Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 5/4/2018 9:43:13 AM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]
Subject: Morning Energy: Heightened vetting for Pruitt-related FOIAs — EPA narrows air permitting guidelines — Coolant industry: Global warming industry is so cool it's hot

By Kelsey Tamborrino | 05/04/2018 05:41 AM EDT

With help from Anthony Adragna, Eric Wolff and Emily Holden

ALL FOIA ONE, ONE FOIA ALL: You may need to have a little patience if you're waiting for EPA to ship over any documents about Administrator Scott Pruitt's activities. Freedom of Information Act requests that relate to Pruitt get an extra layer of vetting before they are released to the public, new internal emails obtained by POLITICO show. Top aides to the administrator, including chief of staff Ryan Jackson, perform the "awareness reviews" on all or most document requests related to Pruitt — on top of the reviews done by career experts. And that is contributing to the slow flow of information released under records requests at EPA, Pro's Alex Guillén reports.

The new vetting processes described in the emails are done before the agency releases essentially any documents involving the administrator. And the emails show Pruitt's political appointees chastising career employees who released documents in accordance with FOIA without letting them screen the records first.

In one exchange from last August, Jackson and Liz Bowman — the head of EPA's Office of Public Affairs who announced on Thursday she was stepping down — 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. "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 on Aug. 2, adding later that the deadline wasn't until the end of the month.

ME readers will recall from February that EPA has been flooded with FOIA requests under Pruitt, forcing many groups to sue for the release of documents. But the new emails, which EPA gave to the Natural Resources Defense Council following legal action, shed new light on the cloud of secrecy that surrounds the agency.

While Obama-era EPA officials said the agency sometimes used awareness reviews during their time at the agency when career staff thought documents would generate a lot of interest, FOIA experts say the extra vetting of documents appears to be on the rise under Pruitt. "This does look like the most burdensome review process that I've seen documented," said Nate Jones, director of the FOIA Project at George Washington University's National Security Archive. Read more.

HAPPY FRIDAY! I'm your host Kelsey Tamborrino, and the American Petroleum Institute's Khary Cauthen correctly guessed that Roger Taney — who was nominated for Treasury secretary — was rejected by the Senate, 18-28, in 1834. Not all hope was lost, however, as Taney went on to become a Supreme Court justice. For today: Who was the only member of the Continental Congress to sign all four of the great state papers? Bonus points if you can name all four papers. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

EPA NARROWS GUIDELINES: EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements, Alex reports.

The April 30 memo was sent by EPA air chief Bill Wehrum concerning the so-called common control designation, which says plants located near each other should be aggregated for permitting purposes and subject to stricter standards if they are operated by the same entity. Under the new guidance, that will include entities that can "dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements." The memo concerns a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies. Read more.

ADD ADELSON'S NAME TO THE LIST: Yet another high-profile political ally emerged Thursday to have helped Pruitt arrange an international trip: GOP mega-donor Sheldon Adelson. According to new documents obtained by The Washington Post, Adelson arranged parts of Pruitt's canceled trip to Israel — where he was in part scheduled to unveil an agreement with Water-Gen, an Israeli water purification company championed by Adelson. Read the full report here.

MORE INFO PLEASE: Four senior House Energy and Commerce Democrats — Frank Pallone, Paul Tonko, Diana DeGette and Kathy Castor — sent a letter to Pruitt Thursday asking for the names of three people Steven Hart — a lobbyist who was also married to the EPA chief's landlord — recommended for slots on the agency's Scientific Advisory Board. "Despite your earlier claims that J. Steven Hart had no clients with business before EPA, it is now clear that Mr. Hart did represent clients with business before your agency and, in fact, lobbied you on their behalf," they wrote.

MORE TIME PLEASE: Sixty-four Democrats signed onto a letter to Pruitt calling for a 90-day comment period on a his recent "secret science" proposal to ban the use of studies that don't publicly disclose all their data. "Given the large response from scientists and stakeholders before the rule was officially proposed, a comment period of 30 days will not allow for meaningful engagement from stakeholders," the letter states. Read it here.

