**EPA News Highlights 5.7.18**

E&E News: EPA's self-reporting plan could be rolled out by summer
An EPA plan that'll waive or reduce penalties for companies that self-report air emissions violations could be in place by June. A senior official in the agency's enforcement and compliance office discussed the program with state oil and gas regulators gathered here for a meeting of the Interstate Oil and Gas Compact Commission. EPA on Friday posted a description of the program it's developing.
The program is designed to address the emissions from storage tanks used to hold oil, petroleum liquids and wastewater, said Patrick Traylor, EPA deputy assistant administrator for enforcement and compliance. It's one of the biggest sources of pollution from oil and gas operations.

The Palladium-Item: EPA money will help Richmond identify contaminated properties
Just how many properties around Richmond have some kind of environmental contamination issue? A federal grant will help city officials to better answer that question. The U.S. Environmental Protection Agency has awarded Richmond $300,000 to assess various sites and update the city's brownfields inventory. Having an up-to-date listing of Richmond's troubled properties is necessary so officials can be ready to go with potential projects when the EPA makes future grants available. "We have an existing inventory that hadn't been updated in several years so to be ready for the rapid financing program that the EPA puts out, we need to have an updated inventory," City Controller Beth Fields said. "The overall vision was to identify all of the sites and then prioritize those sites for remediation."

The Washington Examiner: The EPA's new 'secret science' rule makes sense from a risk-assessment perspective
Environmental Protection Agency Administrator Scott Pruitt's recent announcement that EPA will not use "secret science" — that is science for which the underlying data is not available — is challenging. Whereas EPA is routinely in receipt of unpublished toxicity studies for chemicals designed for commerce, not all important scientific findings are publishable. Nor do scientific journals generally have sufficient space to include all data. Much has been made in recent weeks of this new EPA policy, including an op-ed opposing it by former EPA Administrator Gina McCarthy and former acting Assistant Administrator Janet McCabe. The media coverage has focused attention on how science is considered acceptable and useful in EPA's rulemaking.

Politico: EPA clamps down on document requests linked to Pruitt
Top aides to Scott Pruitt at the Environmental Protection Agency are screening public records requests related to the embattled administrator, slowing the flow of information released under the Freedom of Information Act — at times beyond what the law allows. Internal emails obtained by POLITICO show that Pruitt's political appointees reviewed documents collected for most or all FOIA requests regarding his activities, even as he's drawn scrutiny for his use of first-class flights and undisclosed dealings with lobbyists. While past administrations have given similar heads-ups to political aides for certain records requests, FOIA experts say this high-level vetting at EPA appears to have increased compared with the Obama era.

Michigan Live: Wolverine tannery back in EPA crosshairs 5 years later
Full federal scrutiny is finally coming to bear on the polluted Wolverine World Wide tannery in downtown Rockford, five years after the Environmental Protection Agency stepped away from its initial investigation and left the site under state control. The EPA says new contamination testing will begin mid-month at the former manufacturing grounds, where, from 1908 to 2009, Wolverine churned out treated leather that helped the footwear company grow into a global business with $2.4 billion in

revenue last year. The testing will be more thorough than Wolverine desired. The EPA wants Wolverine to conduct extensive soil and groundwater sampling across the entire 15-acre property, which has been open to the public as an informal community green space used sporadically for downtown events since the buildings were razed in 2010.

The Daily Caller: Scott Pruitt's Head Bodyguard Takes On The 'False Dirty Laundry' Being Spread About EPA
Many of the accusations against Environmental Protection Agency Administrator Scott Pruitt and his close aides were concocted by "disgruntled employees" looking to damage the agency, the former head of Pruitt's security detail said. "I believe at the end of the day, these are disgruntled employees — staffers — who, for whatever reason, decided to air dirty laundry — false dirty laundry to the press," Nino Perrotta told The Daily Caller News Foundation in an exclusive interview. Perrotta served as the special agent in charge of Pruitt's security detail for about a year, leading the administrator's protective detail as actuations of overspending and ethical violations. Congress and EPA's Office of Inspector General have multiple investigations into Pruitt's actions.

**National News Highlights 5.7.18**

The Wall Street Journal: Oil Prices Reach Highest Level Since 2014 Ahead of Iran Deadline
Oil prices rallied to a 3½ year high on Monday, with the U.S. benchmark breaking above $70 a barrel, as investors braced for the country's expected exit from the Iran nuclear deal this week. Brent crude, the global oil benchmark, was up 1% to $75.59 a barrel on London's ICE Futures exchange having hit $75.89 earlier, their highest level since 2014. On the New York Mercantile Exchange, West Texas Intermediate futures were trading up 1% at $70.42 a barrel. Oil prices have risen over 10% in the past month as U.S. President Donald Trump has indicated it is likely the country will withdraw from a 2015 international agreement with Iran which eased sanctions in return for curbs to its nuclear program. A decision is due by May. 12.

The New York Times: Giuliani Says Trump Would Not Have to Comply With Mueller Subpoena
Rudolph W. Giuliani, reeling after a chaotic first week as President Trump's lawyer, tried again on Sunday to straighten out his client's story. But Mr. Giuliani raised new questions about whether Mr. Trump had paid hush money to other women and suggested the president might invoke the Fifth Amendment to avoid testifying in the special counsel's Russia investigation. Mr. Giuliani, a former federal prosecutor and New York City mayor hired by Mr. Trump to smooth communication between the White House and the special counsel, Robert S. Mueller III, instead painted Mr. Mueller as an out-of-control prosecutor bent on trapping Mr. Trump into committing perjury. The president, he said, could defy a subpoena to testify.

