist activist grass roots, while he is a progressive who has called for new "bold leadership" from Democrats unafraid of confronting President Donald Trump head-on.

"I think it's always good to have younger generations rise up and assume positions of leadership," de León told POLITICO on Saturday.

His fight, he said, was not about "a gender issue ... it's not an age issue." Pointing to progressive icons Sens. Elizabeth Warren and Bernie Sanders, de León said, "it's about the right values."

The weekend's nail-biter over the party's Senate general election endorsement underscored the depths of the bitter divisions still lingering from the 2016 battles between more progressive backers of Sanders' presidential bid and the more centrist faction of Hillary Clinton supporters in the nation's most populous state.

Although the endorsement involved just a small circle of the most activist voters — a 313-member executive committee in a party that represents 8.4 million voters — many Democratic insiders said it carried potentially dangerous implications for the party beyond the state's borders.

Not only did the internal battle threaten to extend the rift among Democrats in California — a traditional mother lode of campaign contributions — many Democratic leaders, including former state chair Art Torres, worried about the prospect of a circular firing squad.

"We have the opportunity to change the nature and the control of the House," said Torres, a Feinstein backer, adding that a de Leon endorsement threatened that Democrats "won't have enough federal money to put into those congressional campaigns."

"Federal money is the hardest to raise," he said, "and if the party is going to spend money on a U.S. Senate campaign — why do it?"

For de León's campaign, snagging the party's endorsement was widely seen as his last shot at making a serious run at Feinstein. California's senior senator pummeled him by 32 percentage points in the June all-party primary, winning more than 70 percent of the Democratic vote in a contest in which 32 candidates competed.

She has also dramatically outraised him: Feinstein reported $10.3 million cash on hand at the end of March, compared with $672,330 for de León, according to campaign finance reports.

But de León has gained traction among the party's far left as the author of the controversial SB54, the California Values Act, also known as the "sanctuary state" law. The legislation, aimed at curtailing the cooperation of local law enforcement with federal immigration officials, was recently largely upheld by a federal judge's ruling.

De Leon has also called for abolishing the Immigration and Customs Enforcement agency and impeaching Trump — a position that is shared by his friend, wealthy Democratic activist Tom Steyer.

In making the rounds this weekend in caucus meetings at Oakland's Marriott Hotel, Feinstein repeatedly reminded Democrats of her seniority in Washington, her legislative leadership on issues like the assault weapons ban, and of what she vowed will be her pivotal role as the ranking Democrat on the Senate Judiciary Committee — which will weigh Trump's nomination of Brett Kavanaugh to the Supreme Court.

Feinstein on Saturday downplayed the symbolism of a de León endorsement and her difficulty with the party's grass roots, insisting it would have no effect on her campaign. "This was not a close primary election, and there were 32 people on the ballot," she said of the June contest. "I take nothing for granted ... we work hard."

"I think people understand I'm now ranking on Judiciary, going into one of the biggest moments that this party has — the decisive Supreme Court justice," she said. "This is a very big deal because this affects the life of every American going forward. So who that Supreme Court seat goes to is all-important."

Asked why her decades of accomplishments in public office haven't earned her an easy endorsement from her party in her bid this year, Feinstein jokingly shrugged: "Well, that thought occurred to me — but I wiped it out of my mind completely."

In a measure of the contest's intensity, party members said they were inundated with appeals from both camps in recent days, and Feinstein's call for neutrality irked some pro-de León inhabitants of the party's progressive wing.

"Delegates are very angry at the constant barrage of emails we've gotten from people who have endorsed Dianne Feinstein telling us not to endorse," said R.L. Miller, a prominent environmental activist who was wearing one of a profusion of "United4KDL" stickers.

In caucus meetings and in hallways where he made the rounds, de León argued that Trump's recent actions on immigrant family separations, the Supreme Court and environmental policy demanded unfailingly tough action and confrontation from Democrats in Washington. And — without ever naming Feinstein — he repeatedly drew a sharp contrast with her centrist approach and more conciliatory style on Capitol Hill.

"We need bold leadership in Washington today," de León told a meeting of the Women's Caucus. "Brett Kavanaugh is in a position to take away the rights of every American. ... That's why we have to shut the Senate down — and never allow this individual to come to the Senate floor," he said to cheers. "This is where you need the courage of your convictions — to not be on the sidelines, but on the front lines .... because what's at stake is a generation of power."

Steyer also drew cheers from the Democratic crowd in Oakland when he delivered a similar message to Democratic lawmakers on Capitol Hill: "If you don't have what it takes to lead now, when we are totally under the gun, then don't come asking for support later," he said. "Lead, follow or get out of the way."

Feinstein has appeared to respond to progressive pressures as the campaign has unfolded. She moved left on a pair of issues where her moderation has long stood out in California: she endorsed legalizing marijuana, reversing her longtime opposition, and renounced her prior embrace of the death penalty.

Bill Carrick, Feinstein's campaign strategist, downplayed the importance of this weekend's vote, saying that the opposition of the party's far left to Feinstein is "not a surprise; we've been through this in the past."

Carrick noted that de León "got the lowest total of any candidate" ever in a top-two primary race, while "she won every county, 70 percent of the Democrats, every congressional district of every kind of demographic that exists in California. So I think we're in good shape."

Still, he acknowledged that it would have been "much better for the Democratic Party" to present a unified front as the November election approaches, and to have avoided an endorsement fight.

Despite the passion of progressive voters, he said, a political reality exists even in solidly blue California. "We can't be naïve about these swing districts," he said. "The idea that suddenly we vaporize the Republicans in these districts and just walk in, is just crazy. They're all going to be very, very close districts."

To view online click here.

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U.S. ambassador: Trump-Putin meeting 'isn't a summit' Back

By Quint Forgey | 07/15/2018 10:53 AM EDT

President Donald Trump's highly anticipated meeting on Monday in Helsinki with Russian President Vladimir Putin is just that — only a meeting, the U.S. ambassador to Russia said Sunday.

"It isn't a summit. I've heard it called a summit. This is a meeting," Jon Huntsman said on NBC's "Meet the Press."

"In fact, it's the first meeting between the two presidents," Huntsman added. "They've had some pull-asides, one at the G-20 in Hamburg and the other at the APEC Ministerial in Da Nang, Vietnam, but this is really the first time for both presidents to actually sit across the table and have a conversation."

Unlike previous presidential summits — such as Ronald Reagan's visit to China in 1984, Huntsman said — Trump and Putin's get-together in Helsinki will not feature a state dinner, a joint statement or any predetermined policy deliverables.

"You don't know what's going to come out of this meeting, but what it will be is the first opportunity for these presidents to actually sit down across a table, alone and then with their teams, to talk about everything from meddling in the election, to areas where we have some shared interests," Huntsman said.

Huntsman also said recent developments in special counsel Robert Mueller's investigation of Russian interference in the 2016 presidential election, including the Friday indictment of 12 Russian military officials for hacking the Democratic National Committee, will be a part of Monday's talks.

"That now makes probably almost 30 Russians who have been rolled up by the Mueller indictment. That investigation continues," Huntsman said. "The bigger picture is we need to hold the Russians accountable for what they did, their malign activity throughout Europe as well. That's a part of the conversation that needs to take place."

But Huntsman wouldn't say whether Trump would push Putin for the extradition of the dozen Russian military officers to stand trial in the United States.

"I don't know if he'll make the ask, but it may be part of the agenda. It may be part of their bilateral meeting together. We'll have to see," Huntsman said, adding that the FBI office and the U.S. Embassy in Moscow would work to advance that goal.

"That doesn't necessarily mean that the Russians are going to follow through with it," Huntsman cautioned. "But we'll see if those steps will be taken."

To view online click here.

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House to vote on whether carbon tax 'detrimental' to economy Back

By Anthony Adragna | 07/13/2018 01:18 PM EDT

The House Rules Committee will meet Tuesday to tee up chamber consideration of a resolution, H. Con. Res. 119 (115), arguing a carbon tax would be "detrimental" to the U.S. economy and "not in the best interest" of the country, according to a notice.

Nineteen conservative groups, including the Competitive Enterprise Institute, American Energy Alliance and Americans for Tax Reform, sent House leadership a letter earlier this week urging them to take up the resolution.

The non-binding resolution is led by Majority Whip Steve Scalise and may be an interesting vote for members of the Climate Solutions Caucus. That bipartisan group's ranks have swelled to more than 80 lawmakers, but members have yet to weigh in on specific solutions for how to address climate change.

WHAT'S NEXT: The Rules Committee will meet on the resolution July 17 at 3 p.m.

To view online click here.

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Yes, very Somewhat Neutral Not really Not at all

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This email was sent to wehrum.bill@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Shoaff, John [Shoaff.John@epa.gov]
Sent: 8/24/2018 4:45:24 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]
CC: Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
Subject: QFRs for review/refinements circa Monday
Attachments: 2018.08.24b - OAR Wheeler QFRs 08.01.2018.docx

Bill et al,

Per mention at Roundtable this AM, please find attached the latest proposed responses to the QFRs from the SEPW Wheeler Hearing. Aiming to turn these around Monday if at all possible noting that OCIR wanted as soon as today. Thanks!

John

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Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 7/10/2018 8:54:16 PM
To: Price, Doris [Price.Doris@epa.gov]; Strine, Lora [Strine.Lora@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Carroll, Maria [carroll.maria@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]
Subject: OAR Preview Overdue Report for Week Ending July 17, 2018
Attachments: OAR Preview Overdue Report for Week Ending July 14, 2018.pdf

OAR Correspondence Coordinators:

Attached is the latest report for correspondence due from your program office. Please review and complete assignments by the due date indicated. If you have any questions or need assistance, please contact me. Thanks

Sabrina

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Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 7/10/2018 8:22:17 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
CC: Atkinson, Emily [Atkinson.Emily@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]
Subject: For Review: Draft table with OAR entries for the Fall Reg Agenda
Attachments: ADPTracker-Report-RegAgenda_07-10-2018_15_40_11.docx

Sending the attached report mostly for awareness, but also to give you the opportunity to review what the OAR program offices have identified as the entries for inclusion in the Fall Reg Agenda. There's a lot of information here (27 pages worth) but it's pretty easy to scan, as it's broken down by program office and then further by rule stage (proposed, final, pending, long-term).

Next step: this will go to OP by COB tomorrow (I can request more time if you'd like), they'll review/ask questions, and then a revised draft will go to OMB for review (timing TBD).

I'll flag at Roundtable tomorrow.

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 7/31/2018 9:44:16 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Morning Energy, presented by ExxonMobil: 'Minibus' pulling out — FERC ready to get technical — EPA on what's trending in the air

By Eric Wolff | 07/31/2018 05:42 AM EDT

With help from Darius Dixon, Alex Guillén, and Anthony Adragna

ALL ABOARD THE MINI-BUS: The House may be on summer vacation, and President Donald Trump may be threatening a government shutdown, but the Senate is going to pass its appropriations — if top Democratic and Republican appropriators have anything to say about it. Committee leaders on both sides said they're making strides toward finalizing a manager's amendment to the pending minibus H.R. 6147 (115) and voiced confidence they'd be able to pass the bill shortly. "We're hoping to pass this minibus this week," Senate Appropriations Chairman Richard Shelby told reporters. "We've made a lot of progress, but I don't think [the manager's amendment] is sealed yet." That panel's ranking Democrat, Sen. Patrick Leahy, echoed that confidence: "We spent a lot of time this weekend and earlier today" on the manager's amendment, he said. "So far things are going pretty well."

Senate Majority Leader Mitch McConnell indicated the chamber would wrap up on the minibus, which contains the Agriculture, S. 2976 (115), Financial Services, S. 3107 (115), Interior-Environment, S. 3073 (115), and Transportation-HUD S. 3023 (115) titles, this week. "We'll finish up the set of appropriations measures we've been considering for several days and take four more big steps towards our goal of completing a regular appropriations process and funding the government in a timely and orderly manner," he said in floor remarks.

Shelby urged President Donald Trump not to follow through on his threats to shut down the government over border wall funding. "I'm hoping the idea of shutting down the government is not a serious thing," he said. "It's not good for the Republicans, the Democrats and it's certainly not good for the thousands and thousands of people who depend on the certainty of government funding." He said the threats don't help prospects for finalizing individual appropriations measures and advised the Trump not to veto individual bills to attempt and secure additional border funding.

IT'S RUBY TUESDAY: I'm Eric Wolff, covering for your usual maestro, Kelsey Tamborrino, who's enjoying a well-earned break on the beach. Your trivia winner was Duke Energy's Vicky Sullivan, who correctly identified Delaware as the only state with a border based on a circle, though an honorable mention to Jim Colthart, chairman of C3 Global Technologies, who noted that all the states with boundaries on the 49th parallel *also* have part of their borders based on a circle, just a much larger one. For today: Name the most visited National Park (Hint: It's an actual park, not a recreation area or monument). Send your answer along with your Morning Energy snark to me at ewolff@politico.com, and send your newsletter tips to Anthony Adragna at aadragna@politico.com, who will be taking the wheel for Wednesday's edition, and follow any and all of us on Twitter, @ericwolff, @anthonyadragna, @kelseytam, @Morning_Energy and @POLITICOPro.

GOOD OLD RELIABLE POWER GRID: A big portion of the energy world turns its attention to FERC today as the agency hosts a technical conference focused on the all-important topic of electric grid reliability. Regulators have tried to hold this type of event — which hits on everything from cybersecurity to managing intermittent resources like solar — on an annual basis, and this year's gathering may get more attention because of all the drama surrounding the Trump administration's plans to boost particular power sources. Although it's not specifically mentioned in the meeting agenda , the cybersecurity panel at the end of the day may wind its

way to the issue at the heart of the Energy Department's argument for anchoring coal and nuclear power to the grid: that there are cyberthreats specific to natural gas infrastructure. Energy Secretary Rick Perry and other DOE officials have argued that the growth of the gas industry is threatening coal and nuclear power, making the grid too dependent on power generated by the fuel. FERC has lined up top executives from most of the nation's grid operators (except PJM, which is notably absent) and energy industry trade associations, as well as government officials from DOE, the FBI and the Department of Homeland Security and those from Mexico and Canada.

Get your R-words straight: This isn't the first FERC technical conference to reference grid "resilience" as well as reliability (despite what some people think, resilience was in the FERC lexicon before the Trump administration came along) but the word got an elevated, headlining status this year for one of this morning's sessions. The deadline to comment on a series of resilience questions floated by FERC recently closed and Alison Silverstein, who will be speaking on the subject today, says "the fun is in how differently everyone explains how a resilient system is actually manifested."

"This is where everyone's talking up their book — transmission folks think resiliency means more wires, coal people say it's fuel security, NERC says it's standards and drills, services and studies," she added. So, pity the regulators: "I don't envy FERC, which will have to find some public interest, statute-based rationality from a conversation where everyone's talking across each other."

We (re)hear you, ok?! Monday was the deadline for those wanting to challenge FERC's contentious, late-June order deeming PJM's capacity market unjust and unreasonable — a move that kicked off a process to rewrite them in a way that seeks to guard that market from power generators receiving state-level incentives. Requests for rehearing or clarification came in from the Organization for PJM States, Exelon Corp., the American Public Power Association, and others. How FERC will handle the rehearing requests once Commissioner Rob Powelson departs in a few weeks is unclear.

If you go: The conference starts at 9 a.m. at FERC headquarters at 888 First St. NE and runs all day.

AIR IS TRENDING: EPA this afternoon will release its annual air trends report with new tracking of 2017 air quality across the U.S. Last year's report — which highlighted long-term improvement in air quality for pollutants like ozone, particulate matter, sulfur dioxide and lead — drew criticism from environmentalists who noted much of those gains were attributable to past regulations the Trump EPA is working to loosen.

CARPER: 'ENCOURAGING SIGNS': Senate EPW ranking member Tom Carper (D-Del.) told reporters there were "encouraging signs" that acting EPA Administrator Andrew Wheeler had ushered real changes to the agency's operations. "Some of early the developments — he's only been there three weeks — have been encouraging," Carper said, pointing to his reversal of an exemption for glider trucks and what he deemed a new tone that is "more respectful of the employees." He told reporters to expect "tough questions" for Wheeler at a Wednesday hearing though.

** **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 **

ICYMI: Wheeler getting transparent: Wheeler issued an endorsement of transparency to the public and the press in an all-hands memo sent Monday. Pro's Emily Holden has more.

SCOTUS TELLS KIDS TO CARRY ON: The Supreme Court on Monday gave the go-ahead to a climate lawsuit brought by children and young adults, rejecting a Trump administration request to toss the suit. But, as Pro's Alex Guillén reports , the court had advice for the district judge handling the case. "The breadth of [the children's and young adults'] claims is striking, however, and the justiciability of those claims presents

substantial grounds for difference of opinion. The District Court should take these concerns into account in assessing the burdens of discovery and trial, as well as the desirability of a prompt ruling on the Government's pending dispositive motions," the Supreme Court wrote.

ZINKE: FIX THOSE PARKS! Interior Secretary Ryan Zinke will today introduce a video on the need to rebuild national parks infrastructure. He'll be joined by Sen. Lamar Alexander (R-Tenn.). The event will be at 3 p.m. at the Belmont Paul Women's Equality National Monument.

GREENS, STATES APPEAL METHANE WASTE STAY: The Environmental Defense Fund along with other groups filed their opening brief in their appeal of a lower court's stay of BLM's waste prevention rule. The case pits Interior, enviros and blue states like California and New Mexico against red states like Wyoming and North Dakota. Greens are furious with the lower court decision. "The district court committed a serious legal error," the groups say in their brief.

THE NICEST RACE IN THE COUNTRY? Republican Rep. Kevin Cramer is out with what has to be one of the gentlest political ads of the Trump era in his bid to challenge Democratic Sen. Heidi Heitkamp in the shale state of North Dakota. The ad opens with a woman at a roundtable saying, "I like Heidi. Who doesn't like Heidi? But I don't like the way she votes in Washington."

Kochs not it: The ad lands the same day news broke that the Koch network will not be helping Cramer in his Senate bid, as Campaign Pro's Maggie Severns reports. "We can't support him at this time. And to be clear, we've met with his team, explained this, and lobbied him on this to change their ways," Americans for Prosperity president Tim Phillips told donors Monday. At issue are priorities for the Koch network, such as reducing government spending and supporting free trade.

MICHIGAN PFAS CRISIS HITS A FOURTH DAY: The people of Parchment, Mich., just outside of Kalamazoo, are still forbidden from drinking their water after high levels of PFAS chemicals were found. The state declared an emergency last week, and levels of the chemical that makes things nonstick remained far too high on Monday. Kalamazoo is trying to build a new water main to link the two systems, but officials didn't know how long it would take, according to MLive. The Trump administration only recently released a study finding adverse human health impacts from exposure to PFAS chemicals at far lower levels than previously deemed safe, after delaying its release due to fears of a "public relations nightmare."

CLEARPATH ACTION ENDORSES REED, PAULSEN: ClearPath Action Fund, the political arm of Jay Faison's ClearPath Foundation, will endorse two Republicans today, Reps. Thomas Reed (R-N.Y.) and Erik Paulsen (R-Minn.). Reed's race is considered safely Republican, but Paulsen is listed as a toss-up on Cook Report. ClearPath Action will spend in the six figures on digital ads to support both candidates. "One way to help the U.S. lead in the global clean energy race is by ensuring our tax code incentivizes some of our cleanest and most reliable forms of baseload power," Faison said. "Representatives Reed and Paulsen have been, and continue to be, leaders in this space."

MOVERS, SHAKERS: McKie Campbell, former staff director of the Senate Energy and Natural Resources Committee under Chairman Lisa Murkowski, and Melanie Kenderdine, former director of the Department of Energy Office of Energy Policy and Systems Analysis and energy counselor to the secretary during the Obama administration, are both joining the Energy Policy Institute at the University of Chicago as visiting fellows for 2018-19.

THE LIGHTER SIDE: This moose almost takes out the drone that's watching it, but the drone operator pulled back at the last second. ME will score it for the moose, anyway.

QUICK HITS

— How Record Heat Wreaked Havoc on Four Continents, NYT

— Oil Tops $70 as Supply Concerns Outweigh Higher Production, WSJ

— The world's largest solar farm rises in the remote Egyptian desert, LAT

— AEP Cancels Nation's Largest Wind Farm: 3 Challenges Wind Catcher Faced, Inside Climate News

HAPPENING TODAY

9 a.m. — FERC Technical Conference, 888 First Ave. NW

9 a.m. — Energy Efficiency for All and the Environmental and Energy Study Institute host a breakfast briefing on "Federal Programs for Energy and Housing: A Lifeline for America's Low-income Families." Rayburn 2060.

2 p.m. — The Environmental Law Institute hosts a webinar on "Proposed USFWS Endangered Species Act Regulations."

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Stories from POLITICO Pro

Trump: 'I would have no problem doing a shutdown' Back

By Rebecca Morin | 07/30/2018 02:35 PM EDT

President Donald Trump doubled down Monday on his claim that he would shut down the government this fall if the funding he wants for border security is not approved by Congress.

"As far as the border is concerned, and personally, if we don't get border security, after many, many years of talk within the United States, I would have no problem doing a shutdown," Trump said during a press conference with Italian Prime Minister Giuseppe Conte, adding that the two are "united in our conviction that strong nations must have strong borders."

Trump's statement comes a day after he tweeted that he would shut down the government "if the Democrats do not give us the votes for Border Security, which includes the Wall!"

Currently, government funding is set to run out just 37 days before Nov. 6, the day of the midterm elections. Republicans control both the Senate and House, along with the presidency, but Trump and lawmakers have put the blame on Democrats for not passing immigration reform.

Trump said that his administration is "working hard to pass border security legislation, improve vetting, and establish a merit-based immigration system."

"It's time we had proper border security. We're the laughing stock of the world. We have the worst immigration laws anywhere in the world," Trump said.

The president later said he would be willing to "leave room for negotiation" in terms of his immigration demand. He added that $25 billion for a wall is not a "red line" for him.

But last month, Trump expressed frustration in a private meeting with senators and his staff that he was not getting $25 billion in full for a border wall. The Senate is planning to send Trump $1.6 billion this fall for the border wall.

"I have no red line, unlike President Obama," Trump said Monday, referring to comments Obama made in 2012 about chemical weapons use in Syria. "I just want great border security."

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Back

With FERC split, LaFleur's profile set to rise Back

By Darius Dixon | 07/30/2018 05:01 AM EDT

Cheryl LaFleur won't be wielding the gavel at FERC anytime soon, but she is about to become the commission's most powerful member.

The impending departure of Republican Robert Powelson will leave FERC evenly split along party lines, potentially throwing a wrench into an agenda for several months or longer until a fifth commissioner is confirmed.

"In my personal experience at the FERC, a four-person commission can be very difficult," said former FERC Chairman Jim Hoecker. "Agencies like this are odd numbers for a reason. It's always important for the chairman to develop a workable majority when opinions are divided."

Tyson Slocum, a longtime FERC watcher who directs Public Citizen's energy program, said LaFleur "has conditioned herself as sort of a swing vote" on the commission.

While LaFleur has split with Republicans on key issues like climate change, she is seen as the more moderate of FERC's pair of Democratic commissioners. That may give her an opportunity to shape new rules in the country's largest power market, and it could force greater consideration of greenhouse gas emissions before new pipelines are approved. But the split commission also may be less likely to undertake more contentious work such as any major overhaul of the agency's natural gas policy.

"We'll have to work harder to come to consensus on things — some of these hotly debated items," LaFleur said at the POLITICO Pro Summit in Washington earlier this month. "In order to get out orders, we'll have to find three people who vote together, and I'm happy to be part of that majority and try to influence the orders."

FERC Chairman Kevin McIntyre sets the agency's agenda, but he can't do much without a majority of commissioners on his side. When decision-making gets contentious, Hoecker said, the chairman may have to negotiate hard to get something voted out and, at the same time, avoid any resentments that might hold up the flow of routine business.

LaFleur laughed off a comparison to recently retired Supreme Court Justice Anthony Kennedy, a perennial swing vote, but she didn't dispute his influence.

"I've been at FERC so long that when I first got to FERC, someone told me I was the Sandra Day O'Connor," she said. "Now, a whole new generation of Supreme Court justices has come and gone and I'm still there."

While President Donald Trump will be able to pick a Republican to replace Powelson, a new commissioner may not be in place until sometime next year, after the Supreme Court fight and midterm elections expected to dominate the fall agenda in Washington. Formal vetting does not appear to have started, according to industry sources and other FERC watchers, but potential commissioners include Bruce Walker, the Energy Department's top electricity policy official; Sean Cunningham, a DOE official who used to direct the agency's policy office; and Doug Little, a former Arizona regulator who joined DOE's external affairs office last fall.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska), who recently boasted about having a fully stocked FERC, said she's eager to make sure there are enough commissioners to keep agency business flowing, particularly after last year's six-month stretch without a quorum and the project backlog that created.

"I'm going to kinda put a fire on this. We worked very aggressively to get the FERC filled out, and I guess we'll just do it again," Murkowski told reporters earlier this month.

While FERC can still conduct business with four commissioners, its agenda will be more complicated for a while.

The divide will be felt within a few weeks on a controversial FERC order directing the PJM grid operator to write new rules for its capacity market aimed at protecting power markets from state-level support for nuclear and renewable power. PJM, the largest power market in the U.S., manages the grid spanning 13 states and the District of Columbia, from Illinois to New Jersey.

In June, Powelson delivered the tie-breaking vote on the order directing PJM to find a way to prevent subsidized power plants from undercutting competing sources such as coal.

LaFleur offered a more moderate dissent than her fellow Democratic Commissioner Richard Glick, who questioned the need for FERC to step in at all. While she acknowledged FERC may need to act, she was skeptical of the order's novel application of a mechanism known as a "Fixed Resource Requirement," a move that has sparked confusion across the industry.

"I do not share the majority's confidence that this proposal is the obvious solution to the challenge before us, in no small part because it is not clear to me how this construct will actually work," LaFleur wrote in her dissent. The majority, she said, had signaled their intent to adopt "the most sweeping changes to the PJM capacity construct since the market's inception more than a decade ago."

Now, it will be up to PJM to try to convince her.

The grid operator must submit a new plan by late August that meets the set of technical criteria laid out in FERC's order. PJM hopes to have the rules in place for its next capacity auction in the spring of 2019, and that will mean getting FERC's sign-off by January, before another commissioner is likely to be in place.

PJM would be smart to "to design a proposal that's going to at least get LaFleur's vote," because Glick isn't anywhere close to the Republicans on the issue, said Rob Gramlich, a consultant for renewable energy and storage companies who used to work for former FERC Chairman Pat Wood.

"All the RTOs and all the regulated utilities to some extent think about that. It's true on rates, and return on equity as well," Gramlich added. "Where the commissioners are is usually pretty well-known, and you don't want to file something that's going to be incompatible with commissioners' past positions."

LaFleur's position as FERC's swing vote will also be felt in the commission's reviews of pipelines and related natural gas infrastructure.

While LaFleur has generally voted to approve such applications, she has recently pushed her fellow commissioners to more seriously consider climate change in their reviews. She has cited as a motivation for that shift the August 2017 D.C. Circuit Court of Appeals decision that directed FERC to estimate how much carbon would be generated by natural gas power plants because of deliveries expected from the Sabal Trail pipeline and related projects in the Southeast.

But in the wake of the Sabal Trail ruling, LaFleur described doing a basic back-of-envelope emissions calculation she felt the agency should be doing — something McIntyre may have to consider if he wants LaFleur's vote. Even in some concurrences where she supported projects, LaFleur has pressed FERC to take climate change more seriously.

"I'm working to try to make a case-by-case public interest determine in each pipeline application or petition for rehearing based on the facts in the record and the governing law as I understand it," LaFleur said at FERC's July open meeting, explaining what she looks for before supporting pipelines.

LaFleur's position changed quickly enough that Republican FERC Commissioner Neil Chatterjee jokingly jabbed at her when talking about how he first met Powelson in the early 2010s.

"That was a lifetime ago," Chatterjee said at the meeting this month. "Cheryl used to vote for pipelines back then with no regard whatsoever for emissions."

Fewer than a half-dozen pipeline projects are slated to need leadership approval over the next several months, but sorting out how the policy divide is bridged in this four-member commission falls to McIntyre. Among them are Cheniere's Midcontinent Supply Header Interstate Pipeline, running 200 miles from central Oklahoma to the Texas border, that the developer had hoped to have in service by early 2019.

McIntyre has also launched an open-ended, loosely defined review to take a "fresh look" at the agency's gas infrastructure policy, which has not been updated since the Clinton administration. The policy outlines FERC's philosophy on how to assess the "need" for a project by weighing its environmental costs with market demand and other factors, and the ongoing review has turned into another front in the battle over climate change.

In comments submitted to FERC last week, environmental organizations like the Environmental Defense Fund say FERC needs to reassess how it prevents overbuilding the nation's pipeline network, and a slew of other green groups also argue that more greenhouse gas emissions data need to be disclosed. The Harvard Electricity Law Initiative suggests that FERC "explicitly acknowledge" the economic risks and environmental effects of greenhouse gas emissions. On the other hand, industry groups like the American Gas Association are asking regulators to keep their hands off the policy.

Now it's unclear how the initiative continues in Powelson's absence, whether McIntyre tries to make concessions to LaFleur to win her support for a new policy, or if he waits until a new commissioner is in place before proceeding further.

Public Citizen's Slocum said that while the commission may find a middle ground on some issues, he did not expect the agency to craft any notable new policies on gas infrastructure with its current makeup.

"FERC isn't gripped with the kind of partisan atmosphere of distrust that you see in Congress," he said. "But that doesn't mean that they're going to be able to work out their differences."

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Back

Wheeler: EPA must operate as if it were in a 'fishbowl' Back

By Emily Holden | 07/30/2018 02:52 PM EDT

Acting Administrator Andrew Wheeler on Monday called on EPA staff to operate in an open and transparent manner, invoking the calls from previous chiefs for the agency to work "as if it were in a fishbowl."

In a memo to staff obtained by POLITICO, Wheeler said the openness was needed to win the public's trust, and he cited the first "fishbowl" memo issued by former Republican EPA administrator Bill Ruckelshaus in the 1980s. Last year, Ruckelshaus criticized now-departed administrator Scott Pruitt for "taking the absolute opposite approach" of that pledge.

"The mission of EPA is to protect human health and the environment," Wheeler wrote. "We exist to serve the public. As such, the public should trust our work. We are committed to earning and maintaining the public's trust through transparency and accountability in our actions and civility and fairness in our public participation processes."

President Barack Obama's first EPA chief, Lisa Jackson, sent out a similar memorandum in 2009. EPA confirmed that Wheeler had sent the memo to staff.

Wheeler called for EPA to provide the fullest possible public participation in decision making, and he pledged that he and other other senior officials will make public their appointment calendars. The memo also guides staffers to speak through lawyers when discussing matters that involve litigation, to work with senior managers and legislative affairs staff when communicating with Congress and to coordinate with the press team when speaking with the media.

The memo said the press "performs a vital role in informing the public about the EPA's actions," and responses should respect the agency's deliberative process and "strive for accuracy and integrity."

Alex Guillén contributed to this report.

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Back

Supreme Court says kids' climate lawsuit can continue Back

By Alex Guillén | 07/30/2018 04:12 PM EDT

The Supreme Court today said that a sweeping climate change lawsuit brought by children and young adults against the U.S. government can proceed, setting the stage for the case to go to trial as soon as this fall.

"The Government's request for relief is premature and is denied without prejudice," the Supreme Court wrote in a short order rejecting the Trump administration's request.

But the high court also warned that the lawsuit is unwieldy and shared some advice for the district court judge handling the trial, slated to begin in October, about how to handle the likely controversy.

"The breadth of [the children's and young adults'] claims is striking, however, and the justiciability of those claims presents substantial grounds for difference of opinion. The District Court should take these concerns into account in assessing the burdens of discovery and trial, as well as the desirability of a prompt ruling on the Government's pending dispositive motions," the Supreme Court wrote.

The 9th Circuit Court of Appeals in March also rejected the government's request to immediately end the lawsuit. And the 9th Circuit last week rejected a second request from the Trump administration.

WHAT'S NEXT: The district court judge in Oregon has set an Oct. 29 deadline to begin the trial, although that date may get pushed back if there are disagreements about discovery.

To view online click here.

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Koch network snubs key GOP Senate candidate Back

By Maggie Severns | 07/30/2018 05:22 PM EDT

COLORADO SPRINGS, Colo. — The powerful Koch political network won't help the Republican nominee in a crucial Senate race less than 100 days before the midterm elections, saying Rep. Kevin Cramer (R-N.D.) doesn't do enough to further the Koch's policy issues to warrant their help.

And as the Koch network pushes Republicans to not take its support for granted, the network has quietly taken other steps to withhold its support from Senate candidates it sees as out-of-line with its views, despite the party's push to maintain or expand its majority this fall.

Cramer was the first Republican Senate candidate to be publicly jettisoned by the powerful Koch network this cycle. But during a private briefing over the weekend, donors were given a hand-out that indicated the network is also currently not supporting Senate candidates in two other key states — Indiana and Nevada — according to a photo of the document obtained by POLITICO.

Cramer is challenging Sen. Heidi Heitkamp (D-N.D.) in a must-win contest that could decide the balance of power in the Senate during the next Congress. In pushing him aside, Koch officials were clear to the donors that they are sending a message: Republicans in Congress should not take their support for granted.

Standing in front of a 20-foot high photo of Cramer projected on a screen, Americans for Prosperity president Tim Phillips told hundreds of top conservative donors that Cramer is "inconsistent" on a range of other issues that are key to the Koch network, such as reducing government spending and supporting free trade.

"We can't support him at this time. And to be clear, we've met with his team, explained this, and lobbied him on this to change their ways," Phillips said.

"There are risks involved any time you take a stand," said Emily Seidel, CEO of Americans for Prosperity. "Why would Cramer or any other Republican feel like they need to listen to this network if they know we'll support them anyway?"

Not everyone here at the Koch network's biannual confab agrees: Dan K. Eberhart, a donor to the Koch network and fundarising vice chairman for Cramer's campaign, said that "Kevin Cramer is an excellent public servant who looks out for North Dakota."

"This proves he isn't bought," Eberhart added.

Cramer's campaign shrugged off the snub. "As I have always said, I work for the people of North Dakota and will always vote with them in mind," Cramer said in a statement. "My voting record may not be exactly what every national organization wants, but it is exactly what the majority of North Dakotans expect."

The Koch network has passed over supporting some moderate Republican candidates in the past. During the 2016 elections, for example, then-Sen. Kelly Ayotte (R-N.H.) did not receive support from the Koch network during her reelection bid. (Ayotte was narrowly defeated that November by Democrat Maggie Hassan.)

But this year, Cramer is not the only Republican candidate the Koch network is considering leaving behind. The network is currently only active in four Senate races, a network official said Monday: Wisconsin, Missouri, Tennessee and Florida.

And during the weekend retreat held in Colorado Springs, donors briefed on the network's plans were given a handout on candidates the network is supporting that omitted three Republican senate candidates in particular from its list: Cramer, Indiana Senate nominee Mike Braun and incumbent Sen. Dean Heller (R-Nev.).

Braun, a businessman, is challenging Indiana Sen. Joe Donnelly — an incumbent the Koch network originally announced in January as one of its top targets for the midterm elections. But the Koch network is not currently doing any door-to-door work or airing television ads in Indiana at all, an unusual pull-back.

In Nevada, the Koch network is helping state Attorney General Adam Laxalt in his gubernatorial bid — but not Heller, who was the subject of criticism from Phillips about his stance on health care and a vote in favor of a spending bill opposed by the Koch network in the Las Vegas Review-Journal in April. Heller is among the most moderate Republicans in the Senate and one of the most endangered senators from either party running for reelection.

In such races, the Koch network can offer its favored candidates not just millions of dollars in television advertising — but also paid staff and volunteers who knock doors and work year-round to identify swing voters and turn them out for elections.

At this weekend's summit, Seidel told the donors about a Republican senator who told his colleagues to not "worry about the Kochs" during a caucus meeting as the senators debated legislation. "By 'Kochs,' he was talking about all of you," Seidel said. "We can't just keep falling into the trap of doing what we need to do to get through November."

Phillips did hint that the door might be open for Cramer, if he were willing to change his policy platform, however: "Give Kevin Cramer a call — urge him to step up and lead."

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Back

Trump administration finally issues report on toxic chemicals Back

By Annie Snider | 06/20/2018 01:21 PM EDT

The Trump administration finally released a delayed report on toxic water contamination on Wednesday, months after White House officials expressed fears it would spark a "public relations nightmare" if released.

As expected, the report by the Department of Health and Human Services shows that toxic nonstick chemicals that have leaked into communities' drinking water supplies endanger human health at levels the EPA had previously deemed safe.

POLITICO first reported last month on the delay in publishing the report, which followed an intervention by White House and EPA officials, including EPA Chief of Staff Ryan Jackson.

The 852-page scientific draft assessment of so-called PFAS chemicals, posted Wednesday by the Agency for Toxic Substances and Disease Registry, details how people are exposed to the chemicals and the health risks the chemicals pose to populations ranging from infants and breastfeeding mothers to adult males. It finds that the chemicals can pose risks to the most vulnerable populations at levels lower than those EPA had deemed safe in its 2016 health advisory for two of the chemicals, known as PFOA and PFOS.

The chemicals at issue in the HHS study have long been used in products such as Teflon and firefighting foam, and are contaminating water systems around the country. They have been linked to thyroid defects, pregnancy problems and certain cancers, even at low levels of exposure.

The problem has already proved to be enormously costly for chemicals manufacturers. The 3M Co., which used them to make Scotchgard, paid more than $1.5 billion to settle lawsuits related to water contamination and personal injury claims.

EPA will hold its first community meeting on PFAS in New Hampshire next week.

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This email was sent to wehrum.bill@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 7/10/2018 1:49:54 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Lewis, Josh [Lewis.Josh@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Charmley, William [charmley.william@epa.gov]
Subject: RE: LD GHG Update

Roger.

Also:

1. On gliders, the team has been anticipating this discussion. Deliberative Process / Ex. 5
2. We can discuss at Thursday's Fuels Weekly with you
3. Sounds good. You have the updated one-pager on TOTE Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 and the options on HD announcements. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

From: Wehrum, Bill
Sent: Tuesday, July 10, 2018 8:46 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: LD GHG Update

Chris – Let's go ahead with the meeting.

Three other things:

1. I'd like to get together with the glider team sometime in the next few days. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5
2. I'd like a follow up on RIN economics with the RFS team. I've been studying the materials from the last meeting and giving it thought. I want to make sure my understanding is right.
3. We need to follow up on Tote and HD NOx. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

(202) 564-7404

From: Grundler, Christopher
Sent: Monday, July 9, 2018 11:34 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: LD GHG Update

Bill,

We're on your calendar for 2pm Tomorrow for an LD GHG update. The status is fairly straightforward and summarized below, so unless you have anything new to share, we would understand if you'd like to free up the hour by canceling the meeting.

Deliberative Process / Ex. 5

Thanks,

Chrid

Christopher Grundler, Director
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Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 7/20/2018 2:43:53 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Molina, Michael [molina.michael@epa.gov]
CC: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: RE: paper for tomorrow morning's meeting
Attachments: gliders litigation paper for 07202018 briefing (3).docx

Updated version attached Attorney Client / Ex. 5

From: Schwab, Justin
Sent: Thursday, July 19, 2018 6:23 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: paper for tomorrow morning's meeting

Please find attached.

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 7/20/2018 9:47:32 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Morning Energy: IG Flint report finds lack of urgency — California Democrats look to Brown on gas tax fight — Western Caucus: Vote on nominees already

By Kelsey Tamborrino | 07/20/2018 05:45 AM EDT

With help from Annie Snider, Anthony Adragna and Alex Guillén

LACK OF URGENCY: That's the bottom line of a long-awaited EPA Inspector General's probe of the two-year-long drinking water contamination crisis in Flint, Mich. State and federal regulators had plenty of tools to correct the lead problem, the report found; what was lacking was the leadership to use them. At each step of the way, the IG details an utter lack of urgency on the part of state and federal authorities that prolonged the crisis for nearly 100,000 residents exposed to dangerous levels of lead.

