Message

From: Leopold, Matt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 4/12/2018 9:19:14 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Beach, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6b124299bb6f46a39aa5d84519f25d5d-Beach, Chri]; Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Block, Molly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=60d0c681a16441a0b4fa16aa2dd4b9c5-Block, Moll]; Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Bolen, Derrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ffc58b0468c4deca51a8bad735b7d95-Bolen, Derr]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; Burke, Marcella [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5066626ec70846439b8d3f6c35d92be8-Burke, Marc]; Chancellor, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae6aeabeca754643bdb01c9f5b653ca6-Chancellor,]; Cook, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=394f5dede6184bc083cf9390e49a192c-Cook, Steve]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Daniell, Kelsi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd867173479344b3bda202b3004ff830-Daniell, Ke]; Darwin, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ae8e9d24eeb4132b25982e358efbd9d-Darwin, Hen]; Darwin, Veronica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc98aaf2f15a466baede3dab0e27a35e-Darwin, Ver]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]; Feeley, Drew (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abae82aa36da4d3383eae19a8efa683c-Feeley, Rob]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Fotouhi, David

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(Catherine) [/o=ExchangeLabs/ou=Exchange Administrative Group
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[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]; Yamada, Richard (Yujiro) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4c34a1e0345e4d26b361b5031430639d-Yamada, Yuj]

Subject: Re: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Congrats.

Sent from my iPhone

On Apr 12, 2018, at 1:43 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Thank you team!! Can't wait to get over there!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Personal Phone / Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, April 12, 2018 4:30 PM
To: Ford, Hayley; Abboud, Michael; Baptist, Erik; Beach, Christopher; Beck, Nancy; Bennett, Tate; Block, Molly; Bodine, Susan; Bolen, Brittany; Bolen, Derrick; Bowman, Liz; Brown, Byron; Burke, Marcella; Chancellor, Erin; Cook, Steven; Cory, Preston (Katherine); Daniell, Kelsi; Darwin, Henry; Darwin, Veronica; Dominguez, Alexander; Dravis, Samantha; Falvo, Nicholas; Feeley, Drew (Robert); Ferguson, Lincoln; Forsgren, Lee; Fotouhi, David; Frye, Tony (Robert); Gordon, Stephen; Greaves, Holly; Greenwalt, Sarah; Gunasekara, Mandy; Hanson, Paige (Catherine); Harlow, David; Hewitt, James; Hupp, Millan; Jackson, Ryan; Kelly, Albert; Konkus, John; Kundinger, Kelly; Leopold, Matt; Letendre, Daisy; Lovell, Will (William); McMurray, Forrest; Munoz, Charles; Palich, Christian; Ringel, Aaron; Rodrick, Christian; Ross, David P; Schwab, Justin; Seabaugh, Catherine; Shimmin, Kaitlyn; Traylor, Patrick; Wagner, Kenneth; Wehrum, Bill; White, Elizabeth; Wilcox, Jahan; Woods, Clint; Yamada, Richard (Yujiro)
Subject: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator
Importance: High

By vote of 53-45

Dem Senators voting "YES": Manchin (WV) , Heitkamp (ND) , Donnelly (IN),

Message

From: Administrator / Ex. 6 /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F061A85B2E14828934C1A85CC4D5122- Exemption 6
Sent: 8/9/2018 12:10:39 PM
To: Ex. 6 @faegrebd.com
Subject: Happy Birthday

Happy Birthday! I would love to catch up sometime soon.

- Andrew

Andrew R. Wheeler
Acting Administrator
U.S. Environmental Protection Agency
Personal Phone / Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]

Sent: 12/15/2017 4:53:36 PM

To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]

CC: Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]

BCC: 'mzehr@hbwresources.com'; 'pverma@chevron.com'; 'Tim.stewart@bennettdc.com'; 'ldjohnson@bhfs.com'; 'John.m.dabbar@conocophillips.com'; 'Jennifer.diggins@albemarle.com'; 'tcharters@noia.com'; 'Amanda.campbell@ge.com'; 'kbray@croplifeamerica.com'; 'mshut@statoil.com'; 'Marcelo.panelo@bp.com'; 'Dena.wiggins@ngsa.org'; 'Dnaatz@ipaa.org'; 'dalem@fb.org'; 'lynn_jason_m@cat.com'; 'bwkirkham@marathonoil.com'; 'dmorgan@afpm.org'; 'jvroom@croplifeamerica.com'; 'jmullins@nma.org'; Ex. 6 joe.cain@kyfb.com; ',' [twillardson@wswc.utah.gov]; donp@fb.org; 'tmehan@awwa.org'; 'janastasio@acwa-us.org'; 'aroberson@asdwa.org'; 'demerson@crystalsugar.com'; 'pmiller@betterseed.org'; 'alavigne@betterseed.org'; 'stanley.hill@arfb.com'; Ex. 6 'DickWhite@DurangoGov.org'; 'kim.peterson@guymonok.org'; 'dani@coloagleaders.org'; 'dstroisch@ilfb.org'; Ex. 6 'judd.berger@foxnews.com'; Ex. 6 Ex. 6 'anielsen@ilfb.org'; 'rwhitehouse@ilfb.org'; 'MCLARK@idem.IN.gov'; 'Kayla.Lyon@iowa.gov'; 'jacksonfarms@mahaska.org'; Ex. 6 'Sheaftractor@grics.net'; Ex. 6 Ex. 6 'kskunes@polarcomm.com'; 'jmckenney@ndfu.org'; 'kafletcher@nd.gov'; Ex. 6 'leeanna.mcnally@okfb.org'; 'Tyler.Powell@ee.ok.gov'; Ex. 6 Ex. 6 Ex. 6 Ex. 6 'mseetin@usapple.org'; 'iowariverranch@heartofiowa.net'; 'kcooper@nevadacubs.org'; 'coursercattle@iowatelcom.net'; 'justin@calcattlemen.org'; 'sarah@coloradocattle.org'; 'bhammerich@coloradolivestock.org'; 'sard@asrlegal.com'; 'kaytlyn@gabeef.org'; 'dale@hicattle.org'; 'Britany@idahocattle.org'; 'jill@illinoisbeef.com'; 'jmoore@indianabeef.org'; 'janlee@iabeef.org'; 'apopelka@kla.org'; 'jredway@kycattle.org'; 'rjoyner@labeef.org'; 'gquackenbush@mibeef.org'; 'ashley@mnsca.org'; Ex. 6 'Candace@mocattle.com'; 'kori@mtbeef.org'; 'lfield@necattlemen.org'; 'nca@nevadabeef.org'; 'nmcga@nmagriculture.org'; 'phil@trowbridgefarms.com'; 'bryan@nccattle.com'; 'rorvigranchco@gondtc.com'; 'lcorry@ohiobeef.org'; 'chanson@okcattlemen.org'; 'jerome.rosa@orcattle.com'; ' Ex. 6 'scbeef@scda.sc.gov'; 'executive@sdcattlemen.org'; 'Lauren@tncattle.org'; 'jskaggs@tscra.org'; 'jwinegarner@tcfa.org'; 'utahbeef@aol.com'; 'tfix@vacattlemen.org'; 'jackfield@kvalley.com'; 'wacattle@k.com'; 'wvca@wvbeef.org'; 'jenaswanson@yahoo.com'; 'haley@wysga.org'; 'David Ross' Ex. 6 'syager@beef.org'; lundy.kiger@aes.com; sgiustino@cancentral.com; rbudway@cancentral.com; abromberg@crcpublicrelations.com; mrussell@crcpublicrelations.com; Blake.Barfield@hollyfrontier.com; ross@utahhba.com; bruce@indianacoal.com; bschonacher@ibc.com; claire@mec.com; mitch@mitchen.net; mmittelholzer@nahb.org; cglen@nam.org; cdawson@realtors.org; sprhines@noble.org; matt@orangelinecondo.com; hjreed@p66.com; ngarcia@signalgroupdc.com; crellis@noble.org; csoderberg@iowarec.org; kcondon@iowarec.org; jw@pacificlegal.org; brian.seasholes@reason.org; daren.bakst@heritage.org; michael.costigan@heritage.org; robert.gordon@heritage.org; diane.katz@heritage.org; david.kreutzer@heritage.org; nick.loris@heritage.org; terry.miller@heritage.org; bndunlop@heritage.org; jack.spencer@heritage.org; katie.tubb@heritage.org; robert.bluey@heritage.org; mwalker@alfafarmers.org; Ex. 6 anakennedy@azfb.org; zac.bradley@arfb.com; jrolph@cfbf.com; zach@coloradofb.org; henryt@cfba.org; pam.bakerian@defb.org; johnwalt.boatright@ffbf.org; tasmith@gfb.org; brian@hfbf.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33a82620bb144e8496bd7bf63de940a8-brian@hfbf.org]; rhendricks@idahofb.org; anielsen@ilfb.org; bwhite@infarmbureau.org; kkuhle@ifbf.org; flicknerr@kfb.org; joe.cain@kyfb.com; Kylem@lfbf.org; asmart@mainefarmbureau.com; cferguson@mdfarmbureau.com; brad@mfbf.net; jkran@michfb.com; amber.hanson@fbmn.org; jferguson@msfb.org; Spencer.tuma@mofb.com; nicoler@mfbf.org; jordand@nefb.org; doug@nvfb.org; robj@nhfarmbureau.org; lizt@njfb.org; mattg@nmflb.org; ewolters@nyfb.org; linda.andrews@ncfb.org; pete@ndfb.org; jirvin@ofbf.org; LeeAnna.mcnally@okfb.org; gail@oregonfb.org; klwatson@pfb.com; isoly@agricultorpr.org; haquinn@rifb.org; gspires@scfb.com; k.smit@sdfbf.org; rrose@tfbf.com; ladams@txfb.org; scb@fbfs.com; Ex. 6 wilmer.stoneman@vafb.com; tdavis@wsfb.com; dwayneo@wvfarm.org; kgefvert@wfbf.com; kenhamilton@wyfb.org

Subject: U.S. Senate Confirms Matt Leopold to Serve as EPA General Counsel

ICYMI

U.S. Senate Confirms Matt Leopold to Serve as EPA General Counsel

WASHINGTON — U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt praised the U.S. Senate's action to confirm Matt Leopold to serve as general counsel for the for EPA.