Politico: Trump defends CIA pick Haspel: 'Democrats want out because she is too tough on terror'
President Donald Trump issued an online vote of confidence Monday for Gina Haspel, his pick to be the next director of the CIA, and chided Democrats who have been critical of her for her role in waterboarding terrorism suspects at a secret agency prison. "My highly respected nominee for CIA Director, Gina Haspel, has come under fire because she was too tough on Terrorists," the president wrote on Twitter. "Think of that, in these very dangerous times, we have the most qualified person, a woman, who Democrats want OUT because she is too tough on terror. Win Gina!" Haspel is expected to be on Capitol Hill on Monday, meeting with senators ahead of confirmation hearings later this week.

TRUMP TWEETS

E&E News
https://www.eenews.net/energywire/2018/05/07/stories/1060080957

**EPA's self-reporting plan could be rolled out by summer**

By Mike Lee, 5/7/18

An EPA plan that'll waive or reduce penalties for companies that self-report air emissions violations could be in place by June.

A senior official in the agency's enforcement and compliance office discussed the program with state oil and gas regulators gathered here for a meeting of the Interstate Oil and Gas Compact Commission. EPA on Friday posted a description of the program it's developing.

The program is designed to address the emissions from storage tanks used to hold oil, petroleum liquids and wastewater, said Patrick Traylor, EPA deputy assistant administrator for enforcement and compliance. It's one of the biggest sources of pollution from oil and gas operations.

The program is the latest move under the Trump administration and EPA Administrator Scott Pruitt to forge a collaborative relationship with the energy industry, although Traylor said EPA isn't completely abandoning tougher enforcement.

"We actually expect to have faster compliance through the use of this self-audit tool," he said. "This is one of our tools, not the only tool we'll be using in this sector."

Although it's not a formal rulemaking, EPA is taking comments on the proposal for 30 days, and it could go into effect soon after that, Traylor said.

If it's approved, the proposal would allow companies that acquire new oil and gas operations to self-audit their newly acquired properties and report any problems to EPA. The companies would then have a flexible timeline to fix the problems. In exchange, EPA would waive all or most of the civil and criminal penalties that would normally apply.

EPA has had a "new owner" program for traditional manufacturing plants since 2008. The agency has had difficulty applying it to the oil and gas industry because a typical oil field can include hundreds of tanks and other facilities.

Storage tanks are one of the major sources of pollution from the oil and gas industry. Volatile organic compounds such as benzene can leak from pressure-relief valves or from improperly secured hatches. In many cases, truck drivers open the tanks to the atmosphere when they measure the liquids that collect in tanks (Energywire, Aug. 22, 2017).

EPA plans to use a standard audit, based on a self-audit that the Texas-based gas producer Range Resources Corp. conducted in 2016 (E&E News PM, April 20).

It's similar to the approach that a half-dozen oil producing states have taken, sometimes through informal processes.

Texas and North Dakota have laws on the books that allow their state oil regulators to waive penalties for companies that report their own violations, state officials said during a roundtable discussion. Texas doesn't allow penalties to be waived, though, in cases that cause actual harm.

The Colorado Oil and Gas Conservation Commission adopted a similar policy in 2014, but it stipulates that the program doesn't apply to cases involving fraud, willful misconduct or gross negligence.

Environmentalists are likely to object to the program because it could encourage companies to flout the rules when they are developing new oil and gas fields, particularly if they plan to sell the field quickly.

That's unlikely to happen, Traylor said in an interview after his presentation.

"This shouldn't be interpreted as an incentive to not comply with the law," Traylor said.

## Palladium-Item

https://www.pal-item.com/story/news/local/2018/05/06/epa-money-help-richmond-identify-contaminated-properties/568006002/

**EPA money will help Richmond identify contaminated properties**

By Jason Truitt, 5/6/18

Just how many properties around Richmond have some kind of environmental contamination issue? A federal grant will help city officials to better answer that question.

The U.S. Environmental Protection Agency has awarded Richmond $300,000 to assess various sites and update the city's brownfields inventory.

Having an up-to-date listing of Richmond's troubled properties is necessary so officials can be ready to go with potential projects when the EPA makes future grants available.

"We have an existing inventory that hadn't been updated in several years so to be ready for the rapid financing program that the EPA puts out, we need to have an updated inventory," City Controller Beth Fields said.

"The overall vision was to identify all of the sites and then prioritize those sites for remediation."

Richmond was one of five Indiana cities and one multi-town group awarded funding recently by the EPA. The others were Clarksville, Indianapolis, Jeffersonville and Michigan City and a regional planning commission in southern Indiana that represents six towns.

The city's grant can only be used for "developing inventories of brownfields, prioritizing sites, conducting community involvement activities, conducting site assessments and developing cleanup plans and reuse plans related to brownfield sites," according to the grant application.

Jack Cruse, director of Richmond's Department of Infrastructure and Development, said the city made the former Mechanics Laundry building on North E Street next to the depot the focal point of its application, but officials intend to look at sites throughout the city.

"We've got properties in the city of Richmond that have not been assessed but we know that they exist," he said.

"A lot of these are old places that either had petroleum products or were laundry areas."

This isn't the first time that the former Mechanics Laundry building has come up in city conversations.

Back in 2004, Richmond Common Council passed a resolution allowing the city to pursue a purchase of the building by getting a pair of environmental studies done on the property. Officials believed the site might be contaminated with a chemical used in dry cleaning.

The plan was to tear down the building and use the space for parking in the Historic Depot District, but the city never did buy the property.

In 2014, Roger Richert, then-owner of the former Pennsylvania Railroad Depot next door, got permission to clean up the outside of the laundry and have a mural painted on it depicting a train that looks as if it's approaching the station.