What to do? The IG report, which found fault with both Gov. Rick Snyder's administration and EPA, focused its recommendations on federal regulators, calling for EPA to take a number of steps to increase oversight of states' drinking water programs and make sure its own staff is versed in the regulatory requirements and their authorities.

EPA also should update its Lead and Copper Rule, the report recommended. Just about everybody agrees that is needed, but nobody seems able to do it, largely because any move toward requiring lead service lines to be replaced would come with an enormous price tag. The Obama administration failed to carry an update across the finish line, and so far the Trump administration has punted its timeline three times.

Fortuitous timing: Today Rep. Dan Kildee is leading a delegation of a dozen fellow Democrats, including House Speaker Nancy Pelosi, to Flint to see what Congress' more than $100 million investment in the beleaguered city is getting. It's Kildee's fifth time bringing members to his hometown and the first since lawmakers finally approved a federal aid package at the end of 2016. According to Kildee's office the group will view a lead pipe replacement and speak with local reporters.

FINALLY FRIDAY! I'm your host, Kelsey Tamborrino. API's Khary Cauthen correctly ID'd Salmon Chase and John Marshall as the only two former Supreme Court justices who have appeared on U.S. currency. Salmon was on the $10,000 bill, and Marshall on the $500 bill. Today's question: What four state capitals cannot be reached by the Interstate highway system? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

Catch all the highlights from Tuesday's Pro Summit. Video clips, event content and more are now available from a full day of incisive policy conversations. View Summit Highlights.

View the latest POLITICO/AARP poll to better understand Arizona voters over 50, a voting bloc poised to shape the midterm election outcome. Get up to speed on priority issues for Hispanic voters age 50+, who will help determine whether Arizona turns blue or stays red.

What role will Hispanic voters over 50 play in Arizona this Fall? Read POLITICO Magazine's new series "The Deciders" which focuses on this powerful voting bloc that could be the determining factor in turning Arizona blue.

GAMING A GAS TAX: Republican control of the House could depend on whether California Republicans can galvanize support to repeal the state's gas tax, which pays for infrastructure repairs. A November ballot measure that would repeal the 12-cents per gallon tax signed by Gov. Jerry Brown last year has already energized the state's Republican Party, which sees it as an issue that could ignite turnout, report POLITICO California's Carla Marinucci and Jeremy White. That has left Democrats to wonder when and how Brown is going to wield his $15 million campaign war chest to beat back the GOP effort to undo one of his signature achievements. Read more.

REPORT: CLEAN CAR RULES COMING SOON: Mark your calendars, readers. An EPA official told E&E News that the Trump administration will propose its plans for weakening Obama-era clean car standards next week. The plan will provide several options for public comment, but will stop short of revoking states' ability to set their own, tougher standards. Instead, the administration will take comment on California's Clean Air Act waiver, and whether it applies to greenhouse gases. And while the plan will offer options, EPA will make clear its preferred choice: freezing fuel economy targets at 2020 levels through 2026.

WHERE'S ZINKE? Interior Secretary Ryan Zinke will be in California today and Saturday to take a look at the state's water infrastructure and wildfire-fighting efforts. He will tour the Don Pedro Dam and powerhouse in Tuolumne County with Rep. Jeff Denham (R-Calif.). Then the pair stops at New Melones Lake before heading to the Stanislaus River marina and recreation area in the central Sierra Nevada foothills.

LIFE IN THE FAST LANE: DOI in April signed a nearly $1.7 million contract with Colorado-based Environmental Management and Planning Solutions Inc., effectively expediting the environmental impact review for leasing part of the Arctic National Wildlife Refuge for oil and gas drilling, The Washington Post reports . The contract, obtained by the Center for American Progress under FOIA, gives the firm three months to complete a scoping report, setting up a lease sale notice for next summer. The contract also indicates that EMPS will in large part rely on existing information about the area. DOI did not respond to a request for comment from ME.

WESTERN CAUCUS: VOTE ON NOMINEES ALREADY: Ten members of the Senate Western Caucus sent a letter to leadership this week urging them to immediately schedule votes on the nominations of Susan Combs to be Interior's assistant secretary of policy, management, and budget and Jeff Clark to lead DOJ's Environment and Natural Resources Division. "A fully staffed administration, especially in these positions, is essential to implementing the objectives of responsible energy and natural resource development, stewardship of our public lands, and creating good-paying jobs," the members, led by Sen. Steve Daines (R-Mont.), wrote. Both nominations have been pending for more than a year.

REPORT: ZINKE PULLED A PRUITT WITH CALENDAR: Zinke left off about a dozen meetings and other information from his public calendar, according to a CNN report, in a move reminiscent of the "secret" calendars of former EPA Administrator Scott Pruitt. CNN said it compared email conversations between Zinke and his scheduler, which were obtained under the Freedom of Information Act, to his public calendar and found instances where Zinke omitted meetings or who he met with. Interior refuted the report in a statement to ME, noting that the secretary's office "complies with all applicable laws, rules and regulations." The statement added: "It's very common for schedule items to be canceled the day of, which is why something could be referred to in an email or briefing and not be on the calendar released."

RECLAIMING FLOOR TIME: An amendment from Sens. Lisa Murkowski and Maria Cantwell related to the Bureau of Reclamation will be considered as a floor amendment to a broad water resources package, S. 2800 (115), once it reaches the Senate floor, according to a spokesman for EPW Chairman John Barrasso . The spokesman added that Barrasso supports the amendment, which Murkowski told ME consists of a "package of about five or six different provisions that we've been working on."

About that vote: Barrasso told ME he's still pushing for a floor vote next week.

— **The Nature Conservancy and the Natural Infrastructure Initiative** sent this letter to senators Wednesday urging them to include nature-based solutions in the pending water resources package to accelerate investments in areas like reducing flood risk.

YOU'RE INVITED: House Natural Resources Chairman Rob Bishop is calling on the governor of Puerto Rico to testify at next week's hearing on the Puerto Rico Electric Power Authority and the recovery of the territory's grid in the aftermath of Hurricane Maria. In a letter to Puerto Rico Gov. Ricardo Rosselló, Bishop makes clear he wants either Rosselló or a member of his administration to explain the recent turmoil at the utility, Pro's Colin Wilhelm reports. Bishop's letter also calls for "the depoliticization of PREPA," after Rosselló this week named a new CEO following a swath of departures from PREPA leadership. The move sparked concern that the utility will remain under political control while the governor pushes to privatize its operations.

JUDGE THROWS OUT BIG OIL CASE: A federal judge on Thursday dismissed New York City's climate change lawsuit against the five biggest oil companies, BP, Chevron, ConocoPhillips, ExxonMobil and Royal Dutch Shell. The suit relied on nuisance and trespass claims related to Superstorm Sandy, arguing that emissions from the oil and gas sold by the companies harmed the city over decades through the effects of climate change, such as a rise in sea levels, Pro's Alex Guillén reports. The judge wrote that the Supreme Court's unanimous 2011 decision in *American Electric Power v. Connecticut* clearly barred such claims against greenhouse gas-emitting companies. The case follows similar suits that were also dismissed in San Francisco and Oakland.

INFRASTRUCTURE WEEK IS BACK: House Transportation Chairman Bill Shuster told Pro Transportation's Tanya Snyder that he plans to put out a discussion draft on infrastructure next week, right before the House heads home for August recess. "It's not going to be a bill," he said Thursday. "I don't know what exactly you'd call it. A discussion draft. Similar, I hope, to what Dave Camp did when he put out his big tax bill — you know, it got some people fired up, some people not fired up."

SHIP SETS SAIL ON FLOOD INSURANCE: House Financial Services Chairman Jeb Hensarling has backed away from his attempt to reconfigure parts of the National Flood Insurance Program as part of a short-term extension bill expected to hit the floor next week, Pro Financial Services' Zachary Warmbrodt reports. In an email to committee members, Hensarling said he asked leadership to take up a clean extension bill by Reps. Tom MacArthur and Steve Scalise that would renew the program through Nov. 30. NFIP expires July 31.

STATES JOIN GREENS' FIGHT ON EPA GLIDER ENFORCEMENT: Sixteen Democratic attorneys general, led by California and New York, have joined the legal battle against EPA's decision not to enforce the glider truck production cap this year. Environmental groups earlier this week secured a temporary win against EPA when the D.C. Circuit Court of Appeals reinstated the strict production cap — although the court warned it was only for a few weeks while it decides on the merits of whether to issue a more permanent injunction.

TIMING IS EVERYTHING: Sen. Jim Jim Inhofe, one of the "big four" involved in working out differences in the National Defense Authorization Act, wouldn't tell ME whether a controversial Endangered Species Act rider would make it into the final bill but indicated a final deal was within sight. "It could be that there's some things that need to go over the weekend," he said.

MAIL CALL! UNDO THAT: Democratic Sen. Tom Carper and Rep. Peter DeFazio wrote to acting EPA Administrator Andrew Wheeler on Thursday calling out Pruitt's move last month to limit EPA's authority to veto water permits based on damage a project would do to streams and wetlands. The two call on Wheeler to revoke the memorandum signed by Pruitt and take "no further action to weaken EPA's oversight and enforcement" of the Clean Water Act.

— **A bipartisan group of lawmakers** — led by GOP Rep. Matt Gaetz — wrote to Wheeler this week to question the EPA about reports on animal testing in its National Health and Environmental Effects Research Laboratory that involved breathing diesel exhaust, smog and ozone, among others.

TRYING TO CATCH TRUMP DURING HIS TV TIME: Ethanol trade association Growth Energy is out with a new ad, slated to air on Fox News, that features Iowa farmers and calls for the year-round sale of E15 ethanol-gasoline blend. Watch it here.

THE KIDS OF MARCH: Zero Hour, an environmental justice group that aims to galvanize youth to act on climate change, will march on the National Mall on Saturday, following a youth lobbying day Thursday. The group expects "tens of thousands of youth and adult marchers" across various sister marches around the globe. The group has touted the support of actor Don Cheadle of "Avengers" fame and other celebrities.

MOVER, SHAKER: The founder of the Southern Environmental Law Center, Rick Middleton, announced Thursday he will retire at the end of March 2019. Jeff Gleason, SELC's deputy director and director of regional programs, will take over for Middleton.

— **Katie Schoettler**, press secretary for the House Natural Resources Committee, will leave the panel next week to become press secretary for Daines.

— **The Center for American Progress** will announce today that Miriam Goldstein will join its energy and environment team as director of ocean policy. Goldstein previously was legislative director for Rep. Jackie Speier.

QUICK HITS

— "In reversal, Pentagon now says it backs GOP measure on birds," The Associated Press.

— "Goldman Sachs puts a grim number on solar slump for this year," Bloomberg.

— "The government lost control at a former nuclear weapons plant. Now 42 workers are paying the price," BuzzFeed.

— "EPA career officials raised concerns about price tag for Pruitt's 2017 Italy trip," The Washington Post.

— "U.S. crude oil production hit record level in June," The Hill.

— "Yellowstone chief to depart in late September," Bozeman Daily Chronicle.

HAPPENING TODAY

10 a.m. — The Middle East Policy Council briefing on "Withdrawal from the Joint Comprehensive Plan of Action: Options for the Trump Administration," 562 Dirksen.

THAT'S ALL FOR ME!

To view online:
https://subscriber.politicopro.com/newsletters/morning-energy/2018/07/ig-flint-report-finds-lack-of-urgency-286238

Stories from POLITICO Pro

Flint lead crisis followed state, federal failings, EPA watchdog says Back

By Annie Snider | 07/19/2018 03:21 PM EDT

EPA's internal watchdog says the federal agency and the state of Michigan share blame for the Flint water contamination crisis in which nearly 100,000 residents were exposed to unsafe levels of lead.

The long-awaited report released today by EPA's inspector general faults Republican Gov. Rick Snyder's administration, which had primary responsibility for assuring safe drinking water in the state, for failing to follow two components of the regulation governing lead in drinking water. The Michigan Department of Environmental Quality should have maintained an inventory of lead service lines and made sure corrosion control was in place to keep lead from leaching into tap water, the IG found.

When Flint stopped implementing corrosion control, MDEQ did not take formal enforcement action, but instead told the city to conduct additional testing, a decision that "prolonged residents' exposure to lead," the report states.

Meanwhile, federal regulators at EPA, some of whom were aware of the sky-high lead levels, also failed to step in. At the time, Obama administration officials said they did not believe they could act, since Michigan had taken some steps — a belief that the IG has previously said was incorrect.

"The EPA and its regional offices must understand their oversight tools and authorities, and not be reluctant to use them to protect public health," the report states.

The IG recommends that EPA establish clear roles and responsibilities and strengthen its oversight of states under the Safe Drinking Water Act to avoid such failures in the future.

To view online click here.

Back

California Democrats urge Brown to spearhead gas tax repeal fight Back

By Jeremy B. White and Carla Marinucci | 07/20/2018 05:06 AM EDT

California Gov. Jerry Brown, heading into his last months in office, is staring down a capstone political challenge — an unexpectedly robust GOP effort to dismantle one of his legacy achievements.

The gas tax, designed to pay for the state's infrastructure repairs for the next decade, is under threat of repeal from a November ballot measure that has energized the state's moribund Republican Party. Already, the fight has all the ingredients of a monumental political clash: implications for the control of Congress, a test of Democrats' ability to defend the fruits of their political dominance and the four-term governor's lasting imprint on California are all at stake.

But as money pours into the campaign and Republican candidates signal they're spoiling for a fight, California Democrats are wondering when, and how, Brown is going to wield his $15 million campaign war chest to beat back Proposition 6, which calls for repealing a 12-cent a gallon gas tax signed by Brown last year.

The prize isn't merely saving one of Brown's key legislative achievements — it's also a collection of House seats that could determine control of Congress.

Republicans are determined to lash their political fate to opposing the tax increase, believing the issue will galvanize turnout and act as a crucial bulwark to protect a cluster of imperiled Republican congressional seats. Their lone statewide candidate, gubernatorial contender John Cox, and the California Republican Party have hammered Democrats on the issue.

Brown traversed the state in full campaign mode with Democrats at his side last year to lobby for the passage of Senate Bill 1, arguing it was critical to meet a $130 billion backlog in infrastructure repairs for the state's roads, bridges and highways. The bill was signed by Brown last April, and it is expected to raise $52 billion over the next 10 years for those repairs and for mass transit projects.

The California GOP, which has withered to just 25 percent of the state electorate, has high hopes that voter anger about the higher prices at the pump will drive Republicans and cash-strapped independents to the polls. And they're betting the turnout could help them hold at least seven endangered GOP House seats in districts that voted for Hillary Clinton in 2016.

Republican Carl DeMaio, the former San Diego council member, has raised more than $1.1 million online through his Reform California super PAC, and says that — with polls showing that the repeal is popular with voters — the party is fired up to take on Brown.

With Election Day months away, Brown remains a wild card. Entering the twilight of his fourth and final term, he has yet to indicate what role he'll take — or how much he'll spend to shore up Democratic interests.

Veteran Democratic strategist Garry South notes Brown is sitting on a hefty campaign war chest — and can't sit back for long.

"He's term-limited out as governor, and this is part of his legacy," South said. "This is not something that the Legislature cooked up and forced him to sign. This is something where he was an equal partner with the Legislature in passing this."

The concern, South said, is that Brown is "cheap as hell."

"If he wants to protect his legacy, he will have to get off his duff and be a leader on this thing, and go out and spend the money he's got in his kitty, just sitting there," South said.

Brown's allies say he is already engaged, helping to sustain a steady flow of money from deep-pocketed supporters of the gas tax that include business groups and unions representing construction industry workers. Opponents of Proposition 6 have so far raised more than $15 million.

"He is very intimately involved. He is helping discuss strategy, campaign planning," said opposition campaign manager Brandon Castillo, who said he speaks to Brown on a near-daily basis. The governor has "been involved in some of the key meetings, trying to rally the troops and get key folks enthused," Castillo said, conveying that "I'm here, I'm going to make this a priority and you should too."

Dana Williamson, a political adviser and longtime lieutenant to Brown, said the governor is "going to do whatever it takes to defeat the repeal, but he is going to be strategic about it."

"Just because you may not see him on TV doesn't mean he's not fully engaged," Williamson said. "Right now he's spending time talking to people who are of equal mind and he's raising money — at some point he'll make a

decision about whether he needs to dip into [his campaign account] but right now there's a lot of folks opposed to this thing."

The gas tax is a product of Democrats' total control in Sacramento, where legislative leaders used hard-won legislative supermajorities — which allowed them to pass tax increases without Republican support — to finally secure more revenue for transit after years of trying.

There has already been one political casualty, thanks to the GOP: state Sen. Josh Newman, a Southern California Democrat who was a key vote in passing the gas tax, lost a recall election despite Brown's backing.

He's been replaced by a Republican, Ling Ling Chang — a victory that now denies Democrats their legislative supermajority in the state Senate.

Given that political backdrop, an overly conspicuous role for Brown could be problematic in congressional districts where Republican candidates hope to harness the gas tax repeal. Voters in five of those contested southern California districts chose Republican challenger Neel Kashkari over Brown during the 2014 gubernatorial election.

"I think it would be a mistake using a politician to defend [the gas tax]," said Dave Gilliard, a Republican consultant for several of those congressional campaigns. "I think voters, especially in these districts, don't trust Sacramento on the gas tax issue, they don't trust Sacramento on how transportation dollars are spent."

Rather than putting Brown in the spotlight, Proposition 6 opponents say, a more successful approach would likely entail focusing on the concrete transit projects that would wither absent the gas tax funding.

Though there have been no solid commitments from Brown yet, California Democratic Party Chairman Eric Bauman said he's confident that "the money will be there." He predicted that Brown will help amplify a locally focused message that will resonate with voters whether or not they are aware of the high-level political maneuvering.

"The messaging is going to be: 'If you live in the San Fernando Valley, and you're getting the chassis torn out of your car from those potholes that the city of L.A. can't afford to repair, they're going to be repaired,'" Bauman said.

Democrats insist that, whatever Brown's role, the GOP hopes of boosting turnout to save House seats is a pipe dream. South said that only two ballot measures in California history have even come close to driving voter turnout — the highly controversial 1994 anti-illegal immigration measure Prop. 187, and 1978's landmark property tax measure Prop 13, he notes. And those came before Republicans' share of the electorate had plummeted to its current nadir.

Still, Democrats have their own tricky political path to navigate. While Republicans have been vocally running against the gas tax, Democrats have not offered comparably enthusiastic defenses of the levy.

"The problem they have is you can't generate turnout to save a tax increase, so it's much easier for opponents of a tax increase to generate passion than it is supporters," Gilliard said. "It doesn't matter how they spend."

But Brown could be instrumental on that front, Williamson said, by being the champion of the pro-gas tax campaign so that endangered Democrats don't have to.

"I think that the more the governor is the messenger about why this is bad for California, the less other Democrats have to focus on that during their campaigns," she said.

Past election seasons demonstrate that Brown is willing to spend to defend his legacy. In the 2016 cycle, he channeled more than $8 million into bolstering a proposition to ease parole rules — seeking to ameliorate rigid sentencing guidelines he enacted in his first stint as governor and came to regret — and stymieing an initiative that would have made it tougher to finance a massive water conveyance project he has trumpeted.

Now another potential blow to his accomplishments looms on the distant horizon: a proposition to again tighten parole rules, funded by law enforcement groups, has qualified for the 2020 ballot. If proponents don't cut a deal to pull that initiative, Brown's war chest could come in handy.

"There's a lot time until November 2020, but if that ends up on the ballot then he will absolutely do what he needs to do to defeat it," Williamson said.

"There's lots of things he cares about," she added. "There could be other issues he wants to focus on and champion."

To view online click here.

Back

House panel wants Puerto Rico governor to testify on utility troubles Back

By Colin Wilhelm | 07/19/2018 03:20 PM EDT

The House Natural Resources Committee wants Puerto Rico Gov. Ricardo Rosselló to testify at next week's oversight hearing on the U.S. territory's troubled electric utility.

Chairman Rob Bishop wants Rosselló or a member of his administration to come explain the recent turmoil at the utility, which lies at the core of Puerto Rico's economic and disaster recovery. Puerto Rico Electric Power Authority also owes $9 billion to creditors, making it a key piece of negotiations between investors, Puerto Rico's federal oversight board and the commonwealth government.

The utility saw most of its senior leadership — including two CEOs — quit last week after criticism from Rosselló and Puerto Rico's Senate president over the pay of its chief executive. The board and replacement CEO quit because of what they saw as unnecessary political interference.

Yesterday Rosselló named José Ortiz, a former PREPA board chairman, as the utility's CEO, furthering concerns that the utility will remain under political control even as the governor pushes to privatize operations for PREPA.

"Undoubtedly, the recovery and revitalization of Puerto Rico in the near and long-term is unattainable without the depoliticization of PREPA," wrote Bishop in a letter inviting him to testify. He went on to press Rosselló for a plan to depoliticize the troubled quasi-governmental utility.

Representatives for Rosselló did not immediately respond to a request for comment.

Ortiz, alongside DOE Assistant Secretary Bruce Walker, Puerto Rico's Senate minority leader and multiple industry experts, are expected to testify at the hearing, which is scheduled to take place Wednesday.

To view online click here.

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Judge tosses New York City climate lawsuit against oil companies Back

By Alex Guillén | 07/19/2018 04:07 PM EDT

A federal judge today dismissed New York City's lawsuit against five major oil companies over climate change after concluding that the Clean Air Act preempts its claims.

The city's lawsuit relied on nuisance and trespass claims to argue that emissions from the oil and gas sold by the companies around the world for decades has harmed the city through the effects of climate change, such as more extreme weather and sea-level rise. New York sued BP, Chevron, ConocoPillips, Exxon Mobil and Royal Dutch Shell.

Judge John Keenan of the U.S. District Court for Southern New York, a Ronald Reagan appointee, wrote that the Supreme Court's unanimous 2011 decision in *American Electric Power v. Connecticut* clearly barred such claims against greenhouse gas-emitting companies because Congress, via the Clean Air Act, gave EPA the authority to regulate greenhouse gases, which overrides any possible public nuisance suits.

Although he acknowledged the "serious" threat posed by climate change, Keenan said the matter is "not for the judiciary to ameliorate. Global warming and solutions thereto must be addressed by the two other branches of government."

A federal judge last month threw out a separate but similar climate change lawsuit brought against the oil companies by the cities of San Francisco and Oakland.

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Back

High court affirms EPA regulatory authority Back

By Robin Bravender | 06/20/2011 08:07 PM EDT

The Supreme Court really, really believes the EPA has the power to regulate greenhouse gas emissions.

For the second time in four years, the high court said the EPA has the ability to use the Clean Air Act to control global-warming-causing emissions like carbon dioxide. It's a big win for the Obama administration and puts the spotlight back on congressional Republicans who have been fighting EPA regulations this year.

In an 8-0 decision Monday, justices denied states and environmentalists the right to sue power plants in federal courts over their emissions, explicitly saying that regulating greenhouse gases is the EPA's job.

The decision in *American Electric Power v. Connecticut* marked the high court's second major global warming decision following its 2007 decision in *Massachusetts v. EPA* that gave the agency the authority to regulate greenhouse gases under the Clean Air Act.

Although environmentalists lost the right to sue power plants directly in federal courts, they hailed the reiteration of the EPA's authority as evidence that Congress should get off the agency's back. It also fueled calls from the right for Congress to step in and block what they claim are overreaching policies from the Obama administration.

The EPA's foes in Congress have pledged to try to block climate rules at every turn, and they're eyeing upcoming must-pass legislation like the debt ceiling appropriations bills as options to get riders to block the EPA past the Democrat-controlled Senate and the White House.

The agency started regulating some of the largest industrial sources in January and is planning to finalize additional rules for power plants in May 2012 and for refineries in November 2012.

Writing for the 8-0 majority, Justice Ruth Bader Ginsburg noted that "Massachusetts made plain that emissions of carbon dioxide qualify as air pollution subject to regulation under the [Clean Air] Act. And we think it equally plain that the act 'speaks directly' to emissions of carbon dioxide from the defendants' plants."

Rep. Ed Markey (D-Mass.) said the court "has now reaffirmed that the EPA has the authority under the law to regulate emissions and reaffirmed the underlying science behind that authority."

Joe Mendelson, director of global warming policy at the National Wildlife Federation, said the decision "not only recognizes that Congress gave [the] EPA the Clean Air Act to tackle climate [change], it's also an opinion that recognizes [the] EPA's science on endangerment."

The case pitted the Obama administration — representing the government-owned utility Tennessee Valley Authority — and four private utilities against states and conservation groups that sought to use federal common law to force the nation's biggest power companies to clamp down on their emissions.

In addition to the TVA, the utilities involved are American Electric Power Co., Duke Energy, Southern Co. and Xcel Energy. Together, the utilities emit about 650 million tons of carbon dioxide each year, or 10 percent of the nation's total.

Greens were also bolstered by the fact that even the court's most conservative justices signed on to the unanimous opinion reiterating the EPA's authority, although Justices Samuel Alito and Clarence Thomas added a caveat saying they agreed with the opinion "on the assumption" that the court's decision in *Massachusetts v. EPA* was correct.

Chief Justice John Roberts and Justice Antonin Scalia notably didn't sign on to their conservative colleagues' opinion, but legal experts said that may have been because they felt bound to defer to the court's previous decisions, even if they disagreed with them.

Greens weren't the only ones celebrating the Supreme Court's decision. Industry and congressional Republicans welcomed the panel's decision to keep regulatory decisions out of the courts.

"As we've said since the day the lawsuit was filed, states and private parties should look to Congress and not the courts to set policies on climate change and greenhouse gas regulation," said AEP spokeswoman Melissa McHenry.

Still, congressional Republicans signaled they'll plow ahead with their efforts to stymie the EPA.

"The court reaffirmed today that the EPA is not mandated to regulate climate change — it chooses to," Sen. John Barrasso (R-Wyo.) said in a statement. "The president's EPA chooses to take overreaching actions that

crush jobs and hurt our economy. I will continue to push for legislation that allows Congress — not Washington bureaucrats — to determine America's policies."

Barrasso is sponsoring a bill to prevent the EPA and other federal agencies from regulating greenhouse gases.

The House earlier this year passed a bill, largely along party lines, to nullify the EPA's greenhouse gas regulations and the scientific finding on which they're based. The Democrat-controlled Senate knocked down a series of attempts to block the administration's climate rules after Senate Democratic leadership dispersed EPA's opponents in the chamber by offering votes on several anti-EPA bills at once.

Jeff Holmstead, an industry attorney who served as the EPA's top air official during the George W. Bush administration, said he expects the Supreme Court's ruling to further entrench those on both sides of the climate debate.

"I suspect that both sides will be drafting talking points to read this decision the way they want to read it," he said. "I don't think that there is any member of Congress who is likely to change his or her vote because of this decision."

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Back

Shuster: Infrastructure 'discussion draft' next week Back

By Tanya Snyder | 07/19/2018 11:54 AM EDT

Rep. Bill Shuster plans to put out a discussion draft on infrastructure next week, just before the House breaks for August recess.

"It's not going to be a bill," he told POLITICO today. "I don't know what exactly you'd call it. A discussion draft. Similar, I hope, to what Dave Camp did when he put out his big tax bill — you know, it got some people fired up, some people not fired up."

"I think there'll be a lot of members that'll go, 'I like this [part of the draft] but I don't like that,'" Shuster added.

Shuster is not running for reelection and said early this year that he wants a big infrastructure bill to be his last major achievement in the House — something that seemed more likely when infrastructure still had the attention of the White House.

He said the draft he releases next week will "cover all the bases in infrastructure" and will "deal with all the policy pieces, plus it's going to talk about pay-fors," but he said it wouldn't have dollar amounts.

When asked whether the bill would propose specific infrastructure projects, he said: "Stay tuned for next week."

To view online click here.

Back

Hensarling backs down on flood insurance bill Back

By Zachary Warmbrodt | 07/19/2018 05:31 PM EDT

House Financial Services Chairman Jeb Hensarling is no longer attempting to retool parts of the National Flood Insurance Program as part of a short-term extension bill that's expected to be on the floor next week.

In an email this afternoon to committee members, the Texas Republican said he had asked leadership to take up a clean extension bill by Reps. Tom MacArthur (R-N.J.) and Steve Scalise (R-La.) that would renew the program through Nov. 30. The NFIP expires at the end of this month.

Hensarling had been pushing for a bill that would have extended the program through hurricane season but also have incorporated a handful of policy changes, including a requirement that communities develop mitigation plans for repetitive flooding.

He faced bipartisan resistance from lawmakers who were uneasy with the proposals and argued that there wasn't enough time to get buy-in from the Senate.

"Unfortunately, it does not appear that this package can pass both the House and Senate at this time," Hensarling said in the email obtained by POLITICO.

Hensarling said he did not intend to support the MacArthur-Scalise bill or any reauthorization bill without reforms. But he said it was important for the House to have an opportunity to vote.

Last November, the House passed a five-year reauthorization bill from the Financial Services Committee. The Senate has been trying to work out its own legislation for several months.

"Negotiations on bipartisan reforms will continue," Hensarling said.

To view online click here.

Back

Court orders EPA to enforce glider truck rule, at least temporarily Back

By Alex Guillén | 07/18/2018 02:28 PM EDT

A split panel of judges on the D.C. Circuit today ordered EPA to resume enforcing, at least temporarily, a strict production cap on "glider" trucks following pleas from environmental groups.

The court cautioned that its order is only to give it time to fully consider the environmentalists' motion to permanently reverse EPA's decision earlier this month not to enforce the cap, "and should not be construed in any way as a ruling on the merits of that motion."

In one of his final acts as administrator, Scott Pruitt told glider manufacturers that EPA would not enforce the 300-unit production cap for 2018, opening the door for those companies to sell significantly more trucks. Environmentalists sued on Monday.

Acting Administrator Andrew Wheeler told the Washington Examiner this week that the cap was not going to be enforced while the agency considers repealing it entirely because the companies were in danger of shuttering in the meantime.

The case is being heard by Judges Judith Rogers, Thomas Griffith and Robert Wilkins. Griffith voted against staying EPA's enforcement decision.

WHAT'S NEXT: The court ordered EPA to respond to the green groups by 4 p.m. on July 25, with any environmentalist reaction to that due by July 27. That tees up a decision on a potential longer-term stay to be issued as soon as late July or early August.

To view online click here.

Back

Pruitt moves to limit EPA ability to 'veto' water permits Back

By Annie Snider | 06/27/2018 11:19 AM EDT

EPA Administrator Scott Pruitt is directing his staff to formally rein in the agency's ability to veto permits based on damage a project would do to streams and wetlands.

In a memo sent Tuesday, Pruitt directed the Office of Water to craft a regulation that eliminates EPA's ability to veto a project before a permit application is filed, or after a permit has been approved. He also called to centralize the agency's use of the Clean Water Act authority by requiring headquarters to sign off on any such 404(c) vetos.

The regulations should also require EPA to wait for the Army Corps of Engineers to complete its environmental review of a project before a decision is made about a potential veto, he said, and any such determination should be subject to public comment.

"Today's memo refocuses EPA on its core mission of protecting public health and the environment in a way that is fair and consistent with due process," Pruitt said in a statement.

EPA has used its veto authority 13 times, primarily under Republican administrations. But the Obama administration's retroactive veto of a coal mining project in West Virginia, and steps it took to preemptively veto the proposed Pebble gold mine in Alaska were fiercely controversial.

Last year, Pruitt's EPA struck a deal with Pebble's developer to allow the Corps permitting process to proceed. However, in January he surprised many by announcing concerns about the impacts of mining on the Bristol Bay salmon fishery and other natural resources.

WHAT'S NEXT: Pruitt directed his staff to send the proposed regulation to the White House for interagency review within 6 months.

Alex Guillen contributed to this report.

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Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 7/19/2018 8:47:39 PM
To: OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]; OGC Immediate Office MGMT [OGC_Immediate_Office_MGMT@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Harlow, David [harlow.david@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Belser, Evan [Belser.Evan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]
CC: Orlin, David [Orlin.David@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]
Subject: NEW CAA LITIGATION: State challenges to no action assurance for gliders (State of California, et al. v. EPA, DC Cir. 18-1192)
Attachments: States Emergency Motion.pdf

We have received an emergency motion filed in the DC Circuit by 16 states and the District of Columbia seeking summary vacatur, or in the alternative a stay pending judicial review, of EPA's "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles," signed on July 6, 2018. The petition was filed on July 19 by the states of California, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and the District of Columbia.

Attorney Client / Ex. 5

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Case No. 18-1192

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF CALIFORNIA, by and through XAVIER BECERRA, ATTORNEY GENERAL and CALIFORNIA AIR RESOURCES BOARD, STATE OF DELAWARE, STATE OF ILLINOIS, STATE OF MAINE, STATE OF MARYLAND, by and through BRIAN FROSH, ATTORNEY GENERAL, and the MARYLAND DEPARTMENT OF THE ENVIRONMENT, COMMONWEALTH OF MASSACHUSETTS, STATE OF MINNESOTA, by and through the MINNESOTA POLLUTION CONTROL AGENCY, STATE OF NEW JERSEY, STATE OF NEW MEXICO, STATE OF NEW YORK, STATE OF NORTH CAROLINA, STATE OF OREGON, COMMONWEALTH OF PENNSYLVANIA, by and through JOSH SHAPIRO, ATTORNEY GENERAL and PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, STATE OF RHODE ISLAND, STATE OF VERMONT, STATE OF WASHINGTON, and DISTRICT OF COLUMBIA

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, and ANDREW K. WHEELER, Acting Administrator, United States Environmental Protection Agency,

Respondents.

EMERGENCY MOTION FOR SUMMARY VACATUR, OR IN THE ALTERNATIVE, FOR STAY PENDING JUDICIAL REVIEW

(Counsel listed on Inside Cover)

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Attorney General of the
State of California
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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to D.C. Circuit Rule 28(a)(1), Petitioners hereby certify as follows:

(A) Parties and Amici

Petitioners: The states of California, by and through its Attorney General and the California Air Resources Board, Delaware, Illinois, Maine, Maryland, by and through its Attorney General and Department of the Environment, Massachusetts, Minnesota, by and through the Minnesota Air Pollution Control Agency, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, by and through its Attorney General and the Pennsylvania Department of Environmental Protection, Vermont, and Washington, and the District of Columbia.

Respondents: The United States Environmental Protection Agency ("EPA"), and Andrew K. Wheeler, in his official capacity as Acting Administrator of EPA.

(B) Rulings Under Review

Petitioners seek review of the final action taken by EPA on July 6, 2018, entitled "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles," and reproduced in an Addendum to this motion.

(C) Related Cases

Petitioners are aware of a related Petition for Review filed by the Environmental Defense Fund, Center for Biological Diversity, and Sierra Club, that has been assigned Case Number 18-1190.

DATED: July 19, 2018

/s/ David A. Zonana
David A. Zonana

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GLOSSARY OF ABBREVIATIONS

EPA	United States Environmental Protection Agency
NGO-A	Appendix submitted by Movants in Case No. 18-1190
ST-A	Appendix submitted by Movants in this case

INTRODUCTION AND SUMMARY OF ARGUMENT

State Petitioners[1] respectfully move for summary vacatur of the United States Environmental Protection Agency's (EPA's) July 6, 2018 "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles" ("EPA's Action" or "the EPA Memo"). EPA's Action concerns regulatory restrictions on the production and sale of "gliders" — new heavy-duty trucks manufactured with highly polluting, refurbished engines that do not comply with modern emissions standards (the "2016 Rule"). The EPA Memo effectively suspends the 2016 Rule's annual 300-unit-per-manufacturer limit on glider production for 2018 and 2019, while EPA considers whether to modify or repeal the Rule. The effect of EPA's *ultra vires* action is to enable glider manufacturers to put many thousands more of these highly polluting trucks on the road than would be allowed under the 2016 Rule, starting immediately, before any formal process to modify or repeal the 2016 Rule has been completed. In both substance and process, EPA's Action is unlawful.

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[1] State Petitioners include the States of California (by and through its Attorney General and California Air Resources Board) Delaware, Illinois, Maine, Maryland (by and through its Attorney General and the Maryland Department of the Environment), the Commonwealth of Massachusetts, Minnesota (by and through the Minnesota Pollution Control Agency), New Jersey, New Mexico, New York, North Carolina, Oregon, the Commonwealth of Pennsylvania (by and through its Attorney General and Department of Environmental Protection), Vermont and Washington, and the District of Columbia.

EPA's Action circumvents Congress's established limits on the Agency's authority to suspend or stay a rule (limits that this Court has recently made clear to EPA), as well as limits on its authority to exempt new motor vehicles or engines from regulation. It also constitutes a complete reversal of EPA's position, reflected in the 2016 Rule, that it is mandated to regulate glider emissions — a reversal made without adequate explanation or good reason. Had EPA engaged in the public notice and comment process required to stay or amend a regulation, these faults would have been exposed prior to consummation, but EPA's Action provided no opportunity for public input.

EPA's Action should be vacated because EPA lacks authority to take the action, failed to supply good reasons for its change in policy, and failed to engage in the notice and comment procedure required to amend or stay the 2016 Rule. EPA's framing of its Action as an exercise of enforcement discretion rather than an amendment to or stay of the 2016 Rule does not allow it to escape review. EPA stated that it is taking this Action precisely because it has not been able to finalize a repeal of the 2016 Rule, and because it does not have a proposal that it can act on to "extend the compliance date" of these regulations. Because the EPA Memo sets out a generally applicable policy that contravenes a validly promulgated regulation, this Court is well within its jurisdiction to hear the matter, and it should vacate the action as unlawful.

In the alternative, State Petitioners request that this Court stay EPA's Action. Fed R. App. P. 18 & 27. Allowing EPA's Action to remain in effect while this litigation remains pending would result in serious health and economic impacts. According to EPA's own estimates, *each* additional glider sold will cause, on average, between 300,000 and 1,100,000 dollars in monetized public health impacts resulting from increased particulate matter pollution—impacts that will fall on State Petitioners and their residents. The additional production of gliders in 2018 and 2019 will cause hundreds of premature deaths and heart attacks and thousands of asthma exacerbations and lost workdays. And air pollution caused by the gliders that manufacturers will produce if EPA's Action remains in force in 2018 and 2019 will impede State Petitioners' efforts to improve air quality and meet EPA-mandated emissions reduction targets. A stay would prevent these significant and irreparable harms to State Petitioners and to the public interest by maintaining the full effectiveness of the 2016 Rule until this case is resolved.

BACKGROUND

A. Glider Vehicles

A "glider vehicle" is a new heavy-duty truck that is manufactured by installing a previously owned powertrain — consisting of the engine, transmission, and usually the rear axle — into a "glider kit," which typically includes a truck's

body, front axle, cab, and brakes. NGO-A331.[2] Glider kits historically were used to salvage powertrains from relatively new trucks that had been in crashes, but in recent years, as emissions-control standards have become more stringent, manufacturers have increasingly used them to circumvent these standards. ST-A, Tab III [80 Fed. Reg. 40,528-29]; NGO-A337, 688.

According to EPA's own conservative estimates, the model year 1998-2001 engines that typically are used in glider vehicles emit 20 to 40 times more particulate matter (PM) and oxides of nitrogen (NOx) than engines that conform to current emissions standards. NGO-A318, 406. Testing of glider vehicles conducted by EPA in 2017 showed even greater emissions impacts: NOx emissions were as much as 43 times higher than emissions from compliant vehicles, and PM emissions as much as 450 times higher. NGO-A21-47. NOx and PM are linked to serious adverse health effects, including increased incidence of respiratory and cardiovascular disease and premature death. NGO-A605-613.