"Matt Leopold has tremendous experience in environmental litigation and is committed to the rule of law," **said Administrator Scott Pruitt**. "I want to thank Leader McConnell and Chairman Barrasso for their assistance in ensuring Mr. Leopold's confirmation, and I look forward to working with Matt to maintain the integrity and lawfulness of the Agency."

On October 25, 2017, the U.S. Senate Committee on Environment and Public Works, led by U.S. Senator John Barrasso (R-WY), advanced Matt Leopold's nomination out of committee.

If you would rather not receive future communications from US EPA, Office of Public Engagement, let us know by clicking here.
US EPA, Office of Public Engagement, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 12/15/2017 3:57:43 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]
BCC: mzehr@hbwresources.com; pverma@chevron.com; Tim.stewart@bennettdc.com; ldjohnson@bhfs.com; John.m.dabbar@conocophillips.com; Jennifer.diggins@albemarle.com; tcharters@noia.com; Amanda.campbell@ge.com; kbray@croplifeamerica.com; mshut@statoil.com; Marcelo.panelo@bp.com; Dena.wiggins@ngsa.org; Dnaatz@ipaa.org; dalem@fb.org; lynn_jason_m@cat.com; bwkirkham@marathonoil.com; dmorgan@afpm.org; jvroom@croplifeamerica.com; jmullins@nma.org; Ex. 6 joe.cain@kyfb.com; , [twillardson@wswc.utah.gov]; donp@fb.org; tmehan@awwa.org; janastasio@acwa-us.org; aroberson@asdwa.org; demerson@crystalsugar.com; pmiller@betterseed.org; alavigne@betterseed.org; stanley.hill@arfb.com; Ex. 6 DickWhite@DurangoGov.org; kim.peterson@guymonok.org; dani@coloagleaders.org; dstroisch@ilfb.org; Ex. 6 judd.berger@foxnews.com; Ex. 6 anielsen@ilfb.org; rwhitehouse@ilfb.org; MCLARK@idem.IN.gov; Kayla.Lyon@iowa.gov; jacksonfarms@mahaska.org; Ex. 6 Sheaftractor@grics.net; Ex. 6 kskunes@polarcomm.com; jmckenney@ndfu.org; kafletcher@nd.gov; Ex. 6 leeanna.mcnally@okfb.org; Tyler.Powell@ee.ok.gov; Ex. 6 mseetin@usapple.org; iowariverranch@heartofiowa.net; kcooper@nevadacubs.org; coursercattle@iowatelcom.net; justin@calcattlemen.org; sarah@coloradocattle.org; bhammerich@coloradolivestock.org; sard@asrlegal.com; kaytlyn@gabeef.org; dale@hicattle.org; Britany@idahocattle.org; jill@illinoisbeef.com; jmoore@indianabeef.org; janlee@iabeef.org; apopelka@kla.org; jredway@kycattle.org; rjoyner@labeef.org; gquackenbush@mibeef.org; ashley@mnsca.org; Ex. 6 Candace@mocattle.com; kori@mtbeef.org; lfield@necattlemen.org; nca@nevadabeef.org; nmcga@nmagriculture.org; phil@trowbridgefarms.com; bryan@nccattle.com; rorvigranchco@gondtc.com; lcorry@ohiobeef.org; chanson@okcattlemen.org; jerome.rosa@orcattle.com; Ex. 6 scbeef@scda.sc.gov; executive@sdcattlemen.org; Lauren@tncattle.org; jskaggs@tscra.org; jwinegarner@tcfa.org; Ex. 6 tfix@vacattlemen.org; jackfield@kvalley.com; wacattle@k.com; wvca@wvbeef.org; Ex. 6 haley@wysga.org; 'David Ross' [Ex. 6 ; syager@beef.org
Subject: U.S. Senate Confirms David Ross to Lead EPA Water Office

ICYMI.

U.S. Senate Confirms David Ross to Lead EPA Water Office

WASHINGTON – The U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt praised the U.S. Senate's action to confirm David Ross to serve as the assistant administrator for EPA's Office of Water.

"David Ross has a record of holding polluters accountable and navigating through complex environmental law on behalf of the state of Wisconsin," **said Administrator Scott Pruitt**. "His expertise will be vital to the Agency as we look to keep our water clean and provide regulatory certainty for the stakeholder community. I want to thank Leader McConnell and Chairman Barrasso for moving Mr. Ross through the confirmation process, and I look forward to the numerous contributions David will bring to the Agency's water office."

On October 25, 2017, the U.S. Senate Committee on Environment and Public Works, led by U.S. Senator John Barrasso (R-WY), advanced David Ross's nomination out of committee.

If you would rather not receive future communications from US EPA, Office of Public Engagement, let us know by clicking here.
US EPA, Office of Public Engagement, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/4/2018 2:43:30 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
BCC: 'Terry_VanDoren@mcconnell.senate.gov'; tony.campbell@ekpc.coop; nick.comer@ekpc.coop; bhart@amec.org; Ljohnson@seminole-electric.com; rhart@seminole-electric.com; Katelyn Conner [Katelyn_Conner@mcconnell.senate.gov]; kcondon@iowarec.org; csoderberg@iowarec.org; bviator@eei.org; pbailey@americaspower.org; tpyle@energydc.org; athomas@publicpower.org; afarrell@awea.org; RRogier@archcoal.com; carrie@usabiomass.org; suzanne.swink@bp.com; Ryan.Walker@bp.com; nkaeding@cato.org; parker.jeppesen@strata.org; susan.turbes@centerpointenergy.com; Arnoldo.Medina@chevron.com; cmyers@oaec.coop; amodiano@usoga.org; mike@Feca.com; Dana@nevadamining.org; Suzi.Holland@chevron.com; sbowers@isa.coop; rashidhallaway@hhqventures.com; richard.reavey@cldpk.com; myron.ebell@cei.org; Kjersten.S.Drager@conocophillips.com; dholt@hbwresources.com; roger.kelley@clr.com; Angie.Burckhalter@dvn.com; tkuhn@eei.org; richardson@eelegal.org; BRoss@hbwresources.com; j.burwen@energystorage.org; joseph.dominguez@exeloncorp.com; daniel.c.easley@exxonmobil.com; gleason@pacoal.org; bruce@indianacoal.com; Ex. 6 ; twhite@kentuckycoal.com; george@alcoal.com; rodney.andrews@uky.edu; nathanl@bcatoday.org; info@alaskachamber.com; kfranquist@azchamber.com; customer.service@calchamber.com; lfurman@cochamber.com; adam.ney@cbia.com; cjames@dscc.com; dhart@flchamber.com; kjackson@gachamber.com; labe@cochawaii.org; ALaBeau@iaci.org; tdiers@ilchamber.org; jbrantley@indianachamber.com; cmcgowan@siouxlandchamber.com; president@kansaschamber.org; davida@kychamber.com; reneea@labi.org; pgore@mainechamber.org; info@mdchamber.org; jholcomb@michamber.com; bblazar@mnchamber.com; jword@mec.ms; mpanik@mochamber.com; Bridger@MontanaChamber.com; jkarl@nechamber.com; slamb@BIAofNH.com; michael.egenton@njchamber.com; bcondon@nmaci.org; info@chamber.nyc; chughes@ncchamber.net; brent@ndchamber.com; klake@ohiochamber.com; mjackson@okstatechamber.com; jlwilson@pacounsel.org; sdenisco@pachamber.org; pderoche@provchamber.com; kate.bondurant@scchamber.net; davido@sdchamber.biz; charles.schneider@tnchamber.org; bgibson@txbiz.org; rona@thechamber.org; aboles@VTChamber.com; l.wisman@vachamber.com; sroberts@wvchamber.com; mem@wmc.org; basin@tctwest.net; hjreed@p66.com; Claire@mec.com; kathy@kathywalker.us; heath.lovell@arlp.com; jmcgillis@ierdc.org; phedger@freedomworks.org; tpyle@energydc.org; pmichaels@cato.org; genetree@bellsouth.net; blake.barfielld@hollyfrontier.com; moffetth@api.org; commissioners@co.phillips.mt.us; bobmurray@coalsource.com; Dewey, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fc3a7e01b12f4aeba5d34b813df8112a-Dewey, Amy]; Milbourn, Cathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=235d8027f05546dba9897972f0b78419-Cmilbour]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Bluey, Rob [rob.bluey@heritage.org]; myron.ebell@cei.org; Annie Dwyer [Annie.Dwyer@cei.org]; mwalker@alfafarmers.org; Ex. 6 anakennedy@azfb.org; zac.bradley@arfb.com; jrolph@cfbf.com; zach@coloradofb.org; henryt@cfba.org; pam.bakerian@defb.org; johnwalt.boatright@ffbf.org; tasmith@gfb.org; brian@hfbf.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33a82620bb144e8496bd7bf63de940a8-brian@hfbf.org]; rhendricks@idahofb.org; anielsen@ilfb.org; bwhite@infarmbureau.org; kkuhle@ifbf.org; flicknerr@kfb.org; joe.cain@kyfb.org; Kylem@lfbf.org; asmart@mainefarmbureau.com; cferguson@mdfarmbureau.com; brad@mfbf.net; jkran@michfb.com; amber.hanson@fbmn.org; jferguson@msfb.org; Spencer.tuma@mofb.com; nicoler@mfbf.org; jordand@nefb.org; doug@nvfb.org; robj@nhfarmbureau.org; lizt@njfb.org; mattg@nmflb.org; ewolters@nyfb.org; linda.andrews@ncfb.org; pete@ndfb.org; jirvin@ofbf.org; LeeAnna.mcnally@okfb.org; gail@oregonfb.org; klwatson@pfb.com; isoly@agricultorpr.org; haquinn@rifb.org; gspires@scfb.com; k.smit@sdfbf.org; rrose@tfbf.com; ladams@txfb.org
Subject: 500 Days...
Attachments: Promises Made and Kept.pdf