## The Washington Examiner

https://www.washingtonexaminer.com/opinion/op-eds/the-epas-new-secret-science-rule-makes-sense-from-a-risk-assessment-perspective

**The EPA's new 'secret science' rule makes sense from a risk-assessment perspective**

By Michael L. Dourson, 5/6/18

Environmental Protection Agency Administrator Scott Pruitt's recent announcement that EPA will not use "secret science" — that is science for which the underlying data is not available — is challenging. Whereas EPA is routinely in receipt of unpublished toxicity studies for chemicals designed for commerce, not all important scientific findings are publishable. Nor do scientific journals generally have sufficient space to include all data.

Much has been made in recent weeks of this new EPA policy, including an op-ed opposing it by former EPA Administrator Gina McCarthy and former acting Assistant Administrator Janet McCabe.

The media coverage has focused attention on how science is considered acceptable and useful in EPA's rulemaking. But missing from this is the perspective of risk scientists charged with protecting public health. In the case of EPA, it is often not enough for any one positive study to be published in a peer-reviewed journal. Such work often needs replication because a positive finding occurs, on average, in one out of every 20 studies due to chance.

If a study cannot be replicated, then it at least needs to make sense within the pattern of available data. For pesticides regulated by EPA, these data are often from hundreds of studies done according to federal guidelines.

Studies that are not replicated or that do not make sense in an overall pattern are still considered, however. Risk scientists will often contact the authors to obtain additional information in order to conduct their own analysis, a common practice within EPA.

When such data are forthcoming, without the need to break confidentiality or disclose confidential business information, independent analyses can be conducted and the public health is better served. But when such information is withheld by the authors, government risk scientists are often left with a dilemma.

For example, imagine that a series of studies come out on a single human group that is exposed to a commonly used insecticide, and they show an unexpected effect at extremely low exposures. This finding has not been replicated and clashes with multiple animal and human studies that point to danger only at much higher exposures.

In this case, EPA scientists would ask the authors for the underlying data to confirm this unexpected low-dose effect. But let's say they can't get it. EPA is then left with neither confirmatory studies, nor information that makes sense in light of other studies, nor the ability to conduct its own analysis. Understandably, Pruitt has chosen a policy of not using such studies.

There is one sense in which McCarthy and McCabe are spot on. The judgment over which epidemiology and/or toxicology data to use for risk or safety assessment purposes should be left to risk scientists. But from my perspective as a risk scientist, Pruitt's decision is still correct. The public's interest is best served when science is replicable and consistent with other information. When studies cannot be replicated or are inconsistent with other information, access to their underlying data is vital to independent analysis. When the underlying data are not provided to a risk scientist, it is difficult to use this study to make a credible risk judgment, much less national rulemaking.

There is one sense in which McCarthy and McCabe are spot on. The judgment over which epidemiology and/or toxicology data to use for risk or safety assessment purposes should be left to risk scientists. But from my perspective as a risk scientist, Pruitt's decision is still correct. The public's interest is best served when science is replicable and consistent with other information. When studies cannot be replicated or are inconsistent with other information, access to their underlying data is vital to independent analysis. When the underlying data are not provided to a risk scientist, it is difficult to use this study to make a credible risk judgment, much less national rulemaking.

In short, the public is often worried about chemical exposure, as they should be when such exposure exceeds a safety level. But the public's interest is best served by trusting in experts dedicated to public health protection, not by withholding scientific data from independent analysis.

## Politico

https://www.politico.com/story/2018/05/06/pruitt-epa-document-requests-570289

**EPA clamps down on document requests linked to Pruitt**

By Alex Guillen, 5/6/18

Top aides to Scott Pruitt at the Environmental Protection Agency are screening public records requests related to the embattled administrator, slowing the flow of information released under the Freedom of Information Act — at times beyond what the law allows.

Internal emails obtained by POLITICO show that Pruitt's political appointees reviewed documents collected for most or all FOIA requests regarding his activities, even as he's drawn scrutiny for his use of first-class flights and undisclosed dealings with lobbyists.

While past administrations have given similar heads-ups to political aides for certain records requests, FOIA experts say this high-level vetting at EPA appears to have increased compared with the Obama era.

"This does look like the most burdensome review process that I've seen documented," said Nate Jones, director of the FOIA Project at The George Washington University's National Security Archive.

The emails also show Pruitt's aides chastising career employees who released documents about the administrator without letting them screen the records first. Meanwhile, several environmental groups say the agency has told them that political staffers' document reviews have delayed releases past legal deadlines.

The new processes described in the emails involve "awareness reviews" or "senior management reviews" conducted by top political staffers before the agency releases essentially any documents involving the administrator. The emails also show Pruitt's political appointees chastising career employees who released documents in accordance with FOIA without letting them screen the records first.

EPA sometimes conducted those types of reviews under the Obama administration when career staff thought documents would generate a lot of interest, agency officials from that era told POLITICO. But under Pruitt, the vetting by EPA chief of staff Ryan Jackson and other key appointees of any documents linked to the administrator appears to be on the rise, according to FOIA experts who reviewed the emails.

The increased scrutiny comes as the agency faces a wave of accusations of excessive secrecy. EPA has declined to provide information about Pruitt's public appearances in advance — a practice at odds with those of many other Cabinet members and the White House. And the agency releases his detailed calendars only when compelled by lawsuits.

That secrecy has prompted a boom in FOIA requests filed with the agency and lawsuits challenging its resistance to releasing information to the public. As POLITICO reported in February, production of documents under FOIA requests from Pruitt's office is drastically lower than the rest of EPA.

The newly released emails, which EPA gave to the Natural Resources Defense Council following legal action, show Jackson created a pilot program to "centralize" requests that go through the various suboffices that make up EPA's Office of the Administrator. The emails show that the political aides weren't just concerned about streamlining the FOIA process — they wanted to know about any requests anywhere at EPA that involved Pruitt.