'NOT OKAY': Interior's inspector general found a male National Park Service regional office official made unwanted sexual advances toward a female employee on consecutive days that she told him were "not okay." The official retired before a scheduled interview and stopped responding to the IG. Read the report here.

CLOVIS OUT ... AGAIN: Sam Clovis, a former Trump campaign aide who had been serving as the Agriculture Department's liaison to the White House, is departing the department and will return home to Iowa, a USDA official confirmed to POLITICO's Liz Crampton. The president had previously nominated him to be USDA undersecretary for research, education and economics, where he faced backlash for his lack of science credentials and ultimately withdrew his name from consideration for that position in November. Greens had also particularly focused on Clovis for his comments that he did not believe in man-made climate change. Read more.

COOLANT INDUSTRY: GLOBAL WARMING INDUSTRY IS SO COOL IT'S HOT: The White House now has evidence that a global warming treaty limiting coolants would generate thousands of new jobs, and now it must decide whether to send the treaty to the Senate for ratification. A report released Thursday by the Air Conditioning Heating and Refrigeration Institute and the Alliance for Responsible Atmospheric Policy said that the amendment to the Montreal Protocol limiting use of hydrofluorocabrons, a greenhouse gas, would help American manufacturers who produce the bulk of the world's supply of advanced coolants. Ratifying the treaty would produce 33,000 additional jobs and an extra $12.5 billion of annual manufacturing output.

The report is considered critical to help presidential aides persuade President Donald Trump to advance the treaty to the Senate, despite the president's aversion to multilateral treaties, his predecessor's accomplishments, and anything involving global warming. "U.S. ratification of the Kigali Amendment is good for American jobs, good for the economy, and crucial for maintaining U.S. leadership across the globe," said John Hurst, Chairman of The Alliance, and Vice President of Lennox International. He added, "Over 30 countries have ratified the amendment. America cannot afford to be on the sideline. America must continue to lead."

ZINKE HIRES GOP ADVISER FOR NPS: Interior Secretary Ryan Zinke hired Chuck Laudner, a Iowa Republican political consultant who was an adviser to Trump's campaign, for a position with the National Park Service, an Interior spokeswoman confirmed to Pro's Ben Lefevre. Laudner previously worked with Rick Santorum's presidential campaign in Iowa in 2012 and was executive director for the Iowa Republican Party from 2007-08. Interior hired Laudner "a few weeks ago," spokeswoman Heather Swift said, though she did not say what job he had taken.

MAY THE FOURTH BE WITH YOU: Zinke teased out some "Star Wars" related news on Thursday. In a video featuring the secretary walking alongside motorized BB-8 and R2-D2 toys, the droid rolls over an Interior logo. Zinke tweeted the video with a message: "Tomorrow is a big day. More to come. #MayTheFourthBeWithYou." See it.

BLANKENSHIP ATTACKS McCONNELL'S "CHINA FAMILY": West Virginia GOP Senate hopeful Don Blankenship released another ad on Thursday attacking Majority Leader Mitch McConnell. This time, the spot claims "Swamp Captain Mitch McConnell has created millions of jobs for China people." The ad, which POLITICO's Alex Isenstadt reports on here , is expected to start airing today. It closes with a shot of Blankenship holding two young children, one on each arm as he pronounces, "I will beat Joe Manchin and ditch cocaine Mitch for the sake of the kids." The ad arrives days ahead of the state's May 8 primary.

FOIA WHAT IT'S WORTH: The Montana-based Western Values Project filed a FOIA request to EPA in an effort to make public any communication about Zinke. The request includes all communications between select EPA employees that contain "Zinke," "RZ" or "Interior Secretary" and comes in response to a report in The Atlantic that alleges an EPA press employee planted stories about Zinke in order to distract from his boss. EPA spokesman Jahan Wilcox in a statement to the Atlantic called the allegations "categorically false."

CLIMATE LAWMAKERS REBUT CARBON LEGISLATION: The Citizens' Climate Lobby released a rebuttal to Rep. Steve Scalise's concurrent resolution, H. Con. Res. 119 (115), which expresses the sense of Congress that a carbon tax would be detrimental to the U.S. economy. The climate lobby refutes the resolution, claiming that if done correctly, a tax or fee on carbon could boost the economy. Read the rebuttal here and the bill text here.