Good morning. As we approach the 500th day of the Trump Administration, I thought you might be interested in the attached document. Let me know if you have any questions. -Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
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AMERICAN GREATNESS

PROMISES MADE, PROMISES KEPT

Notable Policy Achievements

1. Withdraw From The Paris Climate Accords
2. Ensure Clean Air & Water
3. Reduce Burdensome Government Regulations
4. Repeal The So Called "Clean Power Plan"
5. Repeal The Waters of The United States Rule
6. Promote Energy Dominance
7. Promote Science Transparency
8. End Sue & Settle
9. Promote the Auto Industry

Withdraw From The Paris Climate Accords

Promise Made

While On The Campaign Trail, Then-Candidate Donald Trump Pledged To Withdraw From The Paris Climate Accord. Donald Trump "railed against 'draconian climate rules' and said he would 'cancel' the Paris climate agreement. (NBC News, 5/26/2017)

Promise Kept

In June 2017, President Trump Announced His Decision To Withdraw From The Paris Climate Accords, Pledging To Put American Jobs First. "President Donald Trump kept a campaign promise by announcing Thursday that he is immediately withdrawing the U.S. from a global climate pact. Trump had said as a candidate that the Paris climate accord, signed by nearly 200 countries in 2015, would cause job losses in the U.S." (PBS, 6/1/2018).

Ensure Clean Air and Water

Promise Made

President-Elect Trump Stressed "Clean Air And 'Crystal Clear Water' Were Vitally Important." (The New York Times, 11/22/2016)

Promise Kept

Greenhouse Gas Emissions Are Down Despite Critics' Claims That Top-Down Government Regulations Are Needed. "The EPA administrator yesterday touted the results of the agency's annual report that tallies U.S. emissions. The inventory, released last week, shows that domestic greenhouse gas emissions were down 2.5 percent in 2016 compared with 2015. Between 2005 and 2016, emissions fell about 11 percent." (E&E News, 4/19/2018)

Democratic Senator Jon Tester Applauded Administrator Pruitt's Commitment To Superfund Communities In Montana. "You committed to working with Superfund communities in Montana to increase transparency and solicit additional public input. I applaud that. I am glad to hear that EPA and BP-ARCO are finally moving forward the framework agreement to cleaning up Butte and move forward soon with Anaconda." (Senator Jon Tester, 5/16/2018)

EPA Administrator Scott Pruitt Approved Cleanup Plan To Remove Toxic Material From West Lake Superfund Site. "Environmental Protection Agency Administrator Scott Pruitt said Monday that he believes he has proposed a "sound, solid" solution to clean up the West Lake Landfill Superfund site — but that a final decision could include excavating more than the 67 percent of the site the EPA says will be sufficient to protect the health of neighboring residents." (St. Louis Dispatch, 3/13/2018)

The Trump Administration's EPA Has Made It A Priority To Clean Up Toxic Superfund Sites To Improve Environmental Quality For Surrounding Communities. "Federal environmental regulators have reached a long-awaited agreement with the owners of a polluted toxic waste site in Texas that was damaged during Hurricane Harvey, releasing dangerous chemicals into a river. The Environmental Protection Agency says it reached a final deal with International Paper Co. and McGinnes Industrial Maintenance Corp. to design a plan to remove dioxin-contaminated materials from the San Jacinto River Waste Pits Superfund site, located outside Houston." (The Associated Press, 4/11/2018)

Reduce Burdensome Government

Promise made

President-Elect Trump Promised To Reduce Burdensome, Job-Killing Regulations Prior To Taking Office. "I will formulate a rule which says for every one new regulation, two old regulations must be eliminated." (President-Elect Donald Trump, 11/21/2016)

Promise Kept

During The First Year Of The Trump Administration, EPA Finalize 22 Deregulatory Actions, Which Could Save Americans more Than $1 Billion In Regulatory Costs. (EPA Releases Administrator Pruitt's year On Accomplishments Report, 3/5/2018)

For Fiscal Year 2017, EPA Finalized Two Deregulatory Actions For Each Final Regulatory Action. (EPA Releases Annual Regulatory Plan, 12/14/2017)

In October 2017, EPA Relaunched The Smart Sectors Program To Collaborate With Regulated Sectors And Develop Sensible Approaches That Better Protect The Environment And Human Health. "'EPA's Smart Sectors program will re-examine how EPA engages with industry in order to reduce unnecessary regulatory burden, create certainty and predictability, and improve the ability of both EPA and industry to conduct long-term regulatory planning while also protecting the environment and public health,' according to the EPA." (Washington Examiner, 9/27/2017)

Repeal The So Called "Clean Power Plan"

Promise Made

Then-Candidate Donald Trump Promised To Repeal The Job-Killing Clean Power Plan On The Campaign Trail. "During an economic policy speech in New York, Trump said he would eliminate the Clean Power Plan and the Waters of the United States rule. In a fact sheet released accompanying the speech." (The Washington Examiner, 9/15/2016)

Promise Kept

In October 2017, EPA Announced The Agency Has Submitted A Proposal To Repeal The So-Called "Clean Power Plan." "The Environmental Protection Agency announced on Tuesday that Scott Pruitt, the chief of the agency, had signed a measure to repeal President Barack Obama's signature policy to curb greenhouse gas emissions from power plants." (The New York Times, 10/9/2017)

Repeal The Water of The United States Rule

Promise Made

Then-Candidate Donald Trump Promised To Repeal The "Waters Of The United States" Rule On The Campaign Trail. "During an economic policy speech in New York, Trump said he would eliminate the Clean Power Plan and the Waters of the United States rule. In a fact sheet released accompanying the speech." (The Washington Examiner, 9/15/2016)

Promise Kept

In June 2017, President Trump's EPA Proposed To Repeal The Obama A dministration's Overreaching "Waters Of The United States" Rule That Will Provide Regulatory Certainty For Farmers And Land Owners. "The Environmental Protection Agency (EPA) formally proposed Tuesday to repeal the Obama administration's controversial regulation that extended the reach of the federal government over small waterways." (The Hill, 6/27/2018)

Promote Energy Dominance

Promise Made

Then-Candidate Donald Trump Pledged "Energy Revolution." "A Trump administration would end this war on the American worker and unleash an energy revolution that will bring vast new wealth to our country." (The Hill, 8/8/2016)

Promise Kept

In October 2017, EPA Released Energy Independence Report To Highlight Success And Lay Out Plans For The Future. "Today, the U.S. Environmental Protection Agency (EPA) released its final report on how EPA, under Administrator Scott Pruitt's leadership, is implementing President Trump's Executive Order 13783 to curb regulatory burdens in order to promote energy production and economic growth – while protecting human health and the environment." (EPA Releases Energy Independence Report, 10/25/2017)

Promote Science Transparency

Promise Made

Then-Candidate Donald Trump Promised That "Policy Decisions Will Be Public And Very, Very Transparent." (Speech in Bismarck, ND, 5/26/2016)

Promise Kept

In April 2018, EPA Issued A Proposed Rule To Provide Transparency In EPA Regulations. "Taking steps to increase access to data, with strong privacy protections, is how society will continue to make scientific and economic progress and ensure that evidence in rule-making is sound. The EPA's proposed rule follows principles laid out in 2017 by the bipartisan Commission on Evidence-Based Policymaking — humility, transparency, privacy, capacity and rigor — and moves us toward providing greater access to scientific data while protecting individual privacy." (Washington Post, 5/10/2018)

End Sue & Settle

Promise Made

Then-Candidate Donald Trump Promised That "In A Trump Administration, Political Activists With Extreme Agendas Will No Longer Write The Rules Because That Is What Is Happening Now." (Speech in Bismarck, ND, 5/26/2016)

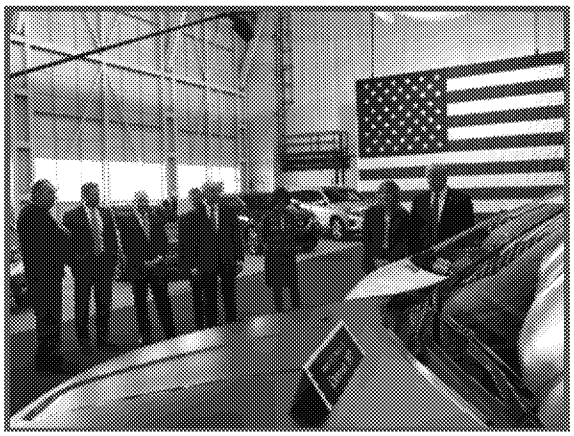
Promise Kept

In October 2017, EPA Put An End To The Use Of "Sue & Settle." "... Pruitt declared 'the days of regulation through litigation are over.' He is directing the agency to take a series of steps intended to increase transparency, improve public participation, and provide direct accountability for the actions that EPA officials take. That includes forbidding the practice of entering into any settlements that 'exceed the authority of the courts' and requiring that any proposed settlement be published for a 30-day public comment period." (National Review, 10/21/2017)

Promote the Auto Industry

Promise Made

Then-Candidate Donald Trump Promised, "We Are Going To Bring Back The Automobile Industry To Michigan, Bigger And Better And Stronger Than Ever Before." (Rally in Grand Rapids, MI, 11/8/2016)



Promise Kept

In April 2018, Administrator Pruitt Determined that Obama-Era Standards for Light-Duty Vehicles Were Not Appropriate and Unnecessary Regulatory Burdens On the Auto Industry. "Obama administration regulations on fuel efficiency for automobiles were both unrealistic and coercive, Environmental Protection Agency Administrator Scott Pruitt said Tuesday. 'Oftentimes this agency has been used to try to be coercive, and to try to pick winners and losers and advance certain outcomes in the marketplace,' Pruitt told The Daily Signal in an interview." (Daily Signal, 4/3/2018)

Message

From: Merek, Lindsey J. [Lindsey.Merek@faegrebd.com]
Sent: 3/13/2018 6:55:59 PM
To: Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]
Subject: RE: Infrastructure Event

Hi Byron,
Apologies for the delayed reply. I will register you for the event and send you the event reminder that went out this morning.