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[2] For efficiency, State Petitioners requested and received permission to cite to the appendix provided to the Court by NGO Petitioners in Case No. 18-1190, *Environmental Defense Fund et al. v. United States Environmental Protection Agency*. Citations to the NGOs' appendix are identified herein as "NGO-A". Citations to additional documents in the State Petitioners separate appendix are identified herein as "ST-A."

According to EPA's own modeling, the average monetized health impacts from just one additional glider are between 300,000 and 1,100,000 dollars.[3]

B. EPA's Regulation of Glider Manufacturers

The Clean Air Act (CAA) requires EPA to set and enforce emissions standards applicable to entities that manufacture or assemble "new motor vehicles." Section 202 of the CAA directs EPA to establish and revise emissions standards for any air pollutant from any class of "new motor vehicles or new motor vehicle engines" that "cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7521(a)(1). Section 202 also requires that the standards specifically governing heavy-duty vehicles and engines "reflect the greatest degree of emission reduction achievable." 42 U.S.C. § 7521(a)(3)(A)(i).

In 2011, EPA, together with the National Highway Traffic Safety Administration (NHTSA), issued Phase 1 of a comprehensive two-phase regulatory package of emissions control and fuel efficiency standards for new medium- and heavy-duty engines and vehicles. An interim provision of the Phase 1

[3] EPA's assessment is low because it considered only *some* PM effects, and no impacts related to other pollutants. NGO-A595, 613; ST-A, Tab IX [New Jersey Decl., ¶ 34.]. For example, EPA did not quantify cancer, mutagenicity, or genotoxicity effects; increased incidence of chronic and subchronic bronchitis cases, strokes and cerebrovascular disease, low birth weight, and loss of pulmonary function; or non-asthma respiratory emergency room visits. NGO-A611.

regulation, designed to allow the traditional salvage of a few hundred powertrains a year from relatively new trucks that had been damaged in accidents, exempted vehicles with pre-2014 engines from the generally applicable requirement that all new vehicles be certified as conforming to the new standards. 40 C.F.R. § 1037.150(j).

Between 2011 and 2015, the market for glider vehicles grew exponentially, and EPA became concerned that the exemption was being used for a wholly different purpose — to circumvent emission-control requirements. ST-A, Tab III [80 Fed. Reg. 40,528-29]. To curtail this abuse, EPA proposed the 2016 Rule as part of Phase 2 of the medium and heavy-duty program, which took effect in December 2016. *Id.* The 2016 Rule phased in limits on sales of glider vehicles that do not comply with Phase 2 emissions standards, while permitting the continued use of glider vehicles for the traditional purpose of salvaging relatively new powertrains. NGO-A336, 404-409; *see also* 40 C.F.R. § 1037.150 (t). In 2017, a glider manufacturer could produce gliders that did not meet current emissions standards in numbers up to the highest number that manufacturer produced in any year from 2010 to 2014, inclusive. NGO-A336. In 2018 and beyond, a glider manufacturer could produce fewer non-compliant gliders—the *lower* of 300 or the most gliders that manufacture sold between 2010 and 2014. *Id.* EPA estimated that the production of gliders with non-compliant engines would be limited to

approximately 1,000 new vehicles per year in 2018 and beyond. NGO-A606.

In promulgating the Phase 2 standards, EPA found that restricting sales of new glider vehicles that do not meet otherwise-applicable emissions standards would produce significant health and economic benefits. EPA conservatively estimated that without the 2016 Rule, 10,000 gliders would be sold in the United States each year. NGO-A605, 609. According to EPA's modeling, the excess lifetime PM emissions from these 10,000 gliders — the PM emissions that exceed those of new vehicles with compliant engines — would cause 700 to 1,600 premature deaths, and avoiding those emissions would result in $3 to $11 billion in monetized human health benefits.[4]

C. EPA's Reconsideration of the 2016 Rule and Proposed Repeal

EPA's 2016 Rule went into effect without any party challenging it in court. It was only many months later, after one of the largest glider manufacturers met with former EPA Administrator Scott Pruitt, that the three largest glider manufacturers filed a petition for reconsideration. NGO-A60-66, 75. That petition cited to a glider-industry-funded study that has since been withdrawn due to questions about its methodology and accuracy as evidence that emissions of harmful pollutants from rebuilt glider engines were similar those that of newly built engines. NGO-

[4] NGO-A599, 610-611. EPA's modeling accounts for only *some* of the benefits attributable to reduction in a single pollutant (PM2.5). NGO-A610-613.

A15, 64, 68-71, 284, 300.

EPA expeditiously granted the industry petition and proposed to repeal the 2016 Rule. NGO-A49. EPA did not consider the emissions impacts of the repeal, nor did it repudiate the findings about the health impacts of glider vehicle emissions it had made in support of adopting the 2016 Rule. *See* NGO-A50-53. Rather, the proposed repeal was based primarily on an argument that EPA lacked authority to regulate gliders because gliders are not "new motor vehicles" subject to regulation under Section 202. NGO-A50-53. EPA had rejected this argument when adopting the 2016 Rule, concluding that the CAA provides "no basis" for the glider manufacturers' proposed interpretation of "new motor vehicle" to exclude glider vehicles, and that such an interpretation "would impede meaningful control" of emissions from such vehicles, contrary to the CAA's "purpose of controlling emissions of air pollutants from motor vehicle engines, with special concern for pollutant emissions from heavy-duty engines." NGO-A332, 336.

Many states, non-governmental organizations, trucking industry representatives, and members of the public submitted comments opposing EPA's proposed repeal, and the proposal appears to have stalled. *See* ST-A, Tab IV. As noted above, after the close of comments, new questions emerged about the University study submitted in support of reconsideration and mentioned in the proposed repeal. NGO-A15, 284, 300. In May, EPA's Science Advisory Board

decided to review the proposed repeal, citing "'uncertainty about what scientific work, if any, would support' this action." NGO-A10.

D. EPA's July 6, 2018 Memo

After many months of seeming inaction from EPA, on July 6, 2018, former Administrator's Pruitt's last day in office, EPA quietly produced a "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles." NGO-A2-3. Earlier that day, Bill Wehrum, Assistant Administrator, Office of Air and Radiation, penned a memorandum requesting the "no action assurance." NGO-A5-6. Mr. Wehrum stated that glider manufacturers who had reached the 2016 Rule's 300-gliders-per-year cap "must cease production for the remainder of 2018, resulting in the loss of jobs and threatening the viability of these Small Manufacturers." NGO-A6. He noted that EPA had published a notice of proposed rulemaking to repeal the 2016 Rule, but that, "additional evaluation of a number of matters" regarding the proposed repeal would be required before the repeal could move further. NGO-A6. He then requested that a "no action assurance" be issued "as a bridge to a rulemaking in which [EPA] will consider extending the deadline for Small Manufacturers to comply with" the 2016 Rule's 300 vehicle limit for model years 2018 and 2019. NGO-A5.

That same day, Assistant Administrator Susan P. Bodine wrote in response that "[c]onsistent with the intent and purpose of [the Office of Air and Radiation's]

planned course of action," EPA will issue a "no action assurance" that it will not enforce the 300-vehicle limit against manufacturers who produce up to their prior limits (several thousand vehicles) in 2018 and 2019. NGO-A3. The Memo adopted much of Mr. Wehrum's description and reasoning. EPA noted the stalled process of the notice of proposed rulemaking, and the absence of any existing proposed rule to extend the 2016 Rule's compliance dates. NGO-A3. As its sole justification for the action, the EPA Memo cited Mr. Wehrum's warning that absent the ability to produce more noncompliant vehicles, glider manufacturers will cease production. NGO-A3.

Absent from the EPA Memo and Mr. Wehrum's request is any discussion of the environmental or public health consequences that flow from the decision. No mention is made of EPA's own calculations of the additional emissions by gliders as compared to compliant trucks nor of EPA's own economic estimates of the toll those emissions take on the public's health and welfare.

JURISDICTION

This Court has jurisdiction under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), which specifies that a petition for review of any "nationally applicable…final action taken" by EPA under the CAA. The decision represents EPA's "'last word on the matter' in question" — namely, its decision to continue to apply the national limitations on glider vehicle production in effect in 2017 and

effectively to suspend the more stringent provisions that took effect on January 1 of this year — and is thus final and reviewable.[5] *Whitman v. Am. Trucking Associations*, 531 U.S. 457, 478 (2001); NGOA-2 (stating that EPA "will" apply the 2017 production caps until either "11:59 p.m. EDT on July 6, 2019 or "the effective date of a final rule extending the compliance date").

ARGUMENT

I. EPA'S ACTION IS UNLAWFUL AND SHOULD BE VACATED

A. EPA's Action is, in Effect, an Unlawful Stay or Suspension of the 2016 Rule

EPA intends the Memo to allow those manufacturers that would be subject to the 300-glider-vehicle production cap under 40 C.F.R. § 1037.150(t)(1)(ii) to ignore that cap and continue producing glider vehicles up to the higher limits that expired on December 31, 2017. NGO-A3. To this end, EPA's Memo commits the agency to set aside the current 300-glider cap, and instead apply the less stringent, transitional regulatory limitations that were in effect in 2017 to manufacturers' 2018 and 2019 production. *Compare* 40 C.F.R. § 1037.150(t)(3) ("[f]or calendar year 2017," exempting glider vehicles up to a limit equal to a manufacturer's

[5] That EPA is engaged or may engage in further proceedings concerning the 2016 Rule does not make its current action any less final. See *Clean Air Council v. Pruitt*, 862 F3d 1, 7 (D.C. Cir. 2017).

"highest annual production of glider kits and glider vehicles for any year from 2010 to 2014") *with* 40 C.F.R. § 1037.150(t)(1)(ii) (capping exempt vehicles at 300 per manufacturer). In effect, then, EPA's Memo rewrites the transitional provision for the year 2017 (40 C.F.R. § 1037.150(t)(3)) to include the years 2018 and 2019. *See* NGO-A3 ("EPA will exercise its enforcement discretion with respect to the applicability of 40 C.F.R. § 1037.635 [limiting production of glider vehicles with non-compliant engines] to Small Manufacturers that in 2018 and 2019 produce for each of those two years up to the level of their interim allowances as was available to them in calendar year 2017 under 40 C.F.R. § 1037.150(t)(3).").

Such a revision, which "effectively suspends the implementation of important and duly promulgated standards, …constitutes rulemaking subject to notice and comment…." *Environmental Defense Fund, Inc. v. Gorsuch*, 713 F.2d 802 (D.C. Cir. 1983); *see also Natural Res. Def. Council v. Nat'l Highway Traffic Safety Admin.*, 894 F.3d 95 (2d Cir. 2018) ("*Natural Res. Def. Council v. NHTSA*") (notice and comment requirements apply "when an agency seeks to delay or repeal a previously promulgated final rule"). It cannot be accomplished by memorandum. Nor is EPA free to simply ignore the 2016 Rule: "an agency issuing a legislative rule is itself bound by the rule until that rule is amended or revoked." *Nat'l Family Planning & Reproductive Health Ass'n v. Sullivan*, 979 F.2d 227, 234 (D.C. Cir.

1992). Accordingly, "delayed implementation of a final regulation normally constitutes substantive rulemaking," subject to notice and comment. *Envtl. Def. Fund, Inc.* v. E.P.A., 716 F.2d 915, 920 (D.C. Cir. 1983).

B. EPA's Action Is Reviewable, despite EPA's Characterization of It as an Exercise of Enforcement Discretion

In an apparent attempt to circumvent review, as well as the requirements to stay or revise a validly promulgated regulation, EPA styled its action as a decision to "exercise its enforcement discretion." NGO-A3. But even accepting at face value EPA's characterization of its blanket suspension of the 2016 Rule's 300-vehicle production limit as an exercise of enforcement discretion, EPA's Action is still reviewable and subject to vacatur.

While an agency's *ad hoc* decision not to take enforcement action in a particular case is presumptively unreviewable, "an agency's adoption of a general enforcement policy is subject to review." *OSG Bulk Ships, Inc. v. United States*, 132 F.3d 808, 812 (D.C. Cir. 1998); *see also Heckler v. Chaney*, 470 U.S. 821, 833 n. 4 (1985) (agency action in the form of a "general policy" may be reviewable to determine whether the policy amounted to "an abdication of [the agency's] statutory responsibilities" or instead represented a decision "committed to agency discretion"); *Crowley Caribbean Transp., Inc. v. Pena*, 37 F.3d 671, 676 (D.C. Cir. 1994) (presumption of unreviewability applicable to a "single shot nonenforcement decision" does not apply to "an agency's statement of a general enforcement

policy" articulated in the "form of [a] universal policy statement"). This is true whether the general enforcement policy is contained in a "formal regulation after the full rulemaking process" or in "informal contexts such as letters." *Crowley*, 37 F.3d at 676-77.

EPA's decision to effectively suspend the regulation that took effect on January 1, 2018 and instead continue to apply the 2017 limitations on glider production to gliders produced in 2018 and 2019 is not the sort of individualized, *ad hoc* enforcement decision that is presumptively entrusted to agency discretion. *See Crowley*, 37 F.3d at 677. Rather, the EPA's Memo clearly sets out its reasons for suspending the more restrictive production limits in a manner that is "easily reviewable." *Ibid.* And, as described below, the decision represents the sort of "'abdication of statutory responsibilities'" — both to involve the public in the rendering of significant decisions and to carry out the purposes of the Clean Air Act—that renders the application of a presumption of non-reviewability inappropriate. *Ibid.*

Further, there is "law to apply" to EPA's Action. *Nat'l Wildlife Federation v. EPA*, 980 F2d 765, 773 (D.C. Cir. 1992), citing *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 410 (1971). First, section 203(b) of the Clean Air Act limits the Administrator's discretion to exempt manufacturers from vehicle emissions standards to specific purposes (e.g., research, investigations, studies,

demonstrations or training) which do not apply here. 42 U.S.C. § 7522(b)(1). Second, section 307(b) of the Clean Air Act limits the bases on which the Administrator may stay the effective date of a rule, and limits to duration of a stay to three months. EPA's Action does not accord with either of those limits.

C. EPA Has No Inherent or Statutory Authority to Stay or Suspend the 2016 Rule By Fiat

It is well established that the suspension of a rule, even if for a limited duration, is effectively a revocation of a final rule that is subject to review as an exercise of substantive agency rulemaking, and thus must be predicated on authority conferred by Congress. See *Public Citizen v. Steed*, 733 F.2d 93, 98 (D.C. Cir. 1984) ("an 'indefinite suspension' does not differ from a revocation simply because an agency choses to label it as a suspension.") If agencies had free rein to suspend the effective dates of final rules, "it would mean that an agency could guide a future rule through the rulemaking process, promulgate a final rule, and then effectively repeal it, simply by indefinitely postponing its operative date." *Natural Res. Def. Council v. EPA*, 683 F.2d 752, 762 (3d Cir. 1982). EPA's current Action is merely a variant on the theme, employing the cloak of a "no action assurance" to achieve what EPA has not been able to accomplish through any rulemaking process.

As this Court recently held, EPA has no "'inherent authority' …not to enforce a lawfully issued final rule" while it reconsiders it, and the CAA does not provide

it any such authority. *Clean Air Council v. Pruitt*, 862 F.3d at 9. As a general rule, the CAA prohibits EPA from suspending or staying the effectiveness of a regulatory provision on the basis that EPA is reconsidering it. 42 U.S.C. § 7607(b)(1) (the filing of an administrative petition for reconsideration "shall not postpone the effectiveness" of a final rule or action) & (d)(7)(B) (agency "reconsideration shall not postpone the effectiveness of a rule). And EPA has, with good reason, failed to invoke the sole exception to this rule, which is applicable only to stays "for a period not to exceed three months" issued in connection with a petition for reconsideration that raises an issue that had not been raised and could not practically have been raised during the comment period and is "of central relevance to the outcome of the rule." 42 U.S.C. § 7607(d)(7)(B).[6]

D. EPA's Action Is Arbitrary and Capricious Because EPA Failed to Consider the Clean Air Act's Statutory Mandates and Provide a Reasoned Explanation for its Reversal

EPA's Action also constitutes an arbitrary and capricious reversal of its prior position.[7] An agency action is arbitrary and capricious where the agency "entirely fail[s] to consider an important aspect of the problem," or when it "offer[s] an

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[6] Similarly, EPA's authority to exempt manufacturers from vehicle emissions standards is inapplicable. 42 U.S.C. § 7522(b)(1).

[7] Agency actions are subject to judicial reversal where they are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;" "in excess of statutory jurisdiction, authority, or limitations;" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A), (C), (D); *see also*, Clean Air Act, § 307(b)(1), (d)(9), 42 U.S.C. § 7607(b)(1), (d)(9).

explanation for its decision that runs counter to the evidence before the agency." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) ("*State Farm*"). When reversing course by changing a prior policy, an agency is required to provide a "reasoned explanation" for the change, and show that the new policy is "permissible under the statute" and that "there are good reasons for it." *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) ("*Fox*"); *see also Action for Children's Television v. F.C.C.*, 821 F.2d 741, 745 (D.C. Cir. 1987) ("It is axiomatic that an agency choosing to alter its regulatory course must supply a reasoned analysis indicating its prior policies and standards are being deliberately changed, not casually ignored.").

EPA's Memo fails on all counts. First, it entirely fails to consider the central aspect of the problem that Congress mandated that EPA address, namely emissions of oxides of nitrogen and particulate matter from classes or categories of heavy-duty vehicles. *See* CAA, § 202(a)(3)(A)(i), 42 U.S.C. § 7521(a)(3)(A)(i). Rulemaking "ordinarily requires paying attention to the advantages and disadvantages of agency decisions". *Michigan v. EPA*, 135 S. Ct. 2699, 2707 (2015). EPA's Memo does not mention, much less attempt to quantify, the additional NOx and PM emissions that will flow from the decision to allow manufacturers of gliders to multiply their production and sales "in 2018 and 2019" at levels many times the 300-vehicle-per-manufacturer limit. Indeed, EPA's

Memo ignores the endangerment to the public health and welfare. That danger, as described below in the discussion of irreparable harm, is immediate and severe, and will result in a significant number of lives lost and additional hospitalizations, particularly among vulnerable and sensitive populations. See *infra* Part II.A.

Second, the agency's proffered explanation for its action is inadequate: It lacks any support, is contradicted by EPA's Memo itself, and runs counter to the evidence that is before the agency. EPA asserts that its action is taken to preserve the viability of businesses and jobs, but at the same time EPA acknowledges that the 2016 Rule does not restrict the manufacture or sale of gliders that "use engines that comply with the emissions standards applicable to the model year in which the glider vehicle is manufactured." NGO-A2, 5. Nor does EPA consider the impact of its action on other manufacturers and their employees, who are producing emissions compliant heavy-duty trucks. EPA also fails to consider comments submitted by a leading glider manufacturer that it is "set up to make a profit at 300 [non-emissions compliant glider vehicles] a year." NGO-A600.

Third, EPA's Memo, to the extent it purports to be based on economics, looks solely at one side of the equation. That is, the Memo only considers speculative cost impacts on glider manufacturers, but gives no consideration to EPA's own quantification of the economic consequences of the health impacts of increased

glider sales, which EPA estimated to be, on average, from 300,00 to 1,100,000 dollars for each non-emissions compliant additional glider sold. NGO-A610.

Thus, EPA has wholly failed to "show that there are good reasons for the new policy," and provide a "reasoned explanation" for why the agency is "disregarding facts and circumstances that underlay or were engendered by the prior policy." *Fox*, 556 U.S. at 515.

E. EPA's Failure to Take Notice and Comment Before Implementing Its De Facto Suspension Violates the APA

The APA generally requires agencies to publish a notice of proposed rulemaking and solicit public comment on all rulemakings. *Id.* § 553. A proposed rule must be published in the Federal Register not less than thirty days before its effective date. *Id.* § 553(d). These requirements apply both when an agency promulgates a rule and when it amends or appeals a rule. *See id.* § 551(5); *Perez v. Mortgage Bankers Ass'n*, 135 S. Ct. 1199, 1206 (2015).

It is well established that the APA's notice-and-comment requirements also apply when an agency suspends the effectiveness of a rule. *Natural Res. Def. Council v. NHTSA*, 894 F.3d 95, 2018 WL 3189321 at *12 (notice and comment "requirements apply with the same force when an agency seeks to delay or repeal a previously promulgated final rule"); *Environmental Def. Fund, Inc. v. EPA*, 716 F.2d 915, 920 (D.C. Cir. 1983) (same); *Natural Res. Def. Council v. EPA*, 683 F.2d 752, 761-62 (2d Cir. 1982) (effective date is "an essential part of any rule" and

"material alterations" are subject to APA's rulemaking provisions). Failure to comply with these procedural requirements requires invalidation of an agency's actions. *Natural Res. Def. Council v. Abraham*, 355 F.3d 179, 206 (2d Cir. 2004).

Here, the facts are clear and undisputed. EPA did not engage in any notice and comment process in connection with its Action. Add. 1 and 2. Nor can EPA's promise to "move as expeditiously as possible to undertake a rulemaking in which it will consider extending the compliance date" cure its failure to take notice and comment before the EPA Memo effectively suspending the 2016 Rule. *Natural Res. Def. Council v. NHTSA*, 894 F.3d 95, 2018 WL 3189321 at * 14.

II. IN THE ALTERNATIVE, EPA'S ACTION SHOULD BE STAYED

To obtain a judicial stay, State Petitioners must demonstrate that: (a) they are likely to succeed on the merits; (b) they are likely to suffer irreparable harm in the absence of a stay; (c) the balance of equities favors a stay; and (d) an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The final two factors "merge when," as here, "the Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 435 (2009).[8] State Petitioners have established above that they are likely to succeed on the merits because EPA's Action constitutes an unlawful suspension or modification of the 2016 Rule, which

[8] State Petitioners complied with Rule 18(a) by, prior to filing this Petition and Motion, requesting EPA to immediately withdraw or administratively stay the EPA Action. NGO-A259-276, ST-A, Tabs V-VIII. *See also*, Fed. R. App. P. 18(a).

EPA has attempted to accomplish without undertaking the required notice and comment process, and without the consideration of the Action's significant impacts on air quality and public health that would be necessary to any reasoned decision-making process. Below, State Petitioners demonstrate that a stay is necessary to prevent significant, irreparable harm to State Petitioners, and that it would be in the public interest to allow the 2016 Rule to remain in full effect for as long as this challenge to EPA's Memo remains pending.[9]

A. Without a Stay, Air Pollution from Additional Gliders Sold in 2018 and 2019 Will Contribute to Hundreds of Premature Deaths and Thousands of Serious Health Incidents

If EPA's Action is not vacated or stayed, thousands of additional gliders will be sold as a result, and these gliders will travel the roads for many years to come, emitting huge quantities of dangerous air pollutants.[10] By any reasonable estimate, these emissions will cause hundreds of premature deaths and heart attacks, and tens of thousands of asthma exacerbations and lost work days around the country. An immediate stay is necessary to prevent these serious, irreparable harms.

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[9] EPA's no-action letter has a one-year duration. By the time this case is briefed, argued, and decided on the merits, much or all of the one-year period likely will have elapsed. Thus, in the absence of a stay (or summary vacatur), glider manufacturers will effectively receive much or all of the benefit of EPA's Action, even if the Memo is ultimately deemed unlawful on the merits.

[10] ST-A, Tab IX [CARB Decl. ¶ 6].

The Court should issue a stay to maintain in effect a duly promulgated federal vehicle regulation, such as the 2016 Rule, if irreparable harm would result from unsafe vehicles that, without a stay, would make their way onto the roads. *See Coleman v. Paccar, Inc.*, 424 U.S. 1301, 1306-09 (1976) (Rehnquist, C.J., in chambers) (citing potential for long-term, irreparable harm if noncomplying vehicles manufactured during litigation over final safety regulations "find their ways to the highways"). Early deaths and widespread morbidity caused by air pollution unquestionably qualify as irreparable harm. *E.g.*, *Nat'l Ass'n of Farmworkers Organizations v. Marshall*, 628 F.2d 604, 613-614 (D.C. Cir. 1980) (holding that risk of exposure to pesticides constitutes irreparable harm); *Sierra Club v. U.S. Dep't of Ag.*, 841 F.Supp.2d 349, 358-59 (D.D.C. 2012) (finding "risk of severe health problems (including premature death)" from exposure to particulate matter air pollution constitutes irreparable harm).

Petitioners have demonstrated that such harms will result from EPA's Action. By a conservative estimate, EPA's Action will result in an additional 6,400 gliders being sold. The EPA Memo exempts 2018 and 2019 glider sales from EPA enforcement until a manufacturer's sales reach its 2017 "Interim Allowance," defined as "the greatest number [of gliders] produced in any one year during the period of 2010-2014." NGO-A2-3. According to EPA's own projections in its response to comments on the Phase 2 rulemaking, the greatest number of gliders

produced in those years was approximately 4,200. NGO-A605-606. That figure, which is based on a September 2013 study, is almost certainly lower than the actual 2014 production.[11] But assuming conservatively that EPA's projections were correct, it would be reasonable to estimate that, with EPA's Memo in place, manufacturers could produce and sell at least 4,200 non-compliant glider vehicles per year without fear EPA enforcement in both 2018 and 2019. EPA estimated that, beginning January 1, 2018, when the 300-vehicle cap took effect, "fewer than 1,000 glider[s]" would be sold "in most years."[12] Thus, conservatively estimated, EPA's Memo sanctions the sale of 3,200 *additional* gliders in both 2018 and 2019, for a total of 6,400 additional gliders over and above what the 2016 Rule would allow.

These 6,400 gliders would emit an *extra* 265,600 tons of NOx and 4,352 tons of PM, and would have the same emissions impact as roughly 121,000 to 151,000 new emissions-compliant trucks.[13] EPA estimates a glider sold in 2017 emits, on average, 41.5 more tons of NOx and 0.68 more tons of PM over the trucks'

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[11] NGO-A605. EPA projected in September 2016 that glider sales would likely grow to 10,000 or more per year by 2016. *Id.* And, as documented in a declaration in a consolidated case, actual sales figures in 2017 totaled over 6,500. NGO-A122. So NGO Petitioners' estimate that, unless vacated or stayed, EPA's Action will lead to 11,190 additional glider sales is reasonable, and likely more accurate than EPA's estimate. ST-A, Tab IX [CARB Decl. ¶ 18].

[13] ST-A, Tab IX [CARB Decl. ¶ 40].

lifetimes, as compared to a vehicle with modern emission-control technology. NGO-A609.

PM and NOx are both very harmful pollutants. PM from diesel exhaust is easily inhaled in the bronchial and alveolar regions of the lung.[14] Exposure is associated with cardiovascular and respiratory hospitalizations, cancer, and early deaths.[15] NOx recombines to form ground-level ozone, a gas that irritates and damages respiratory organs.[16] Ozone exposure is associated with increases in respiratory-related hospital admissions, respiratory symptoms and medication use in asthma sufferers, and emergency department visits for chronic obstructive pulmonary disease and asthma.[17] NOx is also very harmful: Exposure to one of its primary components, NO_2, is linked to increased hospital admissions and emergency department visits for asthma, respiratory symptoms and airway inflammation in people with asthma, and decreased lung function in children with asthma.[18]

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[14] ST-A, Tab IX [CARB Decl. ¶ 10; NY Decl. ¶ 18].

[15] *Id.*; ST-A, Tab IX [NJ Decl. ¶ 14]; *see* NGO-A372-373.

[16] ST-A, Tab IX [CARB Decl. ¶ 11; NJ Decl. ¶ 16; NY Decl. ¶ 18].

[17] ST-A, Tab IX [CARB Decl. ¶ 11]; *see* NGO-A373-374.

[18] ST-A, Tab IX [CARB Decl. ¶ 11]; *see* NGO-A374-375.

Given this, EPA unsurprisingly found, "even a small number of additional glider vehicles would have severe impacts" on public health.[19] EPA's analysis of glider emissions found that, for every 1,000 noncompliant gliders sold, between 70 and 160 people will die early, and that that emissions from *each* additional glider would generate (on average) 300,000 to 1,100,000 dollars in costs related to adverse health impacts.[20] Scaled for 6,400 additional gliders, the EPA's Action risks between 448 and 1,024 early deaths and $1.9 to $7 billion in avoidable serious health effects.[21]

These staggering harms, clearly proved using EPA's own analysis of glider emissions impacts, compel a stay of EPA's Action.

B. State Petitioners Will Be Irreparably Harmed by Dangerous Air Pollution Unless EPA's Action is Stayed

Many of these hundreds of deaths and thousands of illnesses—likely more than half of them—would occur within Petitioner States.[22] The extra air pollution and related health impacts will irreparably injure the States' quasi-sovereign interests

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[19] NGO-A1881; NGO-A406. EPA's estimates of the NOx and PM impacts from new gliders were not contested by any of the commenters on the draft rule. NGO-A593.

[20] NGO-A611; ST-A, Tab IX [CARB Decl. ¶32].

[21] ST-A, Tab IX [CARB Decl. ¶ 6].

[22] ST-A, Tab IX [*See* CARB Decl., Exh. A (using each State's proportions of nationwide population living near major roadways to estimate state-specific impacts)].

in the quality of the "air within [their] domains" and in "protect[ing] [their] citizens from air pollution." *Massachusetts v. EPA*, 549 U.S. 497, 518-19 (2007) (internal quotation marks omitted).[23]

Petitioners include densely populated Northeastern, Great Lakes, and coastal states with extensive highway networks, and are home to many of the largest trade freight gateways in the country, including air- and seaports in Los Angeles, New York/New Jersey, Long Beach, Tacoma, Chicago, Washington, D.C., Boston, and Baltimore. Although State Petitioners represent 33% of the national population, over half of the early deaths and other health effects attributable to glider emissions will likely occur in these States.[24] This disproportionate effect is attributable to the fact that an above-average percentage of State Petitioners' populations live near major roadways, since pollution from gliders (and other diesel trucks) is more likely to affect people living near major roadways frequented by heavy-duty trucks.[25] It is well-documented that people who live and work near high-traffic roadways "experience higher rates of numerous adverse health effects," especially respiratory and cardiovascular effects, from diesel exhaust than people who live far from major roads. NGO-A381-382, 391; *see also* NGO-A380 (hundreds of peer-

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[23] State Petitioners' evidence of these harms also satisfies Article III standing. *Sierra Club v. EPA*, 292 F.3d 895, 899-900 (D.C. Cir. 2002).

[24] *Id.*

[25] ST-A, Tab IX [CARB Decl., ¶ 23; NJ Decl., ¶ 30].

reviewed studies have found correlation between ambient levels of diesel exhaust pollution and proximity to major roadways).

The States' analysis of EPA's health impact assessment prepared for the 2016 Rule, apportioned using reasonable assumptions about the geographic distribution of excess emissions from 6,400 extra gliders, finds that state-by-state impacts are significant and alarming.[26] For example, an estimated 47 to 109 Californians would die prematurely and more than 50 Californians would have non-fatal heart attacks if these gliders reach the nation's highways.[27] Californians with asthma will experience thousands of exacerbated attacks, and Californians will miss thousands of days of work.[28] In each of the Petitioner States, glider emissions threaten early deaths and enormous public health costs.[29]

The Court should stay EPA's Action to protect the State Petitioners from these grave and irreparable harms.

C. The Sale and Operation of 6,400 Additional Gliders Will Undermine and Impede State Petitioners' Efforts to Improve Air Quality

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[26] *See generally* ST-A, Tab IX [CARB Decl., Exh. A].

[27] ST-A, Tab IX [CARB Decl. ¶ 27].

[28] *Id.*

[29] *See generally* ST-A, Tab IX [CARB Decl., Exh. A].

Excess glider emissions of NOx and PM2.5 will also cause irreparable harm to State Petitioners by impeding their attainment and maintenance of the EPA-mandated National Ambient Air Quality Standards (NAAQS)[30] for ozone and PM, and by cancelling out other, costly efforts the States have made to reduce these harmful pollutants. ST-A, Tab IX [CARB Decl. at ¶¶ 34-45; NJ Decl. ¶ 51; WA Dec. ¶¶ 5-8; Mass. Decl ¶¶ 6-17; NC Decl. ¶¶ 5-30; NY Decl. ¶¶ 32-42; OR Decl. ¶ 18]. For example, over the past decade California and New Jersey, and their residents and businesses, have spent billions of dollars to reduce NOx and PM emissions from heavy-duty diesel vehicles, and have required many stationary sources of emissions to implement stringent and costly emissions controls as part of their efforts to attain and maintain the ozone and PM NAAQS. ST-A, Tab IX [CARB Decl. ¶¶ 32-33; NJ Decl. ¶¶ 36-44]. EPA's Action, and the increase in PM and NOx emissions it will generate, will undermine and may, in fact, cancel out some of these efforts, causing additional irreparable injury to the States. ST-A, Tab IX [CARB Decl. ¶¶ 41-45]. In California, the excess NOx emissions resulting from EPA's Action would more than cancel out the NOx reductions achieved by the Commercial Harbor Craft regulation, a program with compliance costs of 15 to 46 million dollars. ST-A, Tab IX [CARB Decl. ¶ 42]. And in Oregon, the PM

[30] The NAAQS are standards setting limits on the concentration of harmful pollutants in the air, including PM and NOx, at a level necessary to protect public health. 42 U.S. Code § 7412(c)(9)(B).

emissions from additional glider trucks would offset 5 years of emission-reduction benefits from the multi-million dollar Oregon Clean Diesel Initiative. ST-A, Tab IX [OR Decl. ¶ 18].

States also rely on EPA's heavy-duty vehicle emissions standards as part of the State Implementation Plan submissions they make to EPA in connection with ozone and PM NAAQS. *See* 42 U.S.C. § 7410(a). By unexpectedly suspending emissions standards for highly polluting gliders, EPA is undermining the regulatory baseline that States rely on to demonstrate compliance with the CAA. ST-A, Tab IX [NJ Decl. ¶ 36]. If 6,400 additional, highly polluting gliders can now be sold, without fear of EPA enforcement, air pollution from heavy-duty vehicles will significantly worsen year-to-year, even as EPA is requiring states to meet the more stringent ozone NAAQS adopted in 2015. ST-A, Tab IX [NJ Decl. ¶ 44]. Emissions from additional glider vehicles could jeopardize Charlotte, North Carolina's attainment status for the NAAQS for PM2.5 and ozone. ST-A, Tab IX [NC Decl. ¶¶ 17, 30; *see also,* Mass Decl. ¶ 15 (EPA's Action will make it harder to maintain attainment with ozone NAAQS)]. In New Jersey, the expected PM emissions resulting from EPA's Action would offset nearly a year of PM reductions by the State's mandatory diesel retrofit program, which is part of New Jersey's effort to maintain compliance with the NAAQS for PM. ST-A, Tab IX [NJ Decl. ¶ 51].

Put simply, EPA's Action makes States' compliance with the federal NAAQS "more difficult and onerous" than it would otherwise be, a cognizable injury. *See West Virginia v. EPA*, 362 F.3d 861, 868 (D.C. Cir. 2004). At least some State Petitioners will have to analyze the consequences of EPA's Action and make decisions as to whether to adopt or revise regulations or other offsetting emissions-reducing measures. *See* ST-A, Tab IX [NJ Decl. ¶ 44; Mass Decl. ¶ 14]. And those activities impose costs and occupy limited resources that would otherwise be available for other actions that would benefit the States and their people. ST-A, Tab IX [Mass Decl. ¶ 14]. State Petitioners will suffer these harms unless EPA's Action is neither vacated nor stayed during litigation over its legality.

D. No Party to this Litigation will be Harmed if the Court Grants a Stay, and the Public Interest Strongly Favors a Stay

In contrast to the irreparable harm that Petitioners and their residents face under EPA's Action, EPA will not be harmed by a stay during this litigation. The issuance of a stay would simply mean that EPA could (and should) enforce its duly promulgated limitation on glider sales—limitations that had already gone into effect more than six months before EPA issued the Memo. It is not an irreparable injury to an agency to leave its duly promulgated and already-in-effect regulations in place.

Any harm to the public through loss of jobs in the glider industry would be minimal. EPA found that the industry "will not be significantly impacted by the

new requirements" in the Phase 2 Rule and that existing glider manufacturers would "remain profitable." NGO-A600-601. A stay would simply mean that EPA could compel the 2-3 largest glider manufacturers — those whose 2017 allowances exceeded 300 gliders with non-compliant engines — to limit their production to 300, and after that produce gliders with engines meeting the emissions standards that all other new trucks are required to meet.[31] While it is conceivable that these few manufacturers — manufacturers who have in recent years increased production of non-compliant glider vehicles in order to circumvent emissions standards — might lose some of this business, their competitors that manufacture gliders and other trucks with emissions-standard compliant engines will benefit from the newly re-leveled playing field.

Moreover, any harm to these few companies is overwhelmingly outweighed by the public interest in protecting lives and health from dangerous and avoidable air pollution. The EPA Action risks the lives of hundreds of people nationwide, and the health of thousands more. The "real potential for hundreds of premature deaths" from exposure to excess air pollution outweighs any "speculative harm" from disruption of a regulated industry by emissions regulations. *Nat'l Ass'n of Farmworkers Organizations v. Marshall*, 628 F.2d 604, 617 (D.C. Cir. 1980); *see*

[31] 40 C.F.R. § 1037.150(t)(1)(ii).

also id. ("Plainly, any possible reduction in the price of produce that might result from denying preliminary relief would be only short-term, and would never approach the value of the children's health to the nation"); *Fed. Mar. Comm'n v. City of Los Angeles*, 607 F.Supp.2d 192, 193,196, 203-04 (D.D.C. 2009) (refusing to enjoin California clean truck programs intended to reduce diesel exhaust air pollution by phasing out old, polluting trucks, despite potential of air pollution rules to increase transportation costs and decrease competition for transportation services); *see United States v. NCR Corp.*, 688 F.3d 833, 842-43 (7th Cir. 2012) (finding that public interest in preventing injuries from exposure to toxic chemicals outweighs harm that specific company may have to pay more than its share of cleanup costs).

Even in purely economic terms, the $1.9 to $7 billion dollars of health-related impacts from PM 2.5 emissions that a stay would avoid is likely orders of magnitude greater than the economic benefits of the EPA Action to the handful of companies making non-compliant gliders. Notably, after describing the "severity" of the public health impacts of gliders for every year the Phase 2 Rule is not in effect, EPA previously refused to further delay phase-in of the Rule "merely" to avoid "the potential for inconvenience to the industry." NGO-A599.

EPA has already taken significant steps to mitigate any economic harm to glider manufacturers. EPA went to great lengths to cushion the impacts of the

Phase 2 Rule, phasing in the production caps for gliders and allowing continued sales to serve the original purpose of gliders — to salvage relatively new engines from truck bodies destroyed in crashes. NGO-A405. EPA estimated that approximately 1,000 non-compliant gliders per year (up to 300 per manufacturer) can still be sold using pre-2002 engines NGO-A606. Perhaps more importantly, glider manufacturers can "continue *unlimited* production using low-polluting engines," which are "readily available." NGO-A600 (emphasis added).

EPA's Memo grants a couple of manufacturers an unfair means to evade emissions standards "at the expense of domestic manufacturers producing engines complying with the latest" emissions standards. NGO-A599. Many retailers and manufacturers commented *in favor* of the Phase 2 Rule's glider limitations because they level the playing field for all truck companies. NGO-A595, 599, 602-603. Those interests in a level playing field are part of the interests that should be weighed here, and they tip the scale in favor of a stay.

For all these reasons, the balance of equities and the public interest clearly support a stay of EPA's Action.

CONCLUSION

The Court should vacate EPA's Action, or if it does not do so, stay implementation of that action while this litigation remains pending.