MAIL CALL! BIOFUELS WRITE TO EPA ON STRATEGY: A coalition of Midwest biofuels associations sent a letter Thursday to EPA asking it to move administrative time and staff away from Renewable Fuel Standard exemptions and instead toward approvals for cellulosic ethanol. "The discrepancy between the way EPA is handling RFS exemptions and cellulosic ethanol pathway approvals tells you everything you need to know about how this EPA is treating the RFS," said Iowa Renewable Fuels Association Executive Director Monte Shaw in a statement. Read the letter.

— **The Business Council for Sustainable Energy,** a coalition of companies and trade associations, wrote to members of Congress on Thursday, asking that they reauthorize energy title programs in the farm bill, H.R. 2 (115). "It is essential that a healthy, robust bipartisan energy title continue as part of new comprehensive agriculture legislation," writes the group's president, Lisa Jacobson. The letter also lays out potential improvements to the programs. Read it here.

— **Congressional Western Caucus Chairman Paul Gosar led 18 lawmakers** in a letter requesting Pruitt reverse course and proceed with an intention to withdraw the Obama-era EPA's preemptive veto of the Pebble Limited Partnership mining project under Section 404(c) of the Clean Water Act. They write that EPA's January decision not to overturn the preemptive vote "has sowed tumult for interested parties."

VW'S WINTERKORN CHARGED: Former Volkswagen AG leader Martin Winterkorn was charged with conspiracy and wire fraud in connection with the company's long-running emissions cheating scheme, according to an indictment unsealed Thursday by the Justice Department. The indictment, issued by a federal

grand jury sitting in the Eastern District of Michigan, charged Winterkorn with four counts of violating federal law. The first count charges that he conspired with other senior executives and Volkswagen employees to defraud customers, the United States and violate the Clean Air Act by making false representations about the company's supposedly "clean diesel" vehicles. The other three counts concern wire fraud tied to the scheme. More from Pro's Lauren Gardner here.

GOING OUT WEST: New Mexico Sen. Martin Heinrich delivers a keynote address today at the Outdoor Economics Conference, and he's expected to discuss his legislation to establish the White Sands National Monument as a national park, as well as discuss the outdoor recreation industry in the region. Watch it live here.

REPORT: GRID RESILIENCY IN THE FACE OF NUCLEAR CLOSURES: A new IHS Markit report released Thursday examines the effect of five nuclear closures in the PJM Interconnection, finding the closures will reduce annual net benefits for consumers from PJM grid-based electricity by about $8 billion per year over 2013-2016. That "translates into a consumer net benefit per kilowatt-hour of PJM nuclear generation of about 3 cents per kWh," the report found. The report was prepared for Nuclear Matters, an industry-funded organization. Read it here.

MOVER, SHAKER: The Joseph Rainey Center for Public Policy, a think tank focused on sustainable politics and inclusive governance, has named Sarah Hunt its founding CEO. Hunt previously was director at the Center for Innovation and Technology at the American Legislative Exchange Council.

HITTING THE ROADMAP: The Delta Institute released a "Coal Plant Redevelopment Roadmap" on Thursday to provide insight into coal-impacted municipalities and their transition processes. Modules in the roadmap will show economic and environmental impacts, as well as provide information on engagement strategies for such communities, among other topics. See it here.

ON THE POD: NPR's podcast, Embedded, released a new episode Thursday on coal in Buchanan County, Va. Listen here.

QUICK HITS

— Continental Resources' Harold Hamm credits OPEC for boosting oil prices, Reuters.

— Pruitt reimbursed himself $65,000 from Oklahoma attorney general campaign, CNN.

— Texas officials ignore dioxin spread in Houston waterways, Associated Press.

— Gassy earthquakes near Istanbul may pose new risks to region, The New York Times.

HAPPENING TODAY

9:00 a.m. — The International Energy Agency webinar on "Outlook for Offshore Energy."

THAT'S ALL FOR ME!