Lindsey J. Merek, CMP
Meeting & Event Planner
lindsey.merek@FaegreBD.com Download vCard
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UK Direct: +44 (0) Ex. 6 Personal

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
7 Pilgrim Street | London, EC4V 6LB, England

From: Brown, Byron [mailto:brown.byron@epa.gov]
Sent: Monday, March 12, 2018 5:03 PM
To: Merek, Lindsey J.
Subject: Infrastructure Event

Hi Lindsey – I am interested in attending this week's infrastructure event. Please let me know if that is a possibility. Thanks.

Byron R. Brown
Deputy Chief of Staff for Policy
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Sent: 7/12/2017 8:21:37 PM
To: Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]
Subject: General Mills Meeting
Attachments: 2017-07-11 GENERAL MILLS_Henkel Site - Textbook Example of Superfund Site - One Pager.docx

Hello Bryon,

I'm sorry you couldn't attend the meeting today with General Mills, but we definitely understand how schedules change. We were very appreciative of Albert Kelly and Nick Falvo's time and believe it was a very productive meeting. Albert informed us that he would be looking into the issues we presented regarding the former General Mills facility in Minneapolis in the very near future. In the meantime, since you were unable to attend we wanted to send you a summary of the issue (attached) that we presented to Albert and Nick. Thank you and we look forward to hearing back from your team.

Regards,

Darrin R. Munoz
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GENERAL MILLS/HENKEL SITE

The General Mills/Henkel Site is a textbook example of a Superfund site that has been fully remediated, but has yet to be closed.

Executive Summary: The former General Mills, Inc. facility ("Site") located in Minneapolis, Minnesota, has been fully remediated from historical releases of minor amounts of waste solvents. General Mills is not responsible for remaining impacts to groundwater and soil gas in the neighborhood. Instead, the remaining contamination is caused by a degreasing solvent, trichloroethylene ("TCE"), disposed by many industries in areas up gradient of the Site. The lead agency, Minnesota Pollution Control Agency ("MPCA"), speculates that some General Mills waste remains at the Site, even though none can be detected, and asserts that General Mills, therefore, remains responsible for the larger neighborhood contamination. MPCA has told General Mills that because MPCA has not identified financially-responsible parties for the up gradient neighborhood contamination, General Mills must continue to address the neighborhood impacts to which it has not contributed.

As Superfund reform progresses, it is important that EPA provide business certainty to companies that have cleaned up their historical disposal sites by acknowledging parties who are no longer responsible. General Mills investigated and remediated this Site for over 35 years. Recent scientific analysis using chemical identification methodologies demonstrates that General Mills is not a contributor to the current groundwater contamination. Cleanup of this Site was completed 20 years ago. EPA should ensure lead state agencies do not distort their decisions about closing Superfund sites because of concerns that they have not identified other financially-responsible parties for neighboring sites.

Background: From approximately 1947 to 1962, small amounts of solvent waste from a General Mills research facility were disposed in a small portion of the Site. In 1977, General Mills sold the subsidiary that operated at the Site, and in 1981 reported the disposal practice to the MPCA and the EPA. In 1981, soil and groundwater investigations were conducted at the Site revealing a large TCE plume in an aquifer present at the disposal area and down gradient of the Site. Because site investigation techniques and analytical methods were in their infancy, it was assumed the Facility was the sole source of TCE. In 1984, General Mills agreed to operate a "pump and treat" groundwater system, which operated for more than 25 years. The system was discontinued with MPCA consent in 2010. We now know that General Mills, in fact, successfully remediated the soil and groundwater impacts associated with its activities at the Site by 1996.

Due to emerging regulatory concerns about "vapor intrusion," in 2013 General Mills' further testing found elevated TCE concentrations, including its presence in groundwater up gradient of the Site that was greater in concentration than down gradient of the Site. General Mills

discovered information in MPCA files that other properties in the area had historic use and disposal of TCE. Due to the presence of these TCE sources, the MPCA listed this up gradient area as a new site, the Southeast Hennepin site, in 2016 on its Minnesota Permanent List of Priorities. MPCA presently is conducting a further investigation under the auspices of EPA, as it considers listing the Southeast Hennepin site on the National Priority List.

Key Findings: Recent comprehensive scientific reviews of the reports and investigation results for the General Mills Site found that early investigations relied on two faulty assumptions: 1) that waste from the Site caused all groundwater impacts; and 2) that it contained high amounts of TCE.

- The General Mills waste material was less dense than water and was, therefore, confined to a small area in the immediate vicinity of the disposal area; there is no evidence that the original waste migrated beyond the immediate area of the former General Mills Facility.
- General Mills successfully remediated its disposal by 1996, as demonstrated by non-detection of the unique General Mills' waste solvent signature after that time.
- The recent discovery of strong up gradient sources of TCE explains the larger TCE plume that has existed for decades, still impacts the Site today and which General Mills could not have caused. TCE, unlike the General Mills' waste mixture, is denser than water, causing it to sink into the subsurface and through groundwater tables until it meets a confining rock layer.
- Scientific advances in chemical identification protocols since the 1980's show that the TCE up gradient to the site could not have come from General Mills.
- These up gradient TCE sources in the Southeast Hennepin site, not the General Mills Site, explain the origin, age, size and shape of the TCE groundwater plume.
- No further response actions are necessary as a result of the General Mills Site.

Conclusion: The General Mills/Henkel Site needs to be delisted from the NPL in order to provide necessary business certainty to General Mills. EPA and MPCA's focus should be applied to the Southeast Hennepin site as to the source and the remediation strategy to address remaining TCE impacts. The Superfund program must adopt better finality to specific sites. Scientific advances in contaminant identification should be applied across the country to better identify the actual responsible parties. EPA should ensure that State agencies do not distort their investigations and conclusions about closing sites because they have not found financially-responsible parties to undertake cleanup of sites.

Recommendations for Reforming the Superfund Program:

- Provide Business Certainty
- Remove barriers and incentivize states to close sites
- Utilize current scientific techniques to support cleanup and closure

Message

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Sent: 8/25/2017 8:35:27 PM
To: Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]
Subject: RE: Carbon Neutrality

Thanks Bryon! Yes that's correct. Do you have a contact or email over there who could help?

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
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Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Brown, Byron [mailto:brown.byron@epa.gov]
Sent: Friday, August 25, 2017 4:31 PM
To: Munoz, Darrin R.
Subject: RE: Carbon Neutrality

I assume you are referring to carbon neutrality of biomass. I am not familiar with the details of this project. Have you inquired with the Office of Air and Radiation?

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Thursday, August 24, 2017 8:17 AM
To: Brown, Byron <brown.byron@epa.gov>
Subject: FW: Carbon Neutrality

Hello Bryon,

I just wanted to follow up on this. Thank you very much.

Darrin R. Munoz
Director
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Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Munoz, Darrin R.
Sent: Thursday, August 17, 2017 10:23 AM
To: 'brown.byron@epa.gov'
Subject: Carbon Neutrality

Hello Byron,

Not sure if you're the correct person to contact on this, but it was my understanding EPA is currently undertaking efforts in putting out a policy statement on carbon neutrality. Do you know where that is in the process? Thank you.

Darrin R. Munoz
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Message

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Sent: 7/11/2017 9:43:42 PM
To: Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]
Subject: 12PM Meeting Tomorrow

Hello Bryon,

We set up a 12pm meeting with Albert Kelly tomorrow and I know they invited you to the meeting.

I understand you might not be able to make it, but if you have five minutes to stop by and say hello that would be greatly appreciated. Thanks in advance of your time.

Regards,

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Message

From: Brent Fewell [brent.fewell@earthandwatergroup.com]
Sent: 8/20/2017 2:47:49 PM
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CC: Jim Presswood (jpresswood@esalliance.org) [jpresswood@esalliance.org]; Jackie Hardy [hardyj@nwf.org]; Adam Kolton (kolton@nwf.org) [kolton@nwf.org]; Collin O'Mara [Collin@nwf.org]; Ken Maynard [ken.maynard@earthandwatergroup.com]

Subject: Stewardship Roundtable - September 14, 2017

You are cordially invited to the next Stewardship Roundtable. We are pleased that Collin O'Mara, CEO and President of the National Wildlife Federation, will join the Roundtable to discuss NWF's top priorities and opportunities for advancing bipartisan conservation efforts during the current Administration.

When: September 14, 8:30 a.m. – 9: 45 a.m.
Where: NWF, 1200 G St. NW Suite 900

RSVP to Brent Fewell, brent.fewell@earthandwatergroup.com

Who Are We?

- ✓ We are a group of conservatives who care about the environment
- ✓ The Roundtable is a collegial forum of friends and colleagues who wish to change the tone and dialogue.

What is Our Goal?

- ✓ To promote a conservative ethic and solutions to environmental problems.
- ✓ To connect thoughtful center-left and center-right leaders.
- ✓ To engage in robust, civil dialogue in a confidential forum, identifying common ground and building consensus on policy solutions.
- ✓ To establish and build relationships, respectful of those with differing perspectives and views.

For more information, contact:

Brent Fewell, Founder, ConserveFewell.org, brent.fewell@earthandwatergroup.com, Personal Phone / Ex. 6
Jim Presswood, President, Earth Stewardship Alliance, jpresswood@esalliance.org, Personal Phone / Ex. 6

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Message

From: Perrin, Rebecca [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=211732FEFF0C4770AEBBE631F7A0E016-PERRIN, REBECCA]
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CC: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]
Subject: RE: Report from the July 31 EPA Ag Smart Sectors Roundtable
Attachments: Report from July 31 agriculture smart sectors meeting in Salt Lake City, UT.DOCX

Hello,

Attached please find an edited version of the Report from the July 31, 2018 agriculture smart sectors meeting. Please contact with questions.