Dated July 19, 2018 Respectfully submitted,

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By: /s/ Paul Garrahan
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(401) 274 4400
gschultz@riag.ri.gov|

Attorney for Petitioner State of Rhode Island

CERTIFICATE OF COMPLIANCE

I certify that the foregoing Motion for Summary Vacatur or, in the Alternative, for Stay Pending Judicial Review was prepared in a proportionally spaced, 14-point font and that, according to the word-count program in Microsoft Word, it contains 7,762 words. *See* D.C. Cir. R. 18(b) (7,800-word limit).

DATED: July 19, 2018

/s/ David A. Zonana
David A. Zonana

CERTIFICATE OF SERVICE

I certify that on July 19, 2018, this Motion for Summary Vacatur or, in the Alternative, for Stay Pending Judicial Review was electronically served on Respondent United States Environmental Protection Agency through the appellate electronic case filing system.

DATED: July 19, 2018

/s/ David A. Zonana
David A. Zonana

CERTIFICATE OF COMPLIANCE WITH RULE 18(a)(1)

I hereby certify that this Motion for Summary Vacatur or, in the Alternative, for Stay Pending Judicial Review complies with D.C. Circuit Rule 18(a)(1).

Relief was previously requested from Respondents. On July 13, 2018, Movants sent a letter via Federal Express for next business day delivery and via electronic mail to the Acting Administrator, with a copy sent via electronic mail to Assistant Administrators Susan Bodine and Bill Wehrum. See Appendix 2 to this Motion. Because Federal Express was unable to deliver the letter, on July 17, 2018, Movants sent a second copy of the letter to Acting Administrator Wheeler via certified mail and electronic mail. Movants letter objected to the Respondents' action and requested that it be immediately withdrawn or administratively stayed. As of the date of filing their Petition for Review and this Motion on July 19, 2018, Petitioners have not received a response from EPA or Acting Administrator.

On July 17, 2018, the undersigned provided notice of this filing by telephone to Eric Hostetler, Assistant Attorney General, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice. In addition, on July 18, the undersigned provided notice of this filing by telephone

to Daniel Dertke, who has entered an appearance for EPA in related Case No. 18-1190.

DATED: July 19, 2018

/s/ David A. Zonana
David A. Zonana

MATTHEW P. DENN
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
KENT COUNTY
102 WEST WATER STREET
DOVER, DELAWARE 19904

CIVIL DIVISION (302) 739-7641
FAX: (302) 739-7652
CRIMINAL DIVISION (302) 739-4211

July 18, 2018

VIA EMAIL AND CERTIFIED MAIL

Andrew K. Wheeler
Acting Administrator, United States
Environmental Protection Agency
Office of the Administrator Code 1101A
William Jefferson Clinton Building
1200 Pennsylvania Ave, N.W.
Washington, DC 20004

Re: *Request for Withdrawal or Administrative Stay of United States Environmental Protection Agency's "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles"*

Dear Acting Administrator Wheeler:

In a letter dated July 13, 2018, the Attorney Generals of California, Connecticut, Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Vermont and Washington, and the Pennsylvania Department of Environmental Protection and the California Air Resources Board requested that you immediately withdraw or issue an administrative stay of the United States Environmental Protection Agency's unlawful de facto suspension of its duly promulgated regulation limiting the production of highly polluting glider vehicles and glider kits ("Glider Rule"). The Glider Rule is part of the Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2. 81 Fed. Reg. 73478 (Oct. 25, 2016). The unlawful de facto suspension refers to a "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles" issued by Susan P. Bodine, Assistant Administrator on July 6, 2018.

The Attorney General of Delaware joins that request for the reasons set out in the July 13th letter.

Sincerely,

FOR THE STATE OF DELAWARE

MATTHEW P. DENN
Attorney General

By: _____

Valerie Satterfield Edge
Deputy Attorney General
Delaware Department of Justice
102 W. Water Street
Dover, DE 19904
(302) 257-3219

Message

From: POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]
Sent: 7/18/2018 6:30:07 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Court orders EPA to enforce glider truck rule, at least temporarily

By Alex Guillén

07/18/2018 02:28 PM EDT

A split panel of judges on the D.C. Circuit today ordered EPA to resume enforcing, at least temporarily, a strict production cap on "glider" trucks following pleas from environmental groups.

The court cautioned that its order is only to give it time to fully consider the environmentalists' motion to permanently reverse EPA's decision earlier this month not to enforce the cap, "and should not be construed in any way as a ruling on the merits of that motion."

In one of his final acts as administrator, Scott Pruitt told glider manufacturers that EPA would not enforce the 300-unit production cap for 2018, opening the door for those companies to sell significantly more trucks. Environmentalists sued on Monday.

Acting Administrator Andrew Wheeler told the Washington Examiner this week that the cap was not going to be enforced while the agency considers repealing it entirely because the companies were in danger of shuttering in the meantime.

The case is being heard by Judges Judith Rogers, Thomas Griffith and Robert Wilkins. Griffith voted against staying EPA's enforcement decision.

WHAT'S NEXT: The court ordered EPA to respond to the green groups by 4 p.m. on July 25, with any environmentalist reaction to that due by July 27. That tees up a decision on a potential longer-term stay to be issued as soon as late July or early August.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2018/07/court-orders-epa-to-enforce-glider-truck-rule-at-least-temporarily-1605460

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POLITICOPRO

This email was sent to wehrum.bill@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 7/18/2018 6:21:33 PM
To: Woods, Clint [woods.clint@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: RE: NEW CAA LITIGATION: NGO challenges to no action assurance for gliders (Environmental Defense Fund, et al. v. EPA, DC Cir. 18-1190)

Deliberative Process / Ex. 5

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
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Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Woods, Clint
Sent: Wednesday, July 18, 2018 2:14 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Harlow, David <harlow.david@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: RE: NEW CAA LITIGATION: NGO challenges to no action assurance for gliders (Environmental Defense Fund, et al. v. EPA, DC Cir. 18-1190)
Importance: High

Additional details forthcoming, but the D.C. Circuit just issued an order staying the No Action Assurance pending their decision AND requiring an EPA response by next Wednesday.

From: Carrillo, Andrea
Sent: Tuesday, July 17, 2018 4:33 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Harlow, David <harlow.david@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>

Subject: RE: NEW CAA LITIGATION: NGO challenges to no action assurance for gliders (Environmental Defense Fund, et al. v. EPA, DC Cir. 18-1190)

Update from DOJ Attorney Client / Ex. 5

Attorney Client / Ex. 5

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3392 (office)| (202) 603-4003 (telework/cell)| WJCN 7426KK

From: Carrillo, Andrea
Sent: Tuesday, July 17, 2018 9:42 AM
To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Harlow, David <harlow.david@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Orlin David (Orlin.David@epa.gov) <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>
Subject: NEW CAA LITIGATION: NGO challenges to no action assurance for gliders (Environmental Defense Fund, et al. v. EPA, DC Cir. 18-1190)

We have received the docketed petition filed by three NGOs seeking an emergency stay or summary vacatur, and an administrative stay while the court considers that motion, in the DC Circuit of EPA's "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles," signed on July 6, 2018. The petition was filed on July 17 by the Environmental Defense Fund, Center for Biological Diversity, and Sierra Club.

Attorney Client / Ex. 5 Please feel free to contact me with any questions.

Thanks,

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
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(202) 564-3392 (office)| (202) 603-4003 (telework/cell)| WJCN 7426KK

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 7/18/2018 6:14:30 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Harlow, David [harlow.david@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Belser, Evan [Belser.Evan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]
CC: Zenick, Elliott [Zenick.Elliott@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: DC Cir Admin stay of Gliders NAA FW: EDF v. EPA (D.C. Cir. No. 18-1190) -- glider trucks -- emergency motion filed
Attachments: Gliders Judicial Stay.pdf

Importance: High

DC Circuit granted the administrative stay requested by petitioners pending consideration of the emergency motion for stay and summary vacatur. EPA's response to the emergency motion is due by 4 pm on Wednesday July 25.

Attorney Client / Ex. 5

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(202) 564-3392 (office)| (202) 603-4003 (telework/cell)| WJCN 7426KK

From: Dertke, Daniel (ENRD) [mailto:Daniel.Dertke@usdoj.gov]
Sent: Wednesday, July 18, 2018 1:55 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>
Subject: RE: EDF v. EPA (D.C. Cir. No. 18-1190) -- glider trucks -- emergency motion filed

Court just issued stay of Gliders Decision pending judicial review, with our response to the emergency motion due (by hand delivery) by 4 pm on Wednesday July 25.

Message

From: Graham, Cheryl [Graham.Cheryl@epa.gov]
Sent: 7/18/2018 4:16:18 PM
To: Harnett, Bill [Harnett.Bill@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Henigin, Mary [Henigin.Mary@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Montoro, Marta [Montoro.Marta@epa.gov]; Rush, Alan [Rush.Alan@epa.gov]; Schillo, Bruce [Schillo.Bruce@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Millett, John [Millett.John@epa.gov]; South, Peter [South.Peter@epa.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Christopher.Vaden@usdoj.gov; Wood, Anna [Wood.Anna@epa.gov]; Edwards, Crystal [Edwards.Crystal@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; South, Mia [South.Mia@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Smith, Kristi [Smith.Kristi@epa.gov]; Iglesias, Amber [Iglesias.Amber@epa.gov]; Schachter, Scott (ENRD) [Scott.Schachter@usdoj.gov]; Doyle, Andrew (ENRD) [Andrew.Doyle@usdoj.gov]; leslie.hill@usdoj.gov [Leslie.Hill@usdoj.gov]; Maghamfar, Dustin (ENRD) [Dustin.Maghamfar@usdoj.gov]; Mitchell, Ken [Mitchell.Ken@epa.gov]; Wortman, Eric [Wortman.Eric@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]; Purdy, Angeline (ENRD) [Angeline.Purdy@usdoj.gov]; Debra Carfora [debra.carfora@usdoj.gov]; Perez, Idalia [Perez.Idalia@epa.gov]; martha.mann@usdoj.gov [Martha.Mann@usdoj.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Woods, Clint [woods.clint@epa.gov]; McLamb, Marguerite [McLamb.Marguerite@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: ARLO Deadline Calendar as of July 16, 2018
Attachments: 18-07-16 ARLO Deadline Calendar.docx

Attached is the current deadline calendar and other information that is sent out weekly from ARLO. If information in the attachment raises questions, please contact Gautam Srinivasan. Thanks

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 7/9/2018 9:41:30 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Morning Energy, presented by the National Rural Electric Cooperative Association: A new day at EPA? — Let the SCOTUS show begin — FERC's political animal

By Kelsey Tamborrino | 07/09/2018 05:39 AM EDT

With help from Emily Holden, Darius Dixon, Alex Guillén and Daniel Lippman

A NEW DAY AT EPA? Today marks Andrew Wheeler's first official day at the helm of EPA, and the new acting administrator is aiming for less secrecy than his predecessor as he implements the administration's goals of rolling back environmental regulations, Pro's Emily Holden reports. "As with any change in leadership you can expect a change in approach, and in this case a change in tone as well," EPA public affairs official John Konkus says.

Details are still being worked out, but "a change is coming," compared to how Scott Pruitt ran things, Konkus said. Wheeler will announce where he is speaking or traveling in advance, he will publish his full calendars "frequently," without litigation from groups pursuing public records, and he and other top political appointees will hold briefings for the media on major policy announcements.

The agency has come under fire for its possible violations of public records laws, including a New York Times story that a fired aide had been asked to delete sensitive meetings from Pruitt's calendar. The Society of Environmental Journalists questioned EPA's decisions to bar reporters from conferences on public health and criticized the agency's Freedom of Information Act backlog and screening practices.

While Wheeler's approach may change, EPA's agenda remains largely unchanged. Wheeler will still pursue much the same policy platform — fighting the courts to roll back a slate of Obama-era regulations on climate change, air pollution, stream protection and more, as Emily reports with Pro's Eric Wolff.

In a Q&A with The Washington Post on Friday, Wheeler showed he differs from Pruitt in at least one major way. He said he considers an endangerment finding that is the agency's basis for regulating carbon dioxide emissions to be "settled law." While he was "very critical" of how the agency wrote the finding, he said "there would have to be a major, compelling reason to try to ever reopen that. I don't think that's an open question at this point."

NOT OVER YET: Pruitt may be gone from EPA, but that doesn't mean the many probes into his ethics, spending and management are also kaput, POLITICO's Anthony Adragna reports. For one, a spokesman said EPA's inspector general expects to finish and release as many as four separate reports on Pruitt this summer — with an investigation into his security detail potentially wrapping up as early as this month. Likewise, the House Oversight Committee will continue its probe of Pruitt. A committee aide told Anthony the panel expects to interview another former Pruitt aide and current whistleblower, Kevin Chmielewski, soon. Read more.

WELCOME TO MONDAY! I'm your host, Kelsey Tamborrino. Bracewell's Scott Segal knew that former House Speaker William Pennington of New Jersey was the first sitting speaker to lose reelection back home. For today: Besides the U.S., what other countries don't use the metric system? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

TIME FOR THE SCOTUS SHOW: President Donald Trump plans to announce a new justice nominee today who will likely tilt the court to the right for generations to come. Below ME breaks down the short list of names he's reported to be considering.

— **Brett Kavanaugh** is widely seen as critical of many Obama-era EPA rules. In 2012, for example, Kavanaugh wrote for the panel that rejected an EPA rule to curb emissions that cross state lines.

— **Raymond Kethledge** did a stint serving as an in-house counsel for the Ford Motor Company and has criticized the "Chevron doctrine," which requires courts to defer to agencies on many regulatory decisions. While greens will certainly not cheer a Kethledge nomination, he did rule on their side in a narrow decision concerning parts of EPA's decision on air quality standards for particulate matter.

— **Amy Coney Barrett** has served on the 7th Circuit Court of Appeals only since last year. In her brief stint, she was part of the panel that determined the Army Corps of Engineers had not sufficiently analyzed whether a parcel of wetlands fell under the jurisdiction of the Clean Water Act, as noted by the SCOTUSBlog.

— **Thomas Hardiman**, who the New York Times reports may be the late favorite, was the runner-up for last year's SCOTUS vacancy. Hardiman comes with a conservative judicial record, but less baggage than some of the other potential picks. He served on the 3rd Circuit Court of Appeals with Trump's older sister.

** **A message from the National Rural Electric Cooperative Association:** We're growing the rural economy. Just as they did with electricity 75 years ago, nearly 100 electric cooperatives are inspiring change in communities they serve. Providing access to high-speed internet is creating new opportunities in business, education and healthcare. Learn more at https://bit.ly/2kLKp7Z. **

FERC'S POLITICAL ANIMAL: We all know that FERC's profile has steadily risen over the past five years but color ME surprised if anyone ever predicted that we'd hear its chief of staff on the radio, let alone Breitbart radio. FERC chief of staff Anthony Pugliese did a 20-minute interview with Breitbart News Sunday last night, expounding on the resilience virtues of coal and nuclear power, the Transportation Department's progress on cutting regulations, and how much the Trump administration is doing to improve American lives in places like his home state of Pennsylvania.

Although Pugliese didn't take most of the bait being thrown at him from a host who called renewable energy a "subsidy pit" and in what ways FERC might be trying to rollback Obama-era rules, he took a big swipe at the Democrats in the Northeast for opposing natural gas pipelines. "You still have some parts of the country that are controlled by the Democratic Party and others that are determined to ensure that no infrastructure goes through their states and are determined to say no just because the Trump administration is supporting it," he told radio host Amanda House, who headlined the interview on Twitter as " MAGA Energy." "They are putting politics above the best interests of not only of consumers in their states but also national security ... [and] for purely political reasons, some governors and other state and local entities are blocking our ability to put in that infrastructure." Pugliese's comments echo that of Energy Secretary Rick Perry, who has similarly called out New York for its opposition to gas pipelines. Listen to Pugliese's interview.

WHAT'S PRUITT'S NEXT MOVE? Pruitt's exit from EPA doesn't mean any further political ambitions have been pushed aside, state reporter Justin Wingerter points out in new video on The Oklahoman's website. Pruitt's resignation, with the blessing of Trump, allows him to pursue other political avenues in his home state, where Trump is still popular and where he'll be able to cast blame on greens and the media for his exit instead of his own management of the agency. Watch it here.

— **The New York Times also took a look** at Pruitt's prospects back home, where some liberals and conservatives agree he could create a comeback. More here.

EPA NULLIFIES CAP ON TRUCK GLIDERS: EPA has told the manufacturers of glider trucks that the agency will not enforce a strict 300-unit production cap for 2018 and 2019, freeing companies to roll out as many as 10 times that number of trucks for those years. Gliders — new truck cabs with refurbished engines — are significantly more polluting than new engines, according to previous EPA studies. Three glider makers, including Tennessee's Fitzgerald, wrote to EPA one year ago asking for help. EPA spokeswoman Molly Block said in a statement on Sunday that EPA is "exercising its enforcement discretion" to give glider companies "regulatory certainty" to continue selling thousands of vehicles while EPA continues to work on its proposed repeal of the glider rule. The enforcement change was first reported Friday by The New York Times.

WE MEET AGAIN: The parties to the Montreal Protocol will be meeting in Vienna later this week to mark the 40th meeting of the Open Ended Working Group. Expect CFC-11, a chemical mostly used to produce foam insulation for refrigerators and buildings, but banned by the pact to be a topic of discussion. The chemical has recently popped up in China.

SAGE GROUSE SIREN: Lawmakers on the House and Senate Armed Services Committees are set to return this week to begin reconciling their differences on the annual National Defense Authorization Act, H.R. 5515 (115), which they aim to complete by the end of July. To do that, Pro Defense's Connor O'Brien and Gregory Hellman break down the key issues conferees from both parties must iron out, which includes a handful of environmental riders. The most notable one would limit protections for the greater sage grouse, which House Republicans contend would hamper operations on western training ranges. More here.

LINEUP ANNOUNCEMENT: The conservative Heartland Institute — a group that lobbies against climate action — announced last week that Douglas Matheney, special adviser to Perry, will deliver a keynote speech at group's America First Energy Conference on Aug. 7 in New Orleans. Matheney is assigned to the department's Office of Fossil Energy.

BRICK HOUSE: The D.C. Circuit Court of Appeals remanded EPA on Friday for rules related to acid gas pollutants from brick kilns in its 2015 rule. The federal court ruled the agency failed to correctly analyze the risks of the pollutants, siding with greens including the Sierra Club and NRDC, Emily reports for Pros. EPA will now have to either set stronger standards or provide research to back up its claims, said James Pew, an Earthjustice lawyer who argued the case. More here.

MAIL CALL! PAST IS PROLOGUE: The top Democrat on the Environment and Public Works Committee wrote to Wheeler last week, urging him to remedy the "damage" done by Pruitt and restore it the public's trust in EPA. Sen. Tom Carper points to William Ruckelshaus, who replaced former EPA Administrator Anne Gorsuch after she was forced to resign. Read it here.

FOR YOUR RADAR: This morning members of the "Boot Pruitt" campaign with be outside the Federal Triangle Metro station from 8:30-9:15 a.m. to thank EPA employees for their work.

TAKE A GLANCE! Texans for Natural Gas is out with an analysis today on the emissions data used by the Bureau of Land Management to craft the 2016 venting and flaring rule. The analysis finds the data were much higher than current estimates, and found that "methane emissions from associated gas venting and flaring during petroleum production declined 17 percent between 2013 and 2016," even as domestic oil production increased. Read it here.

MOVER, SHAKER: Emily O'Brien is now brand director at Southern Company. She spent most of her career at Coca-Cola working in brand management on the company's health and wellness brands and most recently was an adjunct professor at Georgia State, teaching business communications.

QUICK HITS

— "Crews work to restore power to L.A. County residents and businesses as heat wave continues," Los Angeles Times.

— "Ex-aide says he'll take credit for Pruitt's downfall," The Hill.

— "Meet America's new climate normal: towns that flood when it isn't raining," The Guardian.

— "EPA interim chief lobbied for company seeking EPA contracts," CNN.

HAPPENING THIS WEEK

MONDAY

10 a.m. — The Bipartisan Policy Center discussion on a new report "Why Inspectors General Matter," 1225 I Street NW

1 p.m. — The Smart Electric Power Alliance holds 2018 Grid Evolution Summit, 1919 Connecticut Avenue NW

TUESDAY

8:45 a.m. — Government Executive holds Clean Air Action Forum, 1 Constitution Avenue NE

9:30 a.m. — The Environmental and Energy Study Institute holds Congressional Clean Energy Expo and Policy Forum, 2168 Rayburn

10 a.m. — The World Resources Institute webinar on "Introducing Climate Watch: A Tool for Researchers and Decision Makers"

5 p.m. — House Rules Committee meets to formulate a rule on H.R. 3281 (115), the "Reclamation Title Transfer and Non-Federal Infrastructure Incentivization Act," H-313

WEDNESDAY

8:30 a.m. — The National Academy of Sciences meeting of the Environmental Health Matters Initiative on "Moving Forward Together," 2101 Constitution Avenue NW

9 a.m. — Moms Clean Air Force holds Play-In for Climate Action, 3rd Street NW & Madison Drive NW

10 a.m. — Senate Environment and Public Works Committee hearing on "The Long-term Value to U.S. Taxpayers of Low-cost Federal Infrastructure Loans," 406 Dirksen

12:30 p.m. — Ipsun Power Inc. discussion on "passive design, solar design and the current state of the solar industry," 600 New Hampshire Avenue NW

1 p.m. — David Gardiner and Associates webinar on "State of Corporate Renewable Energy Procurement in the U.S."

2 p.m. — House Natural Resources Water, Power and Oceans Subcommittee hearing on proper administration of water facilities, 1324 Longworth

2:30 p.m. — Senate Indian Affairs Committee hearing on S. 2154 (115), the "Kickapoo Tribe in Kansas Water Rights Settlement Agreement Act" and S. 2599 (115), the "Leech Lake Band of Ojibwe Reservation Restoration Act," 628 Dirksen

3 p.m. — Senate Energy and Natural Resources National Parks Subcommittee hearing on S. 3172 (115), the "Restore Our Parks Act," 366 Dirksen

THURSDAY

9 a.m. — The Maryland Energy Administration and Pepco hold the Electric Vehicle Workshop and Showcase, Rockville, Md.

10 a.m. — House Science Energy Subcommittee and Research and Technology Subcommittee joint hearing on "Big Data Challenges and Advanced Computing Solutions," 2318 Rayburn

10 a.m. — Senate Energy and Natural Resources Committee hearing on "Interstate Delivery Networks for Natural Gas and Electricity," 366 Dirksen

10:30 a.m. — The Bipartisan Policy Center discussion on "Environmental Progress in the Oil and Gas Industry: What's Next?" 1225 Eye St NW

12:00 p.m. — The Woodrow Wilson Center's Environmental Change and Security Program discussion on the U.S. Agency for International Development Office of Forestry and Biodiversity, 1300 Pennsylvania Avenue NW

2 p.m. — The Woodrow Wilson Center's China Environment Forum discussion on "Beheading Dragons: Streamlining China's Environmental Governance," 1300 Pennsylvania Avenue NW

FRIDAY

9 a.m. — George Washington University's Center for Cyber and Homeland Security forum on "Protecting Energy Infrastructure," 1957 E Street NW

12 p.m. — The National Capital Area Chapter of the United States Association for Energy Economics discussion on "A U.S. View of Global Oil and Natural Gas Issues," 618 H Street NW

THAT'S ALL FOR ME!

** **A message from the National Rural Electric Cooperative Association:** With broadband, America's electric cooperatives are creating a better quality of life and economic opportunities in rural communities. Nearly 100 electric cooperatives are inspiring change in communities they serve, just as they did by delivering electricity 75 years ago. Providing high-speed internet to 23 million rural residents still lacking broadband access is creating new opportunities in business, education and healthcare. Combined with affordable, reliable electricity, it's powering new economic growth in rural America. Learn more at https://bit.ly/2kLKp7Z. **

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https://subscriber.politicopro.com/newsletters/morning-energy/2018/07/a-new-day-at-epa-273153

Stories from POLITICO Pro

Wheeler aims for improved transparency at EPA Back

By Emily Holden | 07/09/2018 05:03 AM EDT

EPA is promising less secrecy under its new boss.

Andrew Wheeler takes over today as acting administrator after Scott Pruitt resigned amid a cloud of scandal and accusations of violating public records laws.

An EPA spokesman says Wheeler wants to improve the agency's relationship with the public and the press. Wheeler once worked as a career employee at EPA during the administration of George H.W. Bush, before long stints on Capitol Hill and as a lobbyist for coal companies and other businesses.

"As with any change in leadership you can expect a change in approach, and in this case a change in tone as well. Acting Administrator Wheeler has already stated that he puts a premium on transparency and that transparency helps the Agency so people know and understand what we are doing," EPA public affairs official John Konkus told POLITICO.

"I think you can take that mindset and apply it across the board when it comes to how EPA will be communicating with the media and the public going forward," he added. "A lot of the specifics in regards to how we will change the approach to calendars, schedules, briefings, etc. will be worked out over the coming days and weeks, but a change is coming."

In a shift from Pruitt, Wheeler plans to announce travel and speeches in advance and publish his calendars "frequently," Konkus said. And top EPA officials also plan more media briefings on policy announcements.

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Pruitt leaves behind a long to-do list Back

By Eric Wolff and Emily Holden | 07/07/2018 06:48 AM EDT

Scott Pruitt has left a lot of unfinished business for his successor.

For all his reputation as a deregulatory crusader — the trait that helped him stay atop the Environmental Protection Agency through months of ethics scandals — Pruitt's efforts to wipe out the Obama administration's environmental rules suffered at least five early setbacks in court.

Now EPA is adopting a more deliberate approach to undoing regulations. And that task might be better suited for new acting Administrator Andrew Wheeler, the former coal lobbyist who will run EPA at least until a permanent nominee is confirmed.

"Andy has been around these issues his whole professional career," said Jeff Holmstead, an energy lawyer and the head of EPA's air office under President George W. Bush. Wheeler "went to EPA right out of grad school, he's been working on EPA issues a long time, he comes with a more sophisticated understanding of these issues."

Matt Dempsey, a managing director at FTI Consulting who worked with Wheeler on Capitol Hill, said Wheeler will pursue largely the same policy platform as Pruitt. "I don't think you're going to see a lot of separation there," he said.

Jody Freeman, director of Harvard Law School's environment and energy program who was climate change counselor for the Obama White House, said in a tweet that "the Wheeler for Pruitt swap at EPA could be on net negative" for environmentalists.

"Wheeler is a sophisticated insider who will not make Pruitt's amateur and corrupt mistakes. Expect an iron deregulatory fist in a velvet glove," she said.

Here are the top ongoing legal and political battles Wheeler will have to tackle:

Climate change

Three federal judges have warned that EPA is running out of time to issue a draft replacement for the Clean Power Plan, the Obama rule aimed at reducing greenhouse gas emissions by spurring states to shift away from burning coal for electricity. The agency is expected to send its proposal to the White House any day now. In the meantime, the U.S. Court of Appeals for the D.C. Circuit has been withholding a decision on legal challenges to the Obama-era rule filed by red states and industry groups.

Wheeler has opposed Obama's efforts to cut carbon pollution — but, unlike Pruitt, is not expected to pursue a public debate on the soundness of the underlying climate science. He could face pressure from the conservative activists and coal executives who had lobbied Pruitt to attack a 2009 EPA legal conclusion that obligated the agency to regulate climate change — but other Republicans fear such an effort could prove politically embarrassing.

Waters and wetlands

Pruitt arrived at EPA looking to achieve one victory in a matter of months: repealing and replacing the Waters of the U.S. rule, a 2015 regulation on waterways and wetlands that has drawn criticism from the farming, mining, development and energy industries. But just the repeal has been stalled for nearly a year.

The Obama administration produced more than 400 pages of scientific research to support its years-long effort to write the rule. Pruitt initially tried to repeal it with an 11-page proposal insisting that he had the discretion to reverse course — even if the facts and circumstances haven't changed. Last week, EPA appeared to acknowledge the shortcomings of that approach and issued a hefty set of additional paperwork that must go through its own 30-day comment period. EPA also sent its draft replacement rule to the White House for interagency review last month.

The replacement would vastly restrict the types of streams and wetlands that enjoy protection under the Clean Water Act. The repeal fight is expected to head eventually to the Supreme Court, where it recently received a major leg up thanks to the retirement of Justice Anthony Kennedy, who cast the deciding vote in a turning-point 2006 decision on the issue.

Car rules

Wheeler faces an all-out war with blue states over EPA's expected proposal to freeze tough vehicle standards. California can set its own mileage rules, which other states can adopt, but the Trump administration reportedly may try to claw back that authority. Californians hope Pruitt's departure will enable some kind of negotiated truce — but they might be looking in the wrong place. Sources say Heidi King, deputy administrator of the Department of Transportation's National Highway Traffic Safety Administration, is in the driver's seat on fuel

economy rules, and King sees lowering the requirements as a key part of Trump's deregulatory agenda. EPA and NHTSA have not yet released formal proposals.

Ethanol

Wheeler inherits the bad blood that erupted during the Pruitt era between EPA and the corn interests that are key to Trump's Midwestern electoral dominance.

Pruitt achieved one rare accomplishment: For two years in a row, he managed to put the annual rule setting biofuel mandates on schedule. But his expansion of "economic hardship waivers" for small refiners infuriated ethanol interests. Wheeler will have to use all his Hill experience to convince Iowa Republican Sens. Chuck Grassley and Joni Ernst that EPA can fix the problems Pruitt created — while simultaneously keeping oil refiners, who have gotten their way so far, happy enough that they or their allies, like Sens. Ted Cruz or Pat Toomey, don't march into the Oval Office and demand changes.

"The RFS is the law of the land. I fully support the program," Wheeler said at his confirmation hearing last year.

Ozone pollution

Another major rollback in limbo is EPA's 2015 rule creating more stringent smog, or ozone, standards, which the Obama administration had hailed as a major advance for public health.

States challenging the move had agreed to delay their lawsuit while EPA contemplated whether it could withdraw or alter the rule, but a court on Monday decided EPA had taken too long and restarted the case. Wheeler might decide to take up the gauntlet, or he could let the legal battles run their course.

Behind the scenes, EPA has granted air pollution exemptions to oil and gas producers, such as those operating in an area of Utah that aren't meeting ozone standards meant to prevent asthma and other respiratory illnesses, POLITICO reported.

The lesser-known climate treaty

EPA will play a key role in one unlikely sounding debate: Whether the Trump administration will embrace an Obama-era treaty meant to reduce the use of Earth-warming coolants called hydrofluorocarbons, found in refrigerators and air conditioning. Wheeler criticized the 2015 Paris climate deal, which Pruitt last year helped persuade Trump to exit, but he does not appear to have weighed in on the HFC treaty Obama endorsed in 2016. The Trump administration has not said whether it will submit the HFC treaty for Senate ratification, a decision Wheeler may help shape.

The D.C. Circuit struck down EPA's previous attempt to write a rule to implement the treaty, so it will be up to Wheeler and the agency's lawyers to decide whether EPA can develop another implementing regulation under a different law — or should wait for Congress to pass new statute.

The treaty has significant support from U.S. coolant manufacturers who will produce the world's supply of next generation coolants, but conservative organizations like the Competitive Enterprise Institute oppose it as new red tape.

Reshaping EPA

Aside from the sweeping rollbacks Pruitt has pursued, he has also fundamentally restructured the way the agency works, barring EPA from considering science that doesn't have publicly available data, installing

conservative state and industry representatives on advisory boards and limiting the health benefits that the agency can count in considering regulations. Those changes, along with a sharp decrease in the agency's workforce, leave an agency far less likely to issue standards to curb industry pollution, environmental advocates say. EPA enforcers are aiming to issue fewer penalties and instead work with companies to comply with rules, top officials have said. Wheeler will have broad authority over those changes.

Annie Snider contributed to this report.

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Pruitt ethics probes linger even after resignation Back

By Anthony Adragna | 07/06/2018 07:06 PM EDT

Scott Pruitt may be out of the EPA, but that doesn't mean his troubles are over.

Pruitt is still facing more than a dozen federal probes from his tenure as EPA administrator, and EPA's watchdog and congressional investigators are promising to continue looking into his long list of ethical woes and lavish spending allegations. Those investigations have already prompted Pruitt to turn to an outside attorney for advice and set up a legal defense fund before his resignation.

EPA's inspector general expects to finish and release as many as four separate reports on Pruitt this summer, according to a spokesman.

An investigation into Pruitt's security detail may wrap up as early as this month, and the watchdog expects to complete work in August on its audit of Pruitt's 2017 travel and the use of a loophole in the Safe Drinking Water Act to give raises to close aides. And a separate probe into law enforcement pay will likely conclude in two to three months, according to spokesman Jeffrey Lagda.

Lagda cautioned that the timeframes for the investigations are only estimates, since the work is ongoing and the dates can change. It's also not entirely clear yet how Pruitt's decision Thursday to resign may affect the ongoing work.

"[The Office of Inspector General] is still in the process of reviewing and analyzing the current situation related to Pruitt's resignation," Lagda told POLITICO.

There is no estimated completion date yet for the IG's investigation into whether EPA is properly preserving text messages and emails that may have been sent to Pruitt's non-public accounts, as well as its responsiveness to public records requests, according to Lagda. The IG also cannot compel Pruitt, as a former federal employee, to meet with them.

Those IG reports could provide fresh ammunition for Pruitt's critics, but if they find evidence that laws were broken, they must hand the evidence to the Attorney General to decide whether to prosecute.

Pruitt confirmed in May that he had formed a legal defense fund, though Democrats and outside groups raised concerns about the possible conflicts of interest that could arise if companies or industries made donations to that fund, and whether its operation would be sufficiently transparent.

Five House Democrats later asked the Justice Department and FBI to open a criminal investigation into whether Pruitt's activities were used to enrich himself and his family — such a probe would not necessarily be disclosed publicly.

Other investigations continue as well. The U.S. Office of Special Counsel is looking into allegations Pruitt retaliated against employees who questioned his spending and management habits. And the Washington Post reported on Thursday that the White House Office of Management and Budget has determined the $43,000 private phone booth Pruitt installed in his office violated the law. The Government Accountability Office has previously said the purchase was illegal.

Meanwhile, the House Oversight Committee continues with its probe of Pruitt's actions despite his resignation. A committee aide told POLITICO the panel expects to interview another former Pruitt aide, former Trump EPA political staffer-turned-whistleblower Kevin Chmielewski, soon.

And the panel's Democrats sent a clear signal they want to follow the revelations wherever they may lead and that Pruitt's departure doesn't change anything.

"We regularly investigate issues long after the person has left office and it should continue until we get all the docs and discover all the things Pruitt did, and who else he did it with, what was the impact, and how to prevent it from happening in the future," a Democratic aide told POLITICO.

Pruitt's resignation came as House Oversight Committee Democrats released new transcripts from interviews with some of the former administrator's closest aides that confirmed aspects of many of the recent allegations against him.

Three aides, including chief of staff Ryan Jackson, acknowledged removing many meetings from his calendars they deemed "personal" and that could have have politically controversial, including retroactively removing a reference to a dinner with Cardinal George Pell after Pell's arrest on 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, according to the transcript.

Another former aide, policy adviser Samantha Dravis, said she helped Pruitt's wife, Marlyn, 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 staunch Pruitt supporters like 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 he would be named 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 he had discussed the matter with Trump but didn't reveal further details.

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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.

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8 NDAA conference issues to watch Back

By Connor O'Brien and Gregory Hellman | 07/08/2018 04:07 PM EDT

Leaders of the House and Senate Armed Services Committees return to Capitol Hill this week to begin reconciling their competing versions of annual defense policy legislation.

Lawmakers are under a tight self-imposed deadline to finish their negotiations on the National Defense Authorization Act, H.R. 5515 (115), by the end of July. To do that, conferees from both parties must iron out their differences over dozens of issues in just few weeks.

Conferees have a slate of perennial differences to reconcile, including the size of the military, how many fighters to buy and how many new Navy ships to build, the structure of military space units and various proposals to rein in Pentagon bureaucracy.

"I think actually we're pretty close," Rep. Adam Smith of Washington State, the top Democrat on the House Armed Services Committee, said in a recent interview on C-SPAN's "Newsmakers." "There's just [an] issue here, issue there in terms of where exactly we spend the money."

But some of the thorniest issues they face aren't even in the Armed Services panels' jurisdiction, including provisions aimed at sanctioning Chinese telecommunication firm ZTE and reforming the Committee for Foreign Investment in the United States, a panel led by the Treasury Department that foreign acquisitions and mergers involving U.S. that may have national security implications.

That's in part because, unlike previous years, lawmakers won't be wrangling over the defense budget topline after congressional leaders from both parties struck a deal earlier this year to boost defense spending.

"...There's a number of issues that aren't actually in the defense jurisdiction — CFIUS being the biggest one — that we'll have to negotiate our way through," Smith said.

Meanwhile, the Senate-backed provision to reinstate sanctions against ZTE is staunchly opposed by the Trump administration.

Here are some of the major issues House and Senate negotiators must hammer out in the coming weeks:

ZTE and Huawei

Both House and Senate defense policy bills include different provisions aimed at limiting the Pentagon and other government agencies from doing business with Chinese telecommunications companies Huawei and ZTE. Military and intelligence officials have warned that technology from the companies with close ties to the Chinese government could be used to spy or to carry out cyber attacks.

The Senate bill would prohibit the Defense Department from procuring goods or services from the two companies, or to extend or renew a contract with them. The House bill would bar all government agencies from doing so.

A more contentious issue for negotiators, however, is a Senate provision that would reinstate sanctions on ZTE. The bipartisan provision, adopted during Senate floor debate, would effectively reverse a deal struck by the Trump administration to ease sanctions on the company in exchange for a $1 billion fine, changes in its management and embedding a compliance team.

The White House staunchly objected reimposing sanctions on ZTE, arguing the move would undermine the separation of powers. Earlier this month the administration granted a lifeline to ZTE, allowing it to operate through Aug. 1.

CFIUS reform

The Senate attached a bipartisan measure to the defense bill to strengthen the authorities of the Committee on Foreign Investment in the United States. Lawmakers have framed the legislation as part of an effort to blunt the ability of China and other nations to acquire U.S. technologies critical to national security.

The House passed a similar reform package last month, but did not attach it to the NDAA. And while House Chairman Mac Thornberry (R-Texas) has previously cautioned against including provisions in the bill not directly related to the military, defense hawks have pressed to beef up CFIUS. In May, Defense Secretary Jim Mattis called on both House and Senate panels to adopt a foreign investment crackdown as part of the defense bill.

Shipbuilding

While members on both sides of the Capitol are backing the Navy's goal of growing to a 355-ship fleet, the two chambers approached costly shipbuilding efforts differently. The House bill would authorize 13 ships, three more than requested by the Pentagon. The Senate bill, meanwhile, meets the request to procure 10 new ships.

Specifically, conferees are likely to spar over the embattled Littoral Combat Ship. The Navy requested just one LCS. While the Senate bill meets the administration request, the House bill presses for the Navy to buy three LCSs.

The service argued a single LCS, combined with three LCSs funded in both fiscal 2017 and 2018, will keep shipyards viable until a contract is awarded for a new frigate. But lawmakers from Wisconsin and Alabama, home to the two shipyards that build the LCS, are likely to press for more of the ships.

F-35 purchases

The bills differ slightly on procurement of the F-35 Joint Strike Fighter. While the House would authorize 77 of the fighters — matching the Pentagon budget request — the Senate authorizes only 75. Instead, it would realign funding for the extra two aircraft towards sustainment costs, amid concerns that the Pentagon can't afford to maintain the fifth-generation fighter.

Additionally, both the House and Senate would bar the sale of F-35s to Turkey until certain reporting requirements are met. The Senate's bill directs the Pentagon to submit a plan to Congress to remove the NATO ally from the fighter program and expresses the sense that if Turkey purchases Russia's S-400 air defense system from Russia the President should impose sanctions against Turkey.