To view online:
https://subscriber.politicopro.com/newsletters/morning-energy/2018/05/heightened-vetting-for-pruitt-related-foias-203960

Stories from POLITICO Pro

EPA's top spokesperson to depart Back

By Emily Holden | 05/03/2018 11:26 AM EDT

EPA's top spokeswoman is leaving the agency, the latest in a string of departures by key staffers amid the swarm of investigations into Administrator Scott Pruitt's potential ethical lapses.

The exit of Liz Bowman comes after Pruitt's lead security agent, Pasquale "Nino" Perrotta, and EPA's Superfund task force head and adviser Albert "Kell" Kelly both quit earlier this week. Perrotta has cited negative media attention as contributing to his decision. His role in Pruitt's security spending was under review by the agency's inspector general, and he was interviewed by House Oversight Committee staffers on Wednesday.

EPA also confirmed Kelly was leaving because he attracted controversy over being banned from the banking industry.

Bowman, who will join Iowa Republican Sen. Joni Ernst's staff, has been associate administrator for public affairs since shortly after Pruitt was confirmed in early 2017. She was previously director of issue and advocacy communications for the American Chemistry Council.

"I leave extremely thankful for the opportunity to serve the Trump administration and Administrator Pruitt," Bowman said. "Being a member of the EPA team has allowed me to further my skills, learn from my mistakes and make lifelong friendships. It has also provided me the opportunity to develop a new, and deep, respect for the public servants who serve the American people, day in and day out, to ensure that we all have access to clean air, land and water."

EPA chief of staff Ryan Jackson said Bowman "has been an invaluable lead of our public affairs office during this past year."

"I congratulate her on pursuing great and new opportunities on Capitol Hill where we'll continue to work with her, just in a different capacity," he said.

Bowman's last day at EPA is May 11.

Daniel Lippman contributed to this report.

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Critics pound EPA chief after he disputes human role in climate change Back

By Alex Guillén | 03/09/2017 12:04 PM EDT

EPA Administrator Scott Pruitt said Thursday that carbon dioxide emitted by human activity is not the primary driver of climate change, a conclusion out of step with mainstream climate science that drew immediate condemnation from Democrats and environmentalists.

"I think that measuring with precision human activity on the climate is something very challenging to do, and there's tremendous disagreement about the degree of impact," Pruitt said on CNBC. "So, no, I would not agree that it's a primary contributor to the global warming that we see." He also called for continued study of the issue.

That is a stronger position than Pruitt took during his confirmation hearing, when he said that the degree of human contribution to climate change is "subject to more debate."

Democrats rushed to condemn Pruitt's remarks.

"This is just nuts: EPA chief Scott Pruitt just claimed carbon not causing climate change," Sen. Brian Schatz (D-Hawaii) tweeted a few minutes after the interview aired. "We Senate D's will be a check on his crazy views."

Most scientists agree that greenhouse gases emitted by human activity like burning fossil fuels is the primary driver of climate change. That includes Pruitt's own agency, which says that human-emitted CO2 "is the primary greenhouse gas that is contributing to recent climate change."

One prominent environmentalist suggested Pruitt should be impeached.

"Pruitt misled Congress about his willingness to do a core part of his job," Sierra Club Executive Director Michael Brune wrote on Twitter. "Contradicting science + law should mean removal from office now."

Pruitt also acknowledged on his CNBC appearance that the Supreme Court has ruled on the matter and that the Obama administration issued an "endangerment finding" concluding greenhouse gases are a threatening pollutant.

But, he added, "nowhere in the continuum, nowhere in the equation, has Congress spoken. The legislative branch has not addressed this issue at all."

Pruitt was slated to speak at the CERAWeek oil industry conference in Houston later Thursday. He said on CNBC that he would bring a "pro-growth, pro-jobs and pro-environment" message to the conference.

To view online click here.

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EPA narrows guidelines for aggregating sources for air permitting Back

By Alex Guillén | 05/03/2018 05:59 PM EDT

EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements.

Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as "common control." In that case, the facilities' emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately.

In an April 30 memo concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one entity has "the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements."

A dependent relationship should not necessarily mean common control, he added. Facilities can be "economically or operationally interconnected" without being able to direct the other.

In the immediate case of the Pennsylvania landfill and processing plant, Wehrum concluded that the two are not commonly controlled because the landfill could otherwise meet methane emissions limits by burning off biogas and because the processing plant hopes to secure other sources of biogas.