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

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Cc: Davis, Patrick <davis.patrick@epa.gov>
Subject: Report from the July 31 EPA Ag Smart Sectors Roundtable

Hello everyone,

Thank you for those of you who were able to participate in the July 31st EPA Ag Smart Sectors Roundtable in Salt Lake City. Please find a report reflecting our discussion. Those who were invited but not able to attend are also included on this email. Please don't hesitate to contact Patrick Davis (contact info below) or myself with questions.

Patrick Davis
U.S. Environmental Protection Agency
Senior Advisor to the Regional Administrator for Public Engagement
1595 Wynkoop Street Denver, CO 80202
303-312-6855 (direct)
Ex. 6 (cell)

Thanks!

Rebecca Perrin
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US EPA and Utah Departments of Agriculture and Food

Agriculture Smart Sectors Meeting

Salt Lake City, UT

Tuesday, July 31, 2018

Meeting Summary

Welcome and Introductions

Environmental Protection Agency (EPA) Senior Advisor to the Regional Administrator Patrick Davis and Region 8 Ag Advisor Rebecca Perrin welcomed attendees and invited the attendees to introduce themselves and offer their ideas for EPA reforms.

Stakeholder Input

Participants introduced themselves and provided the following comments organized by environmental statute:

Clean Water Act:

- Nutrient Management Plans – The intent of NMP's is good but it is difficult to understand and implement. The plans can run 100 pages and producers won't use it. The key information needs to be simplified to 2-3 pages in large print.
- Utah has only recently certified 3 planners (NRCS) in the state. NMP's are required to be reviewed annually but most plans in UT have not been renewed for 10-15 years. The challenge is the requirement for a NRCS certified planner to review/renew the plans.
- CRAP app helps with nutrient application record keeping but use depends on the age of the producers and their level of tech experience.
- Participants asked for EPA's help in learning how other states are handling nutrient management plans.
- NRCS and EPA worked on NMP software in 2003 (?) but since then case law has changed and the software is not up-to-date.
- EPA could change Best Management Plan (BMP) guidance to have states write the guidance v. EPA writing it. An example of confusion created by national guidance is the requirement of daily fresh water line inspections.
- EPA could put permit requirements ONLY in the Federal CAFO rule. There is too much detail required in the existing regulations. Limit "supporting" information in NMP's and delineate "required" information.
- How is EPA addressing nutrient pollution from small urban farms? Example: large CAFO's monitor water quality v. small operations and hobby farms in urban settings.

The challenge is that there are no EPA requirements for medium and small sized operations..

- NPS funding (319 grant program) – Participants asked for additional 319 funding for UT. Ex: As dairies consolidate and take on larger herds upgrading the facilities becomes unsustainable. UT receives $1 million in 319 funding and this doesn't cover upgrading these facilities.
- Changing regulations creates uncertainty for CAFO's. It is difficult and expensive to upgrade/relocate CAFO infrastructure (near water v. away from water) to meet changing regulations.
- HABS – Participants asked for EPA's help in determining the impact of cyanotoxins in irrigation water on plants. This may be a RARE project opportunity.

Clean Air Act:

- Participants are concerned that agriculture is being brought into the air quality regulatory schema. Ex: with western wildfires magnitude escalating and agriculture grazing/managing burning land what will animal agriculture be required to do?
- EPA needs to be at the table with ag and Federal Land Managers to discuss dust pollution. UT is very dry and the concern is regional haze over national parks.
- What is the air quality status in Cache Valley, UT? This is the largest concentration of dairy farms in UT.
- Smithfield foods has a goal of reducing their carbon footprint 25% by 2025. This becomes a challenge when their digester gas pipelines cross federal lands. Ex: Smithfield will soon be submitting a NEPA application for an anaerobic digester biogas pipeline (Pinnacle Biogas) connecting to existing gas pipelines crossing Federal lands. They wanted to put this project Region 8 NEPA radar screen.
- NAEMS (National Air Emissions Monitoring Study) – What is the status of this study? Participants were concerned that sample sites in the study were not in the arid west.

FIFRA:

- Participants said the average reading level of applicators in UT is 8th grade. For the ornamental industry the average reading level is 5th grade. Understandable training modules are needed to educate applicators.
- When labels are written by technical writers they should consider the audience and write to a 5-8th grade reading level.
- Participants asked for guidance about cannabis pesticide applications from the EPA. States need support from EPA to discuss these cannabis issues.
- WPS – Regulations are complex and small producers don't have time to learn. This needs to be simplified. Ex: WPS needs a flow-chart or quick guide to know when WPS applies. This is difficult to explain to growers.

- Pesticide labels are confusing to regular people. Photos are very helpful. Some information seems duplicative and growers can't determine what applies to their situation easily.

Compliance/Enforcement:

- How does EPA define an EJ "overburdened" community? Ex: The Smith's grocery store in Layton, UT "neglects" a field adjacent to the store. They cut the weeds once a year. However, this cutting of the weeds floods neighboring homes and businesses with mice. Participants wanted to know if this community would be considered "overburdened"? They asked if EPA can help address this situation?

Miscellaneous/Communications/Another Federal agency:

- The EPA website is difficult to navigate for agriculture.
- Allowing livestock allotments boundaries to be changed to graze more federal land would reduce "fire load" and provide more income for rural communities. Currently livestock numbers or time on federal land is reduced if forage on an allotment is not adequate for current numbers of livestock and other areas of federal land burns because grazing is not allowed. If there was an easy process to move animals around to harvest existing excess forage, this could be a win for the public and producers.
- Participants appreciate the increased 2-way dialog between states and the EPA.

Next Steps

EPA staff will follow up on the various ideas suggested during the meeting and respond to individual concerns in a timely manner.

Message

From: Perrin, Rebecca [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=211732FEFF0C4770AEBBE631F7A0E016-PERRIN, REBECCA]

Sent: 8/6/2018 8:30:33 PM

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CC: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]

Subject: CO Smart Sectors notes

Attachments: Report from July 24 agriculture smart sectors meeting in Greeley, CO.DOCX

Hello everyone,

Thank you for those of you who were able to participate in the July 24th EPA Ag Smart Sectors Roundtable in Greeley. Please find a report reflecting our discussion. Those who were invited but not able to attend are also included on this email. Please don't hesitate to contact Patrick Davis (contact info below) or myself with questions.

Patrick Davis
U.S. Environmental Protection Agency
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303-312-6855 (direct)
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Thanks!

Rebecca Perrin
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US EPA and Colorado Departments of Agriculture

Agriculture Smart Sectors Meeting

Greeley, CO

Tuesday, July 24, 2018

Meeting Summary

Welcome and Introductions

Environmental Protection Agency (EPA) Regional Administrator Doug Benevento welcomed attendees and invited the attendees to introduce themselves and offer their ideas for EPA reforms.

Stakeholder Input

Participants introduced themselves and provided the following comments organized by environmental statute:

Clean Water Act:

- WOTUS – One participant voiced his support for WOTUS as written. He did not think that it was difficult to interpret or implement. Another participant voiced her difficulty implementing WOTUS as written with the intermittent stream definition of most concern.
- WOTUS – Participants expressed concern that ag is not exempt in WOTUS. Participants asked for clarity on this exemption.
- SDWA – CAFO's are required to meet the same SDWA water quality and facility design standards as municipal water systems (25 or more users) but CAFO have difficulty affording the cost to build their approved systems. Participants suggested that EPA should either give businesses (CAFO's) access to the same SDWA grants as municipal water systems or tailor/scale the facility design requirements to CAFO's.
- SDWA – Participants who do business in multiple states expressed difficulty and increased cost in complying with "slightly" different SDWA rules state-by-state.
- NPDES PGP (Pesticide General Permit) – No aerial applicators will take mosquito or Tamarisk abatement jobs in Colorado because of high insurance premiums and the threat of EPA fines. NPDES PGP is duplicative of FIFRA.
- Participants questioned if EPA has considered reviewing NPDES PGP along with WOTUS review. Regional Administrator Benevento suggested that EPA, CDA and CDPHE work together on this question.

- Water storage projects are important to Colorado. Could the permitting process be streamlined? Could permit processes from multiple agencies be processed concurrently to reduce approval time?
- EPA should tailor SDWA requirements for small rural communities which have difficulty affording and meeting SDWA requirements. Municipal water systems in these communities are often staffed with volunteers and the communities have no retail tax base to fund the water system upgrades.
- Participants asked that Clean Water Act non-point source pollution program remain a voluntary program for agriculture. Farmers need flexibility to make decisions.
- Thanked EPA for their support of funding BMP work and stated their help working with the agricultural community during lean times is appreciated.

Clean Air Act:

- EPA and Colorado are working together on the Rocky Mountain National Park report. This is a good example of positive cooperation.
- RFS – Participants are alarmed by the waivers granted to small refineries. It is very important to the ag community and to the country to reduce reliance on foreign sources of energy. US produced ethanol accomplishes this. Participants asked for EPA's diligence to create certainty for the ethanol industry.
- Participants expressed difficulty complying with natural occurrence air emission releases. Wildfires happen in the West but EPA makes agriculture make up the air emission difference with their operations. This is not fair. This issue is occurring in another Region. Regional Administrator Benevento said that EPA is working to streamline the "exceptional events" compliance process using LEAN.