The House goes further, barring the sale of major defense equipment to Turkey until the Pentagon reports on the impact of Turkey's "provocative" actions.

Troop levels

Both bills would continue to grow the ranks of the military, though at different paces. At issue, as in previous years, is the hefty price tag associated with adding personnel to the military services and whether dollars devoted to more troops could sap readiness.

The House version of the NDAA would grow the active-duty military by 15,600, matching the Pentagon request. The Senate bill, meanwhile, increases troop levels by just under 7,000, which the Armed Services Committee estimates would save approximately $993 million in the coming fiscal year.

Both panels agree on a 2.6 percent troop pay raise as required by law and requested by the Pentagon.

Pentagon reform

The House and Senate panels again offered competing plans to overhaul Pentagon bureaucracy, save money and speed the weapons acquisitions process. The effort has been a hallmark for both Thornberry and Senate Armed Services Chairman John McCain (R-Ariz.).

The House version includes a series of overhauls to Pentagon administrative and support agencies, known as the "Fourth Estate." It would eliminate the Washington Headquarters Service and seek a 25 percent cut in certain "back office" functions of those non-military agencies.

The Senate-passed bill removes readiness duties from the Pentagon's undersecretary for personnel and readiness and would designate the undersecretary as the Pentagon's chief human capital officer. The Senate NDAA also includes provisions aimed at modernizing the military officer personnel management system to bolster recruitment and retention.

Space

The House and Senate versions of the NDAA take vastly different approaches to a "Space Force."

HASC Strategic Forces Subcommittee leaders Mike Rogers (R-Ala.) and Jim Cooper (D-Tenn.) have championed the new branch, which President Donald Trump ordered last month.

The House is calling for a new space command and Air Force space unit, described as a "foundational step" that could pave the way for the creation of a Space Force in next year's bill. It would also require a Pentagon report on establishing a separate acquisition system for space.

But the Senate remains largely opposed to the idea. The committees are awaiting another report from Deputy Defense Secretary Patrick Shanahan, due next month.

Sage grouse

As in previous years, House and Senate negotiators are likely to tangle over a handful of environmental riders, most notably limiting protections for the greater sage grouse, which House Republicans contend would hamper operations on western training ranges.

The House bill includes a provision, pushed by Natural Resources Chairman Rob Bishop (R-Utah), preventing the greater sage grouse and lesser prairie chicken from being listed under the Endangered Species Act for 10 years and also limits protections for the American burying beetle. The Senate, meanwhile, has largely steered clear of the contentious issue and its bill contains no endangered species provisions.

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Court remands rules for brick kilns to EPA Back

By Emily Holden | 07/06/2018 06:16 PM EDT

The D.C. Circuit Court of Appeals today ruled that EPA failed to correctly analyze the cancer risks of acid gas pollutants from brick kilns in its 2015 rule.

The opinion, filed by Judge David Sentelle, sided with the Sierra Club, Natural Resources Defense Council and other environmental groups, and remanded the rule to EPA.

The court also ruled EPA didn't properly explain how it came up with five of the rule's maximum achievable control technology standards and shouldn't have set alternative MACT floors for brick tunnel kilns.

EPA first regulated brick kilns under the Clean Air Act in 2003, but a court vacated that rule in 2007. A lawsuit by environmental advocates forced EPA in 2015 to issue a new rule, which both industry and green groups challenged.

"Though we agree that the EPA is entitled to deference in determining how to include an ample margin of safety in the health threshold, the question is whether the EPA provided any margin of safety at all," the opinion said.

EPA will now have to either set stronger standards or provide research to back up its claims, said James Pew, an Earthjustice lawyer who argued the case.

"Can EPA just blow off its obligation to control hazardous air pollution because it doesn't know what health effects they cause? The simple answer to that is no," Pew said, noting that there are at least 80 major brick plants around the country.

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Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 7/6/2018 11:18:01 PM
To: Woods, Clint [woods.clint@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; Harlow, David [harlow.david@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
Subject: Re: I was just told that EPA is issuing non enforcement letter to glider truck manufacturers

Great job everyone!

On Jul 6, 2018, at 6:57 PM, Woods, Clint <woods.clint@epa.gov> wrote:

Deliberative Process / Ex. 5

On Jul 6, 2018, at 6:49 PM, Block, Molly <block.molly@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

On Jul 6, 2018, at 6:43 PM, Harlow, David <harlow.david@epa.gov> wrote:

Draft desk statement below Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Block, Molly
Sent: Friday, July 6, 2018 6:28 PM
To: Woods, Clint <woods.clint@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Subject: Re: I was just told that EPA is issuing non enforcement letter to glider truck manufacturers

Thanks!

Sent from my iPhone

On Jul 6, 2018, at 6:27 PM, Woods, Clint <woods.clint@epa.gov> wrote:

> Updating a desk statement
>
> On Jul 6, 2018, at 6:18 PM, Block, Molly <block.molly@epa.gov> wrote:
>
> > Do you know anything on this?
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:
> >
> > **From:** Eric Lipton <lipton@nytimes.com>
> > **Date:** July 6, 2018 at 6:10:06 PM EDT
> > **To:** "Block, Molly" <block.molly@epa.gov>
> > **Subject: I was just told that EPA is issuing non enforcement letter to**

glider truck manufacturers

Can you ring me to clarify
As far as I understand this, companies like Fitzgerald will be allowed to ramp up production again

Thanks in advance

Eric

202 862 0448

Eric Lipton
The New York Times
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202 862 0448 office
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lipton@nytimes.com

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 8/24/2018 10:00:03 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Morning Energy: Time for the ACE tour — DOJ reverses itself on WOTUS injunction — No deal (yet) on LWCF

By Kelsey Tamborrino | 08/24/2018 05:58 AM EDT

With help from Annie Snider, Alex Guillén and Anthony Adragna

PROGRAMMING NOTE: Morning Energy will not publish from Aug. 27-Sept. 3. Our next Morning Energy newsletter will publish on Sept. 4. Please continue to follow Pro Energy issues here.

TIME FOR THE ACE TOUR: Acting EPA Administrator Andrew Wheeler heads to Kentucky today, where he'll meet with the coal state's GOP Rep. Andy Barr and discuss the agency's proposed Affordable Clean Energy rule. As ME readers know well, the proposal eases carbon regulations for coal-fired power plants and replaces the stricter requirements pushed by the Obama administration, which would have helped to accelerate the retirement of many coal plants.

Since its unveiling, the ACE proposal has been hailed by many fossil fuel and industry groups, as well as Republicans on the Hill. (Although, plenty of others are hoping for more from the Trump administration, especially to help stabilize coal power plants long-term.) Kentucky's Mitch McConnell said this week he's "grateful" for the ACE proposal, adding it would "pare back" the Obama-era's "unfair, unworkable, and likely illegal policy." Kentucky is the No. 5 coal-producing state, according to the Energy Information Administration, and it's also ranked fifth in the nation in estimated recoverable coal reserves.

For his part, Barr's a member of the Congressional Coal Caucus. He's previously touted the role of coal in producing jobs in the state and has hit EPA over its regulation of coal during the previous administration. While the president trumpeted his regulatory rollbacks in West Virginia this week as a job-creating strategy, EPA itself says that the new proposal overall would have a "relatively small" effect on employment thanks to a strong economy, even as local effects may be more pronounced in some regions.

Today's visit from Wheeler comes as President Donald Trump is reportedly planning his own stop to lend a hand to Barr, who's in a tough re-election race. Trump will visit Kentucky sometime within the next six weeks, a White House official told the Courier Journal, but did not specify the nature of the visit. Barr's race has moved to "toss-up" from "leans Republican" as he fights a challenge from Democratic nominee Amy McGrath, a former Marine fighter pilot.

FINALLY FRIDAY! I'm your host, Kelsey Tamborrino. The Natural Resources Defense Council's Ana Unruh Cohen was first to correctly name the Curie family as the answer to Thursday's question. They collectively won more Nobel Prizes than any other family — with one in physics, two in chemistry and one peace prize as part of UNICEF. For today: Name the former senator who was the first woman to defeat a female incumbent in a Senate race. ME is taking a week off so you'll have to wait until Sept. 4 for the answer. In the meantime, keep sending your tips, energy gossip and comments to ktamborrino@politico.com , or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

DOJ REVERSES ITSELF ON WOTUS INJUNCTION: In February, the Department of Justice came out against a request from the American Farm Bureau Federation and other industry groups that called for a federal district court judge in Texas put the Obama administration's Waters of the U.S. rule on hold nationwide. Although the Trump administration is clearly no fan of the 2015 rule, DOJ has traditionally opposed the idea of

district court judges issuing nationwide injunctions, and it risked charges of hypocrisy if it backed the move in this case. Moreover, the Trump administration's lawyers said there was no need, since a rule delaying the Obama-era rule had just been finalized.

But DOJ is singing a different tune now, after a South Carolina district court last week struck down that delay rule. In a filing in the Texas court Wednesday, federal lawyers pulled DOJ's opposition to the request and argued that, without a nationwide injunction, "one definition of 'waters of the United States' will apply in some states while another definition will apply in the remaining states," and that "such a regulatory patchwork does not serve the public interest." A ruling in that matter could come at any time.

NO DEAL (YET): Senators left town Thursday with no progress toward resolving the impasse over the Land and Water Conservation Fund that's held up a broad water resources package, S. 2800 (115). "We're continuing to work with him," Senate EPW Chairman John Barrasso said of Richard Burr . "Otherwise, we have a time agreement with the other 99 members." It was a bizarre scene on the Senate floor Thursday afternoon when Burr sought unanimous consent to take up his LWCF bill but then objected to his own request (Senate Energy Chairman Lisa Murkowski, who has objected to similar requests, was meeting with Supreme Court nominee Brett Kavanaugh at the time).

Speaking of which, Murkowski told reporters she had a good, hour-and-a-half-long meeting with Kavanaugh. "It was a good sit-down," she said. "We had a long conversation about abortion."

ANOTHER MINIBUS IN THE BOOKS: The Senate passed a fiscal 2019 funding package, H.R. 6157 (115), on a 85-7 vote Thursday for the departments of Defense, Labor, Education and HHS — a feat of bipartisanship that Senate leaders hope will stave off a potential government shutdown by Trump next month. Before passage, more than 50 amendments were swiftly adopted by unanimous consent to the so-called minibus package, including one from from Marco Rubio that would provide $1 million to "enhance harmful algal bloom exposure activities." Another amendment from Mark Warner would require the National Institute for Occupational Safety and Health to submit a congressional report on the Coal Workers' Health Surveillance program.

BIDEN BACKS CARPER: In a rare move, former Vice President Joe Biden has waded into his home state's Democratic Senate primary, endorsing incumbent Tom Carper and agreeing to record a robocall on behalf of Carper, NBC News reports. The robocall will reach Delaware voters starting next week, ahead of the Sept. 6 primary, where Carper faces Air Force veteran Kerri Harris. Biden, NBC points out, has "rarely — if ever — taken sides in Democratic primaries in his state since being elected to the Senate in 1972."

Carper told POLITICO: "Love Joe. Honored to have his endorsement. He's been a great friend and supporter and encourager for forever."

FOR YOUR RADAR: The Senate Energy and Natural Resources Committee favorably reported two Trump nominees for the Energy Department by voice vote Thursday: William Cooper to be general counsel and Lane Genatowski to be director of the Advanced Research Projects Agency-Energy.

INTERIOR MOVES TO REWRITE MAJOR CALIF. WATER DEAL: The Bureau of Reclamation has notified California officials it wants to renegotiate a major 1986 agreement divvying California water supplies among the major federal and state water projects to cities and farmers in the southern portion of the state, the Sacramento Bee reported Thursday. The move is the second major action the Interior Department has taken on Golden State water politics since Deputy Secretary David Bernhardt's ethics ban blocking him from involvement with issues related to his former client, the powerful Westlands Water District, expired at the beginning of this month. Last week Secretary Ryan Zinke also ordered an action plan aimed at maximizing water supplies, to be managed by Bernhardt's office.

The move to renegotiate the deal stands to alter not just the balance of power between the state and federal governments, but also between urban and agricultural water users in southern California, since the State Water Project primarily services cities and the federal Central Valley Project mostly delivers water to farmers, the Bee reports.

EPA SAYS GLIDER STUDY WAS INDEPENDENT OF VOLVO: EPA's study last year that concluded glider trucks emit considerably more pollution than new engines was conducted independently of Volvo, air chief Bill Wehrum wrote this week to House Science Chairman Lamar Smith . Smith and other House Republicans alleged that EPA's study was a "concerted effort" between the agency and Volvo to discredit glider trucks made by Tennessee-based Fitzgerald and other manufacturers, which are Volvo competitors. Although Volvo helped EPA obtain two glider trucks for testing, the testing was "independent of any outside stakeholder input," Wehrum wrote. In fact, he added, "while Volvo did provide unsolicited views on the EPA test program, EPA staff directed and carried out the test program independent from Volvo." A spokeswoman for Smith said they are waiting for EPA to finish producing related documents before reacting. (h/t New York Times' Eric Lipton, who tweeted about the letter this week)

WHAT'S THE RISK? More than 60 House Democrats called on Wheeler to stop the agency's efforts to finalize a proposed rule repealing several key parts of EPA's Risk Management Plan amendment, which boosts emergency response coordination and public notification requirements for refineries, chemical plants and other industrial facilities. EPA's proposed rule, for which comment was due Thursday, includes requirements that audits of facilities be conducted by third parties and that investigators determine the "root cause" of an accident. "Most egregiously, the proposed rule would gut all measures intended to prevent chemical disasters at the approximately 12,500 chemical facilities covered by the RMP program," the Democrats wrote . Last week, the D.C. Circuit Court of Appeals overturned EPA's long-term delay of the Obama-era chemical safety regulation.

BLANKENSHIP SENATE APPEAL SET: The West Virginia Supreme Court will hear oral arguments next week on former coal baron Don Blankenship's ballot appeal in his third-party bid for the U.S. Senate, WV MetroNews reports. Blankenship, who spent a year in jail after an explosion at the Upper Big Branch Mine killed 29 of his workers, lost the Republican Party primary earlier this year to Attorney General Patrick Morrisey in the race for Democratic Sen. Joe Manchin 's seat. Following his loss, Blankenship announced he would run in the general election as the nominee of the Constitution Party, but was blocked by the secretary of state under West Virginia's "sore loser" law. Arguments appealing that decision will be heard at 10 a.m. Wednesday.

EMERGENCY DECLARED IN HAWAII: Trump authorized an emergency declaration for Hawaii on Wednesday, as Hurricane Lane barrels down on the island. The order authorizes the Department of Homeland Security and FEMA to help coordinate all disaster relief efforts in the state, as the center of the storm is expected to move close to the main islands or cross land through today, the Central Pacific Hurricane Center said . The storm, which has already caused severe flooding and mudslides, could become the first major cyclone to make landfall in the state in 26 years, CNN reports. "Our teams are closely coordinating with the state and local authorities," Trump tweeted Thursday. "You are in our thoughts!"

MAIL CALL! PUT AN END TO IT: California Democratic Reps. Ro Khanna and Barbara Lee urged Gov. Jerry Brown in a letter to put an end to new fossil fuel projects in the state. They call on him to put into place a transition plan to end California's existing oil and gas production, particularly in light of the upcoming Global Climate Action Summit that will be held in San Francisco next month.

— **Thirty-nine senators urged Wheeler** to increase biomass-based diesel and advanced volumes under the Renewable Fuel Standard to account for small refinery hardship waivers. Read it here.

— **Democratic Sen. Ben Cardin and Carper** led a letter alongside 36 other senators to conferees of the farm bill, urging them to oppose environment riders that would "erode landmark environmental laws."

CONSERVATION GROUP CALLS OUT ZINKE TRAVEL: The Montana-based Western Values Project published a blog post Thursday on Medium raising questions about Zinke's personal vacation to Istanbul. The post calls out the Trump administration's recently imposed sanctions on Turkey, whose president ordered his government to freeze the assets in Turkey of U.S. "justice and interior" secretaries. And the blog lists what it says are Zinke's "close ties with Turkish officials." Interior press secretary Heather Swift told ME the post is "not accurate."

HEAD'S UP! While ME is away next week, House Natural Resources Chairman Rob Bishop will hold an oversight field hearing in Utah focusing on energy revenues as education funding sources. The hearing begins at 2 p.m. MDT on Aug. 29 at Union High School in Roosevelt and will feature local teachers and students. The next day Bishop will also hold a forum in Utah to address the response to catastrophic wildfires, where former Massachusetts Gov. Mitt Romney and Utah Lt. Gov. Spencer Cox will participate. The forum begins at 6 p.m. MDT in the Utah State Capitol, Senate Room 210.

IN SUPPORT: Thirty-five mayors throughout California signed onto a letter Thursday supporting the transition to 100 percent zero-emission buses by 2040. The letter, to the California Air Resources Board, comes in support of the state's Innovative Clean Transit measure. CARB will hold a public hearing on the ITC measure on Sept. 27.

QUICK HITS

— "Without Trump picks, mine safety oversight body will soon lack quorum," S&P Global Market Intelligence.

— "Agencies play tug of war over pipeline protection," E&E News.

— "Florida red tide: Wildlife advocate stunned by toll on fish," The Associated Press.

— "Judge orders sale of Citgo's parent unless Venezuela posts bond," The Wall Street Journal.

— "Gov. Murphy rejects 5-cent fee on plastic bags in N.J.," NJ.com.

— "Environmental groups sue U.S. Coast Guard over Great Lakes oil spill response plans," The Detroit News.

HAPPENING TODAY

crickets

THAT'S ALL FOR ME!

To view online:
https://subscriber.politicopro.com/newsletters/morning-energy/2018/08/time-for-the-ace-tour-326689

Stories from POLITICO Pro

How Trump plays the long game on enviro rollbacks Back

By Alex Guillén and Eric Wolff | 08/23/2018 05:02 AM EDT

President Donald Trump has been actively tearing down his predecessor's biggest environmental achievements, but it's the administration's stealthy bid to rewrite some long-established pollution rules that may have the most far-reaching impact on how the country regulates its air and water.

Amid Trump's overhaul of Barack Obama's carbon rules for power plants, shredding of the Paris climate agreement and planned rollback of the Waters of the U.S. rule, the administration has quietly embarked on an ambitious effort to soften the rules that form the bedrock of some of the nation's most pivotal environmental protections of the past half century.

That effort would represent a sea change that could affect everything from the rules governing power plants and manufacturing operations to the economic development of vast stretches of protected land that house endangered species.

"We've been waiting even in Republican administrations for the types of institutional reforms that have been put forward," said Tom Pyle, president of the energy industry-backed American Energy Alliance.

Case in point: EPA's high-profile power plant carbon proposal issued Tuesday, which would replace the Obama administration's 2015 landmark climate change rules. Tucked inside that plan is a measure long-sought by the power sector that would weaken rules governing whether power plants can expand or upgrade their facilities without triggering environmental reviews.

That revamp of the 1977 New Source Review rule is one of several environmental regulations up for rewrite by Trump's agencies. It comes after years of pressure from fossil fuel and other industry groups, which have long complained that regulators and environmental groups have imposed expensive and restrictive rules that weighed on the economy.

Trump, who has long dismissed climate change as a hoax and played down concerns about U.S. pollution problems, is lined up squarely behind industry and conservative efforts to overhaul the environmental regulations.

"There's nobody cleaner than us and it's getting better and better, but I'm getting rid of some of these ridiculous rules and regulations which are killing our companies, our states and our jobs," Trump told a rally in Charleston, W. Va. Tuesday night.

Other long-standing rules targeted by the Trump administration include those implementing: the 1973 Endangered Species Act, which protects the habitats of threatened plant and animal species; the National Environmental Policy Act, which took effect in 1970 and examines the impacts to the environment from federal projects; EPA's rules governing the use of scientific studies , which the agency is tightening to exclude many of the type of health-based findings underpinning current laws; and the parameters used in cost-benefit analyses, which EPA is aiming to alter in a way that would make it more difficult to justify new regulations.

Green critics warn that rewriting the use of scientific studies and cost-benefit analyses in particular could have far-reaching impacts on how future administrations can implement their own environmental policies.

"The administration or future administrations would get to limit the data that informs rulemaking and be able to distort administrative record to a particular outcome," said Pat Gallagher, legal director for the Sierra Club.

And opponents say the changes to the NSR permitting program in the new EPA proposal will help utilities keep older, dirty coal plants operating for potentially decades longer than they would under current rules. Supporters say the change would enable the plants to become more efficient, producing more power from less coal -- even though the proposed rule acknowledges the accompanying pollution increases could cause up to 1,400 premature deaths a year by 2030.

Joseph Goffman, a former senior EPA air adviser and a key architect of the Obama administration's Clean Power Plan rules for power plants, said the Trump EPA has been advancing these huge changes quietly.

"I guess the mistake the Obama administration made was when we made major policy changes, we actually tried to be as transparent about it as possible and call everybody's attention to it," said Goffman, now executive director of Harvard Law School's Environmental & Energy Law Program. In fact, the NSR changes could end up having a bigger effect on the utility sector than the overall Trump carbon rule, he added.

"It's quite possible that if this proposal were to be fully implemented, in three, four, five years from now, we would look back on it and say, 'Boy, the thing that really made a difference was the changes in NSR,'" he said.

While EPA has been a focus of deregulation under Trump, the move to weaken NEPA, which deals with major federal projects like highways, airports and pipeline approvals, has been led by the White House's Council on Environmental Quality. And the Interior Department is pushing significant changes to how it implements the Endangered Species Act, which Republicans and industry say has stymied economic growth in the West.

"The implication there is the regulatory change isn't concentrated in a rule or any specific decision, it's systematic," said Ali Zaidi, an attorney with Kirkland & Ellis and a former energy adviser to Obama.

For conservatives and industry, the Trump administration's actions are fulfilling requests dating back before the Obama years.

"I decided to get into politics because I saw firsthand how regulations, especially environmental regulations, hinder economic development around the country," Sen. Jim Inhofe (R-Okla.), who was elected to the Senate in 1994, told POLITICO in a statement. "President Trump gets that too — no regulation is 'too small' to address, especially when these lesser known regulations come with millions of dollars of compliance costs that get passed on to consumers."

Ross Eisenberg, vice president of energy and resources policy at the National Association of Manufacturers, said these regulatory procedure issues are top of the list for thousands of companies across the U.S.

"It's because this is where they get hit," he said. "We can fight all we want about the big picture issues, but where the real problems come into play is where you're trying to get a permit to open something or do a modification or do some sort of construction, and all of a sudden you find out that your six-month timetable is now a three-year timetable."

The NSR program in particular has been a top target of both industry and conservatives for years. The George W. Bush administration tried to make several changes to the permitting program, most of which were overturned in court.

Wehrum downplayed the reach of the change on Tuesday, telling reporters that the new scheme would apply only to coal plants required to install new equipment under the ACE rule.

Goffman dismissed the notion that the NSR change would have a limited effect. Coal plants are the leading source of health-harming pollutants like soot and sulfur dioxide, he said. "That's like saying, 'The victim was burned on only 80 percent of his body,'" he said. "The world 'only' is doing a ludicrous amount of work in that sentence."

This is at least the fourth major change EPA has sought for the permitting program since Trump took office.

In December, EPA said it would ease up NSR enforcement. In March, the agency changed how it calculates a project's emissions, which could help companies avoid the NSR program. And in May, Wehrum changed an EPA policy on how facilities are bundled together, another complex update that could help companies avoid NSR permitting.

"When you add up all of these actions, it amounts to an all-out assault on our lungs from tailpipes, smokestacks and every source of pollution that is backed by the best lobbyists that money can buy," said Jeremy Symons, vice president of political affairs for the Environmental Defense Fund.

While the Trump administration has taken major strides already, industry groups still have plenty more they want EPA and other agencies to accomplish.

"We obviously see real opportunity in some of this regulatory procedure space," said Eisenberg, noting that manufacturers are interested in getting EPA to give their plants the same NSR relief that it's pushing for utilities.

Anthony Adragna contributed to this report.

To view online click here.

Back

Trump's new coal rule buys plants some time Back

By Eric Wolff | 08/22/2018 05:53 PM EDT

The Trump administration may have bought coal plant owners a few more years with its new proposal to ease carbon regulations, but that alone is unlikely to reverse the industry's overall decline.

EPA's carbon rule, unveiled Tuesday, would replace stricter requirements sought by the Obama administration that, had they not been paused by the Supreme Court, seemed poised to accelerate the rush to retirement of all but the most efficient coal plants. The American Coalition for Clean Coal Electricity, an industry trade group, estimated prior to the new rule's release that 10 percent of the existing fleet of coal-fired power plants were on track to retire within the next three years.

Some of those facilities may be able to stick around a few more years thanks to the Trump administration's proposal, the Affordable Clean Energy rule, which includes inexpensive compliance options and allows plant owners to upgrade their plants without worrying about onerous rules designed to prevent local air quality from getting worse. But the industry says it will not be satisfied until a few more items are checked off its wish list.

"I think you give encouragement to coal plants to kind of keep running and tough out the tougher times," said Toby Shea, a vice president at Moody's Investors Service and a utility analyst. "It's hard to go against the overall trend, but it gives them more hope."

The most significant aspect of the administration's proposal is its relaxed approach to an EPA permitting program that has long found itself in the industry's crosshairs.

Known as New Source Review, the program requires utilities to show that they will not worsen local air quality before building or upgrading a power plant, but the Trump administration's proposal would lower the bar for renovations that would allow existing plants to run more efficiently — even if that meant they operate more often and increase the total amount of pollution they produce in a year.

Data on the costs and delays of implementing New Source Review is hard to come by, as it varies sharply per project and EPA region (GAO even slapped EPA on the wrist in 2012 for not keeping better data). But a 2015

study by the think tank Resources for the Future found that between 2002 and 2014, the process for a coal plant took an average of 404 days.

Administration officials have been working to change the rules for years. Bill Wehrum, now EPA's assistant administrator for air, was acting assistant administrator for air in 2007 when the agency released a proposed rule changing the NSR, but the rule was never finalized.

The Trump administration's proposed rule — if it survives in court — would change the investment equation for some utilities and merchant power plant operators.

Joseph Goffman, a senior EPA air adviser in the Obama administration and now executive director at Harvard Law School Environmental and Energy Law Program, said the Trump proposal would encourage utilities to upgrade coal plants and keep them online.

"What this is really doing, it seems to be, on behalf of the coal industry, trying to give the utilities ways to adjust the financial equation for making investments in coal plants," Goffman said.

Miles Keogh, executive director of the National Association of Clean Air Agencies, which represents state air regulators, acknowledged the NSR program is not perfect, but he said the administration's proposal would worsen air quality without addressing the program's key flaws.

"I'm not crazy about NSR. It's not like I'm getting T-shirts printed up for NSR," he said. "But if you're going to reform NSR, the things that aren't great about NSR are its imprecision and its unwieldiness, not the fact that it affects pollution prevention."

Coal plant owners are eager for all the help they can get.

Michelle Bloodworth, the coal industry trade association's CEO, said the EPA rule should only be a part of a "menu" of policies that could stabilize coal power long-term. She's pinning her hopes on the Department of Energy's effort to find a subsidy for coal and nuclear plants close to retirement. That subsidy would then allow time for power market operators to make changes that would pay coal plants for keeping fuel on site as well as other attributes she said they provide the grid.

"We still need changes in the wholesale electricity markets to create a level playing field for coal and to value onsite fuel, that's not being valued right now in these markets," she said. "We're advocating that there are standards needed to make the grid resilient, so coal power can have a long sustainable future."

FERC this year unanimously rejected a request from DOE to subsidize coal and nuclear plants in the name of grid reliability, but DOE and the White House are still working on a plan based around national security.

Sierra Club, whose Beyond Coal campaign has helped push hundreds of plants into retirement, agreed the rule might help merchant coal plant operators selling into power markets as well as power cooperatives that may run small plants.

"It could mean those merchant guys and the co-ops stay around a little longer," said Liz Perera, climate policy director for the Sierra Club. "It doesn't undermine our strategy for pushing coal plants into retirement. Our strategy is simply to bring to the attention of the local community that they are not in compliance with modern pollution controls, [plant owners] should internalize that externality."

Alex Guillén contributed to this report.

To view online click here.

Back

7 takeaways from EPA's proposed coal pollution rule Back

By Alex Guillén | 08/21/2018 02:10 PM EDT

The Trump administration's proposed carbon rule for coal plants ratchets back the scope and emissions reductions of the Obama administration's original rule while questioning EPA's ability to take more stringent action on climate change.

The energy policy world will be reading the proposal's fine print and checking EPA's math for months. Here are key policy points to know while delving into the details of EPA's proposal.

Changes to NSR permitting

The proposal includes changes to a fundamental EPA permitting program designed to protect improvements in local air quality.

Under the program known as New Source Review, power plants owners cannot build a new facility or renovate an existing one until they calculate whether the change will lead to an increase in annual emissions — and if so, to get a permit from state regulators, a process that takes time and money. NSR was designed to prevent areas that meet air quality standards from backsliding. But Republicans and industry groups have long complained that the NSR program can prevent them from upgrading power plants to run more efficiently if those changes would allow the plant to run more often, leading to an increase in absolute emissions.

The agency has proposed two alternative tests that measure emissions increases on an hourly basis under which plants can more easily show efficiency gains as opposed to annualized accounting. That change would mean that "fewer sources will trigger major NSR [requirements] under an hourly emissions increase," EPA says in its proposal.

EPA said it is concerned that some coal plants would choose to shut down "in advance of the end of their expected useful life" rather than pay to go through NSR permitting for new efficiency technologies under the replacement carbon proposal, known as the Affordable Clean Energy rule. States would have the option to choose between the existing annualized test and the hourly test alternative.

The permitting changes — at least for now — will apply only to coal plants, according to EPA air chief Bill Wehrum, who said the proposal is designed to allow NSR and the ACE rule to "operate in concert rather than in conflict with each other."

Sources from a wide variety of sectors emitting a range of pollutants are subject to the NSR permitting requirements, and likely will watch this program to see if similar changes might apply to their sectors. EPA in recent months has made other key changes to the wider NSR program easing enforcement and helping sources to avoid the more stringent permitting requirements.

Miles Keogh, executive director of the National Association of Clean Air Agencies, which represents state air regulators, says EPA's proposal would open the door to more air pollution.

"The NSR connection is huge," he said in an email. "It makes it hard for state utility commissions to deny pollution-increasing investments because they generally approve spending money (and earning a return) on federal requirements like environmental rules. That'll undermine a lot of states with monopoly utilities that have invested money in clean energy, because now they'll have a hard time not undermining their own investments."

Up to 1,400 premature deaths by 2030

EPA estimates its rule could lead to as many as 1,400 additional premature deaths per year by 2030 compared to a scenario in which the Clean Power Plan was implemented.

The proposal's Regulatory Impact Analysis includes several different methodologies for counting premature deaths under various compliance scenarios caused primarily by increases in soot and ozone pollution that impacts cardiovascular health.

One of those methodologies projects premature deaths increase to an upper range of 1,400 annually by 2030 under two of the three compliance scenarios, and up to 1,200 under the third. The analysis also says the figure could be as low as 400 to 470, depending on how states comply.

Those scenarios are still better than a scenario without any climate rule. EPA's analysis places the range in that scenario at 540 to 1,600 premature deaths per year by 2030.

EPA also considered nondeath health impacts, projecting a range of increases in benchmarks such as hospital admissions, nonfatal heart attacks, asthma attacks, lost work days and school absences.

Asked about the premature death projections, Wehrum said that the ACE rule is meant to deal with carbon dioxide, not pollutants like sulfur dioxide or particulate matter that more directly impact human health and which EPA already regulates under other programs. "We're implementing the law as we believe Congress intended it to be implemented," he said.

Where are the jobs?

While President Donald Trump portrays his regulatory rollbacks as a job-creating strategy, EPA is more circumspect in its predictions about the replacement power plant rule.

The agency says the "overall employment impacts are expected to be relatively small," thanks to a strong economy, even as local effects may be more pronounced in some regions.

"If the U.S. economy is at full employment, as current economic conditions indicate is likely, even a large-scale environmental regulation is unlikely to have a noticeable impact on aggregate net employment," EPA notes.

In general, EPA says coal jobs may rise while natural gas, nuclear and renewable jobs may fall in response to the new proposal, but EPA does not offer firm numbers. The analysis cites recent job losses in coal-dependent states such as West Virginia and Wyoming and notes its "particular concern" about job losses among workers in declining industries or isolated areas where unemployment can be more difficult to escape.

"If potentially dislocated workers are vulnerable, for example as those in Appalachia likely are, besides experiencing persistent job loss as already mentioned, earnings can be permanently lowered, and the wider community may be negatively affected," EPA writes.

No minimum requirements, but states can't totally opt out

The proposed rule doesn't set specific emissions targets for states to meet.

"What states are required to do is take our recommendations, the so-called candidate technologies we've identified in the proposed rule, and make a rational, fact-based decision for each of the affected units in their jurisdiction," Wehrum said.

That means states have at least some wiggle room to justify setting more or less stringent requirements for coal plants within their borders.

There's also no way to "opt out" of the program completely, according to Wehrum. "It's not true that the program would allow states to say, 'Well, we looked at this and decided we don't want to do anything here,'" he said.

EPA likes trading, unsure it's allowed

Allowing trading between coal plants within a state might help make the program less expensive and more effective, like EPA's successful acid rain trading program, Wehrum said. But EPA isn't sure that trading actually fits within the rigid, limited structure of the rule.

The Clean Power Plan allowed states to consider trading within and across state lines as a way to identify the cheapest compliance options.

But the new proposal says EPA is worried that trading under the ACE rule would be "inconsistent with our proposed interpretation of the ['best system of emissions reduction'] as limited to measures that apply at and to an individual source."

"There's a tension as we interpret the law," Wehrum said.

The proposal also says EPA is considering allowing states to average emissions among generating units, but only within the same facility, such as coal-fired power plants with multiple discrete boilers. The agency is taking comment whether and how either strategy could be incorporated into the final rule.

Trend away from coal will continue

Wehrum tacitly acknowledged that even without the Obama administration's Clean Power Plan, states and utilities are headed in the general direction of that rule anyway.

"We believe there's going to be very little difference as to how CPP would play out versus how this proposed rule would play out," he said. "The biggest reason is things have changed a lot since the CPP was put in place. The industry continues to transform in front of our eyes, there continue to be big shifts in the types of generating plants that power plants operators are building and operating."

That larger economic trend away from coal and toward gas and renewables is the strategy the Obama EPA relied on in crafting the Clean Power Plan.

The tech menu

States can choose from a menu of "candidate technologies" to improve heat-rate efficiency at power plants.

The options are: Neural network/intelligent sootblowers; boiler feed pumps; air heater and duct leakage control; variable frequency drives; blade path upgrades for steam turbines; redesign or replacement of economizer; and improved operating and maintenance practices.

Depending on the size of the coal plant and the technologies chosen, those options can lead to efficiency gains of 0.1 percent to as high as 2.9 percent, according to EPA. The choice of technology can be influenced by the remaining useful life of a plant. For example, at older facilities, EPA argues it might not make sense to invest in more effective, more expensive technologies that might not recoup their expenses before the plant shuts down.

Nick Juliano contributed to this report.

To view online click here.

Back

Senate passes giant spending package in hopes of averting shutdown Back

By Sarah Ferris | 08/23/2018 05:40 PM EDT

The Senate overwhelmingly passed an $857 billion spending package that Republican leaders are counting on to convince President Donald Trump to back down from threats of a government shutdown in September.

The package, an uncommon bipartisan truce to fund two-thirds of government operations, was strategically crafted to ward off a presidential veto. But the odds remain long that the legislation, H.R. 6157 (115), will even make it to the White House, with just 11 working days left for House and Senate lawmakers to merge opposing versions of the bills — and get Trump's approval — before funding runs out on Sept. 30.

The Senate passed the fiscal 2019 package 85-7 on Thursday during its rare mid-August session, after spending leaders brokered a temporary detente on including partisan policy language that has traditionally hindered the chamber's ability to pass funding bills.

The two bills in the package, which Senate Majority Leader Mitch McConnell called "hugely important," would fund the departments of Defense, Labor, Education and HHS. The legislation includes victories for both parties, like the largest military pay raise in nearly a decade and an expansion of programs to counter opioid addiction.

At the same time, McConnell and Minority Leader Chuck Schumer sidestepped political flash points like efforts to include provisions on abortion funding and the Trump administration's policies for separating families that cross the border illegally.

For several hours Thursday afternoon, GOP leaders quarreled with Sens. Mike Lee (R-Utah) and Rand Paul (R-Ky.) over a Planned Parenthood amendment, which leadership said was initially drafted in a way that did not make it eligible for a simple majority threshold.

While that amendment fell 45-48 — under a 60-vote threshold — the effort still forced vulnerable Democrats into an uncomfortable vote at the height of campaign season.

In total, more than 300 amendments were filed, ranging from efforts to influence caps on Pell Grants to funding for coal miner's health programs. Before passage, more than 50 were swiftly adopted by unanimous consent.

Capitol Hill leaders say they haven't received concrete assurances that Trump will sign any of the fiscal 2019 bills without a promise for $5 billion in border wall funding. But Senate Appropriations Chairman Richard Shelby (R-Ala.) has argued that the Senate's progress will convince Trump to sign at least the two biggest measures — Defense and Labor-HHS-Education — by the Sept. 30 deadline.

"The more we get done, it strengthens our hand. It strengthens everybody's hand," the chairman said this week.

Shelby said Senate leaders intentionally paired the Pentagon's budget with that of wide-ranging domestic departments to create a bundle that they believe Trump couldn't refuse.

"I just want to mark what we've accomplished here today," Shelby said on the floor before passage, noting that the Senate is matching a record last set in 1999 for its pace of passing spending bills. "This is a milestone."

If signed into law, it would be the first time the Pentagon receives its new budget on time in 12 years — a talking point Republican leaders hope Trump will choose over extra funding for a barrier along the U.S.-Mexico border.

In a win for the president, the Senate's bill would deliver a $20.4 billion increase for the Pentagon, lifting its budget to a near-historic high. The measure would also fund a 2.6 percent pay raise for troops and would pay for 6,961 additional soldiers.

Democrats have cheered large increases in funding levels for non-defense programs they say were starved under sequestration, such as Head Start, mental health programs and school grants.

HHS would see a $2.3 billion boost, including a 5.4 percent increase for the National Institutes of Health. Education programs would get a $541 million boost, while the Labor Department's budget would remain flat.

The two bills represent the eighth and ninth spending measures the Senate has passed this summer, likely the last of 12 to clear the chamber ahead of the Sept. 30 deadline. The rest, including the bill that would fund Trump's border wall, are expected to be funded on autopilot under a continuing resolution through the midterms and into Congress' lame-duck session.

Thursday's vote is another major step in the Senate's bipartisan attempt to avoid another year-end, catchall "omnibus," which Trump said he would refuse to sign in September. Instead, congressional leaders plan to send the bills to the president's desk in smaller batches.

The Senate has already approved three of those so-called minibus groupings this summer.

Senate lawmakers are now expected to enter into conference negotiations with their House counterparts to reconcile the Defense and Labor-HHS-Education bills. Lawmakers will have roughly five weeks to hash out differences in competing versions of the measures.

Adam Cancryn contributed to this report.

To view online click here.

Back

Pruitt proposes repealing key parts of Obama-era chemical safety rule Back

By Alex Guillén | 05/17/2018 03:09 PM EDT

EPA Administrator Scott Pruitt today signed a proposal to repeal several key components of a chemical safety rule finalized in the final days of the Obama administration.

The provisions proposed for repeal include requirements that audits of facilities be conducted by third parties and that investigators determine the "root cause" of an accident, instead of just the immediate cause. The proposal says EPA is uncertain whether those requirements "add environmental benefits beyond those provided by the existing requirements that are significant enough to justify their added costs."