In one exchange from last August, Jackson and Liz Bowman, the head of EPA's Office of Public Affairs, expressed concern about documents related to comments Pruitt made on CNBC disputing that carbon dioxide from human activities was the primary cause of climate change. Those documents had been released to E&E News without first going through their review.

"Why did Kevin Bogardus from E&E all of a sudden get a response to a FOIA today, without any awareness from our FOIA office?" Bowman wrote Aug. 2. She later added that the response "wasn't due until 8/30."

Officials quickly determined that the request had been filled by a career employee before Bowman had a chance to flag it "for attention." Although the request involved Pruitt, the records sought by E&E were kept at EPA's Office of Research and Development, and the request was routed there before being released by a FOIA expert from that office.

Anything related to Pruitt "will draw inquiries from press," Jackson replied, and he requested that he and the public affairs office be notified ahead of any Pruitt-related release from any EPA office.

The message was received loud and clear by EPA's career staff.

"I have instructed my staff that no [Office of the Administrator] requests are to be issued without the opportunity for an awareness review by you, [the Office of Public Affairs] and the senior leadership of any other affected offices," Becky Dolph, the head of a special team of FOIA experts in EPA's Office of General Counsel, wrote to Jackson later that day.

Emails sent later that month showed Jackson pressing staff on why documents related to a coal plant water pollution rule were already available online just one day after an awareness review began.

The documents were "inadvertently" posted, replied Kevin Minoli, then EPA's acting general counsel, who added that the process would be changed so that "nothing is uploaded at all until we have the final set of documents and their production has been authorized."

None of the emails given to the NRDC reveal exactly what actions the political staffers conducting these reviews took.

NRDC attorney Aaron Colangelo said he asked EPA for details about the reviews after an EPA attorney told him that "awareness reviews" were delaying the release of documents in other FOIA requests filed by the environmental group. Those requests were related to Pruitt's participation in ongoing legal cases that he'd previously been involved in during his time as Oklahoma's attorney general.

Colangelo and other FOIA experts said federal agencies have discretion to set up their own internal FOIA processes, and the political reviews are not illegal — unless the reviews caused EPA to miss deadlines for producing documents set out in the Freedom of Information Act.

"There's nothing necessarily wrong with political folks getting a heads-up before potentially sensitive documents are released," Colangelo said in an interview. "But we do have a legitimate objection if that political review delays compliance with deadlines in the law."

And that has happened for at least two of the NRDC's Pruitt-related FOIA requests, he said.

Another request from a coalition of environmental groups for documents about Pruitt's delay of a rule limiting water pollution from coal plants was held up over a "senior management review."

A judge mediating the lawsuit over that delay, Valerie Caproni of the U.S. District Court for the Southern District of New York, said during November proceedings that while EPA "can do whatever internal policies in particular they want on FOIA," the agency cannot use political reviews to justify missing legal deadlines.

EPA still has to "comply with the law, and that means they have to produce documents in a timely way," she said. EPA eventually handed over the documents in that case.

It's not clear exactly how many FOIA requests have been delayed by political reviews, but experts say it is clearly having an impact.

Several Obama-era EPA political officials said they too occasionally received "heads-up" awareness reviews on high-profile requests, but not necessarily to the degree that Pruitt's aides are doing them.

"It doesn't seem abnormal to me that some political would get a chance to have review for awareness of productions that are going out that involve the administrator," said one former official. But the close attention from top-ranking officials like Jackson and former policy chief Samantha Dravis seemed "a little bit odd," the former official added.

Instead, awareness reviews generally went to the head of the agency program office in question and to congressional affairs staffers so they could coordinate with any requests from lawmakers, the former official said.

One Obama-era awareness review that was included in the new documents showed that a large batch of documents related to the Flint, Michigan, lead crisis was flagged to political officials in the Office of Water and the congressional affairs office, as well as the general counsel, the regional administrator and a public affairs official.

Bowman, the EPA spokeswoman, did not comment on questions from POLITICO about the political oversight of FOIA requests, but she noted that the Trump administration was not the first to use them.

"Each EPA program and Region does their own FOIAs, so an awareness review allows the press office, Congressional Affairs Office and senior officials to be informed of documents being released in response to FOIA requests, to facilitate inter-office coordination, and to prepare responses to inquiries," she said.

Thomas Cmar, an Earthjustice attorney involved in multiple FOIA lawsuits with EPA, said the emails raise as many questions as they answer.

"Political staff appear to be keeping a very close eye on what information is being requested and released to the public," he said. "It raises concerns and it raises questions that need to be answered about whether EPA is living up to its obligations to make basic information about its activities available to the public that it's supposed to be serving."

## Michigan Live

http://www.mlive.com/news/grand-rapids/index.ssf/2018/05/wolverine_tannery_epa_rockford.html

**Wolverine tannery back in EPA crosshairs 5 years later**

By Garrett Ellison, 5/6/18

Full federal scrutiny is finally coming to bear on the polluted Wolverine World Wide tannery in downtown Rockford, five years after the Environmental Protection Agency stepped away from its initial investigation and left the site under state control.

The EPA says new contamination testing will begin mid-month at the former manufacturing grounds, where, from 1908 to 2009, Wolverine churned out treated leather that helped the footwear company grow into a global business with $2.4 billion in revenue last year.

The testing will be more thorough than Wolverine desired.

The EPA wants Wolverine to conduct extensive soil and groundwater sampling across the entire 15-acre property, which has been open to the public as an informal community green space used sporadically for downtown events since the buildings were razed in 2010.

Data shows the property is fouled by arsenic, chromium and lead in addition to the per- and polyfluoroalkyl substances, or PFAS chemicals, that have sparked new site scrutiny.

The now-empty land where Wolverine reneged on a promise to build a downtown Rockford shoe store is back in federal crosshairs after extremely high PFAS levels were found at the tannery, Wolverine's House Street sludge dump and other places where the company cached toxic waste around northern Kent County.