WHAT'S NEXT: Ultimately, EPA's reasoning is only a recommendation. Pennsylvania regulators have the final say on whether these particular facilities fall under "common control."

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Sam Clovis is leaving USDA Back

By Liz Crampton | 05/03/2018 08:16 PM EDT

Sam Clovis, the former Trump campaign aide who had been serving as USDA's liaison to the White House, is leaving the Agriculture Department and will return home to Iowa, a USDA official confirmed Thursday evening.

Clovis' last day is Friday. A "goodbye party" was being held for him on Thursday night, according to a source attending the party.

Clovis had served as a co-chairman and policy adviser on the Trump campaign and later led the USDA beachhead team for the Trump transition, but ran into trouble when President Donald Trump nominated him to be USDA undersecretary for research, education and economics.

Clovis withdrew his name from consideration in November — before the Senate Agriculture Committee could hold a confirmation hearing — after facing a torrent of criticism from Senate Democrats and environmental advocates. Clovis drew fire for his skepticism of climate science, past comments on issues like race and gender, and what critics on the left said was his lack of scientific credentials that are legally required for the position, which would also have had him serve as the department's chief scientist.

Clovis had endured criticism for months, but his withdrawal came shortly after he was swept up in special counsel Robert Mueller's probe of Russian interference in the 2016 campaign and the Trump campaign's alleged ties to Russian interests. While serving on the campaign, Clovis had supervised George Papadopoulos, a Trump campaign foreign policy adviser who struck a plea deal on charges he lied to FBI investigators about his communications with Russia-linked contacts. Clovis' withdrawal followed shortly after news of Papadopoulos' plea deal.

More recently, Clovis had been posted to the Natural Resources Conservation Service to provide guidance.

"Dr. Clovis was one of the first people through the door at USDA in January 2017, and we are grateful for his time here," a USDA spokesman said. "He is a good man and a patriot who for decades has served his country admirably. While we are sad Dr. Clovis is leaving USDA, we wish him well on his future endeavors back home in Iowa."

Daniel Lippman contributed to this report.

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Zinke hires Iowa political consultant for Interior parks job Back

By Ben Lefebvre | 05/03/2018 06:55 PM EDT

Interior Secretary Ryan Zinke has hired Iowa Republican political consultant Chuck Laudner for a position with the National Park Service, an Interior spokeswoman confirmed today.

Interior hired Laudner "a few weeks ago," spokeswoman Heather Swift said, though she did not say what his job he had taken.

"Rebuilding our National Parks infrastructure is a major legislative priority of the Secretary and President and Chuck is helping make it happen," Swift said.

Laudner was an adviser to President Donald Trump's campaign, and he previously worked with Pennsylvania Republican Sen. Rick Santorum's presidential campaign in Iowa in 2012. Laudner also worked as the executive director for the Iowa Republican Party from 2007 to 2008.

Iowa has two national parks, according to the NPS website.

Laudner's appointment could be the latest example that Zinke is considering a possible presidential run. A polling firm asked Iowa residents in April their opinion on Zinke, while a political group run by former advisers to Vice President Mike Pence paid for a 30-second television ad featuring Zinke that aired in Washington, D.C. in March.

"What a curious hire," said Aaron Weiss, media director at Center for Western Priorities, a conservation group. "Chuck Laudner doesn't appear to be at all qualified for a job at the Interior Department, but he's very well-qualified to advise a politician with future ambitions in Iowa."

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Blankenship goes after McConnell's 'China family' in new ad Back

By Alex Isenstadt | 05/03/2018 05:25 PM EDT

West Virginia GOP Senate hopeful Don Blankenship is amping up his racial attacks on Senate Majority Leader Mitch McConnell with a new ad declaring, "Swamp captain Mitch McConnell has created millions of jobs for China people."

"While doing so, Mitch has gotten rich," Blankenship adds. "In fact, his China family has given him tens of millions of dollars."

McConnell's wife, Transportation Secretary Elaine Chao, was born in Taiwan and her parents are Chinese. Her father is chairman of a shipping company.