FIFRA:

- Colorado Agriculture Commissioner Don Brown illustrated the need for changes to the Application Exclusion Zone (AEZ).
- Application Exclusion Zone (100 feet) – EPA forgot to consider aerial application when setting the 100-foot limit. The rules seem to be written for ground applications. It is difficult to gauge 100 feet from an airplane. An additional challenge in Northern Colorado is the proximity of crops to roads. Crops in Northern Colorado are planted close to the road and roads are heavily traveled by oil trucks and farm workers, thus limiting the time crops can be sprayed from a plane. The AEZ regulation duplicates FIFRA, which does not allow drift of products.
- Participants appreciated EPA's work on California Proposition 65 and Glyphosate.
- Participants expressed a desire for EPA to help pesticide aerial applicators "decode" differing state licensing requirements. This is a national discussion within the aerial applicator community. Rebecca Perrin will follow up with Jessica Freeman.
- Participants want EPA to make pesticide registry decisions based on science and not politics to create certainty in the pesticide industry. Fewer companies are offering tools

.to fight pests thus it is important for EPA staff to have a close relationship with agriculture to help make informed risk management decisions.

- Pollinators – When pesticides are misused EPA needs to allow states to act against the party which violated label use guidelines v. creating a new Federal regulation.
- Pollinators and planes – Aerial applicators told of challenges with hobbyist bee keepers moving and hiding hives in application zones to be purposely killed by pesticide applicators to make the agricultural industry look bad.
- Pesticide applicator exam – After 2023 EPA is requiring the exam be administered by a proctor. This will take farmers off work for a day, costing time and money. Additionally, EPA is proposing new licensing categories on top of existing licenses. Participants asked EPA to develop the national exams and guides because states don't have the resources to develop these materials.
- Participants asked that the EPA "grandfather/exempt" existing applicators doing this work already from complying with the new licensing categories.
- Participants cautioned EPA about changing pesticide regulations because every change requires states to open and amend state pesticide acts. The fear is losing the Colorado Pesticide Applicator Act.
- Pesticide Registration Improvement Renewal Act (PRIA) money - Participants asked for more money for the State Pesticide Safety Education Programs.
- Participants asked to "revive" the Certification and Training Assessment Group (CTAG).
- Colorado does not have a Dicamba problem because of the climate. Onerous certification regulations are driving away applicators.
- Participants appreciate that pesticide labels are easier to read.
- Would like to have further discussions with EPA regarding "the re-registration process for pesticides and for the issuance of special local needs labels. Most vegetables are very small in acreage in Colorado and their contribution to the Risk cup is small because we normally only have a single crop per season. Often time we look to work done in other states."

<u>Compliance/Enforcement:</u>

- EPA has a reputation for fining first. Compliance assistance will reverse this reputation. Colorado's environmental ag program convenes annual meetings with producers to discuss compliance challenges, so regulated community can learn. EPA could follow this model.
- EPA inspectors have a reputation for not giving a straight answer to ag producers. Participants said if 5 different EPA inspectors looked at a facility, the producer will get 5 different answers. EPA inspectors need to be trained to be consistent and decisive to provide certainty to the ag regulated community.
- EPA regulations and guidance don't always match, making it difficult for ag to know which one to follow.

Miscellaneous/Communications/Another Federal agency:

- What is EPA doing to help educate the public about the good environmental protection work agriculture is doing?
- The state of Colorado has a department providing compliance assistance to small and medium businesses. Maybe EPA needs to do the same.
- EPA can improve its relationship with the ag community by having regional ag advisors in every region. Another good example is the Animal Agriculture Discussion Group. EPA works with national animal ag associations to work through compliance challenges. Training videos have been produced because of this cooperation. The Animal Ag Discussion group at EPA HQ is helpful to improving dialogue.
- Participants told of experiencing personal bias from EPA animal facility inspectors (not region 8). "When EPA inspectors don't believe in meat production do the producers get hit with extra requirements or fines?"
- Participants appreciate the EPA talking with the agriculture community.
- The most common complaint participants hear about the EPA is too much regulation.
- Regulations should be made easy to understand. Not useful if only lawyers can understand.

Next Steps

EPA staff will follow up on the various ideas suggested during the meeting and respond to individual concerns in a timely manner.

Message

From: Perrin, Rebecca [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=211732FEFF0C4770AEBBE631F7A0E016-PERRIN, REBECCA]
Sent: 8/6/2018 8:19:55 PM
To: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]; Ex. 6; susane@fbac.com; clillywhite@oakdell.com; cmellor@norbest.com; jared@applebeer.com; Ex. 6; ken.white@usu.edu; luannadams@utah.gov; farmerluke@petersenfarm.com; marilyn.albertson@usu.edu; Ex. 6; Ex. 6; Ex. 6; rmc@marriottconst.com; Ex. 6; roger@svlac.com; Ex. 6; Ex. 6; rustyb@redmondminerals.com; rlivestock@cut.net; Ex. 6; tammy.firth@usu.edu; SperryWJ@ldschurch.org; ddavis@utfood.com; danny.lovingier@ifa-coop.com; Ex. 6; uma@umaweb.org; Jennifer Ferrando [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user2da9b45b]; wade.garrett@fbfs.com; sterling.brown@fbfs.com; pspaine@agpros.com; Kathy.Westcott@nutrien.com; Paul.Poister@nutrien.com; Jennifer_Nelson@Seaboardfoods.com; klotspeich@agpros.com; PLepisto@iwla.org; brackendavis@utah.gov; jayolsen@utah.gov; mure@utah.gov; jwebb@smithfield.com; sericson@utah.gov; Ex. 6; Andy Pierucci [apierucci@utah.gov]; Kim Shelley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5928f2d3]; Don Hall [dghall@utah.gov]; Jeanne Riley [jriley@utah.gov]; michael.larsen@ut.usda.gov; rhonda.miller@usu.edu
CC: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]
Subject: Report from the July 31 EPA Ag Smart Sectors Roundtable
Attachments: Report from July 31 agriculture smart sectors meeting in Salt Lake City, UT.DOCX

Hello everyone,

Thank you for those of you who were able to participate in the July 31st EPA Ag Smart Sectors Roundtable in Salt Lake City. Please find a report reflecting our discussion. Those who were invited but not able to attend are also included on this email. Please don't hesitate to contact Patrick Davis (contact info below) or myself with questions.

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Thanks!

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US EPA and Utah Departments of Agriculture and Food

Agriculture Smart Sectors Meeting

Salt Lake City, UT

Tuesday, July 31, 2018

Meeting Summary

Welcome and Introductions

Environmental Protection Agency (EPA) Senior Advisor to the Regional Administrator Patrick Davis and Region 8 Ag Advisor Rebecca Perrin welcomed attendees and invited the attendees to introduce themselves and offer their ideas for EPA reforms.

Stakeholder Input

Participants introduced themselves and provided the following comments organized by environmental statute:

Clean Water Act:

- Nutrient Management Plans – The intent of NMP's is good but it is difficult to understand and implement. The plans can run 100 pages and producers won't use it. The key information needs to be simplified to 2-3 pages in large print.
- Utah has only recently certified 3 planners (NRCS) in the state. NMP's are required to be reviewed annually but most plans in UT have not been renewed for 10-15 years. The challenge is the requirement for a NRCS certified planner to review/renew the plans.
- CRAP app helps with nutrient application record keeping but use depends on the age of the producers and their level of tech experience.
- Participants asked for EPA's help in learning how other states are handling nutrient management plans.
- NRCS and EPA worked on NMP software in 2003 (?) but since then case law has changed and the software is not up-to-date.
- EPA could change Best Management Plan (BMP) guidance to have states write the guidance v. EPA writing it. An example of confusion created by national guidance is the requirement of daily fresh water line inspections.
- EPA could put permit requirements ONLY in the Federal CAFO rule. There is too much detail required in the existing regulations. Limit "supporting" information in NMP's and delineate "required" information.
- How is EPA addressing nutrient pollution from small urban farms? Example: large CAFO's monitor water quality v. small operations and hobby farms in urban settings.

The challenge is that there are no EPA requirements for medium and small sized operations..

- NPS funding (319 grant program) – Participants asked for additional 319 funding for UT. Ex: As dairies consolidate and take on larger herds upgrading the facilities becomes unsustainable. UT receives $1 million in 319 funding and this doesn't cover upgrading these facilities.
- Changing regulations creates uncertainty for CAFO's. It is difficult and expensive to upgrade/relocate CAFO infrastructure (near water v. away from water) to meet changing regulations.
- HABS – Participants asked for EPA's help in determining the impact of cyanotoxins in irrigation water on plants. This may be a RARE project opportunity.

Clean Air Act:

- Participants are concerned that agriculture is being brought into the air quality regulatory schema. Ex: with western wildfires magnitude escalating and agriculture grazing/managing burning land what will animal agriculture be required to do?
- EPA needs to be at the table with ag and Federal Land Managers to discuss dust pollution. UT is very dry and the concern is regional haze over national parks.
- What is the air quality status in Cache Valley, UT? This is the largest concentration of dairy farms in UT.
- Smithfield foods has a goal of reducing their carbon footprint 25% by 2025. This becomes a challenge when their digester gas pipelines cross federal lands. Ex: Smithfield will soon be submitting a NEPA application for an anaerobic digester biogas pipeline (Pinnacle Biogas) connecting to existing gas pipelines crossing Federal lands. They wanted to put this project Region 8 NEPA radar screen.
- NAEMS (National Air Emissions Monitoring Study) – What is the status of this study? Participants were concerned that sample sites in the study were not in the arid west.

FIFRA:

- Participants said the average reading level of applicators in UT is 8th grade. For the ornamental industry the average reading level is 5th grade. Understandable training modules are needed to educate applicators.
- When labels are written by technical writers they should consider the audience and write to a 5-8th grade reading level.
- Participants asked for guidance about cannabis pesticide applications from the EPA. States need support from EPA to discuss these cannabis issues.
- WPS – Regulations are complex and small producers don't have time to learn. This needs to be simplified. Ex: WPS needs a flow-chart or quick guide to know when WPS applies. This is difficult to explain to growers.

- Pesticide labels are confusing to regular people. Photos are very helpful. Some information seems duplicative and growers can't determine what applies to their situation easily.