The proposal also would rescind a 12-month deadline for incident reports to be completed, as well as certain employee training requirements. EPA proposed repealing a requirement that facility owners release chemical hazard information to the public upon request, though the agency said it will still require owners to hold a public meeting to provide information after an accident. The agency also proposed adding protections for confidential business information that is required to be released to local emergency planning and response authorities.

Industry groups and 11 states last year asked Pruitt to reconsider the rule, which is known as the Chemical Safety Rule of the Risk Management Plan update. It applies to 12,500 facilities, including chemical manufacturers, refineries and fertilizer plants.

EPA estimates annual cost savings for $88.4 million to $87.9 million. The notice did not quantify the proposal's reduction in benefits.

WHAT'S NEXT: EPA will take public comment for 60 days once the proposal is published in the Federal Register. EPA will hold a public hearing at its Washington headquarters on June 14. A legal challenge to Pruitt's 2017 decision to delay the rule's deadline until 2019 is still pending.

To view online click here.

Back

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POLITICOPRO

This email was sent to wehrum.bill@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 8/23/2018 4:04:24 PM
To: OAR-OTAQ [OAROTAQ@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]
Subject: Acting Assistant Administrator's Visit to NVFEL
Attachments: OTAQWheeler Visit081718.pptx

Dear Colleagues:

Last Friday we hosted a visit from Acting Administrator Wheeler and Congressman Tim Walberg.

While their visit was short, in true OTAQ fashion we made great use of their time with us. We began with Lee Cook providing an overview briefing about OTAQ: who we are, what we do, and background about the national treasure that we manage (aka 'the lab'). I've attached the briefing here. David Haugen then conducted a comprehensive tour of our lab. Mr Wheeler saw our new HD chassis facility, where he learned about the results of last year's glider testing. We explained the development of PEMs technology here and its application in our programs including compliance, and he learned about the breadth and depth of our work in support of the most recent Mid-Term Evaluation of our LD GHG program. Both of our esteemed visitors had the opportunity to drive a vehicle on the dyno and walked away with a handsome "certificate of driving excellence" as a memento of their visit, as well as bragging rights for their performances.

At the Administrator's request, we then held had an "All Hands" meeting where on a spectacular Friday in August we had a standing room only crowd, exhibiting yet again your commitment to our mission and this Agency. Both Acting Administrator Wheeler and Congressman Walberg expressed the appreciation they gained for the technical depth and professionalism of OTAQ staff, and the importance of our work--- and NVFEL---to the mission of the Agency. In his brief informal remarks, Mr Wheeler also reiterated the value he places on career staff and alluded to the fact that one of his first meetings with OTAQ went several hours (late on a Friday!) on the CAFÉ/LD GHG proposal. In our Q&A session Administrator Wheeler received a request to revisit the Wellness Program and Fitness Center policies. He agreed to take another look and noted that this issue has been raised in other staff discussions he has held around the agency. He was asked about EPA's hiring freeze which is, in fact , now over. (For those of you who may not be aware, we are currently actively hiring against our ceiling, which is a good place to be). Mr. Wheeler also commented that rulemaking is our most effective tool for reducing emissions and protecting the environment, and it is important that EPA regulations be legally defensible.

Representative Walberg acknowledged being outside his district and in Congresswoman Dingell's (the Congresswoman was invited, but had a scheduling conflict), but was glad to have the opportunity and knew some of his constituents work at NVFEL. He also acknowledged that auto and other companies rely on us because our measurements of their competitors' products impact them as much as our measurements of their products. He was pleased to learn of our focus on quality and how we strive to make sure our numbers are right, and stressed that data and science are important to him. Not surprisingly, he said he was impressed with the place and the people.

As always, thanks for everything you are doing for the cause of clean air.

Chris

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

Message

From: Graham, Cheryl [Graham.Cheryl@epa.gov]
Sent: 7/24/2018 9:29:21 PM
To: Harnett, Bill [Harnett.Bill@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Henigin, Mary [Henigin.Mary@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Montoro, Marta [Montoro.Marta@epa.gov]; Rush, Alan [Rush.Alan@epa.gov]; Schillo, Bruce [Schillo.Bruce@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Millett, John [Millett.John@epa.gov]; South, Peter [South.Peter@epa.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Christopher.Vaden@usdoj.gov; Wood, Anna [Wood.Anna@epa.gov]; Edwards, Crystal [Edwards.Crystal@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; South, Mia [South.Mia@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Smith, Kristi [Smith.Kristi@epa.gov]; Iglesias, Amber [Iglesias.Amber@epa.gov]; Schachter, Scott (ENRD) [Scott.Schachter@usdoj.gov]; Doyle, Andrew (ENRD) [Andrew.Doyle@usdoj.gov]; leslie.hill@usdoj.gov [Leslie.Hill@usdoj.gov]; Maghamfar, Dustin (ENRD) [Dustin.Maghamfar@usdoj.gov]; Mitchell, Ken [Mitchell.Ken@epa.gov]; Wortman, Eric [Wortman.Eric@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]; Purdy, Angeline (ENRD) [Angeline.Purdy@usdoj.gov]; Debra Carfora [debra.carfora@usdoj.gov]; Perez, Idalia [Perez.Idalia@epa.gov]; martha.mann@usdoj.gov [Martha.Mann@usdoj.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Woods, Clint [woods.clint@epa.gov]; McLamb, Marguerite [McLamb.Marguerite@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: ARLO Deadline Calendar as of July 23, 2018
Attachments: 18-07-23 ARLO Deadline Calendar.docx

Attached is the current deadline calendar and other information that is sent out weekly from ARLO. If information in the attachment raises questions, please contact Gautam Srinivasan. Thanks

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 7/24/2018 10:18:28 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: Fwd: Materials for Tuesday 10am Glider Update
Attachments: HD Glider Options for AA Wehrum - July 24, 2018.pptx; ATT00001.htm

Sending these for the 11 am electronically in case hard copies didn't end up in your folder. (You should have the 10 am materials in hard copy)

Begin forwarded message:

> **From:** "Sutton, Tia" <sutton.tia@epa.gov>
> **Date:** July 23, 2018 at 4:54:16 PM EDT
> **To:** OAR Briefings <OAR_Briefings@epa.gov>
> **Cc:** "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Burch, Julia" <Burch.Julia@epa.gov>
> **Subject: Materials for Tuesday 10am Glider Update**
>
> Hi all,
> Attached are materials for Tuesday's 10am HD Glider Update.
>
> Thanks!
> -Tia

Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 7/30/2018 7:00:01 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]
Subject: Draft response to July 12, 2018 letter from the House Committee on Science, Space and Technology regarding EPA's fall 2017 glider vehicle emissions testing program
Attachments: Rep Smith et al letter to Acting Adminisrator, gliders, 7.12.2018.pdf; Draft glider response, v2.docx

Bill,

Last week during our glider briefing, we mentioned a July 12, 2017 letter from several members of the House Committee on Science, Space, and Technology to Acting Administrator Wheeler regarding the EPA glider vehicle emissions testing program that OTAQ conducted in the fall of 2017 (incoming attached).

The letter states in part that *" .. the Committee has concerns regarding the scientific integrity and validity of a recent study conducted by the National Vehicle and Fuel Emissions Laboratory (NVFEL) in Ann Arbor, Michigan."* The letter includes a number of incorrect statements regarding the EPA test program, including who initiated the program, and who designed the test program; as we've discussed, EPA staff initiated this test program, and EPA staff designed and conducted the test program.

OAR is coordinating with OCIR on the response to this Congressional request. The letter also requests an opportunity for the Committee staff to meet with EPA staff to be briefed on this topic, as well as a document production request. OCIR is taking the lead on those two requests from the Committee.

Please review the attached draft EPA response. As I will be out for the next 2 weeks (as you recall, we are moving our daughter to California to begin graduate school), pls let Bill C know what comments you have. Thanks

Chris

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

LAMAR S. SMITH, Texas
CHAIRMAN

EDDIE BERNICE JOHNSON, Texas
RANKING MEMBER

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
2321 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6301
(202) 225–6371
www.science.house.gov

July 12, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Acting Administrator Wheeler,

The Committee on Science, Space, and Technology is conducting oversight of the Environmental Protection Agency (EPA) and its scientific programs. Specifically, the Committee has concerns regarding the scientific integrity and validity of a recent study conducted by the National Vehicle and Fuel Emissions Laboratory (NVFEL) in Ann Arbor, Michigan.

On October 25, 2016, the Obama Administration EPA and the National Highway Traffic Safety Administration issued a final rule ("2016 rule") that, among other things, required engines in "glider vehicles" ("gliders") to meet the emissions standards of the year in which the vehicle was assembled, rather than the year the vehicle's engine was manufactured.[1] EPA describes a "glider vehicle" as a truck assembly consisting of a new chassis and cab with a used engine, transmission, and/or rear axle.[2] On November 16, 2017, the EPA proposed to repeal the 2016 rule.[3]

Subsequently, on November 20, 2017, the NVFEL quietly released a study that examined emissions from glider trucks as compared to non-refurbished or unmodified, conventionally

[1] Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium-and-Heavy-Duty Engines and Vehicles—Phase 2, 81 Fed. Reg. 73, 478 (Oct. 25, 2016).
[2] *See* Repeal of Emissions Requirements for Glider Vehicles, Glider Engines, and Glider Kits, 82 Fed. Reg. 53, 443 (Nov. 16, 2017).
[3] *Id.* at 442.

manufactured trucks[4] without notifying EPA leadership. Documents obtained by the Committee show an apparent concerted effort between EPA staff at the NVFEL and representatives from the Volvo Group, a subsidiary of AB Vovlo, and the Truck and Engine Manufacturers Association (EMA) to target and test gliders assembled by Fitzgerald Glider Kits, the largest glider assembler in the U.S. Volvo, a member of EMA and competitor of Fitzgerald, supported the 2016 rule that increased the regulation of gliders.[5]

Email communications indicate that Volvo had a keen interest in how Fitzgerald responded to the 2016 rule, specifically sharing with NVFEL staff Fitzgerald's "larger than normal presence" at a trade show in March of 2017.[6] Then, in September of 2017, three weeks after Administrator Pruitt indicated an intention to revisit the 2016 rule, a representative from Volvo initiated contact with EPA employees in the NVFEL office in Ann Arbor, Michigan, asking the lab to conduct a test program in which Volvo "would provide the test articles."[7]

The ensuing exchange appears to show an overt attempt by a regulated entity to shape a scientific study at EPA to achieve a specific, pre-determined outcome. In one email, the representative from Volvo lays out the "ideal" test program for the NVFEL, listing specifically the test articles to use and the schedule by which the test program should be conducted.[8] Volvo's recommendations were specific to the point where it suggested to the NVFEL multiple times to use "Fitzgerald rebuilds" and to "stay away from Cummins,"[9] another EMA member.

Further targeting Fitzgerald, an EPA employee at the NVFEL emailed a Volvo representative to ask whether the NVFEL should request a test article from the glider manufacturers themselves, adding that "if they say no, that's a story in itself!"[10] There is no indication that the NVFEL ever reached out to Fitzgerald or any other glider manufacturer before, during, or after this study was performed.

These documents raise serious questions as to the objectivity and legitimacy of the NVFEL study. To better assist the Committee in understanding how EPA intends to uphold scientific integrity and how it undertakes decisions to perform scientific studies underlying regulation, we request a briefing for Committee staff by the appropriate EPA officials who are

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[4] National Vehicle and Fuel Emissions Laboratory, Envtl. Prot. Agency, Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles (Nov. 20, 2017) (EPA-HQ-OAR-2014-0827-2417).

[5] Comments of the Volvo Group, Greenhouse Gas Emission and Fuel Efficiency Standards for Medium-Duty and Heavy-Duty Engines and Vehicles—Phase 2; Proposed Rules, Docket No. EPA-HQ-OAR-2014-0132 (Oct. 1, 2015).

[6] Email from Volvo Employee to Envtl. Prot. Agency Employee and Truck & Engine Mfrs. Ass'n Employee (March 28, 2017, 11:56 a.m.).

[7] Email from Envtl. Prot. Agency Employee to Volvo Employee (Sept. 5, 2017, 4:47 p.m.).

[8] Email from Volvo Employee to Envt. Prot. Agency Employee (Sept. 8, 2017, 3:07 p.m.).

[9] *Id.*; Email from Volvo Employee to Envt. Prot. Agency Employee (Sept. 9, 2017, 11:08 a.m.).

[10] Email from Envtl. Prot. Agency Employee to Volvo Employee (Oct. 28, 2017, 6:19 p.m.).

familiar with this matter. We ask that you schedule this staff briefing no later than Thursday, July 26, 2018.

Further, we request all documents and communications between or among EPA officials referring or relating to the NVFEL glider study and all documents and communications between or among EPA officials and relevant article manufacturers referring or relating to the NVFEL study.

We request that you provide these documents and information as soon as possible, but no later than 5:00 p.m. on July 26, 2018. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific programs and "shall review and study on a continuing basis laws, programs, and Government activities" as set forth in House Rule X.

If you have any questions about this request, please contact Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,

Lamar Smith
Chairman
House Committee on Science,
Space, and Technology

Bill Posey
Member of Congress

Ralph Abraham, M.D.
Chairman
Subcommittee on Oversight

Clay Higgins
Vice Chair
Subcommittee on Oversight

EPA-HQ-2019-3064

Andy Biggs
Chairman
Subcommittee on Environment

Brian Babin
Chairman
Subcommittee on Space

Gary Palmer
Member of Congress

Encl.

cc: The Honorable Eddie Bernice Johnson, Ranking Member, Committee on Science, Space, and Technology
The Honorable Donald Beyer, Jr., Ranking Member, Oversight Subcommittee
The Honorable Suzanne Bonamici, Ranking Member, Environment Subcommittee

ED_002386B_00001849-00004

Message

From: Moran, Robin [moran.robin@epa.gov]
Sent: 7/18/2018 1:35:35 PM
To: Grundler, Christopher [grundler.christopher@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]
Subject: LD GHG NPRM Update
Attachments: EPA comments on July 18 2018__EO12866 LD CAFE CO2 NHTSA 2127-AL76 EPA Preamble 180710_Redline.docx

Dear Chris and Bill,

In the interest of time, Chris asked that I send this update to you both at the same time. Attached are our comments on NHTSA's July 11 pass-back of the preamble. Our comments primarily are on two issues:

Deliberative Process / Ex. 5

Yesterday DOJ relayed several comments on the CAA waiver section, which OGC is working on and will send up separately.

Deliberative Process / Ex. 5

Please let me know if you have questions.

Robin

Message

From: Paul Billings [Paul.Billings@lung.org]
Sent: 7/30/2018 3:32:59 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]
Subject: Letter on Gliders
Attachments: Letter to Acting Administrator Wheeler - Gliders NRPM.pdf

Dear Acting Administrator Wheeler
Attached is a letter from the American Lung Association National President & CEO Harold Wimmer on your recent actions on glider trucks and a request for withdrawal of the notice of proposed rulemaking.
Thank you for your consideration of this request.

Sincerely,
Paul Billings
National Senior Vice President, Public Policy
American Lung Association
Direct 202-785-3988

AMERICAN LUNG ASSOCIATION.

Harold P. Wimmer
National President and
CEO

July 30, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Please Withdraw the Proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits

Dear Acting Administrator Wheeler:

The American Lung Association is pleased to learn that the U.S. Environmental Protection Agency will withdraw the "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles." Reversing the effort to waive enforcement of the glider truck rules is the correct decision.

Glider trucks are a significant source of air pollution that threatens public health and the environment. To protect public health, we now call on you to immediately withdraw the Proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits.

The American Lung Association calls on you to take this action to protect the lives and health of the people we serve. We work on behalf of the 33 million Americans living with lung diseases, including asthma, lung cancer and COPD, and we fight to protect all Americans from breathing unhealthy air.

During the limited public comment period on the proposed repeal, the Lung Association submitted comments showing that glider trucks are new trucks, and that Congress intended the Clean Air Act to ensure that emissions controls are deployed on new vehicles as quickly as possible.

These controls are particularly urgent given the fact that glider trucks create much more pollution than other trucks. In a November 20, 2017

Advocacy Office:
1331 Pennsylvania Avenue NW, Suite 1425 North
Washington, DC 20004-1710
Ph: 202-785-3355 F: 202-452-1805

Corporate Office:
55 West Wacker Drive, Suite 1150 | Chicago, IL 60601
Ph: 312-801-7630 F: 202-452-1805 info@Lung.org

report, EPA showed that under highway cruise conditions, particulate matter (PM) emissions were 55 times higher than comparable model year 2014 and 2015 vehicles.

The 2017 EPA testing also showed that nitrogen oxides (NOx) emissions from the glider test vehicles were 43 times higher than the comparable truck under highway cruise conditions and 4-5 times higher under transient operations. Under transient testing conditions, PM emissions from a dirty diesel truck were 450 times higher than a comparable truck.

If EPA finalizes its proposal to repeal the requirements, the potential sale of tens of thousands of new glider trucks with emissions at these levels would pose an immediate threat to public health and the environment. In its 2016 rulemaking, EPA estimated that closing the loophole would avoid up to 1,600 premature deaths over the lifetime of the trucks sold in 2017 alone.

The proposal was based on flawed legal theory and does not include any technical analysis to support it. EPA relied on a study conducted by Tennessee Technological University that is under investigation for research misconduct, and the president of the university has requested that EPA not use the study. EPA also did not conduct a Regulatory Impact Assessment for this proposal. The EPA Science Advisory Board has asked to conduct a review regarding the adequacy of the supporting science. In sum, the proposal is flawed.

PM and NOx can impact anyone's health, but children, the elderly, and people with chronic diseases are particularly vulnerable. In addition to premature death, PM triggers asthma attacks, heart attacks and strokes and causes lung cancer. NOx is dangerous on its own and can also react to form ozone pollution, which also causes asthma attacks and other lung and heart problems.

On behalf of the millions of Americans with lung disease we serve, and all whose health is at risk from increased emissions from future glider trucks, I urge you to withdraw EPA's Proposal to Repeal Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Doing so is essential to fulfilling EPA's mission and the promise of the Clean Air Act of healthy air for all to breathe.

Sincerely,

Harold Wimmer

Harold P. Wimmer
National President and CEO

Message

From: Hewitt, James [hewitt.james@epa.gov]
Sent: 7/27/2018 8:05:36 PM
To: Abboud, Michael [abboud.michael@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]; Falvo, Nicholas [falvo.nicholas@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Block, Molly [block.molly@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Konkus, John [konkus.john@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Letendre, Daisy [letendre.daisy@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]; Yamada, Richard (Yujiro) [yamada.richard@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Morgan, Ashley [morgan.ashley@epa.gov]; Kundinger, Kelly [kundinger.kelly@epa.gov]
Subject: EPA News Highlights 7.27.18
Attachments: EPA News Highlights 7.27.18.docx

EPA News Highlights 7.27.18

The Hill: EPA ethics official defends Wheeler over meetings

A top Environmental Protection Agency (EPA) ethics official is defending Acting Administrator Andrew Wheeler over a series of meetings he held with former clients. Justina Fugh, the No. 2 ethics official for the EPA, said the meetings described in an E&E News story Thursday as well within the bounds of the ethical standards Wheeler is subject to as a senior Trump administration official. "All four of these meetings so squarely meet the bounds of his articulated recusal statement," Fugh told The Hill Friday. E&E reported that between Wheeler's April arrival at the EPA as deputy administrator and his ascension to acting head earlier this month after former chief Scott Pruitt's resignation over ethics and spending scandals, Wheeler held meetings with three former lobbying clients and gave a speech at an event led by an executive at another company he used to represent.

The Washington Post: EPA reverses course, says it will enforce stricter pollution limits for glider trucks

The Environmental Protection Agency reversed course late Thursday and announced it would enforce stricter pollution controls on diesel freight trucks known as "gliders," which use older engines that emit dozens of times more soot and contaminants compared to newer ones. In a three-page memo to his deputies, acting administrator Andrew Wheeler said he would withdraw the "no action assurance" the agency had given the manufacturers of glider trucks on the last day that his predecessor, Scott Pruitt, headed the EPA. That letter assured firms that they would not have to limit their annual production to 300 vehicles through the end of 2019.

The Associated Press: EPA seeks dismissal of Gold King Mine spill lawsuit

The U.S. Environmental Protection Agency is asking a federal court in New Mexico to toss out a lawsuit over a mine waste spill in Colorado that polluted rivers in three states. The agency said in a motion this week that workers are already working on the cleanup of the accidental release of contaminated water from an EPA-monitored Colorado mine and a federal court doesn't need to interfere. New Mexico, Utah and the Navajo Nation are suing the EPA in federal court over the spill. The 2015 Gold King accident in southern Colorado occurred at an inactive mine where polluted water had been accumulating for years before am agency crew accidentally released it during cleanup work.

Fox News: Chip Gaines releases lead paint safety video following EPA violations, $40G fine

Chip Gaines certainly knows how to shine in front of the camera, although the former HGTV star's latest broadcast involves a more serious matter than shiplap or demo day: the dangers of lead paint. On July 26, the home-renovation mogul from Waco, Tex., posted a video to Instagram of himself in a hazmat suit, which teased a clip on the Magnolia blog about the potential hazards of lead-paint removal. The clip also comes well over a month after Gaines and his wife Joanna were fined by the Environmental Protection Agency for violating lead-paint protocol. "Listen, let me give you

some advice. If you're ever considering renovating a pre-1978 home, hire someone to do it for you, because federal rules require them to be certified and trained to do it safely, to make sure the renovation activates don't spread lead dust," the 43-year-old says.

The Niagra Gazette: EPA to clean lead-tainted soil at 26 homes in Lockport
he U.S. Environmental Protection Agency has proposed cleaning up lead-contaminated soil at roughly 26 residences that are impacted by the former Flintkote Plant property at the Eighteen Mile Creek Superfund Site. As part of a multi-phased, comprehensive cleanup of the Eighteen Mile Creek Site, the EPA is proposing the removal of roughly 14,000 cubic yards of contaminated soil and off-site disposal at facilities licensed to handle the waste. The excavated areas will be restored and backfilled with clean soil. "EPA is committed to taking action to address the significant health threat lead contamination poses across the country," said EPA Regional Administrator Pete Lopez. "The plan proposed for this site will address the lead in the soil that children and families could be exposed to on these properties."

National News Highlights 7.27.18

CNBC Trump triumphant: 'We're going to go a lot higher' than 4.1% GDP growth
President Donald Trump pitched his economic record to voters Friday, boasting that strong numbers released earlier in the morning were "sustainable" and blasting Democrats for wanting to "raise everybody's taxes." "We're going to go a lot higher," Trump said, referring to the report that showed a 4.1 percent rise in gross domestic product during the second quarter. It was the highest quarterly jump in nearly four years. During a speech on the White House South Lawn, he predicted that the country was on track for its highest annual growth rate in over 13 years. "As the trade deals come in one by one, we're going to go a lot higher than these numbers, and these are great numbers," he said.

The Hill: White House: Trump 'open' to visiting Moscow
The White House on Friday said President Trump is "open" to visiting Moscow, but only if he receives an official invitation from Russian President Vladimir Putin. "He is open to visiting Moscow upon receiving a formal invitation," White House press secretary Sarah Huckabee Sanders said in a statement. Sanders added that "Trump looks forward to having President Putin to Washington after the first of the year." The statement came after Putin claimed he has invited Trump to the Russian capital for a second one-on-one meeting.

The Hill
http://thehill.com/policy/energy-environment/399177-epa-ethics-official-defends-wheeler-over-meetings
EPA ethics official defends Wheeler over meetings
By Timothy Cama, 7/27/18

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"All four of these meetings so squarely meet the bounds of his articulated recusal statement," Fugh told The Hill Friday.

E&E reported that between Wheeler's April arrival at the EPA as deputy administrator and his ascension to acting head earlier this month after former chief Scott Pruitt's resignation over ethics and spending scandals, Wheeler held meetings with three former lobbying clients and gave a speech at an event led by an executive at another company he used to represent.

Fugh said Darling Ingredients, Archer Daniels Midland Co. and the South Coast Air Quality Management District don't count as "former clients" under President Trump's ethics pledge for political appointees and nominees because he didn't work for them within two years before his arrival at the EPA.

"A former client is defined as anybody for whom the appointee provided services — legal service, consulting services, whatever — within the prior two years," Fugh said.

As for those three companies, "they're outside the zone of former clients. And so far as we're concerned, for the purposes of the Trump ethics pledge, they're not a former client," she continued, adding that other ethical standards Wheeler is held to also do not prohibit his participation.

None of the three companies were written into Wheeler's recusal statement because they didn't meet the Trump ethics pledge definition.

Nonetheless, Wheeler told Bloomberg News that he'd steer clear of clients he's lobbied for before.

"If I lobbied on something, I don't think it's appropriate for me to participate," he said in June.

Wheeler also gave a speech to Business Roundtable's Energy & Environment Committee, which is led by International Paper Co. CEO Mark Sutton.

International Paper is a former client of Wheeler's within the two-year period. But Fugh said ethics standards carve out an exception for events where a "diversity of interests" is represented, which has been defined as at least five people representing different entities.

"It doesn't trigger the pledge at all, because he's permitted to have conversations with a diversity of interests and at least five parties, even when one of his former clients is present," she said.

Wheeler has been under public scrutiny over ethics since taking the agency's helm after months and months of ethics and spending scandals by Pruitt.

The Washington Post

https://www.washingtonpost.com/national/health-science/epa-reverses-course-says-it-will-enforce-stricter-pollution-limits-for-glider-trucks/2018/07/26/705ff4ee-9144-11e8-8322-b5482bf5e0f5_story.html?utm_term=.1e0d655e5248

EPA reverses course, says it will enforce stricter pollution limits for glider trucks

By Juliet Eilperin and Brady Dennis, 7/27/18

The Environmental Protection Agency reversed course late Thursday and announced it would enforce stricter pollution controls on diesel freight trucks known as "gliders," which use older engines that emit dozens of times more soot and contaminants compared to newer ones.

In a three-page memo to his deputies, acting administrator Andrew Wheeler said he would withdraw the "no action assurance" the agency had given the manufacturers of glider trucks on the last day that his predecessor, Scott Pruitt, headed the EPA. That letter assured firms that they would not have to limit their annual production to 300 vehicles through the end of 2019.

The EPA initially proposed a rule last November to repeal tighter emissions standards for glider trucks, which had been set to take effect in January. An Obama-era regulation aimed at controlling soot and other pollutants, as well as greenhouse gas emissions linked to climate change, had the support of public-health advocates and some major trucking groups and engine manufacturers.

But it faced fervent opposition from a handful of companies that manufacture truck components called gliders and trailers. A glider, or body, is the front of a truck, including the cab, which fits over a repurposed engine. Trailers are the storage components that make up most of the length of a truck.

Leading the charge against the new regulation was Fitzgerald Truck Sales, the Tennessee-based manufacturer that stood to benefit most from the rule's repeal. Fitzgerald, whose executives met with Pruitt last May, argued that the rule would disproportionately affect an industry that in 2015 produced about 10,000 gliders a year.

Environmental groups challenged the EPA's "no action assurance" letter on July 17 in the U.S. Court of Appeals for the D.C. Circuit, asking for an administrative stay as the court considered their emergency motion. A day later, the court granted the stay.

In his memo Wheeler noted that the agency suspends enforcement only in rare circumstances and that after consulting with EPA lawyers and policy experts, "I have concluded that the application of the current regulations to the glider industry does not represent the kind of extremely unusual circumstances that support the EPA's use of enforcement discretion."

Legal experts said that the risk of losing in court played a key role in Wheeler's decision.

"This had all the hallmarks of a major loss," Justin A. Savage, a partner at Sidley Austin specializing in environmental law, said in an interview Thursday. "This was so broadly cast this would have potentially circumscribed the agency's ability to issues these kinds of letters in the future."

Democrats have pressed Wheeler to preserve the 2016 emissions standards since he took over the agency earlier this month. Sen. Thomas R. Carper (Del.), the top Democrat on the Senate Environment and Public Works Committee, asked Wheeler in a July 6 letter to "abandon legally-questionable policies and proposals" such as the one on gliders.

Carper, who also brought up the issue in a recent conversation with Wheeler, said in a statement Thursday that he was "glad to see EPA will reverse one of the most egregious — and likely illegal — environmental proposals of [Pruitt's] tenure."

"His senseless proposal ignored the science put out by his own EPA and created a Clean Air Act loophole for an industry friend, all while putting the health of Americans and our environment at risk," Carper added.

Fred Krupp, president of the Environmental Defense Fund, an advocacy group, called Wheeler's decision "a huge win for all Americans who care about clean air and human health."

"EPA's effort to create a loophole allowing more of them onto our roads was irresponsible and dangerous," Krupp said in a statement late Thursday. "We hope their decision tonight to withdraw that loophole puts a firm and final end to this serious threat to our families' health."

In proposing to repeal the regulation, Pruitt and his deputies had relied in part on findings out of Tennessee Tech University that concluded gliders "performed equally as well and in some instances out-performed" vehicles with newer engines. The school said one of its engineering professors had gone with graduate students "to a Fitzgerald facility to conduct independent research" on the EPA rule.

Despite the fact that the EPA's own modeling found that gliders emit anywhere from 20 to 40 times as much nitrogen oxide and soot as trucks with new engines, the EPA quickly decided Fitzgerald's arguments questioning the rule had merit. The president of Tennessee Tech later disavowed the study, saying that experts now question "the methodology and accuracy" of the industry-funded test.

Fitzgerald did not reply to requests for comment.

Although Wheeler has reversed the move to suspend enforcement of stricter emissions limits through 2019, it remains unclear whether the agency will abandon its effort to repeal the Obama-era standards altogether.

Carper noted that proposed rule is still "on the table. I'll keep pushing to see that this misguided proposal is one that never gets finalized."

A senior administration official, who spoke on the condition of anonymity to discuss internal deliberations, said that EPA planned to move ahead with the effort but might modify its proposal.

The Associated Press

https://www.sltrib.com/news/environment/2018/07/27/epa-seeks-dismissal-gold/

EPA seeks dismissal of Gold King Mine spill lawsuit

By Staff, 7/27/18

The U.S. Environmental Protection Agency is asking a federal court in New Mexico to toss out a lawsuit over a mine waste spill in Colorado that polluted rivers in three states.

The agency said in a motion this week that workers are already working on the cleanup of the accidental release of contaminated water from an EPA-monitored Colorado mine and a federal court doesn't need to interfere.

New Mexico, Utah and the Navajo Nation are suing the EPA in federal court over the spill.

The 2015 Gold King accident in southern Colorado occurred at an inactive mine where polluted water had been accumulating for years before am agency crew accidentally released it during cleanup work.

Fox News

http://www.foxnews.com/real-estate/2018/07/27/chip-gaines-releases-lead-paint-safety-video-following-epa-violations-40g-fine.html

Chip Gaines releases lead paint safety video following EPA violations, $40G fine

By Janine Puhak, 7/27/18

Chip Gaines certainly knows how to shine in front of the camera, although the former HGTV star's latest broadcast involves a more serious matter than shiplap or demo day: the dangers of lead paint.
On July 26, the home-renovation mogul from Waco, Tex., posted a video to Instagram of himself in a hazmat suit, which teased a clip on the Magnolia blog about the potential hazards of lead-paint removal. The clip also comes well over a month after Gaines and his wife Joanna were fined by the Environmental Protection Agency for violating lead-paint protocol.

"Listen, let me give you some advice. If you're ever considering renovating a pre-1978 home, hire someone to do it for you, because federal rules require them to be certified and trained to do it safely, to make sure the renovation activates don't spread lead dust," the 43-year-old says.

"There are additional state and local rules renovators have to follow to in some parts of the country to properly handle lead in renovations. If you hire someone to renovate your pre-1978 home, make sure you check to see that they're lead-safe certified."

"You don't have to be lead-safe certified if you do it yourself. The rules do not apply to DIYers," he adds in the five-and-a-half minute clip. "However, it's a very good idea for you to understand the rules to protect yourself and your family."
Back in June, Gaines and his wife Joanna were smacked with a $40,000 fine from the Environmental Protection Agency after the stars' company, Magnolia Homes, was accused of violating proper protocol regarding lead-based paint at 33 properties, Fox News reported at the time.

In addition, the parents of five agreed to spend an additional $160,000 to abate lead-based paint hazards in homes and child-occupied facilities in their hometown of Waco.

The EPA said it reviewed video footage of renovations of older homes in multiple seasons of "Fixer Upper" and found it "did not depict the lead-safe work practices" required by the Lead Renovation, Repair and Painting Rule (RRP). The agency said Magnolia "took immediate steps to ensure compliance with" regulations in the future, as soon as it was notified.

In compliance with the EPA settlement, Gaines addressed the hazards of lead paint on "Fixer Upper," has discussed lead-based paint safety on his social media account, and released the aforementioned video regarding the dangers of the substance.

The EPA said Magnolia was cooperative in its investigation and volunteered information.

Niagara-Gazette

http://www.niagara-gazette.com/news/local_news/epa-to-clean-lead-tainted-soil-at-homes-in-lockport/article_03e83b9e-8c18-5d7a-878d-a3055dda7be9.html

EPA to clean lead-tainted soil at 26 homes in Lockport

By Staff, 7/27/18

The U.S. Environmental Protection Agency has proposed cleaning up lead-contaminated soil at roughly 26 residences that are impacted by the former Flintkote Plant property at the Eighteen Mile Creek Superfund Site.

As part of a multi-phased, comprehensive cleanup of the Eighteen Mile Creek Site, the EPA is proposing the removal of roughly 14,000 cubic yards of contaminated soil and off-site disposal at facilities licensed to handle the waste. The excavated areas will be restored and backfilled with clean soil.

"EPA is committed to taking action to address the significant health threat lead contamination poses across the country," said EPA Regional Administrator Pete Lopez. "The plan proposed for this site will address the lead in the soil that children and families could be exposed to on these properties."

The agency said it has provided property owners with their specific soil sampling results and has discussed preventative measures to reduce exposure before an action can be taken. Once the EPA gets public input on its proposal and finalizes a plan for these properties, the agency officials said they will coordinate with the property owners to minimize impacts and inconveniences associated with construction.

Once the final plan is selected, EPA will take more soil samples to determine more conclusively the number of residential properties that need soil cleanup. EPA will monitor air near the work areas to ensure protection of residents and the surrounding community.

Eighteen Mile Creek has a long history of industrial use dating back to the 1800's. The headwaters of the Creek consist of an east and west branch beginning immediately north of the New York State Barge Canal in Lockport. Eighteen Mile Creek flows north approximately 15 miles and discharges into Lake Ontario in Olcott. Investigations at the site show that sediment and soil in and around Eighteen Mile Creek and nearby properties are contaminated with a variety of pollutants, including polychlorinated biphenyls (PCBs) and lead.

The former Flintkote Plant property located at 198 and 300 Mill Street operated between 1928 and 1971 and manufactured felt products.

CNBC

https://www.cnbc.com/2018/07/27/trump-were-going-to-go-a-lot-higher-than-4point1percent-gdp-number.html

Trump triumphant: 'We're going to go a lot higher' than 4.1% GDP growth

By Tucker Higgins, Jacob Pramuk, and Mike Calia, 7/27/18

President Donald Trump pitched his economic record to voters Friday, boasting that strong numbers released earlier in the morning were "sustainable" and blasting Democrats for wanting to "raise everybody's taxes."

"We're going to go a lot higher," Trump said, referring to the report that showed a 4.1 percent rise in gross domestic product during the second quarter. It was the highest quarterly jump in nearly four years.

During a speech on the White House South Lawn, he predicted that the country was on track for its highest annual growth rate in over 13 years.

"As the trade deals come in one by one, we're going to go a lot higher than these numbers, and these are great numbers," he said.

The president also championed the GOP tax overhaul passed late last year, saying that "as a result, more than 6 million Americans are enjoying new bonuses, better jobs, and far better paychecks." The president said that Democrats' efforts to turn back the tax cuts would be a "disaster for our economy."

"As you know, the Democrats want to end that and raise everybody's taxes," Trump said, referring to the GOP tax plan.

It's not clear that the Republican tax plan has resulted in increased wages. The Bureau of Economic Analysis noted Friday that personal income growth, in the form of wages and salaries, decelerated in the second quarter despite the GDP increase. Real wages have remained stagnant over the past year, according to government data.

Meanwhile, corporations have boosted their stock buybacks and cash distributions to shareholders, which have accelerated at a record pace. Bloomberg reported in May that 2018 was on track to be the first year in which shareholders saw a $1 trillion windfall from stock buybacks.

By pumping up expectations for U.S. economic growth for the remainder of the year, Trump raised the political risks for Republicans in November's midterm elections and for himself for a 2020 re-election bid.

He called the numbers "very, very sustainable" and predicted that the U.S. would "do extraordinarily well" in its third-quarter GDP report.

The president acknowledged the peril if the economy does not match his rosy outlook. "I won't go too strong" in my projections, "because then if it's not quite as good, you won't let me forget it," the president said.

Republicans hope a strong economy will help to prop them up as they try to stop an energized Democratic Party from taking a House majority in November. That strategy underscores why the president gave his previously unscheduled remarks on the economy following the GDP report.

The president cited the low unemployment rate among minorities and women, and repeated his claim that "we've been ripped off by the world," a point that the president has used to make his case for renegotiating trade deals with foreign leaders.

On Wednesday, he announced that he had secured concessions from the European Union after a meeting with European Commission President Jean-Claude Juncker.

"The trade deficit, very dear to my heart because we've been ripped off by the world, has dropped off by more than $50 billion," Trump said Friday.

He compared his economic numbers to those of Presidents George W. Bush and Barack Obama.

"During each of two previous administrations, we averaged just over 1.8 percent GDP growth. By contrast, we are now on track to hit an average GDP annual growth of over 3 percent, and it could be substantially over 3 percent," Trump said. "Each point, by the way, means approximately $3 trillion and 10 million jobs."

After the government's GDP report, Trump proclaimed in a post on Twitter that the figure was "GREAT."

The number was buoyed by increased consumer spending and business investment. Economists warned the number may have been artificially boosted by a flood of exports in the second quarter as countries race to get American goods, such as soybeans, that could be harder to come by if further tariffs go into effect.

Trump had previewed the economic data on Thursday during a speech in Illinois. Trump said of the indicator, "If it has a 4 in front of it, we're happy."

Trump's top economic advisor, Larry Kudlow, also played up the GDP number before its release. Kudlow told Fox Business on Thursday that "you're going to get a very good economic growth number tomorrow, big." He said later in the interview that he didn't know what the number would be.

The president has been keen to use the booming economy as one of his key pitches to voters ahead of this fall's midterm congressional elections. Democrats are slightly favored to regain control of the House, while Republicans are expected to maintain a thin majority in the Senate. The campaign is widely seen as a referendum on Trump's early days in office.

The Hill

http://thehill.com/homenews/administration/399178-white-house-trump-open-to-visiting-moscow

White House: Trump 'open' to visiting Moscow

By Jordan Fabian 7/27/18

The White House on Friday said President Trump is "open" to visiting Moscow, but only if he receives an official invitation from Russian President Vladimir Putin.

"He is open to visiting Moscow upon receiving a formal invitation," White House press secretary Sarah Huckabee Sanders said in a statement.

Sanders added that "Trump looks forward to having President Putin to Washington after the first of the year."

The statement came after Putin claimed he has invited Trump to the Russian capital for a second one-on-one meeting.

Putin also said he is "ready to come to Washington" to visit with Trump if the conditions are right.

Trump initially invited Putin to Washington, D.C., in the fall to follow up on their summit in Helsinki, Finland, which was widely criticized for the U.S. president's refusal to publicly confront the Russian leader over election interference.

But the White House backed away from that plan earlier this week after the Kremlin did not immediately accept its invitation to Putin.

National security adviser John Bolton said Trump believes his next meeting with Putin should occur next year and after the special counsel probe into Russia's election interference is over.