The new spot, which is expected to start airing on Friday, comes just ahead of the May 8 primary. As the dramatic contest comes to a close, Blankenship, a former coal baron who spent a year in prison following the 2010 explosion at his Upper Big Branch Mine that killed 29 workers, has focused his assault squarely on McConnell — sometimes in harshly racial terms.

During a recent interview with POLITICO, Blankenship said McConnell "has a lot of connections in China." He also said that Chao is "from China, so we have to be really concerned that we are in truth" putting America's interests first.

Earlier this week, Blankenship began running another TV spot labeling McConnell "cocaine Mitch." The spot is apparently in reference to a 2014 report that drugs were once found aboard a shipping vessel owned by Chao's family.

McConnell has singled out Blankenship for defeat, convinced that a Blankenship primary win would destroy the party's prospects for defeating Democratic Sen. Joe Manchin in November. A McConnell-aligned super PAC has aired about $1.3 million in negative ads against Blankenship.

Blankenship is facing two more mainstream GOP opponents, Rep. Evan Jenkins and state Attorney General Patrick Morrisey. Recent polls have shown Blankenship fading.

With Blankenship going after Chao, McConnell's political team has swung back aggressively. Josh Holmes, a longtime McConnell political adviser, has described Blankenship as "mentally ill."

In his new spot, Blankenship responds to that accusation, saying: "Mitch's swamp people are now running false, negative ads against me. They're also childishly calling me despicable and mentally ill."

The ad closes with a shot of Blankenship holding two young children, one on each arm as he pronounces, "I will beat Joe Manchin and ditch cocaine Mitch for the sake of the kids."

Holmes fired back at Blankenship. "This clown is a walking talking case study for the limitation of a prison's ability to rehabilitate," he wrote in a text message.

While Blankenship has attempted to focus the campaign on China during the closing stretch of the race, McConnell's team has noted that in 1999 Blankenship spoke of moving to China and becoming a Chinese citizen. Blankenship's girlfriend was born in China, according to media reports.

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Pruitt airs environmental concerns about proposed Alaska mine Back

By Alex Guillén | 01/26/2018 07:34 PM EDT

EPA Administrator Scott Pruitt today announced he has serious concerns about any potential mining project in Alaska's Bristol Bay region, creating doubt that the controversial Pebble Mine proposal may ultimately be approved.

EPA said in a release today that it will suspend its proposed withdrawal of Obama-era restrictions after hearing from Alaskan residents and other interested parties. The proposed mine has long drawn opposition from some in the state, including independent Gov. Bill Walker, as well as environmentalists, over worries that it could harm Bristol Bay's critical salmon fisheries.

"It is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there," Pruitt said in a statement. "Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection."

The permitting process, which is handled at this stage by the Army Corps of Engineers, can continue, EPA said. But the agency warned that the developers will have to clear a "high bar." The agency added in a release that not revealing Pruitt's doubts at this stage would be "disingenuous." EPA has veto power over such Army Corps permits.

Pebble Limited Partnership CEO Tom Collier said in a statement that the company "can demonstrate that we can responsibly construct and operate a mine at the Pebble Deposit that meets Alaska's high environmental standards."

To view online click here.

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DOJ charges former VW CEO with conspiracy, wire fraud Back

By Lauren Gardner | 05/03/2018 04:42 PM EDT

DOJ unsealed an indictment today charging former Volkswagen AG leader Martin Winterkorn with conspiracy and wire fraud linked to the automaker's effort to cheat U.S. diesel emissions standards.

Winterkorn is charged with one count of conspiracy with other VW executives to defraud the Unites States, along with the manufacturer's customers. The other three counts concern wire fraud tied to the scheme.

"If you try to deceive the United States, then you will pay a heavy price," Attorney General Jeff Sessions said in a statement. "The indictment unsealed today alleges that Volkswagen's scheme to cheat its legal requirements went all the way to the top of the company. These are serious allegations, and we will prosecute this case to the fullest extent of the law."

The indictment alleges that Winterkorn knew of the emissions cheating as far back as May 2014, and that he was informed again of it in July 2015. VW as a company pleaded guilty in March 2017 to criminal charges related to the regulatory deception and agreed to pay a $2.8 billion criminal penalty.

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