Compliance/Enforcement:

- How does EPA define an EJ "overburdened" community? Ex: The Smith's grocery store in Leighton, UT "neglects" a field adjacent to the store. They cut the weeds once a year. However, this cutting of the weeds floods neighboring homes and businesses with mice. Participants wanted to know if this community would be considered "overburdened"? They asked if EPA can help address this situation?

Miscellaneous/Communications/Another Federal agency:

- The EPA website is difficult to navigate for agriculture.
- Allowing livestock to graze more federal land would reduce "fire load".
- Participants appreciate the increased 2-way dialog between states and the EPA.

Next Steps

EPA staff will follow up on the various ideas suggested during the meeting and respond to individual concerns in a timely manner.

Message

From: Alex Beehler [Ex. 6]
Sent: 8/21/2017 3:31:20 PM
To: Brent Fewell [brent.fewell@earthandwatergroup.com]
CC: Adam Kieper (akeiper@thenewatlantis.com) [akeiper@thenewatlantis.com]; Adam Kolton (kolton@nwf.org) [kolton@nwf.org]; Adam Krantz (akrantz@nacwa.org) [akrantz@nacwa.org]; Adam White (ajwhite@stanford.edu) [ajwhite@stanford.edu]; Alex Echols (echols@conrod.com) [echols@conrod.com]; Alex Hanafi (ahanafi@edf.org) [ahanafi@edf.org]; Andrew R. Wheeler Esq. (andrew.wheeler@FaegreBD.com) [andrew.wheeler@faegrebd.com]; Angela Logomasini (alogomasini@cei.org) [alogomasini@cei.org]; bbarnes@tnc.org; Becky Norton Dunlop (becky.norton.dunlop@heritage.org) [becky.norton.dunlop@heritage.org]; Benjamin H. Grumbles [Ex. 6] Bill Briggs (bill@billbriggs.net) [bill@billbriggs.net]; Brent M. Haglund PhD (bhaglund@sandcounty.net) [bhaglund@sandcounty.net]; Brian Mannix (brian@mannix.com) [brian@mannix.com]; Brian McCormack (brian@brianvmccormack.com) [brian@brianvmccormack.com]; Brian Yablonski ([Ex. 6]) [Ex. 6] Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; Bruce I. Knight (bknight@stratconserve.com) [bknight@stratconserve.com]; Bryan Hannegan [Ex. 6]; Bryan Hannegan (Bryan.Hannegan@nrel.gov) [Bryan.Hannegan@nrel.gov]; bshireman@future500.org; [Ex. 6]; Carl Artman ([Ex. 6] [Ex. 6] carljc@stanford.edu; Catharine Ransom (cransom@gloverparkgroup.com) [cransom@gloverparkgroup.com]; Catrina Rorke (crorke@rstreet.org) [crorke@rstreet.org]; grizzle@grizzleco.com [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=607f0c9ada1547d0b72901f88202889c-grizzle@grizzleco.com]; Chris Wood (cwood@tu.org) [cwood@tu.org]; Christian Berle (cberle@edf.org) [cberle@edf.org]; Christy Plumer (cplumer@tnc.org) [cplumer@tnc.org]; ckearney@tfgnet.com; [Ex. 6] cli1([Personal Email / Ex. 6] Dan Nees (dnees@umd.edu) [dnees@umd.edu]; Daniel Botkin [Ex. 6] [mailing@danielbbotkin.com]; Daren Bakst (Daren.Bakst@heritage.org) [Daren.Bakst@heritage.org]; Dave White (dave@ecoexch.com) [dave@ecoexch.com]; David B. Struhs (david.struhs@domtar.com) [david.struhs@domtar.com]; David Gagner (Dave.Gagner@nfwf.org) [Dave.Gagner@nfwf.org]; David R. Anderson (Danderson@naturalresourceresults.com) [Danderson@naturalresourceresults.com]; David Schoenbrod (dschoenbrod@nyls.edu) [dschoenbrod@nyls.edu]; David Tenny (dtenny@nafoalliance.org) [dtenny@nafoalliance.org]; Doug Domenech [Ex. 6] ([Ex. 6]; Doug Siglin (DSiglin@federalcitycouncil.org) [DSiglin@federalcitycouncil.org]; Eli Lehrer (elehrer@rstreet.org) [elehrer@rstreet.org]; Erik J. Meyers (emeyers@conservationfund.org) [emeyers@conservationfund.org]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Gerhard Kuska (Gerhard.Kuska@OceanStrategies.net) [Gerhard.Kuska@oceanstrategies.net]; gordon.binder@wwfus.org; Greg Schildwachter ([Ex. 6] [greg@[Ex. 6] [Ex. 6]; Hal Herring (herring@3rivers.net) [herring@3rivers.net]; hank@suntowater.com; Darwin, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ae8e9d24eeb4132b25982e358efbd9d-Darwin, Hen]; James Gulliford [Ex. 6] [Ex. 6] James L Connaughton (jim@jamesconnaughton.com) [jim@jamesconnaughton.com]; James M. Strock (jms@jamesstrock.com) [jms@jamesstrock.com]; James S. Burling Esq. (jsb@pacificlegal.org) [jsb@pacificlegal.org]; James T. Banks (james.banks@hoganlovells.com) [james.banks@hoganlovells.com]; Jan Goldman-Carter (goldmancarterj@nwf.org) [goldmancarterj@nwf.org]; Jessica L. Furey (jessica.furey@whitmanstrategygroup.com) [jessica.furey@whitmanstrategygroup.com]; Jim Gulliford [jim.gulliford@swcs.org]; Jim Mosher [Personal Email / Ex. 6] Jim Presswood (jpresswood@esalliance.org) [jpresswood@esalliance.org]; Joe Cascio Esq. (cascio@gwu.edu) [cascio@gwu.edu]; John L. Howard (John_L_Howard@DELL.com) [John_L_Howard@dell.com]; John Paul Woodley Jr. (jpwoodley@advantusstrategies.com) [jpwoodley@advantusstrategies.com]; Jonathan H. Adler (jha5@case.edu) [jha5@case.edu]; Kameran Onley (konley@tnc.org) [konley@tnc.org]; Kenneth von Schaumburg - Clark Hill PLC (kvonschaumburg@clarkhill.com) [kvonschaumburg@clarkhill.com]; Khary Cauthen (cauthenk@api.org) [cauthenk@api.org]; Kinnan Golemon (kg@kgstrategies.com) [kg@kgstrategies.com]; Leonard A. Leo Esq. (LLeo@fed-soc.org) [LLeo@fed-soc.org]; Lynn Broadus (Lbroaddus@BroadviewCollaborative.com) [Lbroaddus@broadviewcollaborative.com]; Lynn Scarlett (lscarlett@TNC.ORG) [lscarlett@tnc.org]; lynn.buhl@maryland.gov; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Marcus Peacock [Ex. 6] [Ex. 6]; Marianne Horinko

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Subject: Re: Stewardship Roundtable - September 14, 2017

Brent/Jim,

I will attend. Thank you. Alex

On Sun, Aug 20, 2017 at 10:47 AM, Brent Fewell <brent.fewell@earthandwatergroup.com> wrote:

You are cordially invited to the next Stewardship Roundtable. We are pleased that Collin O'Mara, CEO and President of the National Wildlife Federation, will join the Roundtable to discuss NWF's top priorities and opportunities for advancing bipartisan conservation efforts during the current Administration.

When: September 14, 8:30 a.m. – 9: 45 a.m.

Where: NWF, 1200 G St. NW Suite 900

RSVP to Brent Fewell, brent.fewell@earthandwatergroup.com

Who Are We?

- ✓ We are a group of conservatives who care about the environment

✓ The Roundtable is a collegial forum of friends and colleagues who wish to change the tone and dialogue.

What is Our Goal?

✓ To promote a conservative ethic and solutions to environmental problems.

✓ To connect thoughtful center-left and center-right leaders.

✓ To engage in robust, civil dialogue in a confidential forum, identifying common ground and building consensus on policy solutions.

✓ To establish and build relationships, respectful of those with differing perspectives and views.

For more information, contact:

Brent Fewell, Founder, ConserveFewell.org, brent.fewell@earthandwatergroup.com, Ex. 6
Jim Presswood, President, Earth Stewardship Alliance, jpresswood@esalliance.org, Ex. 6

Brent Fewell, Esq. | Earth & Water Group
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--
Alex A. Beehler, President
Alex A. Beehler & Co., LLC
1050 K Street, N.W., Suite 400