In his statement, Bolton referred to the probe as "the Russia witch hunt."

James Hewitt
Environmental Protection Agency

Press Secretary
(202) 578-6141

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 8/22/2018 9:48:42 PM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Belser, Evan [Belser.Evan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Jorquera, Mario [Jorquera.Mario@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]
Subject: Re: EPA's Motion to Dismiss Granted- Gliders No Action Assurance litigation

Andrea & the rest of the OGC team,

Excellent news! Well done and many thanks!

Sent from my iPhone

On Aug 22, 2018, at 4:48 PM, Carrillo, Andrea <Carrillo.Andrea@epa.gov> wrote:

> D.C. Circuit grants EPA's motion to dismiss (attached), finding that challenges to, and summary motions for vacatur of, the glider's no action assurance are moot. The administrative stay of the no action assurance was also dissolved. Judges Henderson, Srinivasan, and Katsas issued the order.
>
> Andrea Carrillo
> Attorney-Advisor
> Office of General Counsel
> U.S. Environmental Protection Agency
> (202) 564-3392 (office)| (202) 603-4003 (telework/cell)| WJCN 7426KK
>
> <ENV_DEFENSE-#850972-v1-Gliders_order.pdf>

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 7/13/2018 4:12:22 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]
CC: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Harlow, David [harlow.david@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
Subject: FW: SST to Wheeler re Truck Gliders Study
Attachments: SST to Wheeler re Truck Gliders_FINAL.PDF

Matt, wanted to make sure you and your team saw this letter from House Science Committee Majority asking about the report put out by OTAQ last November on Glider Kits and potential coordination with Volvo and the Engine Manufacturers Association. OAR is aware and has received the letter already as well. Below is a blurb from morning energy on it with some background.

-Aaron

HOUSE REPUBLICANS TARGET EPA TRUCK STUDY: House Republicans are going after an EPA study issued in November that concluded "glider" trucks (rebuilt engines placed in new cabs) emit as much as 55 times more pollution compared to newly manufactured engines. In a letter , leaders on the House Science Committee say they have documents that show "an apparent concerted effort" between EPA scientists, Volvo and the Engine Manufacturers Association to "target" gliders made by Tennessee-based Fitzgerald because they compete with Volvo. "The ensuing exchange appears to show an overt attempt by a regulated entity to shape a scientific study at EPA to achieve a specific, pre-determined outcome," the lawmakers wrote. They ask for a briefing by EPA and communications between EPA scientists regarding the study.

From: Voyles, Travis [mailto:Travis.Voyles@mail.house.gov]
Sent: Thursday, July 12, 2018 5:44 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Thundiyil, Karen <Thundiyil.Karen@epa.gov>; Davis, Matthew <Davis.Matthew@epa.gov>; Callen, Ashley <Ashley.Callen@mail.house.gov>; Brazauskas, Joseph <Joseph.Brazauskas@mail.house.gov>; Traynham, Ben <Ben.Traynham@mail.house.gov>; Rankin, Duncan <Duncan.Rankin@mail.house.gov>; Connally, Tom <Tom.Connally@mail.house.gov>; Hall, Troy <Troy.Hall@mail.house.gov>; Dziadon, Daniel <Daniel.Dziadon@mail.house.gov>; Grigoryan, Juliya <Juliya.Grigoryan@mail.house.gov>
Subject: SST to Wheeler re Truck Gliders Study

Hi Aaron,

Attached is a letter to Acting Administrator Wheeler regarding a recent study conducted by the EPA National Vehicle and Fuel Emissions Laboratory (NVFEL). At your earliest convenience please acknowledge receipt and let me know if you have any questions.

Thanks,

Travis

Travis Voyles

Professional Staff
Oversight Subcommittee
Committee on Science, Space, and Technology
U.S. House of Representatives
(202) 225-4963

LAMAR S. SMITH, Texas
CHAIRMAN

EDDIE BERNICE JOHNSON, Texas
RANKING MEMBER

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
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(202) 225–6371
www.science.house.gov

July 12, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Acting Administrator Wheeler,

The Committee on Science, Space, and Technology is conducting oversight of the Environmental Protection Agency (EPA) and its scientific programs. Specifically, the Committee has concerns regarding the scientific integrity and validity of a recent study conducted by the National Vehicle and Fuel Emissions Laboratory (NVFEL) in Ann Arbor, Michigan.

On October 25, 2016, the Obama Administration EPA and the National Highway Traffic Safety Administration issued a final rule ("2016 rule") that, among other things, required engines in "glider vehicles" ("gliders") to meet the emissions standards of the year in which the vehicle was assembled, rather than the year the vehicle's engine was manufactured.[1] EPA describes a "glider vehicle" as a truck assembly consisting of a new chassis and cab with a used engine, transmission, and/or rear axle.[2] On November 16, 2017, the EPA proposed to repeal the 2016 rule.[3]

Subsequently, on November 20, 2017, the NVFEL quietly released a study that examined emissions from glider trucks as compared to non-refurbished or unmodified, conventionally

[1] Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium-and-Heavy-Duty Engines and Vehicles—Phase 2, 81 Fed. Reg. 73, 478 (Oct. 25, 2016).
[2] *See* Repeal of Emissions Requirements for Glider Vehicles, Glider Engines, and Glider Kits, 82 Fed. Reg. 53, 443 (Nov. 16, 2017).
[3] *Id.* at 442.

manufactured trucks[4] without notifying EPA leadership. Documents obtained by the Committee show an apparent concerted effort between EPA staff at the NVFEL and representatives from the Volvo Group, a subsidiary of AB Vovlo, and the Truck and Engine Manufacturers Association (EMA) to target and test gliders assembled by Fitzgerald Glider Kits, the largest glider assembler in the U.S. Volvo, a member of EMA and competitor of Fitzgerald, supported the 2016 rule that increased the regulation of gliders.[5]

Email communications indicate that Volvo had a keen interest in how Fitzgerald responded to the 2016 rule, specifically sharing with NVFEL staff Fitzgerald's "larger than normal presence" at a trade show in March of 2017.[6] Then, in September of 2017, three weeks after Administrator Pruitt indicated an intention to revisit the 2016 rule, a representative from Volvo initiated contact with EPA employees in the NVFEL office in Ann Arbor, Michigan, asking the lab to conduct a test program in which Volvo "would provide the test articles."[7]

The ensuing exchange appears to show an overt attempt by a regulated entity to shape a scientific study at EPA to achieve a specific, pre-determined outcome. In one email, the representative from Volvo lays out the "ideal" test program for the NVFEL, listing specifically the test articles to use and the schedule by which the test program should be conducted.[8] Volvo's recommendations were specific to the point where it suggested to the NVFEL multiple times to use "Fitzgerald rebuilds" and to "stay away from Cummins,"[9] another EMA member.

Further targeting Fitzgerald, an EPA employee at the NVFEL emailed a Volvo representative to ask whether the NVFEL should request a test article from the glider manufacturers themselves, adding that "if they say no, that's a story in itself!"[10] There is no indication that the NVFEL ever reached out to Fitzgerald or any other glider manufacturer before, during, or after this study was performed.

These documents raise serious questions as to the objectivity and legitimacy of the NVFEL study. To better assist the Committee in understanding how EPA intends to uphold scientific integrity and how it undertakes decisions to perform scientific studies underlying regulation, we request a briefing for Committee staff by the appropriate EPA officials who are

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[4] National Vehicle and Fuel Emissions Laboratory, Envtl. Prot. Agency, Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles (Nov. 20, 2017) (EPA-HQ-OAR-2014-0827-2417).

[5] Comments of the Volvo Group, Greenhouse Gas Emission and Fuel Efficiency Standards for Medium-Duty and Heavy-Duty Engines and Vehicles—Phase 2; Proposed Rules, Docket No. EPA-HQ-OAR-2014-0132 (Oct. 1, 2015).

[6] Email from Volvo Employee to Envtl. Prot. Agency Employee and Truck & Engine Mfrs. Ass'n Employee (March 28, 2017, 11:56 a.m.).

[7] Email from Envtl. Prot. Agency Employee to Volvo Employee (Sept. 5, 2017, 4:47 p.m.).

[8] Email from Volvo Employee to Envt. Prot. Agency Employee (Sept. 8, 2017, 3:07 p.m.).

[9] *Id.*; Email from Volvo Employee to Envt. Prot. Agency Employee (Sept. 9, 2017, 11:08 a.m.).

[10] Email from Envtl. Prot. Agency Employee to Volvo Employee (Oct. 28, 2017, 6:19 p.m.).

familiar with this matter. We ask that you schedule this staff briefing no later than Thursday, July 26, 2018.

Further, we request all documents and communications between or among EPA officials referring or relating to the NVFEL glider study and all documents and communications between or among EPA officials and relevant article manufacturers referring or relating to the NVFEL study.

We request that you provide these documents and information as soon as possible, but no later than 5:00 p.m. on July 26, 2018. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific programs and "shall review and study on a continuing basis laws, programs, and Government activities" as set forth in House Rule X.

If you have any questions about this request, please contact Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,

Lamar Smith
Chairman
House Committee on Science, Space, and Technology

Bill Posey
Member of Congress

Ralph Abraham, M.D.
Chairman
Subcommittee on Oversight

Clay Higgins
Vice Chair
Subcommittee on Oversight

EPA-HQ-2019-3064

Andy Biggs
Chairman
Subcommittee on Environment

Brian Babin
Chairman
Subcommittee on Space

Gary Palmer
Member of Congress

Encl.

cc: The Honorable Eddie Bernice Johnson, Ranking Member, Committee on Science, Space, and Technology
The Honorable Donald Beyer, Jr., Ranking Member, Oversight Subcommittee
The Honorable Suzanne Bonamici, Ranking Member, Environment Subcommittee

ED_002386B_00001868-00004

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents, in unredacted form, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committees.

2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.

4. Documents produced in electronic format should also be organized, identified, and indexed electronically.

5. Electronic document productions should be prepared according to the following standards:

   (a) The production should consist of single page Tagged Image File ("TIF"), or PDF files.

   (b) Document numbers in the load file should match document Bates numbers and TIF or PDF file names.

   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production. Failure to provide an explanation constitutes a waiver of any objections to the subpoena.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

13. In complying with this request, be apprised that the U.S. House of Representatives and the Committee on Science, Space, and Technology do not recognize: any of the purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges such as privileges over law-enforcement sensitive disclosures; or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.

14. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

15. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

16. Unless otherwise specified, the time period covered by this request is from January 1, 2014 to the present.

17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee on Science, Space, and Technology, production sets shall be delivered to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 324 of the Ford House Office Building. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been

completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committees.

20. When representing a witness or entity before the Committee in response to a document request, request for transcribed interview, or subpoena from the Committee, or in connection with testimony before the Committee at a hearing, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by the Committee on behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.

Schedule Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 7/6/2018 8:47:08 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: OAR NAA request (clean copy)
Attachments: NAA Request Clean.docx

Here's what should be the final version.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: E&E News [ealerts@eenews.net]
Sent: 7/13/2018 11:22:48 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: July 13 -- E&E Daily is ready

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E&E DAILY

AN E&E NEWS PUBLICATION

E&E DAILY — Fri., July 13, 2018

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Murkowski warns of FERC impasse without quick pick

Increasing political divisions at the Federal Energy Regulatory Commission have Republicans wanting a quick replacement for outgoing member Robert Powelson.

ON THE HILL

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ESA is '8-track law in Spotify world' — GOP

4. NATIONAL PARKS:
Dems seek answers on Yellowstone director's reassignment

IN CONFERENCE

5. APPROPRIATIONS:
Energy and water 'minibus' hits snag

6. DEFENSE:
Tough resource disputes at issue as NDAA talks launch

IN THE HOUSE

7. WATER INFRASTRUCTURE:
Project transfer bill passes

8. PUBLIC LANDS:
Panel debates impacts of grazing on species, wildfire

9. AUTOS:

GOP lawmakers want glider kit study docs

IN THE SENATE

10. CLIMATE:

Dems fend off attacks on grants for TV meteorologists

11. BIOFUELS:

Grassley blasts EPA's 'non-answer' over waivers

UPCOMING HEARINGS AND MARKUPS

12. CALENDAR:

Activity for July 9 - July 15, 2018

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Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 7/6/2018 8:29:37 PM
To: Harlow, David [harlow.david@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: RE: Revised draft of OAR NAA request

Thanks, David. Much appreciated.

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3392 (office)| (202) 603-4003 (telework/cell)| WJCN 7426KK

From: Harlow, David
Sent: Friday, July 06, 2018 4:27 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: RE: Revised draft of OAR NAA request

I'm happy to implement the reworked sentence.

Attorney Client / Ex. 5

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Carrillo, Andrea
Sent: Friday, July 6, 2018 4:21 PM
To: Harlow, David <harlow.david@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick

<traylor.patrick@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: RE: Revised draft of OAR NAA request

Please see attached for one sentence rearrangement and my concern about the accuracy of the new next to last sentence.

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3392 (office)| (202) 603-4003 (telework/cell)| WJCN 7426KK

From: Harlow, David
Sent: Friday, July 06, 2018 4:02 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: Revised draft of OAR NAA request

Attached is my effort to implement the comments we received from OECA (*i.e.*, Susan and Patrick) and OGC (*i.e.*, Justin and Andrea). If a particular edit that you were expecting didn't get "picked up," it's likely due to some sort of implementation error on my part and nothing intentional. My target here was to take everything we received and integrate it into the document.

Hopefully, this gets us close, if not all the way there.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 7/6/2018 8:25:19 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Harlow, David [harlow.david@epa.gov]
Subject: Fwd: No Action Assurance request

Begin forwarded message:

> **From:** "Szabo, Aaron L. EOP/CEQ" EOP / Ex. 6
> **Date:** July 6, 2018 at 4:24:41 PM EDT
> **To:** "Woods, Clint" <woods.clint@epa.gov>
> **Subject: Re: No Action Assurance request**
>
> Okay. As an FYI. I sent it to Francis who said he wants to review before it is sent out.
>
> Sent from my iPhone
>
> On Jul 6, 2018, at 4:23 PM, Woods, Clint <woods.clint@epa.gov> wrote:
>
>> Think so. Working on concurrence. No comms
>>
>> On Jul 6, 2018, at 4:22 PM, Szabo, Aaron L. EOP/CEQ EOP / Ex. 6 wrote:
>>
>>> Is the plan to try and send this out tonight?
>>>
>>> Sent from my iPhone
>>>
>>> On Jul 6, 2018, at 4:21 PM, Woods, Clint <woods.clint@epa.gov> wrote:
>>>
>>>> Draft attached - No separate policy. Thanks!
>>>>
>>>> Begin forwarded message:
>>>>
>>>> **From:** "Harlow, David" <harlow.david@epa.gov>
>>>> **Date:** July 6, 2018 at 4:17:20 PM EDT
>>>> **To:** "Woods, Clint" <woods.clint@epa.gov>
>>>> **Cc:** "Wehrum, Bill" <Wehrum.Bill@epa.gov>
>>>> **Subject: No Action Assurance request**
>>>>
>>>> Clint,
>>>>
>>>> Attached is a clean copy of the request.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant
Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

<consolRLSOnaamem (002).pdf>

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 7/6/2018 8:17:20 PM
To: Woods, Clint [woods.clint@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: No Action Assurance request
Attachments: consolRLSOnaamem (002).pdf

Clint,

Attached is a clean copy of the request, in .pdf form.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 7/6/2018 8:15:46 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: No Action Assurance request
Attachments: consolRLSOnaamem (002).docx

Bill,

A clean copy is attached.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 7/6/2018 7:37:15 PM
To: Traylor, Patrick [traylor.patrick@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]
Subject: RE: Draft OAR NAA request

Thanks, Patrick. We're happy to make that change. Although, I note that the

Deliberative Process / Ex. 5

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Traylor, Patrick
Sent: Friday, July 6, 2018 3:30 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: RE: Draft OAR NAA request

Deliberative Process / Ex. 5

Patrick Traylor

Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-5238 (office)
(202) 809-8796 (cell)

From: Harlow, David
Sent: Friday, July 6, 2018 3:15 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: RE: Draft OAR NAA request

Sure. I'll work that in.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Bodine, Susan
Sent: Friday, July 6, 2018 3:15 PM
To: Harlow, David <harlow.david@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: RE: Draft OAR NAA request

Can you also add a statement a **Deliberative Process / Ex. 5**

From: Bodine, Susan
Sent: Friday, July 6, 2018 2:48 PM
To: Harlow, David <harlow.david@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: RE: Draft OAR NAA request

Deliberative Process / Ex. 5

From: Harlow, David
Sent: Friday, July 6, 2018 2:04 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: Draft OAR NAA request

Susan and Patrick,

Attached is what we've come up with based on this morning's meeting. We have also asked pertinent OTAQ and OGC staff to review it for accuracy.

Thank you.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 7/6/2018 7:04:51 PM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Moulis, Charles [moulis.charles@epa.gov]; Orlin, David [Orlin.David@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: RE: Gliders again

Thank you.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Carrillo, Andrea
Sent: Friday, July 6, 2018 3:00 PM
To: Harlow, David <harlow.david@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Gliders again

Please see attached. I am available at Personal Phone / Ex. 6 if you would like to discuss.

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3392 (office)| (202) 603-4003 (telework/cell)| WJCN 7426KK

From: Harlow, David
Sent: Friday, July 06, 2018 2:39 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Gliders again

Thanks, Andrea. I'll be on the lookout for them.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Carrillo, Andrea
Sent: Friday, July 6, 2018 2:33 PM
To: Schwab, Justin <Schwab.Justin@epa.gov>; Harlow, David <harlow.david@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Gliders again

I am adding some edits to Justin's and will send shortly.

Thanks,

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3392 (office)| (202) 603-4003 (telework/cell)| WJCN 7426KK

From: Schwab, Justin
Sent: Friday, July 06, 2018 2:20 PM
To: Harlow, David <harlow.david@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Gliders again

(Copying Matt for his situational awareness.)

Please find my editorial suggestions attached.

Attorney Client / Ex. 5

From: Harlow, David
Sent: Friday, July 6, 2018 2:02 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: Gliders again

All,

Attorney Client / Ex. 5

I would be very appreciative if you could review this draft for the accuracy of the statements it makes about the applicable regulatory provisions. The goal is to have OECA issue the "no action assurance" by close of business today.

I thank you for the assistance.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 1/24/2019 9:22:45 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Revised draft of QFR responses with OAR equities
Attachments: Woods Harlow Schwab EDIT for OAR 01242019 AM 2019.01.23 - PROGRAM OFFICE RESPONSES - ALL QFRs Wheeler 01.16.2019.docx

All,

Attached is an RLSO of what Clint and I have managed to come up with by way of revisions intended to be responsive to the Acting Administrator's comments.

Justin, if you would be so good as to incorporate into this document the further revisions you have with respect to the RFS-related questions, and thereafter forward the document, as further revised, to Tony, Clint and I would be grateful. Thanks!

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 7/6/2018 6:48:02 PM
To: Harlow, David [harlow.david@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: RE: Draft OAR NAA request
Attachments: revnaamem.docx

Deliberative Process / Ex. 5

From: Harlow, David
Sent: Friday, July 6, 2018 2:04 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: Draft OAR NAA request

Susan and Patrick,

Attached is what we've come up with based on this morning's meeting. We have also asked pertinent OTAQ and OGC staff to review it for accuracy.

Thank you.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Sent: 1/23/2019 7:48:38 PM
To: Harlow, David [harlow.david@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: RE: Draft responses to QFRs
Attachments: CLEAN 2019.01.23 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019 cw2 5.07.docx_mmg edits.docx

Few (minor) edits in the attached. Something to flag: did we settle on a new response to question 88?

From: Harlow, David
Sent: Wednesday, January 23, 2019 10:58 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Draft responses to QFRs

All,

Attached for you awareness is a clean copy of the draft responses to the Senate EPW Committee QFRs with OAR equities. We appreciate the assistance you've provided to this effort. We'll be forwarding the attached draft to OCIR momentarily.

Thank you!

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 1/23/2019 3:59:39 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]
Subject: FW: Draft responses to QFRs
Attachments: CLEAN 2019.01.23 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019 cw2 5.07.docx

Attached are OAR's draft responses to the QFRs.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Harlow, David
Sent: Wednesday, January 23, 2019 10:58 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Draft responses to QFRs

All,

Attached for you awareness is a clean copy of the draft responses to the Senate EPW Committee QFRs with OAR equities. We appreciate the assistance you've provided to this effort. We'll be forwarding the attached draft to OCIR momentarily.

Thank you!

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 1/23/2019 3:57:46 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: Draft responses to QFRs
Attachments: CLEAN 2019.01.23 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019 cw2 5.07.docx

All,

Attached for you awareness is a clean copy of the draft responses to the Senate EPW Committee QFRs with OAR equities. We appreciate the assistance you've provided to this effort. We'll be forwarding the attached draft to OCIR momentarily.

Thank you!

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 7/6/2018 6:04:14 PM
To: Bodine, Susan [bodine.susan@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: Draft OAR NAA request
Attachments: revnaamem.docx

Susan and Patrick,

Attached is what we've come up with based on this morning's meeting. We have also asked pertinent OTAQ and OGC staff to review it for accuracy.

Thank you.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Burton, Tamika [burton.tamika@epa.gov]
Sent: 7/6/2018 2:56:28 PM
Subject: Weekly Report 07.06.2018
Attachments: 07062018weeklyreport.pdf; Weekly Report 07.06.2018.docx

Importance: High

Good Morning,
Please see the weekly report attached!

Have a great weekend.

Tamika Burton
Staff Assistant to the Deputy Administrator
Immediate Office of the Administrator
MC 1104A Room 3412 WJC North
(202) 564-4771 (d)
(202) 507-3630 (c)
burton.tamika@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 21 2015

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Conditional No Action Assurance Regarding RFS Attest Engagement Reporting Deadline for the 2014 Compliance Year

FROM: Cynthia Giles
Assistant Administrator

TO: Janet G. McCabe
Acting Assistant Administrator
Office of Air and Radiation

Pursuant to your request of May 15, 2015 (attached), I am today providing a "no action assurance" (No Action Assurance) relating to the June 1, 2015 attest engagement reporting deadline for the 2014 compliance year under the Renewable Fuel Standard (RFS) program, as provided in this memorandum.

Because of delays in promulgating the final annual volume percentage requirements for the 2014 compliance year, the RFS annual reporting deadlines are out of sequence. Regulated parties are required to submit "attest engagement reports" for the 2014 compliance year by June 1, 2015. However, regulated parties are not yet required to submit their attest engagement reports for the 2013 compliance year, which makes it impractical for certain regulated parties to complete their attest engagement reports by June 1, 2015.

As noted in your memorandum, the EPA therefore has committed to issue a rule to amend these reporting deadlines.[1] Specifically, the EPA intends to propose to change the attest engagement reporting deadline for the 2014 compliance year for renewable identification number (RIN)-generating renewable fuel producers (domestic and foreign), RIN-generating importers, other parties owning RINs and independent third-party auditors from June 1, 2015, to January 31, 2016.[2]

Consistent with the intent and purpose of this proposed regulatory action, this No Action Assurance provides that the EPA will exercise its enforcement discretion not to pursue enforcement actions against

[1] *See also* Enviroflash notification, "Upcoming Announcement of Proposed Changes to RFS Reporting Deadlines" (May 19, 2015) (notification of intent to revise attest reporting deadlines).

[2] The attest engagement requirements for RIN-generating renewable fuel producers (domestic and foreign), RIN-generating importers, other parties owning RINs, and independent third-party auditors are found at 40 C.F.R § 80.1464(b), (c) and (i). The deadline to submit these reports is set forth at 40 C.F.R. § 80.1464(d).

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a RIN-generating renewable fuel producer (domestic and foreign), a RIN-generating importer, any other party owning RINs, and an independent third-party auditor solely for violations of the 2014 attest engagement reporting deadline at 40 C.F.R. § 80.1464(d). This No Action Assurance does not apply to the June 1, 2015 deadline for exporters of fuel to submit their reports for the 2014 compliance year, nor does it extend to any other RFS-related requirement.[3] Furthermore, as applied to an individual regulated party, this No Action Assurance is conditioned upon the regulated party complying with all other RFS requirements applicable to it. This No Action Assurance will remain in effect until either (1) 11:59 PM EST, January 30, 2016, or (2) the effective date of a final rule addressing the 2014 attest engagement deadlines, whichever occurs earlier.

The issuance of this No Action Assurance is in the public interest to alleviate confusion and ensure the orderly administration of the RFS program. In addition, I understand that this action will not result in any adverse environmental impacts, as no requirements to comply with the RFS volume standards nor any requirements to comply with emission standards are affected by this action. The EPA reserves its right to revoke or modify this No Action Assurance.

If you have any further questions regarding this matter, please contact Jeff Kodish, of my staff, at (303) 312-7153, or kodish.jeff@epa.gov.

Attachment

cc: Byron Bunker, OAR, OTAQ
Susan Shinkman, OECA, OCE
Phillip Brooks, OCE, OCE, AED

[3] The EPA provided guidance regarding the 2014 attest engagement reporting deadlines for renewable fuel exporters in its March 17, 2015 Enviroflash.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 15 2015

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Enforcement Discretion of the Attest Engagement Reporting Deadline for the 2014 Compliance Year

FROM: Janet G. McCabe
Acting Assistant Administrator

TO: Cynthia Giles, Assistant Administrator
Office of Enforcement and Compliance Assurance

The Office of Air and Radiation requests that the Office of Enforcement and Compliance Assurance exercise enforcement discretion regarding the June 1, 2015 attest engagement reporting deadlines in the Renewable Fuel Standard (RFS) program for the 2014 compliance year. Specifically, OAR requests that OECA exercise enforcement discretion as a bridge to a final rulemaking that will set the 2014 annual volume percentages and change associated attest engagement reporting deadlines. We anticipate this final rule will be signed no later than November 30, 2015.

As you know, the 2014 annual volume-setting rule has proven to be very challenging. We were not able to finalize the volume requirement for 2014 in a timely manner. In 2014, we amended the RFS program regulations to delay the program's 2013 reporting deadlines because we had not yet finalized the 2014 RFS volume standards. As a result, the current regulations include reporting deadlines that are out of sequence such that the 2013 reporting deadlines follow the 2014 reporting deadlines. This makes it impractical for certain regulated parties to comply with certain reporting deadlines.

As a part of the proposed RFS volume standards for 2014, 2015, and 2016, we will also be proposing changes to the annual compliance demonstration and attest engagement reporting deadlines for the 2013, 2014, and 2015 compliance years. The agency will propose to amend these reporting deadlines in order to put them back in sequential order, as well as to provide an appropriate amount of time between the deadlines for the 2013, 2014, and 2015 annual compliance reports and attest engagement reports.

The current regulations at 40 CFR 80.1464(d) require regulated parties to submit attest engagement reports for the 2014 compliance year by June 1, 2015. On March 17, 2015, we issued an Enviroflash notice to clarify that obligated parties (refiners and importers of gasoline and diesel fuel) are not required to submit 2014 compliance demonstration reports or the associated attest engagement reports until the agency issues a final rule establishing the final 2014 RFS standards and sets (in that action) a compliance demonstration deadline for those standards. The agency interpreted the annual compliance demonstration and attest engagement reporting deadlines at 40 CFR 80.1451(a) and 80.1464(a) and (d) to be inoperative for obligated parties for the 2014 compliance year because final RFS standards for

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2014 have not been established, and it is therefore impossible for obligated parties to assess their compliance with the applicable standards. At the same time, we clarified in the Enviroflash that exporters of renewable fuel must submit at a minimum partial compliance demonstration and attest engagement reports by the respective regulatory deadlines and full reports following publication of the 2014 RFS volume rule because an exporter's compliance obligation is determined entirely by the volume and type of renewable fuel exported and not the renewable fuel volume percentage standards. It is therefore possible for exporters to partially or fully meet the current regulatory reporting deadlines including the June 1, 2015 deadline for attest engagement reports.

The Enviroflash did not specifically address the attest engagement requirements for parties other than obligated parties and exporters. Following issuance of the March 17, 2015 Enviroflash, the agency received comments from attest engagement auditors indicating that it would be impractical for certain other parties to meet the June 1, 2015 attest engagement deadline at 40 CFR 80.1464(d) for the 2014 compliance year. The auditors explained that they generally rely on the beginning balance of Renewable Identification Numbers (RINs) based on attest procedures performed in the previous year, and that it would be impractical for them to do this since the agency delayed the 2013 attest engagement deadlines until after the 2014 attest engagement deadline.

In order to address these concerns, the agency will propose to change the June 1, 2015 attest engagement reporting deadline for the 2014 compliance year for RIN-generating renewable fuel producers (domestic and foreign), RIN-generating importers, and other parties owning RINs to January 31, 2016.[1] Since independent third-party auditor annual attest requirements are dependent upon the submission of the RIN verification reports to the EPA, the agency will also propose to delay the 2014 attest engagement reporting deadline for independent third-party auditors from June 1, 2015 to January 31, 2016.

Accordingly, we request that the OECA exercise its enforcement discretion to not pursue enforcement actions against RIN-generating renewable fuel producers (domestic and foreign), RIN-generating importers, other parties owning RINs, and independent third-party auditors for violations of the 2014 attest engagement reporting deadlines at 40 CFR 80.1464(d) until 11:59 PM EDT, January 30, 2016, or the effective date of a final rule addressing the 2014 attest engagement deadlines, whichever occurs earlier. We do not anticipate that this action will result in any adverse environmental impacts, as no requirements to comply with the RFS volume standards are affected by this action.

Please contact Byron Bunker on my staff if you have any questions.

Attachment: Enviroflash

cc: Phillip A. Brooks, Director, Air Enforcement Division, OECA
Christopher Thompson, Chief, Western Field Office, Air Enforcement Division, OECA
Jeff Kodish, Fuels Team Leader, Air Enforcement Division, OECA

[1] The attest engagement requirements for RIN-generating renewable fuel producers (domestic and foreign), RIN-generating importers, other parties owning RINs, and independent third-party auditors are found at 40 CFR 80.1464(b),(c) and (i), and the associated deadline is specified in 40 CFR 80.1464(d).

From: EnviroFlash [mailto:enviroflash@epa.gov]
Sent: Tuesday, March 17, 2015 2:19 PM
To: Kodish, Jeff
Subject: RFS Annual Compliance Deadline

This Enviroflash relates to the dates that obligated parties and exporters must file their annual compliance demonstration reports and associated attest engagement reports required by 40 CFR 80.1451(a) and 80.1464(a). EPA is today clarifying that obligated parties (refiners and importers of gasoline and diesel fuel) under the Renewable Fuel Standard (RFS) program are not required to submit compliance demonstration reports (or associated attest engagements) for the 2014 standards until EPA issues a final rule establishing the final 2014 RFS standards and sets (in that action) a compliance demonstration deadline for those standards.

Under the Clean Air Act, EPA establishes RFS percentage standards through annual rulemaking. The Act provides that rulemaking for a given compliance year is to be completed by November 30 of the prior year. However, on December 9, 2014, the EPA issued a Federal Register Notice announcing that it would not be finalizing the 2014 percentage standards under the RFS program until sometime in 2015. 79 FR 73007.

EPA regulations require obligated parties to submit compliance reports by March 31 of each year for the previous annual compliance period, and submit attest engagements with respect to these compliance reports by June 1 of each year. 40 CFR 80.1451(a) and 80.1464(d). EPA interprets these reporting and attest engagement deadlines at 40 CFR 80.1451(a) and 80.1464(a) to be inoperative for obligated parties for the 2014 compliance year because final RFS standards for 2014 have not been established, and it is therefore impossible for obligated parties to assess their compliance with the applicable standards. Therefore, obligated parties are not required to submit compliance reports or attest engagements for the 2014 compliance year in accordance with the deadlines set forth in 40 CFR 80.1451(a) and 80.1464(d). When EPA issues a final rule establishing 2014 RFS percentage standards, we will in the same action establish a deadline for compliance demonstration reports and attest engagements for obligated parties associated with the 2014 standards.

The situation is different for exporters of renewable fuel in that it is possible for exporters to partially or fully meet the regulatory deadlines for compliance reports and attest engagements, as described in more detail below. An exporter's renewable volume obligation ("ERVO") is determined entirely by the volume and type of renewable fuel exported. Therefore, all exporters are able to comply with the requirement in 40 CFR 80.1451(a)(1)(vi) to report their ERVOs for 2014 by the March 31, 2015 annual compliance demonstration deadline.

Beginning September 17, 2014, exporters of renewable fuel must retire RINs to satisfy ERVOs within 30 days of each export. ERVOs associated with exports occurring between January 1, 2013 and September 16, 2014 must be satisfied at the time of the compliance demonstration deadline for the 2013 compliance period. 40 CFR 80.1430(g). That deadline is currently set by 40 CFR 80.1451(a)(1)(xiv) as 30 days after publication in the Federal Register of the final rule establishing the 2014 RFS percentage standards. Considering that all exporters currently know their 2014 ERVOs, and that certain 2014 ERVOs (for exports on or after September 17, 2014), must be satisfied within 30 days of export and other 2014 ERVOs (for exports prior to September 17, 2014) need only be satisfied at the time of the compliance demonstration for the 2013 compliance period (which is 30 days after publication of the final 2014 rule), EPA interprets the March 31, 2015 deadline in 40 CFR 80.1451(a) for 2014 annual

Message

From: Burton, Tamika [burton.tamika@epa.gov]
Sent: 7/27/2018 7:20:23 PM
Subject: Weekly Report 07.27.2018
Attachments: weekly report 7272018.pdf; Weekly Report 07.27.2018.docx

Importance: High

Goods Afternoon,
Please see the attached weekly report.
Have a great weekend!

Tamika Burton
Staff Assistant to the Acting Deputy Administrator And Chief of Operations
Immediate Office of the Administrator
MC 1104A Room 3412 WJC North
(202) 564-4771 (d)
(202) 507-3630 (c)
burton.tamika@epa.gov

Message

From: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Sent: 8/21/2018 2:39:24 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Cook-Shyovitz, Becky [Cook-Shyovitz.Becky@epa.gov]
Subject: FW: Letter from Governor Fallin to Acting Administrator Wheeler
Attachments: Administrator Wheeler Letter August 2018.pdf

From: Jake Yunker [mailto:Jake.Yunker@gov.ok.gov]
Sent: Tuesday, August 21, 2018 10:30 AM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: Letter from Governor Fallin to Acting Administrator Wheeler

Preston –

Good morning. Attached you will find a letter from Governor Fallin to Acting Administrator Wheeler asking for EPA's assistance in providing a solution to address the effects of an Obama-era rule that significantly impacts the glider truck industry. A hard copy of the letter has been mailed. Please let me know if you have any questions or would like additional information.

Thanks –

Jake

Jake Yunker
Policy Director
Office of Governor Mary Fallin
Phone: 405-522-8883
Email: jake.yunker@gov.ok.gov

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Mary Fallin
Governor

August 20, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Acting Administrator Wheeler:

As Governor of the State of Oklahoma, I write to you today to ask for your assistance in providing a solution to address the effects of the Obama-era rule that capped glider truck manufacturing. I understand that your office has stated its continued support for the glider kit industry and continues to work towards a solution. This issue is stifling those in the industry and Oklahomans in particular.

This is particularly hindering Fitzgerald USA's expansion of operations to work on glider trucks in Davis, Oklahoma. The launch of the business is pending based on the rule being addressed. This manufacturing facility will provide more than 250 good jobs for Oklahomans in the Davis area.

Glider kits keep truck components and embodied material in use longer, which significantly reduces energy use and emissions to air and water. Once assembled, glider trucks offer our farmers, independent-owner operators, and those in the energy space a cost-effective option that is reliable and efficient. Glider trucks are often 30 percent less than the cost of a new truck and provide greater fuel efficiency than their new truck counterparts. For example, in Oklahoma, we see great reliance on glider trucks within the oil and gas and agriculture industries.

I look forward to working with your office to find a resolution to the rule hindering the glider kit industry. If you have any questions, please reach out to Jake Yunker, my Director of Policy, at jake.yunker@gov.ok.gov or 405-522-8883. Thank you for your willingness to address this issue.

Sincerely,

Mary Fallin

Mary Fallin
Governor

STATE CAPITOL BUILDING • 2300 N. LINCOLN BOULEVARD, SUITE 212 • OKLAHOMA CITY, OKLAHOMA 73105 • (405) 521-2342

Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 8/18/2018 12:02:15 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Re: Question--HD NOx

Roger.

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Aug 17, 2018, at 7:10 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

> Yes, please move ahead.
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404
>
> **From:** Grundler, Christopher
> **Sent:** Tuesday, August 14, 2018 4:16 PM
> **To:** Wehrum, Bill <Wehrum.Bill@epa.gov>
> **Subject:** Question--HD NOx
>
> Bill—Have you had a chance to think about my question at bottom of this note?
>
> _____
> Christopher Grundler, Director
> Office of Transportation and Air Quality
> U.S. Environmental Protection Agency
> 202.564.1682 (Washington, DC)
> 734.214.4207 (Ann Arbor, MI)
>
> **From:** Grundler, Christopher
> **Sent:** Thursday, July 26, 2018 3:10 PM
> **To:** Wehrum, Bill <Wehrum.Bill@epa.gov>
> **Cc:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> **Subject:** Following Up
>
> Bill—

Deliberative Process / Ex. 5

Let me know your thoughts.

Chris

PS: reminder, the glider effort, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 8/17/2018 8:08:06 PM
To: Lewis, Josh [Lewis.Josh@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: Final gliders letter
Attachments: Gliders Programmatic Update_Draft (V1).docx

The final version is attached.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Lewis, Josh [Lewis.Josh@epa.gov]
Sent: 7/6/2018 12:50:56 PM
To: Weekly Report Group [Weekly_Report_Group@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Harlow, David [harlow.david@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Krieger, Jackie [Krieger.Jackie@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Millett, John [Millett.John@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Adams, Elizabeth [Adams.Elizabeth@epa.gov]; Perez, Idalia [Perez.Idalia@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Davis, Matthew [Davis.Matthew@epa.gov]; Thundiyil, Karen [Thundiyil.Karen@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Subject: OAR Weekly Report

OAR Weekly Report – July 6, 2018

Hot Topics

Deliberative Process / Ex. 5

- **Packages that will move soon to OMB for Review:**
  - Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits (Final Rule)

Deliberative Process / Ex. 5

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 7/5/2018 10:49:15 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
CC: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: Revised draft of NAA request
Attachments: naamem.docx

Bill,

I have revised the draft of the No Action Assurance request per your instruction. A redline is attached.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
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Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

ORAL ARGUMENT REMOVED FROM CALENDAR

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NORTH DAKOTA, et al., *Petitioners*, v. U.S. ENVIRONMENTAL PROTECTION AGENCY, et al., *Respondents*.	No. 15–1381 (and consolidated cases)

RESPONSE OF ENVIRONMENTAL RESPONDENT-INTERVENORS TO RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE STATUS REPORT

Environmental Respondent-Intervenors respectfully oppose the motion of respondent Environmental Protection Agency (EPA or Agency) for leave to extend the January 22, 2018 deadline for submitting its 90-day status report. EPA has not provided grounds sufficient to overcome the Court's and the public's strong interest in receiving, consistent with this Court's order of August 27, 2017 (Doc. 1688176), an update on the agency reconsideration that is the basis for this Court's decision to place this case in abeyance, particularly given the significant developments since the Agency's last status report in October.

We readily understand the severe burdens that the ongoing, unprecedently long lapse in appropriations imposes upon EPA and Department of Justice staff. However, in this instance, the lapse is also burdening the public and interfering with its rights to notice and comment. These impositions are ones that the Agency, even limited to top leadership and staff that management deems "essential," can and should remedy by providing basic information that would save the public time and effort and ensure that the shutdown will not impair the public's right to participate in an important Clean Air Act rulemaking.