The tannery scored high enough to warrant inclusion on the federal Superfund list of toxic sites, but the EPA acquiesced in 2012 to substantial pushback from Wolverine and community leaders who lobbied hard to keep the century-old factory grounds under a state-led, voluntary environmental cleanup program.

Whether the site attains Superfund status is an open question.

Although PFAS helped bring the EPA back to Rockford, the federal government doesn't have enforceable cleanup standards for the contamination caused by Wolverine's use of 3M Scotchgard to waterproof shoe leather. But the state of Michigan does.

This has resulted in a delicate state and federal coupling.

The EPA is focusing its probe on other contaminants besides PFAS at the tannery and federal investigators are picking up where they left off, when a site assessment identified historic contamination in places like "the pit," a 50-foot former maintenance basement area where toxic waste pooled and sometimes overflowed.

The EPA issued Wolverine an investigative subpoena for records related to the tannery and the House Streep dump in Plainfield Township in early December, prior to a Jan. 10 order that formally increased the federal role in the Wolverine investigation.

Those records are now under EPA examination.

Jeffrey Kimble, an EPA Region 5 on-scene coordinator assigned to the investigation, asked Wolverine to expand testing.

"They did not meet what I wanted them to do, so (the sampling plan) has been given back to Wolverine's consultant with directions from me," Kimble said. "I want this to be a complete extent of contamination survey, so we've had them adjust their approach."

Kimble is scrutinizing the site for contamination that could pose an immediate health risk and wants "a good number and spacing of actual soil samples, sediment samples in Rum Creek and adjacent Rogue River, and few more groundwater samples."

"I'm looking at what people could actually touch if they dug in the dirt, if they had to do excavation or what may migrate off site," he said.

Through a spokesperson, Wolverine confirmed that it received Kimble's feedback and subsequently modified its testing plan.

Wolverine said it is "diligently" working with regulators and anticipates its consultant Rose & Westra GZA beginning field work this summer.

In June, the company will allow the Rockford Start of Summer Celebration to use the tannery lawn for ballgames and festival fireworks viewing, but EPA says it's requiring the company test the surface soils used for backfill and grading first.

Although the property is fenced along the west side, the public has easy access because the rest of the fence was removed at the city's request in 2015. The EPA couldn't provide a date when more fencing and warning signs would go up, although both are stipulated.

Thad Beard, Rockford city manager, thinks the topsoil cap placed after demolition is enough to keep people safe.

"If you were to go dig a 10-foot hole and start eating the dirt, that would be a cause for concern," Beard said.

"From what I understand, there's no contaminants exposed to the public unless you were to dig below grade."

That may depend on the location. According to EPA testing, contamination above acceptable human contact levels exists "at or near the surface" of the tannery footprint along the heavily-used White Pine Trail, where "elevated levels of organic and inorganic contaminants have been detected in surficial soils."

That contamination data was collected several years before 2017 testing confirmed total PFAS at 532,000 parts per trillion in the groundwater at the tannery.

In the river nearby, sediment testing found elevated levels of arsenic, total chromium, hexavalent chromium, copper, lead, mercury and zinc. Wolverine used chromium in bulk to convert raw hides into leather. The hexavalent variety is a known carcinogen.

In a January memo, Kimble characterized both the House Street and tannery sites as "imminent and substantial" threats to public health and the environment. The memo notes that children have been observed swimming in the river downtown where "sediment and water contamination has been documented."

The EPA evaluated the site six years ago at the request of the Concerned Citizens for Responsible Remediation (CCRR), a local group which petitioned for federal involvement in 2011 after independently documenting contamination at the property.

Lynn McIntosh, a Rockford activist instrumental in bringing Wolverine's pollution to light, said she's spent years warning people enjoying the river downtown to "make sure they wash their kids' hands or wipe their kayak" afterwards.

On multiple occasions, McIntosh said she's quietly approached parents with children playing at the trailside canoe launch near the southwest corner of the former tannery site to warn them about elevated levels of mercury in the nearby riverbed.

"I shouldn't have to do that," she said.

McIntosh is pleased the EPA is back on the ground in Rockford after watching former elected officials like late city manager Michael Young and ex-state Sen. Mark Jansen lobby keep the tannery under Michigan Department of Environmental Quality oversight.

Both men wrote similarly-worded letters to regulators warning of "significant negative effect" on tannery redevelopment and downtown Rockford if EPA involvement were to continue; both citing their understanding that "there are no conditions at the property that present a health threat to the public."

Wolverine "has advised me that the remaining environmental issues at the property will be properly addressed by Wolverine with the DEQ," Young wrote to the EPA on April 19, 2012.

Both Young and Jansen asked that EPA "terminate" their involvement and let DEQ manage the site under the state's Part 201 law.

Under the state voluntary cleanup program, the DEQ has essentially allowed Wolverine to mothball the site, McIntosh argued.

Although Wolverine has done sampling and soil boring, little excavation and no bioremediation, containment, groundwater control or treatment has occurred under the state's oversight.

Rockford put "money and image over addressing a real possible public health and safety issue, and worked with the company to accomplish that," McIntosh said.

The DEQ counters that retaining control over the site has sped, not slowed, tannery cleanup work because it takes several years for a site to become Superfund listed. The site was designated an "Other Cleanup Authority" under state lead in 2012.

Were it placed on the National Priorities List, "it would have taken several more years to accomplish remedial investigation and remedial actions," said DEQ spokesperson Scott Dean.

"Wolverine has better defined the extent of soil and groundwater contamination and located leather and hide scraps buried on the 100-year-old tannery site" following the 2012 agreement, Dean said.

The state's oversight "made it possible for Wolverine to quickly begin monitoring for PFAS" after it became a concern in 2016, he said.

The company began testing for PFAS in August 2017.

"Although we have been frustrated by the pace of work at the tannery site, our primary focus has been on protecting the public," Dean said.

"We remain committed to holding Wolverine accountable for the contamination on their site and seeing it returned to productive use."

## The Daily Caller

http://dailycaller.com/2018/05/07/exclusive-epa-scott-pruitt-body-guard-nino-perrotta-false-dirty-laundry/

**Scott Pruitt's Head Bodyguard Takes On The 'False Dirty Laundry' Being Spread About EPA**

By Michael Bastasch, 5/7/18

Many of the accusations against Environmental Protection Agency Administrator Scott Pruitt and his close aides were concocted by "disgruntled employees" looking to damage the agency, the former head of Pruitt's security detail said.

"I believe at the end of the day, these are disgruntled employees — staffers — who, for whatever reason, decided to air dirty laundry — false dirty laundry to the press," Nino Perrotta told The Daily Caller News Foundation in an exclusive interview.

Perrotta served as the special agent in charge of Pruitt's security detail for about a year, leading the administrator's protective detail as actuations of overspending and ethical violations. Congress and EPA's Office of Inspector General have multiple investigations into Pruitt's actions.

Perrotta retired at the end of April, ending his 14-year career at EPA amid investigations into Pruitt's security arrangements — including his 24/7 detail, hiring of more agents, and flying first class when traveling.

Former EPA official Kevin Chmielewski detailed many accusations against Pruitt, Perrotta and other top aides to congressional Democrats. Many of the accusations were "intentionally used to mislead the American people," Perrotta told TheDCNF.

Chmielewski was one of several EPA staffers allegedly sidelined for challenging Pruitt on spending decisions. However, Perrotta believes Chmielewski decided to come out against Pruitt after a January 2018 phone call.

During that call, Chmielewski vented to Perrotta about issues he was having with his pay, the former EPA security head said. Perrotta said he tried to help Chmielewski with his pay issue, but the former EPA official "began to threaten the EPA, specifically the administrator and the chief of staff, that he was going to talk to the press and everyone he could about," using colorful language, "how f-ed up the EPA was and how f-ed up the administrator was and how f-ed up the chief of staff was."

"I found that to be very, very bizarre," Perrotta said. "If you have differences, it should be aired through your chain of command."

Chmielewski called the next day, but given his tone and threatening statements on their previous call, Perrotta said he'd have to report the former EPA official. Perrotta filed the report with the agency.

Pruitt's been increasingly mired in negative news stories — many of them likely the result of Chmielewski talking to the press and Congress. News reports have already called into question the veracity of many of Chmielewski's claim.

For example, "a $30,000 contract with private Italian security personnel entered into by" Perrotta ahead of Pruitt's attendance of a G7 summit in Italy, Chmielewski told Congress. Perrotta would never have the authority to unilaterally enter into such a contract, the former EPA security head said.

"That is a false accusation," Perrotta told TheDCNF. "A person at my level and grade in the agency would have the authority to do so."

Chmielewski also told Democratic lawmakers "at least one security-related contract was awarded to an individual who works at Mr. Perrotta's private security firm, and he believes that other contracts may also have been awarded to friends or associates of Mr. Perrotta's."

It's true EPA hired Edwin Steinmetz to conduct a security sweep of Pruitt's office in 2017, costing the agency $3,000. Steinmetz is listed on the management team of Perrotta's security firm he operates on the side, Sequoia Security Group.

Perrotta said he explained to superiors that Steinmetz, a security consultant, subcontracted through his side company, which EPA gave him approval to operate in 2013. EPA officials asked Perrotta in 2017 if he could recommend a company to conduct a security sweep of Pruitt's office.

"The only reason that the vendor was selected," Perrotta said, "is because there were issues within the agency of identifying a new vendor, which to me was bizarre."

"It was clear to me, now, that certain people compared notes, shared information, and created this false narrative. And I believe the American people are going to see this, eventually," Perrotta said.

You can watch TheDCNF's entire interview with Perrotta here. And stay tuned for more.

## The Wall Street Journal

https://www.wsj.com/articles/oil-prices-continue-to-rise-fueled-by-iran-concerns-1525673680

**Oil Prices Reach Highest Level Since 2014 Ahead of Iran Deadline**
By Sarah McFarlane and Biman Mukherji, 5/7/18

Oil prices rallied to a 3½ year high on Monday, with the U.S. benchmark breaking above $70 a barrel, as investors braced for the country's expected exit from the Iran nuclear deal this week.

Brent crude, the global oil benchmark, was up 1% to $75.59 a barrel on London's ICE Futures exchange having hit $75.89 earlier, their highest level since 2014. On the New York Mercantile Exchange, West Texas Intermediate futures were trading up 1% at $70.42 a barrel.

Oil prices have risen over 10% in the past month as U.S. President Donald Trump has indicated it is likely the country will withdraw from a 2015 international agreement with Iran which eased sanctions in return for curbs to its nuclear program. A decision is due by May. 12.

"There is some scope for profit-taking now that prices are at 42-month highs but that is been overshadowed by the potential re-imposition of sanctions on Iran," said Dubai-based Ehsan Khoman, head of research for the Middle East and North Africa region at MUFG bank.

Previously, international sanctions have cut Iranian exports by around 1 million barrels a day, but MUFG expects the U.S. will "go it alone" if they impose sanctions, meaning the impact will be a loss of 250,000-350,000 barrels a day.

"The EU may not deem it necessary to reinstate sanctions on shipping insurance which were paramount in restricting Iranian crude exports last time around," said Mr. Khoman.
The U.S. doesn't import any Iranian crude but certain allies including Japan and South Korea which do, may switch to other suppliers to comply with the changed stance of the U.S., analysts said.