Since its last status report was filed three months ago, Doc. 1756604 (filed Oct. 23, 2018), and as part of the reconsideration process that prompted the Agency to ask the Court to place these consolidated cases in abeyance, EPA has published a proposed replacement rule that would weaken limits on greenhouse gas emissions from new coal-burning power plants. 83 Fed. Reg. 65,424 (Dec. 20, 2018). Despite the lapse in appropriations, EPA has not postponed impending events associated with this rulemaking, including an imminent date for the sole public hearing on the proposal and an upcoming deadline for public comment.

Pursuant to the Clean Air Act's requirement that EPA "*shall* give interested persons an opportunity for the *oral* presentation of data, views, or arguments, in addition to an opportunity to make written submissions," 42 U.S.C. § 7607(d)(5)(ii) (emphasis added), the sole public hearing the Agency has announced

concerning its proposal is scheduled for January 30, 2019.[1] Parties that may wish to participate in the public hearing are forced to make arrangements for that hearing date with no certainty whether the hearing will take place as scheduled next week even if the shutdown were to end soon.

Written comments on the proposed rule are currently due on February 19, 2019. 83 Fed. Reg. at 65,424/2. The shutdown, however, has caused the closure of EPA's reading rooms, which contain record information that is key to stakeholders' ability to prepare adequate written comments and is not otherwise available to the public, online or elsewhere.[2] Parties are therefore forced to prepare written comments without access to necessary information, even though EPA is legally bound to change the February 19 deadline. The Clean Air Act requires a

---

[1] *See* EPA, "Rescheduled: Public Hearing on Proposed NSPS for Greenhouse Gas Emissions from New, Modified, and Reconstructed EGUs," https://www.epa.gov/stationary-sources-air-pollution/forms/rescheduled-public-hearing-proposed-nsps-greenhouse-gas (visited on Jan. 22, 2018) ("The hearing will be held on Wednesday, January 30, 2019, from 9:00 a.m. – 7:00 p.m. (local time)" in Washington, D.C.).

[2] On January 18, 2018, several of the Respondent-Intervenors filed a request that EPA extend the comment deadline, noting, among other things, that the partial government shutdown has precluded them from accessing information necessary to prepare written comments. Center for Biological Diversity, Clean Air Task Force, Environmental Defense Fund, Natural Resources Defense Council and Sierra Club, "Request for Information Not Provided and Extension of the Comment Deadline for Proposed Rule: Review of Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units, 83 Fed. Reg. 65,424 (Dec. 20, 2018)" (submitted Jan. 18, 2019), Addendum at 3-4.

minimum of 30 days between the public hearing and the deadline for written comments. 42 U.S.C. § 7607(d)(5).

Given the substantial and prejudicial uncertainty concerning the status of the ongoing rulemaking, including imminent deadlines for public participation, EPA should not be excused from its obligation to provide this Court and the public with a status report, including an explanation of how the Agency intends to ensure that the current lapse in appropriations will not prejudice the public's opportunity to comment on EPA's proposed rule.

Respectfully submitted,

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(304) 342-5588
Counsel for West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition, Coal River Mountain Watch, Kanawha Forest Coalition, Mon Valley Clean Air Coalition, and Keepers of the Mountains Foundation

CERTIFICATE OF COMPLIANCE

I certify that the foregoing response was printed in a proportionally spaced font of 14 points and that, according to the word-count program in Microsoft Word 2016, it contains 698 words.

CERTIFICATE OF SERVICE

I certify that on January 22, 2019, the foregoing Response was filed via the Court's CM/ECF system, which will provide electronic copies to all registered counsel.

/s/ Sean H. Donahue

ADDENDUM

January 18, 2019

Submitted via regulations.gov

Acting Administrator Andrew Wheeler
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
Attn: Doc. No. EPA–HQ–OAR–2013–0495

Re: *Request for information not provided and extension of the comment deadline for Proposed Rule: Review of Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units*, 83 Fed. Reg. 65,424 (Dec. 20, 2018).

Dear Acting Administrator Wheeler:

The Environmental Defense Fund, Center for Biological Diversity, Clean Air Task Force, Natural Resources Defense Council, and Sierra Club respectfully request an extension of the comment deadline to at least 60 days after the end of the government shutdown for the Proposed Rule: *Review of Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units*, 83 Fed. Reg. 65,424 (Dec. 20, 2018). As explained below, EPA has not made available information essential to evaluating and to commenting meaningfully on the proposal and must provide this information and adequate time for its review. Moreover, the current government shutdown has prevented access to other critical information. EPA has currently provided only a 60-day comment period, extending over the holiday period and ending on February 19, 2019, and one public hearing scheduled for January 30, 2019, in Washington D.C. Since EPA has moved the public hearing from its initial scheduled date of January 8, 2019, pursuant to the explicit requirements of the Clean Air Act, EPA must, at minimum, provide official notice of this change in the public hearing date, extend the comment deadline to 30 days after the new public hearing date, and provide notice of the new comment deadline.[1] Given the lack of access to essential information about the proposal, the timing of the announcement, the government shutdown, and the significance of the issues under consideration, more time is clearly warranted and EPA must extend the initial comment deadline by at least an additional 60 days after the shutdown ends.

[1] 42 U.S.C. § 7607(d)(5).

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The length of the comment period must reflect the significance of the proposal, which concerns the greatest environmental challenge of our time—global climate change—and raises numerous complex technical issues. The proposal would severely weaken the only nationwide limits on carbon pollution from new coal-fired power plants. It would allow new coal-fired power plants to be built and operated without pollution controls that would meaningfully limit their carbon emissions. In doing so, the proposal would eliminate a significant climate protection at a time when the dangers of uncontrolled climate change have never been more clear. This administration's recent release of the United States Global Change Research Program's FOURTH NATIONAL CLIMATE ASSESSMENT, VOLUME II: IMPACTS, RISKS, AND ADAPTATION IN THE UNITED STATES[2] further confirms the incontrovertible scientific conclusion that climate change is *already* causing enormous damage to the physical, social, and economic well-being of communities across the country and around the world, that those damages increase exponentially over time, and that steep emission reductions must be achieved within the next decade if truly catastrophic damage is to be avoided.

Speeding the transition to a clean, low-carbon power sector is critical to protect communities from further harm. Power plants remain America's largest stationary source of climate pollution. According to one analysis of worldwide historical data, assuming a 40-year-lifetime, every 6 GW of new coal-fired capacity commits the world to 1 Gt CO_2 of emissions.[3] Because even one new uncontrolled coal-fired power plant would substantially increase carbon pollution at a time when we must sharply reduce emissions, EPA's proposal to dramatically weaken carbon pollution limits for new coal-fired power plants is both unconscionable and untenable. The public must, therefore, have a full and meaningful opportunity to analyze and comment on this proposal.

Unfortunately, EPA's current timeframe undercuts the public's ability to analyze and meaningfully comment on the proposal's technical issues. The proposed rule raises complex questions related to power plant technology, emission rates associated with different boiler designs, and the availability and cost of carbon capture and sequestration and other pollution control measures. Moreover, EPA added technical support documents further detailing these issues to the docket on and after the date of publication of the proposed rule just before the holidays.[4] In light of these complex technical issues and the importance of the existing standards as a safeguard against increased climate-disrupting carbon pollution, the current brief comment period is clearly inadequate and must be extended by at least 60 days after the shutdown ends. Precedent exists for such an extension: notably, EPA provided an approximately four-month period for public comment after publication of the January 8, 2014 proposed rule that resulted in

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[2] U.S. Global Change Research Program, *Fourth National Climate Assessment* (Nov. 23, 2018), *available at* https://www.globalchange.gov/nca4.

[3] Steven J. Davis and Robert H. Socolow, *Commitment accounting of CO_2 emissions,* 9 Environ. Res. Lett. 084018 (2014), http://iopscience.iop.org/article/10.1088/1748-9326/9/8/084018/pdf.

[4] *See, e.g.,* EPA, Memorandum from The Office of Air Quality Planning and Standards Re: Review of the Water Consumption and Availability Impacts on the Viability of Carbon Capture and Storage Projects, Document ID #: EPA-HQ-OAR-2013-0495-11942; EPA, Memorandum from The Office of Air Quality Planning and Standards, Document ID #: EPA-HQ-OAR-2013-0495-11941.

the establishment of these standards, underscoring the inappropriately short time period EPA has provided here.[5]

Furthermore, EPA has not provided information that is necessary for the public meaningfully to evaluate and comment upon the proposal. There are multiple docket materials that include or relate to information essential for assessing the proposal, but for which corresponding attachments are not available online in the www.regulations.gov docket due to copyright restrictions. These include attachments to the Geographic Availability Memorandum,[6] Best System of Emission Reduction memorandum,[7] Preamble References memorandum,[8] and GHG BACT Permits Cover Memorandum.[9] Due to the ongoing government shutdown, the public cannot visit the EPA Docket Center Public Reading Room to review these materials—indeed, a number of the signatories to this letter have repeatedly attempted and failed to access the materials in this manner due to the shutdown. In many cases, these attachments provide specific information EPA relied on when formulating the proposal, but without access to this information, commenters have no way to evaluate EPA's decisions and provide informed feedback.

Similarly, access to other key sources of information necessary to evaluate the proposal is not possible during the shutdown. For example, www.data.gov, which includes information that the undersigned organizations require to evaluate EPA's claims in the proposal regarding power plant cooling systems, remains unavailable due to the lapse in government funding. The Clean Air Act requires that "*[a]ll* data, information, and documents. . . on which the proposed rule relies [] be included in the [rulemaking] docket" and that the rulemaking docket "be open for inspection by the public at reasonable times."[10] Furthermore, these data, information, and documents "shall be included in the docket *on the date of publication of the proposed rule*."[11] The statute thus directly contemplates that all such materials must be publicly available during the entire public comment period. To the extent that they are added after the date of publication of the rule, or are, as a practical matter, unavailable to the public during some part of the comment period, the agency must, consistent with the Clean Air Act, extend the public comment period to account for such lapses. In this instance, EPA must therefore extend the comment period in order to give the public an adequate opportunity to access, review, and comment upon these documents and information in light of the present shutdown.

In addition, critical information needed to properly assess EPA's proposal is simply missing. One example of this is EPA's failure to provide adequate documentation as to how it derived its proposed standards of performance. In a December 2018 memorandum posted to the docket, EPA explained that it "normalized" the emission rates of today's better-performing coal-fired power plants to account for factors such as steam temperature and pressure, number of reheat

---

[5] *See* Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units, 79 Fed. Reg. 12,681 (Mar. 6, 2014) (extending comment period to May 9, 2014).
[6] Docket ID #: EPA-HQ-OAR-2013-0495-11941.
[7] Docket ID #: EPA-HQ-OAR-2013-0495-11954.
[8] Docket ID #: EPA-HQ-OAR-2013-0495-11952.
[9] Docket ID #: EPA-HQ-OAR-2013-0495-11951.
[10] 42 U.S.C. § 7607(d)(3)-(4) (emphasis added).
[11] *Id.* § 7607(d)(3) (emphasis added).

cycles, coal type, ambient temperature, and cooling type.[12] EPA, however, did not provide the full set of underlying data or the source of the engineering equations it used to perform this normalization procedure.[13] For this reason, we and others cannot fully evaluate the validity of the agency's normalizing equations, the uncertainty associated with those equations, and the limitations of those equations.

Because EPA has relied so heavily on its review of existing old units (including units that are subcritical and with zero or only one reheat cycle) in developing its proposed emission limits, the agency must provide the technical publications and/or full set of data that support the use of its proposed formula for making each of its "normalization" adjustments. Under these circumstances, EPA must extend the comment period deadline for the proposed rule to provide a reasonable period of time *after* the information has been made available to allow the public to review that critical information.

Lastly, EPA released the proposal immediately before the holiday season, which also hampers public participation. The agency has had an extremely protracted period to consider the issues under review and must grant the public a reasonable opportunity to do the same. EPA announced its review of the existing 2015 standards on Tuesday April 4, 2017.[14] EPA has had over 20 months to review and deliberate over the current proposal, underscoring the arbitrariness of the agency's decision to release the proposal right before the holiday season and thereby unreasonably truncate public review and comment. The comment deadline must be extended in consideration of this timing.

We note, with serious concern, that this inadequate schedule reflects the current administration's troubling pattern of shortchanging and frustrating public engagement in the rulemaking process with respect to major rollbacks and rescissions of critical public health protections. The current administration has upended hearing locations without explanation[15] and repeatedly rejected extension and hearing requests without reasoned justification.[16] Similarly, the administration has

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[12] EPA, *Best System of Emissions Reduction (BSER) for Steam Generating Units and Integrated Gasification Combined Cycle (IGCC) Facilities* at 7 (Dec. 2018), Docket ID #: EPA-HQ-OAR-2013-0495-11954.

[13] *Id.*

[14] Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units, 82 Fed. Reg. 16,330 (Apr. 4, 2017).

[15] Joint Comments on the Proposed Rollback of Clean Car Standards submitted by Center for Biological Diversity, Conservation Law Foundation, Environmental Defense Fund, Earthjustice, Environmental Law and Policy Center, Natural Resources Defense Council, Public Citizen, Inc., Sierra Club, and Union of Concerned Scientists, Appendix A at 212-14, Document ID #: NHTSA-2018-0067-12000, available at: https://www.regulations.gov/document?D=NHTSA-2018-0067-12000.

[16] *See, e.g.*, Joint Comments on the Proposed Rollback of Clean Car Standards submitted by Center for Biological Diversity, Conservation Law Foundation, Environmental Defense Fund, Earthjustice, Environmental Law and Policy Center, Natural Resources Defense Council, Public Citizen, Inc., Sierra Club, and Union of Concerned Scientists, Appendix A at 207-08, Document ID #: NHTSA-2018-0067-12000, available at: https://www.regulations.gov/document?D=NHTSA-2018-0067-12000; Comment of EDF, ELPC, & WE ACT on EPA's Proposed Rule, *Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*, 82 Fed. Reg. 53,442 (Jan. 5, 2018), at Part VIII, available at: https://www.edf.org/sites/default/files/content/EDF%20ELPC%20WE%20ACT%20Comments%20on%20Gliders%20Proposed%20Repeal%20final.pdf; Comments from Environmental Defense Fund on EPA's Proposed Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program, 83 Fed. Reg. 44,746 (Aug. 31, 2018) at 71-73 (Oct. 31, 2018), Document ID #: EPA-HQ-OAR-2017-0355-24419.

established a pattern of omitting required procedural steps that ensure proper consideration of issues related to states, tribes, environmental justice communities, and other important stakeholders.[17] Public engagement is the foundation of reasoned rulemaking, not a formulaic box to be checked. We call on EPA to change course and enable meaningful public engagement.

We thus respectfully request that EPA make available all relevant documents immediately upon restoration of funding to EPA and extend the comment deadline by at least an additional 60 days after the end of the government shutdown.

Thank you for your consideration of this request.

Sincerely,

Surbhi Sarang
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[17] *See, e.g.*, Joint Comments on the Proposed Rollback of Clean Car Standards submitted by Center for Biological Diversity, Conservation Law Foundation, Environmental Defense Fund, Earthjustice, Environmental Law and Policy Center, Natural Resources Defense Council, Public Citizen, Inc., Sierra Club, and Union of Concerned Scientists, Appendix A at 228-39, Document ID #: NHTSA-2018-0067-12000, available at: https://www.regulations.gov/document?D=NHTSA-2018-0067-12000; Comment of EDF, ELPC, & WE ACT on EPA's Proposed Rule, *Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*, 82 Fed. Reg. 53,442 (Jan. 5, 2018), at Part III & VII(e), available at: https://www.edf.org/sites/default/files/content/EDF%20ELPC%20WE%20ACT%20Comments%20on%20Gliders%20Proposed%20Repeal%20final.pdf; Comments from Environmental Defense Fund on EPA's Proposed Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program, 83 Fed. Reg. 44,746 (Aug. 31, 2018) at 75 (Oct. 31, 2018), Document ID #: EPA-HQ-OAR-2017-0355-24419.

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 1/23/2019 1:24:18 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: Draft responses to QFRs -- clean version
Attachments: CLEAN 2019.01.23 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019 cw2 5.07.docx

Attached is a clean version of the draft responses. The RLSO was getting to be too unwieldy to work with, I thought (although I do have an RLSO version of the attached document).

Deliberative Process / Ex. 5

* * * *

Also, we're missing an answer for Q. 159 (Shelby), which is related to biomass. That's on me. I think Clint and I discussed this one at one point, and I was supposed to supply it. I will do so now.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: E&E News [ealerts@eenews.net]
Sent: 5/25/2018 5:19:59 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: May 25 -- Greenwire is ready

Read today's GreenWire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Fri., May 25, 2018

READ FULL EDITION

1. DOE:
Perry spent $90K last year on travel — IG

Energy Secretary Rick Perry's use of government aircraft last year cost more than $90,000, but none of the trips were "inappropriate," according to a report today from DOE's inspector general.

TOP STORIES

2. WILDLIFE:
Thousands decry looser bear-hunting rules, but will it matter?

3. AUTOS:
Talks over clean car rules sour

4. OFF TOPIC:
LCV's Gene Karpinski guards the 'green firewall' in Congress

POLITICS

5. LAW:
Enviro group wins docs, loses bucks in FOIA fight

6. PEBBLE MINE:
Greens cheer as controversial project loses major investor

7. REGULATIONS:
Interior's rule rollbacks saving the most money — analysis

CONGRESS

8. DEFENSE:
Senate Pentagon bill leaves out sage grouse language

9. WATER POLLUTION:
Groups, lawmakers spar over EPA regulation of groundwater

10. AIR POLLUTION:
Industry aims to block lawmaker's proposal for glider rule repeal

NATURAL RESOURCES

11. NATIONAL PARKS:
Judge clears way to complete Va. power line NPS opposes

12. OCEANS:
As ice melts, first Bering Strait shipping lanes OK'd

13. PUBLIC LANDS:
We're losing the fight to save Western sagebrush — report

14. FISHERIES:
Scientists say fish feel pain. What are the implications?

15. FISHERIES:
Mussels off Seattle coast test positive for opioids

16. WILDLIFE:
6-pack rings feed turtles rather than warp them

LAW

17. PUBLIC HEALTH:
Calif. jury delivers $25.7M verdict in baby powder case

CLIMATE CHANGE

18. TRANSPORTATION:
Obama-era road emissions rule axed

19. AGRICULTURE:
'Very surprising': Seaweed might make cows' gas less harmful

ENERGY

20. PIPELINES:
Judge orders shutdown of Mariner East 1 — again

AIR AND WATER

21. AIR POLLUTION:
Groups say EPA still flouting law on ozone designations

22. WESTERN WATER:
Tribes say they're left out of Columbia River talks

23. WATER POLLUTION:
Frack sand sludge spill reaches Mississippi River

TRANSPORTATION

24. SELF-DRIVING CARS:

Uber in fatal crash had emergency brakes turned off — NTSB

25. ELECTRIC VEHICLES:

Tesla in Autopilot mode sped up before Utah crash

STATES

26. PENNSYLVANIA:

Coal-laden barges break loose, closing 2 bridges

27. SOUTH CAROLINA:

Dominion blamed for water system shutdown

28. MINNESOTA:

Clearing bog is a slog, but don't suggest blowing it up

INTERNATIONAL

29. NIGERIA:

Shell accused of burying report showing oil spill damage

30. SCOTLAND:

Harassment case at fishery agency inspires outrage

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Message

From: E&E News [ealerts@eenews.net]
Sent: 5/22/2018 5:21:27 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: May 22 -- Greenwire is ready

Read today's GreenWire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Tue., May 22, 2018

READ FULL EDITION

1. FEDERAL WORKFORCE:
Interior whistleblower complaints rise — but why?

Six months after he started work at the Interior Department, Matthew Allen says he became a marked man.

TOP STORIES

2. DRINKING WATER:
EPA bars reporters from summit on politically toxic chemicals

3. EPA:
Senior lawyer gets key chemicals post

4. INTERIOR:
Zinke's push to allow more hunting draws mixed reviews

CONGRESS

5. AGRICULTURE:
Panel rejects cuts to research labs, increases farm spending

6. WATER POLICY:
Committee advances WRDA with contentious finance amendment

7. CARBON CAPTURE:
Senate panel passes Barrasso-Whitehouse bill

8. ARCTIC:
Democratic bill would prevent oil and gas drilling in ANWR

9. COMMERCE:
Committee approves shark bill, punts transportation nominee

10. APPROPRIATIONS:
Interior-EPA markup postponed

11. SENATE:
Hatch prefers buffets, Costco to Australia ambassadorship

POLITICS

12. AIR POLLUTION:
Lawmaker urges White House to rush EPA glider-rule rollback

13. CHEMICALS:
Safety board chairwoman to resign

NATURAL RESOURCES

14. NATIONAL PARKS:
Group vows 2nd lawsuit to stop Va. power line NPS opposes

15. FORESTS:
Can herd immunity save trees from infamous ash borer?

16. YELLOWSTONE:
Bison experiment stopped over disease transmission concerns

17. SCIENCE:
Plants vastly outweigh humans, but our impact is outsize

LAW

18. BEARS EARS:
Trial delayed for activists accused of trying to kill cattle

19. WILDFIRES:
Teen who started Ore. blaze ordered to pay $36M

20. WILDLIFE:
Man charged with bribery, conspiracy after elephant hunt

AIR AND WATER

21. MISSISSIPPI RIVER:
Levees increase flood risk — analyses

22. TOXICS:
Tenn. landfill leaks cadmium as state delays cleanup

TRANSPORTATION

23. ELECTRIC VEHICLES:
Tesla adds high-end Model 3s, holds off on affordable model

STATES

24. HAWAII:

Lava reaches geothermal plant property

25. FLORIDA:

City warns of power outage, 'extreme zombie activity'

INTERNATIONAL

26. UNITED KINGDOM:

Government launches plan to cut air pollution

27. FRANCE:

Giant worm invaders make sneak attack

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Message

From: E&E News [ealerts@eenews.net]
Sent: 5/21/2018 5:13:45 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: May 21 -- Greenwire is ready

Read today's GreenWire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Mon., May 21, 2018

READ FULL EDITION

1. LAW:
Congress learning to padlock courthouse door

The high-ranking lawmaker who wants to block judicial review of a massive California water project calls his maneuver something close to standard operating procedure. And he's right.

TOP STORIES

2. REGULATIONS:
Industry eyes 'more oomph' as White House mulls NEPA changes

3. EPA:
Science advisers will review tailpipe, glider rule rollbacks

4. SUPREME COURT:
Justices to decide legality of Va. uranium-mining ban

POLITICS

5. CAMPAIGN 2018:
Don Blankenship plots third-party Senate bid

6. WATER POLICY:
Coalition wants WRDA to promote green infrastructure

NATURAL RESOURCES

7. PUBLIC LANDS:
Snowmobilers want Trump to open proposed wilderness areas

8. NATIONAL PARKS:
Fixing chalet won't permanently harm wildlife, Glacier says

9. ENDANGERED SPECIES:
'Delightful little' plovers find new home on Del. beach

10. WILDFIRES:
Police video shows chaos, peril of Calif. evacuations

11. INVASIVE SPECIES:
This year is 'critical' in fight against hungry lanternflies

12. FISHERIES:
NOAA study examines how rules affect Alaska families

AIR AND WATER

13. CHEMICALS:
Paper mills dump toxins over recommended limit — EDF

14. COAL ASH:
'Mistake' leads to costly cleanup in Ind. county

FEDERAL AGENCIES

15. PARK POLICE:
Hundreds rally to demand answers 6 months after shooting

16. WILDLIFE:
NIH research chimps should retire to sanctuaries — report

BUSINESS

17. AGRICULTURE:
USDA's proposed GMO labels provoke mixed reactions

STATES

18. HAWAII:
Lava reaches ocean, creating toxic cloud laced with glass

19. WASHINGTON:
Cougar that killed cyclist in rare attack was 'emaciated'

20. FLORIDA:
Teacher accused of drowning raccoons resigns

21. MONTANA:
Army Corps steps in as floodwaters could threaten pipelines

22. MARYLAND:
Scientists aim to raise mussels, restore 10,000 to river

INTERNATIONAL

23. AUSTRALIA:
Proposal to protect feral horses angers scientists

24. KENYA:

Derailed train spills fuel into Indian Ocean

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Message

From: E&E News [ealerts@eenews.net]
Sent: 6/22/2018 5:26:24 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: June 22 -- Greenwire is ready

Read today's GreenWire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Fri., June 22, 2018

READ FULL EDITION

1. AIR POLLUTION:

Pruitt cost-benefit plan could weaken emission standards

While the public and the media focus on Scott Pruitt's ethics scandals, the EPA boss is quietly advancing a regulatory overhaul that could have profound implications for air quality standards.

TOP STORIES

2. HYDROPOWER:

Lawmaker tries to save hot-button project near Joshua Tree

3. EPA:

Memo: 'Unhappiness' online but no 'direct threat' to Pruitt

4. OFF TOPIC:

Earthjustice chief: 'Basic norms are getting blown up'

POLITICS

5. AIR POLLUTION:

EPA 'good neighbor' rejection draws bipartisan wrath

6. EPA:

House Republican wants IG probe of glider-rule rollback

7. EPA:

Greens push for search of Pruitt's personal email

8. LNG:

Exporters warily dodge tariff fight — for now

NATURAL RESOURCES

9. PUBLIC LANDS:
BLM's rush for Nev. management plan could spark lawsuit

10. WILDLIFE:
Meet the hawk that keeps pigeons away from malls

11. WILDLIFE:
Gibbon species found in royal Chinese tomb

12. WESTERN WATER:
Low Rio Grande flows worry farmers

13. WEATHER:
Flooding from storms leads to rescues, floating bear

LAW

14. GRID:
FERC wins, utilities lose in suit over transmission planning

15. SOLID WASTE:
Texas Supreme Court trashes local bag bans

CLIMATE CHANGE

16. WETLANDS:
U.S. tidal areas could hold 800M tons of carbon — study

ENERGY

17. NUCLEAR:
Milestone in China raises Vogtle hopes

18. COAL:
Chinese tariffs wouldn't harm Wyo. — experts

19. SOLAR:
Tesla could close a dozen facilities

BUSINESS

20. AGRICULTURE:
Chinese farmers struggle to grow more soybeans amid tariffs

STATES

21. OREGON:
State gives farmer permit to kill wolf

INTERNATIONAL

22. AUSTRALIA:

'Drunk' kangaroos could have eaten toxic plant

23. ISRAEL:

Nearly 1,000 surfers protest gas rig

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Message

From: E&E News [ealerts@eenews.net]
Sent: 4/20/2018 5:33:16 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: April 20 -- Greenwire is ready

Read today's GreenWire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Fri., April 20, 2018

READ FULL EDITION

1. REGULATIONS:

EPA sends 'secret science' plan to White House

EPA yesterday sent a proposed rule to the White House Office of Management and Budget with the announced purpose of "strengthening transparency and validity in regulatory science," according to the RegInfo.gov site.

TOP STORIES

2. INTERIOR:

Migratory bird law may target smugglers, not polluters

3. PUBLIC LANDS:

This Patch of Heaven emerges as anti-government hotbed

4. BUSINESS:

100% renewables — gimmick or game changer?

CONGRESS

5. AIR POLLUTION:

14 Republicans urged Pruitt to retain Obama glider rules

6. FEDERAL AGENCIES:

Senate Democrats probe Koch 'infiltration'

7. OFFSHORE DRILLING:

Cantwell wants to protect coasts from spills

POLITICS

8. OFF TOPIC:

Meet the clean car pioneer they called 'dragon lady'

9. EPA:
Wheeler sworn in

10. WHITE HOUSE:
Oil markets shift as Trump tweets

11. BRISTOL BAY:
Conservatives keep up pressure on Pruitt over Pebble

NATURAL RESOURCES

12. NATIONAL MONUMENTS:
San Gabriel plans bar energy, mineral development

13. BRISTOL BAY:
Pebble protesters say Army Corps silenced their concerns

14. PUBLIC LANDS:
Utah's Rainbow Bridge monument becomes dark sky sanctuary

15. SCIENCE:
Humans to blame for 'downsizing of nature' — study

16. WILDLIFE:
Reclamation investigates possible theft of mammoth bones

ENERGY

17. BIOFUELS:
Ethanol boosters scramble to decode Trump's E15 plans

18. ELECTRICITY:
In a first, U.K. goes 55 hours without tapping coal

19. OIL AND GAS:
3 LNG tankers cross Panama Canal in a day, setting milestone

AIR AND WATER

20. COLORADO RIVER:
Western states call Ariz. a water hog

21. WASTE:
The smelly food in your fridge squanders tons of water

22. AIR POLLUTION:
Artist's pods give people a taste of world's dirtiest air

CHEMICALS

23. TEXAS:
Valero plant explodes; no injuries reported

24. TOXICS:
Contaminated soil leads to tense dispute with Army Corps

STATES

25. HAWAII:

Historic rains inspire 'despicable' scam by boaters

26. NEW JERSEY:

Former acting EPA chief visits threatened marsh cabins

27. WYOMING:

Coal firm appealed to Gov. Mead over denied mine permit

INTERNATIONAL

28. JAPAN:

Volcano erupts for first time in a quarter-millennium

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Message

From: E&E News [ealerts@eenews.net]
Sent: 10/24/2018 8:39:04 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: October 24 -- E&E News PM is ready

Read today's E&E News PM on the web

E&E NEWS PM

AN E&E NEWS PUBLICATION

E&E NEWS PM — Wed., October 24, 2018

READ FULL EDITION

1. CLIMATE:

New York AG sues Exxon after yearslong investigation

New York's attorney general today sued Exxon Mobil Corp., accusing the firm and top managers, including former chief Rex Tillerson, of concealing for years the truth about its financial exposure to climate change risks.

TOP STORIES

2. OFFSHORE DRILLING:

Interior advances Arctic project

3. SUPREME COURT:

DOJ pushes for dismissal of kids' climate suit

4. ENDANGERED SPECIES:

Court upholds prosecution policy on killing protected wildlife

THIS AFTERNOON'S STORIES

5. AIR POLLUTION:

University to EPA: Glider study wasn't accurate

6. DRINKING WATER:

Group pushes for action on lead

7. AIR POLLUTION:

Study blames contamination for millions of ER visits

8. CLIMATE:

U.S. is at an energy 'crossroads' — NRDC

9. AGRICULTURE:

No safe level for popular pesticides — study

UPCOMING HEARINGS AND MARKUPS

10. CALENDAR:

Activity for October 22 - October 28, 2018

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Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 11/22/2017 12:56:31 PM
To: Lewis, Josh [Lewis.Josh@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
CC: Cyran, Carissa [Cyran.Carissa@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]
Subject: RE: For review: OAR Weekly Report

Looks good to me. Thanks.

From: Lewis, Josh
Sent: Wednesday, November 22, 2017 5:18 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Cyran, Carissa <Cyran.Carissa@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>
Subject: For review: OAR Weekly Report

Let me know if you any comments/additions/deletions to what's below. I assume we'll get an email asking that this be submitted today (instead of the usual Thursday deadline)...my goal would be to send by 2 pm or so.

OAR Weekly Report – November 22, 2017

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 12/21/2017 12:30:30 AM
To: Grundler, Christopher [grundler.christopher@epa.gov]
CC: Lewis, Josh [Lewis.Josh@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Charmley, William [charmley.william@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]
Subject: Re: Glider NPRM Comment Deadline Extension Request

I think that's the way to go. Thanks.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Dec 20, 2017, at 7:29 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

> We will prepare same letter you signed today unless we hear differently
>
> ---
> Christopher Grundler, Director
> Office of Transportation and Air Quality
> U.S. Environmental Protection Agency
> 202.564.1682 (Washington DC)
> 734.214.4207 (Ann Arbor MI)
> 734.645.5221 (mobile)
> www.epa.gov/otaq
>
> On Dec 20, 2017, at 6:53 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>
>> FYI
>>
>> _____
>> Bill Wehrum
>> Assistant Administrator
>> Office of Air and Radiation
>> U.S. Environmental Protection Agency
>> (202) 564-7404
>>
>> Begin forwarded message:
>>
>>> **From:** Paul Billings <Paul.Billings@lung.org>
>>> **Date:** December 20, 2017 at 5:12:13 PM EST
>>> **To:** "wehrum.bill@epa.gov" <wehrum.bill@epa.gov>
>>> **Subject: Glider NPRM Comment Deadline Extension Request**
>>>
>>> Mr. Wehrum:
>>>
>>> Attached please find my letter requesting a 60-day extension of the January 5, 2018, comment deadline on the proposed rule "Repeal of

Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits" (Docket ID No. EPA–HQ–OAR–2014–0827) to March 5, 2018.

Thank you for your consideration of this request. I am happy to answer any questions.

Paul Billings
National Senior Vice President, Advocacy
American Lung Association
202-785-3355

<ALA Extension Letter 122017.pdf>

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 12/3/2018 5:44:53 PM
To: Gilbride, Patrick [Gilbride.Patrick@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.Clint@epa.gov]; Fine, Steven [fine.steven@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Trent, Bobbie [Trent.Bobbie@epa.gov]; Benton, Michael [benton.michael@epa.gov]; Vincent, Marc [Vincent.Marc@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Regional AFC List [Regional_AFC_List@epa.gov]; Sheehan, Charles [Sheehan.Charles@epa.gov]; Shields, Edward [Shields.Ed@epa.gov]; Larsen, Alan [Larsen.Alan@epa.gov]; Christensen, Kevin [Christensen.Kevin@epa.gov]; Nussbaumer, James [nussbaumer.james@epa.gov]; Eyermann, Richard [Eyermann.Richard@epa.gov]; El-Zoghbi, Christine [El-Zoghbi.Christine@epa.gov]; Kaplan, Jennifer [Kaplan.Jennifer@epa.gov]; Lagda, Jeffrey [Lagda.Jeffrey@epa.gov]; Elbaum, Kentia [elbaum.kentia@epa.gov]; Dutton, Allison [Dutton.Allison@epa.gov]; Stolz, Luke [Stolz.Luke@epa.gov]; Goldman, Todd [Goldman.Todd@epa.gov]; Anthony, Sherri [Anthony.Sherri@epa.gov]; Deane, Benita [Deane.Benita@epa.gov]; Osterman, Adam [Osterman.Adam@epa.gov]; Ulmer, Craig [Ulmer.Craig@epa.gov]
Subject: RE: OIG Project Notification - Glider Congressional Request - Rulemaking

Thanks Pat.

_____

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Gilbride, Patrick
Sent: Monday, December 3, 2018 10:56 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Fine, Steven <fine.steven@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Trent, Bobbie <Trent.Bobbie@epa.gov>; Benton, Michael <benton.michael@epa.gov>; Vincent, Marc <Vincent.Marc@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Regional AFC List <Regional_AFC_List@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Shields, Edward <Shields.Ed@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Christensen, Kevin <Christensen.Kevin@epa.gov>; Nussbaumer, James <nussbaumer.james@epa.gov>; Eyermann, Richard <Eyermann.Richard@epa.gov>; El-Zoghbi, Christine <El-Zoghbi.Christine@epa.gov>; Kaplan, Jennifer <Kaplan.Jennifer@epa.gov>; Lagda, Jeffrey <Lagda.Jeffrey@epa.gov>; Elbaum, Kentia <elbaum.kentia@epa.gov>; Dutton, Allison <Dutton.Allison@epa.gov>; Stolz, Luke <Stolz.Luke@epa.gov>; Goldman, Todd <Goldman.Todd@epa.gov>; Anthony, Sherri <Anthony.Sherri@epa.gov>; Deane, Benita <Deane.Benita@epa.gov>; Osterman, Adam <Osterman.Adam@epa.gov>; Ulmer, Craig <Ulmer.Craig@epa.gov>
Subject: OIG Project Notification - Glider Congressional Request - Rulemaking

Bill,

The Office of Inspector General plans to begin a project in response to a congressional request that raised concerns regarding the Notice of Proposed Rulemaking, "Repeal of Emission Requirements for Glider

Vehicles, Glider Engines and Glider Kits." The OIG will determine whether the EPA acted in compliance with Executive Orders 12866 and 13045 in relation to the development of the proposed rulemaking.

We will contact you to arrange a mutually agreeable time to discuss our objectives. We will answer any of your questions about the project process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the project.

Should you have an question, please contact me at (303) 312-6969 or gilbride.patrick@epa.gov, or Alli Dutton, who will be the Project Manager at (215) 814-2349 or dutton.allison@epa.gov.

Thanks,
Pat

Patrick Gilbride
Director, Environmental Research Programs
U.S. EPA, Office of Inspector General
1595 Wynkoop St.
Denver, CO. 80202
303-312-6969

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 1/23/2018 12:07:18 AM
To: Lewis, Josh [Lewis.Josh@epa.gov]
CC: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: FW: OAR EPW Hearing Prep
Attachments: OAR-1 ATTAINMENT 1-10-18.docx; OAR-2 MTE 1-11-18 .docx; OAR-3 CA CAA Waiver 1-11-18.docx; OAR-4 Clean Power Plan 1-10-18+OAQPS.DOCX; OAR-5 DIESEL EMISSIONS REDUCTION ACT GRANTS 1-11-18.docx; OAR-6 RFS RVO Memo 1-12-18.docx; OAR-7 Glider Kits 1-11-18 final.docx; OAR-8 Methane QuadOa Memo 1-10-18.docx; 1.31 Hearing Briefing Schedule .docx

fyi

From: Shimmin, Kaitlyn
Sent: Monday, January 22, 2018 12:11 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Harlow, David <harlow.david@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: OAR EPW Hearing Prep

Greetings OAR,

You should be getting a invite via Hayley for the Air Briefing with the Administrator scheduled for Jan 29th 3:00 – 4:00 PM. Please see the attached fact sheets that are in ESP's briefing binder.

We have identified the following topics to discuss. Please let us know if you think we missed anything. Thanks!

Air Briefing
Bill Wehrum, Mandy Gunasekara, & David Harlow

Topics
DERA
RFS
Clean Power Plan
California Waiver
Ozone/Attainment
Red Team Blue Team
Endangerment Finding
New Source Review
CAFE Mid-term Review

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

O: (202) 564-4108
C: (202) 760-0546
Shimmin.Kaitlyn@epa.gov

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 12/4/2017 4:05:36 AM
To: Grundler, Christopher [grundler.christopher@epa.gov]
CC: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: Re: NHTSA Meeting Tomorrow

Thanks Chris.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Dec 3, 2017, at 9:47 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

> Yes. In fact your office sent out invitations to a number of us and OGC last Friday. . Charmley is in town to chair the glider hearing and will be in your office in person, and he has key staff available to participate by video.
>
> ---
> Christopher Grundler, Director
> Office of Transportation and Air Quality
> U.S. Environmental Protection Agency
> 202.564.1682 (Washington DC)
> 734.214.4207 (Ann Arbor MI)
> 734.645.5221 (mobile)
> www.epa.gov/otaq
>
> On Dec 3, 2017, at 9:43 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>
>> Chris - There is a meeting with NHTSA scheduled for 4 tomorrow. They plan to brief me on the Volpe model. I would like to have two or three of your key staff on the call. Can you arrange that? Thanks.
>>
>> _____
>> Bill Wehrum
>> Assistant Administrator
>> Office of Air and Radiation
>> U.S. Environmental Protection Agency
>> (202) 564-7404

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 12/19/2017 7:04:38 PM
To: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]
CC: Harlow, David [harlow.david@epa.gov]; Charmley, William [charmley.william@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]
Subject: RE: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Deliberative Process / Ex. 5

From: Gunasekara, Mandy
Sent: Tuesday, December 19, 2017 2:02 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Deliberative Process / Ex. 5

From: Grundler, Christopher
Sent: Tuesday, December 19, 2017 12:37 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Bill,

Late last week EPA received the attached request from the Northeast States for Coordinated Air Use Management (NESCAUM) for a 30-day extension of the comment period on the glider vehicle repeal proposal. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please let me know if you would like more information regarding this topic.

Chris