There were also signs of discord among members of the Organization of the Petroleum Exporting Countries after Iran's deputy oil minister Amir Hossein Zamaminia said a "suitable price" for oil is $60 to $65 a barrel in an interview with Bloomberg on Sunday. Iran's position differs from OPEC's top producer Saudi Arabia, which is seeking to push oil to $80 a barrel to fund economic reforms.

This creates uncertainty for the prospects of an extension to the group's deal to cut production, initially struck to target reducing a glut in global oil stocks, which had ballooned because of rising U.S. shale output. Saudi Arabia is expected to push for the cuts to continue beyond 2018 to keep oil prices closer to their target.

Oil production in the U.S. is expected to continue its march higher with the number of rigs drilling for oil rising by 9 last week to a three-year high of 834 rigs, according to oil-field services firm Baker Hughes (BHGE) data published on Friday.

Nymex reformulated gasoline blendstock—the benchmark gasoline contract—up 0.7% to $2.13 a gallon. ICE gasoil changed hands at $660.50 a metric ton, up $11.50 from the previous settlement.

The New York Times

https://www.nytimes.com/2018/05/06/us/politics/giuliani-says-trump-would-not-have-to-comply-with-mueller-subpoena.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region&region=top-news&WT.nav=top-news

**Giuliani Says Trump Would Not Have to Comply With Mueller Subpoena**

By Mark Landler and Noah Weiland, 5/6/18

Rudolph W. Giuliani, reeling after a chaotic first week as President Trump's lawyer, tried again on Sunday to straighten out his client's story. But Mr. Giuliani raised new questions about whether Mr. Trump had paid hush money to other women and suggested the president might invoke the Fifth Amendment to avoid testifying in the special counsel's Russia investigation.

Mr. Giuliani, a former federal prosecutor and New York City mayor hired by Mr. Trump to smooth communication between the White House and the special counsel, Robert S. Mueller III, instead painted Mr. Mueller as an out-of-control prosecutor bent on trapping Mr. Trump into committing perjury. The president, he said, could defy a subpoena to testify.

"We don't have to," Mr. Giuliani said in a rambling, 22-minute interview on ABC's "This Week" program. "He's the president of the United States. We can assert the same privileges other presidents have."

Mr. Giuliani, who met with the special counsel's office shortly after joining the legal team last month, said he and another lawyer, Jay Sekulow, agreed that the president should not speak to Mr. Mueller. But he acknowledged that he had little, if any, control over the president, who said as recently as Friday that he still wanted to speak to the special counsel.

"How can I ever be confident of that?" Mr. Giuliani said, when asked whether Mr. Trump would not invoke his right to avoid self-incrimination. "I'm facing a situation with the president and all the other lawyers are, in which every lawyer in America thinks he would be a fool to testify, I've got a client who wants to testify."

It was one of several startling admissions by Mr. Giuliani, during his first extended television appearance since Mr. Trump criticized him last week as not having his "facts straight" about payments made to a pornographic film actress, Stephanie Clifford. Mr. Giuliani said it was possible that Mr. Trump's personal attorney, Michael D. Cohen, had made additional payments to other women on the president's behalf.

"I have no knowledge of that," Mr. Giuliani said when asked about other payments, "but I would think if it was necessary, yes."

If Mr. Trump were to invoke the Fifth Amendment, he would undercut his longstanding claim that he has nothing to hide about his campaign's ties to Russia. During the presidential campaign, he ridiculed his Democratic opponent, Hillary Clinton, when some of her aides invoked the Fifth Amendment during a congressional investigation of Mrs. Clinton's use of a private email server.

"The mob takes the Fifth," Mr. Trump said at a campaign rally in Iowa in September 2016. "If you're innocent, why are you taking the Fifth Amendment?"

After his interview, Mr. Giuliani met with Mr. Trump at his golf club in Northern Virginia.

Mr. Giuliani told the ABC anchor, George Stephanopoulos, that he was still getting up to speed on Mr. Trump's legal issues — a fact that became apparent as the interview went on. As was the case during his interviews last week, Mr. Giuliani seemed to speak largely off the cuff. He speculated freely and contradicted himself, sometimes from one statement to the next.

He said, for example, that Mr. Mueller would be to blame if Mr. Trump refused to testify because his office had leaked a list of questions that the special counsel would like to ask him. But then he admitted he did not know who leaked the questions, which were reported by The New York Times.

Mr. Giuliani referred repeatedly to a federal judge's criticism of the special counsel's fraud case against Paul Manafort, the former chairman of the Trump campaign. The judge, T.S. Ellis III, said on Friday that the case seemed motivated by a desire to get Mr. Manafort to potentially incriminate Mr. Trump.

"There's no question that the amount of government misconduct is accumulating," Mr. Giuliani said. "Very embarrassing to my former Justice Department."

Mr. Giuliani created a furor on Wednesday when he contradicted the president about the payment to Ms. Clifford. Speaking on Fox News, Mr. Giuliani said Mr. Trump reimbursed Mr. Cohen for a $130,000 payment that Mr. Cohen has said he made to Ms. Clifford, to keep her from making public a story about an affair she claims she had with Mr. Trump — a claim that he denies. When asked in April by reporters traveling on Air Force One whether he knew about the payment, Mr. Trump said he did not.

On Sunday, Mr. Giuliani said he was still trying to establish when Mr. Trump learned that Mr. Cohen had paid Ms. Clifford, whose stage name is Stormy Daniels. But he added that as a legal matter, it did not matter since the payment did not violate federal campaign finance rules.

Asked about the discrepancies between his account and the president's statement, Mr. Giuliani said: "Those don't amount to anything — what is said to the press. That's political."

Mr. Giuliani did not shed much new light on the nature of the payments themselves. He said Mr. Cohen "made payments for the president, or he conducted business for president, which means he had legal fees, moneys laid out and expenditures." But he characterized the sum Ms. Clifford received as a "nuisance" payment.

"I never thought $130,000 was a real payment," Mr. Giuliani said. "People don't go away for $130,000."

Mr. Giuliani accused Ms. Clifford of trying to make as much money as possible from her notoriety, noting that she made a cameo appearance during the opening skit on "Saturday Night Live."

Mr. Giuliani's admission on Wednesday caught Mr. Trump's staff off guard and prompted Mr. Trump to try to clarify the nature of payments he made to Mr. Cohen. The morning after Mr. Giuliani's comments, Mr. Trump said on Twitter that Mr. Cohen "received a monthly retainer, not from the campaign and having nothing to do with the campaign, from which he entered into, through reimbursement, a private contract between two parties, known as a non-disclosure agreement, or NDA."

A day later, he told reporters gathered outside the White House that Mr. Giuliani did not know the particulars of the case, even after Mr. Giuliani told The Times on Wednesday night that he had spoken

with the president before and after his interview on Fox News, and that Mr. Trump and other lawyers on the team were aware of what he would say.

"Virtually everything said has been said incorrectly, and it's been said wrong, or it's been covered wrong by the press," Mr. Trump said on Friday. "He'll get his facts straight."

Seeming to chastise Mr. Giuliani, Mr. Trump added: "You know what? Learn before you speak. It's a lot easier."

Some of Mr. Trump's legal and political advisers believe Mr. Giuliani's comments could put the president in legal jeopardy, since federal officials are required to report liabilities of more than $10,000 during the preceding year. Mr. Trump's last disclosure, which he signed last June, does not mention any debt to Mr. Cohen.

On Sunday, Mr. Giuliani tried to clarify what Mr. Trump called a "retainer."

"The retainer agreement was to repay expenses, which turns out to have included this one," Mr. Giuliani said.

Appearing after Mr. Giuliani on the same program, Ms. Clifford's lawyer, Michael Avenatti, called Mr. Giuliani's interview an "absolute unmitigated disaster" and "one of the worst TV appearances by any attorney on behalf of a client in modern times."

"He now expects the American people to believe that he doesn't really know the facts," Mr. Avenatti added. "I think it is obvious to the American people that this is a cover-up, that they are making it up as they go along."

## Politico

https://www.politico.com/story/2018/05/07/trump-cia-gina-haspel-571566

**Trump defends CIA pick Haspel: 'Democrats want out because she is too tough on terror'**

By Louis Nelson, 5/7/18

President Donald Trump issued an online vote of confidence Monday for Gina Haspel, his pick to be the next director of the CIA, and chided Democrats who have been critical of her for her role in waterboarding terrorism suspects at a secret agency prison.

"My highly respected nominee for CIA Director, Gina Haspel, has come under fire because she was too tough on Terrorists," the president wrote on Twitter. "Think of that, in these very dangerous times, we have the most qualified person, a woman, who Democrats want OUT because she is too tough on terror. Win Gina!"

Haspel is expected to be on Capitol Hill on Monday, meeting with senators ahead of confirmation hearings later this week. Whether she will be confirmed to lead the CIA remains an open question amid concern about her role running a CIA "black site" prison in Thailand where terrorism suspects were subjected to so-called "enhanced interrogation" techniques like waterboarding.

Haspel's past involvement with practices labeled by many as torture has already cost her the support of Sen. Rand Paul (R-Ky.), meaning she will require the support of at least one Democrat in order to be confirmed.

According to a Washington Post report published over the weekend, Haspel offered late last week to withdraw herself from consideration to lead the CIA over concerns that confirmation hearings scheduled for Wednesday could prove damaging to agency's reputation and to her own. She reportedly expressed a desire to avoid being "the next Ronny Jackson," a reference to the White House's former pick to lead the Department of Veterans Affairs whose candidacy was scuttled by allegations of misconduct.

White House press secretary Sarah Huckabee Sanders, who the Post reported was among the administration officials who met with Haspel last Friday at CIA headquarters in Virginia after she offered to withdraw, praised Haspel over the weekend as eminently qualified to lead the agency. That she would be the first woman to do so, Sanders wrote, should garner her further support, especially from Democrats.

"There is no one more qualified to be the first woman to lead the CIA than 30+ year CIA veteran Gina Haspel," the press secretary wrote on Twitter on Saturday. "Any Democrat who claims to support women's empowerment and our national security but opposes her nomination is a total hypocrite."

# TRUMP TWEETS

**Donald J. Trump** @realDonaldTrump · 2h

To the great people of West Virginia we have, together, a really great chance to keep making a big difference. Problem is, Don Blankenship, currently running for Senate, can't win the General Election in your State...No way! Remember Alabama. Vote Rep. Jenkins or A.G. Morrisey!

4.0K 6.2K 23K

**Donald J. Trump** @realDonaldTrump · 2h

My highly respected nominee for CIA Director, Gina Haspel, has come under fire because she was too tough on Terrorists. Think of that, in these very dangerous times, we have the most qualified person, a woman, who Democrats want OUT because she is too tough on terror. Win Gina!

6.1K 11K 39K

**Donald J. Trump** @realDonaldTrump · 1h

The Russia Witch Hunt is rapidly losing credibility. House Intelligence Committee found No Collusion, Coordination or anything else with Russia. So now the Probe says OK, what else is there? How about Obstruction for a made up, phony crime.There is no O, it's called Fighting Back

9.7K 7.4K 28K

**Donald J. Trump** @realDonaldTrump · 1h

The 13 Angry Democrats in charge of the Russian Witch Hunt are starting to find out that there is a Court System in place that actually protects people from injustice...and just wait 'till the Courts get to see your unrevealed Conflicts of Interest!

8.6K 8.7K 30K