Washington, DC 20001

Ex. 6

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 [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 [Ex. 6] [Ex. 6]; 'bbarnes@tnc.org'; 'Becky Norton Dunlop [becky.norton.dunlop@heritage.org]; 'Benjamin H. Grumbles [Ex. 6]; Bert Pena (hrp@hrpenalaw.com) [hrp@hrpenalaw.com]; 'Bill Briggs [bill@billbriggs.net]; Bob Meyers [Ex. 6]; 'Brent M. Haglund PhD [bhaglund@sandcounty.net]; 'Brian Mannix [brian@mannix.com]; 'Brian McCormack [brian@brianvmccormack.com]; 'Brian Yablonski [Ex. 6] Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; 'Bruce I. Knight [bknight@stratconserve.com]; 'Bryan Hannegan [Ex. 6]; 'Bryan Hannegan [Bryan.Hannegan@nrel.gov]; 'bshireman@future500.org'; '[Ex. 6]; 'Carl Artman [Ex. 6] 'carljc@stanford.edu'; cransom@gloverparkgroup.com [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f2e933f190a54d64a42fdeadc143a0a3-cransom@glo]; Catrina Rorke [Ex. 6]; grizzle@grizzleco.com [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=607f0c9ada1547d0b72901f88202889c-grizzle@grizzleco.com]; Charles Hernick ([Ex. 6]; Charles Ingebretson ([Ex. 6]); Charlie Evans ([Ex. 6]; Chet Thompson [Cthompson@afpm.org]; Charles Smith [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usere6069097]; 'Chris Wood [cwood@tu.org]; 'Christian Berle [cberle@edf.org]; 'Christy Plumer [cplumer@tnc.org]; 'ckearney@tfgnet.com'; [Ex. 6] 'cli1@comcast.net'; Craig Montesano [Ex. 6] ([Ex. 6]; '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 [Ex. 6] ([Ex. 6]; Dimitri Karakitsos [Ex. 6] [Ex. 6]; Don Clay ([Ex. 6]; 'Doug Domenech ([Ex. 6] 'Doug Siglin [DSiglin@federalcitycouncil.org]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Dunlap, David [david.dunlap@kochps.com]; Ed Krenik (edward.krenik@bgllp.com) [edward.krenik@bgllp.com]; 'Eli Lehrer [elehrer@rstreet.org]; Elizabeth Stolpe [Ex. 6]; Ellen Gilinsky [Ex. 6]; Eric Schwaab ([Ex. 6] [[Ex. 6] 'Erik J. Meyers [emeyers@conservationfund.org]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Frank Fannon [Ex. 6] Fred Eames (feames@hunton.com) [feames@hunton.com]; Gary [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]; '[Ex. 6]; 'Hal Herring [herring@3rivers.net]; 'hank@suntowater.com'; Darwin, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ae8e9d24eeb4132b25982e358efbd9d-Darwin, Hen]; Henry Darwin [Ex. 6] Holmes, Chris [Holmes.Chris@advisor.bcg.com]; James Bank (james.banks@hoganlovells.com) [james.banks@hoganlovells.com]; 'James Gulliford [Ex. 6] 'James L Connaughton [jim@jamesconnaughton.com]; 'James M. Strock [jms@jamesstrock.com]; 'James S. Burling Esq. [jsb@pacificlegal.org]; Jan Goldman-Carter [goldmancarterj@nwf.org]; Jeff Clark (jeffrey.clark@kirkland.com) [jeffrey.clark@kirkland.com]; jeff.holmstead@bgllp.com [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=966dd5128c5b44539a0c806c2f7738d6-jeff.holmstead@bgllp.com]; Jeff Kupfer [Ex. 6]; Jessica L. Furey [jessica.furey@whitmanstrategygroup.com]; Jim Gulliford

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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: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/12/2018 9:55:11 PM
To: Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]
Subject: Re: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Thanks Lee!

Sent from my iPhone

On Apr 12, 2018, at 4:47 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

> Andrew,
> Can't wait for you to get here.
>
> Lee
>
> ---
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Thursday, April 12, 2018 4:43 PM
> **To:** Lyons, Troy <lyons.troy@epa.gov>; Ford, Hayley <ford.hayley@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>; Cook, Steven <cook.steven@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>; 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>; Leopold, Matt <Leopold.Matt@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lovell, Will (William) <lovell.william@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>; Schwab, Justin <Schwab.Justin@epa.gov>; Seabaugh, Catherine <seabaugh.catherine@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>
> **Subject:** RE: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator
>
> Thank you team!! Can't wait to get over there!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: Ex. 6 M: Personal Phone / Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, April 12, 2018 4:30 PM
To: Ford, Hayley; Abboud, Michael; Baptist, Erik; Beach, Christopher; Beck, Nancy; Bennett, Tate; Block, Molly; Bodine, Susan; Bolen, Brittany; Bolen, Derrick; Bowman, Liz; Brown, Byron; Burke, Marcella; Chancellor, Erin; Cook, Steven; Cory, Preston (Katherine); Daniell, Kelsi; Darwin, Henry; Darwin, Veronica; Dominguez, Alexander; Dravis, Samantha; Falvo, Nicholas; Feeley, Drew (Robert); Ferguson, Lincoln; Forsgren, Lee; Fotouhi, David; Frye, Tony (Robert); Gordon, Stephen; Greaves, Holly; Greenwalt, Sarah; Gunasekara, Mandy; Hanson, Paige (Catherine); Harlow, David; Hewitt, James; Hupp, Millan; Jackson, Ryan; Kelly, Albert; Konkus, John; Kundinger, Kelly; Leopold, Matt; Letendre, Daisy; Lovell, Will (William); McMurray, Forrest; Munoz, Charles; Palich, Christian; Ringel, Aaron; Rodrick, Christian; Ross, David P; Schwab, Justin; Seabaugh, Catherine; Shimmin, Kaitlyn; Traylor, Patrick; Wagner, Kenneth; Wehrum, Bill; White, Elizabeth; Wilcox, Jahan; Woods, Clint; Yamada, Richard (Yujiro)
Subject: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator
Importance: High

By vote of 53-45

Dem Senators voting "YES": Manchin (WV) , Heitkamp (ND) , Donnelly (IN),

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 6/13/2018 3:32:44 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Greaves, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abcb6428b3df40a9a78b059a8ba59707-Greaves, Ho]; Hanson, Paige (Catherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=95adc1b2ac3b40ab9dc591801d594df8-Hanson, Cat]; Sawyers, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=49214552a00b4ab7b168ec0edba1d1ac-Sawyers, Andrew]; Lopez, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b64b3b2f984708840a5f342309d460-Lopez, Pete]; Ross, David P [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=119cd8b52dd14305a84863124ad6d8a6-Ross, David]
Subject: One Pager on Puerto Rico
Attachments: Reference Paper on Funding 6_13_18.docx; ATT00001.htm

Andrew,

Per your request here is a one pager that you requested on the status of the Puerto Rico SRF negotiations.

My apologies for not having this for you yesterday. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 If you have any additional questions please just let me know.

Respectfully,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 4/26/2018 4:03:31 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Ross, David P [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=119cd8b52dd14305a84863124ad6d8a6-Ross, David]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
BCC: Hladick, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b82d04419c42423a97bd7624a3a09908-Hladick, Ch]
Subject: Options on the Washington Water Quality Standards
Attachments: WA HHC Options_4 26 2018.docx

Sir,

Deliberative Process / Ex. 5

If you have any questions or comments please just let me know.

Respectfully,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

Message

From: Greaves, Holly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABCB6428B3DF40A9A78B059A8BA59707-GREAVES, HO]
Sent: 4/12/2018 9:56:51 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Andrew, congrats! We can't wait to have you here!

Sent from my iPhone

On Apr 12, 2018, at 4:43 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> Thank you team!! Can't wait to get over there!
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | M: +1 Personal Phone / Ex. 6 F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
>
> ---
>
> **From:** Lyons, Troy [mailto:lyons.troy@epa.gov]
> **Sent:** Thursday, April 12, 2018 4:30 PM
> **To:** Ford, Hayley; Abboud, Michael; Baptist, Erik; Beach, Christopher; Beck, Nancy; Bennett, Tate; Block, Molly; Bodine, Susan; Bolen, Brittany; Bolen, Derrick; Bowman, Liz; Brown, Byron; Burke, Marcella; Chancellor, Erin; Cook, Steven; Cory, Preston (Katherine); Daniell, Kelsi; Darwin, Henry; Darwin, Veronica; Dominguez, Alexander; Dravis, Samantha; Falvo, Nicholas; Feeley, Drew (Robert); Ferguson, Lincoln; Forsgren, Lee; Fotouhi, David; Frye, Tony (Robert); Gordon, Stephen; Greaves, Holly; Greenwalt, Sarah; Gunasekara, Mandy; Hanson, Paige (Catherine); Harlow, David; Hewitt, James; Hupp, Millan; Jackson, Ryan; Kelly, Albert; Konkus, John; Kundinger, Kelly; Leopold, Matt; Letendre, Daisy; Lovell, Will (William); McMurray, Forrest; Munoz, Charles; Palich, Christian; Ringel, Aaron; Rodrick, Christian; Ross, David P; Schwab, Justin; Seabaugh, Catherine; Shimmin, Kaitlyn; Traylor, Patrick; Wagner, Kenneth; Wehrum, Bill; White, Elizabeth; Wilcox, Jahan; Woods, Clint; Yamada, Richard (Yujiro)
> **Subject:** Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator
> **Importance:** High
>
> By vote of 53-45
>
> Dem Senators voting "YES": Manchin (WV) , Heitkamp (ND) , Donnelly (IN),

Message

From: Hale, Michelle [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB99F5247AB8412FA017133839301FEE-HALE, MICHE]
Sent: 6/8/2017 3:39:49 PM
To: Hupp, Sydney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d50089ff1a5b4c83baa0160afe2c33cb-Hupp, Sydne]
CC: Kientzle, Carli K. [Caroline.Kientzle@FaegreBD.com]
Subject: Re: Scott Pruitt CLE information

Personal Matters / Ex. 6
Pruitt.Scott@epa.gov

Sent from my iPhone

On Jun 8, 2017, at 11:25 AM, Hupp, Sydney <hupp.sydney@epa.gov> wrote:

Looping in Michelle who can help!

Sydney Hupp
Executive Scheduler
Office of the Administrator
Personal Matters / Ex. 6

From: Kientzle, Carli K. [mailto:Caroline.Kientzle@FaegreBD.com]
Sent: Thursday, June 8, 2017 11:22 AM
To: Hupp, Sydney <hupp.sydney@epa.gov>
Subject: Scott Pruitt CLE information

Hi Sydney,

I work with Faegre Baker Daniels, and I was asked to file a CLE application on behalf of Scott Pruitt for the Energy & Environmental Symposium he recently spoke at. In order to file this application I will need his bar number and his email. Can you provide this information for me? If not, can you point me in the direction of where I can find this information?

Thank you!

Carli K. Kientzle
Business Development & Marketing Administrative Assistant
caroline.kientzle@FaegreBD.com Download vCard
D: +1 612 766 7179

Faegre Baker Daniels LLP
2200 Wells Fargo Center | 90 South Seventh Street | Minneapolis, MN 55402-3901, USA

Message

From: Hale, Michelle [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB99F5247AB8412FA017133839301FEE-HALE, MICHE]
Sent: 5/1/2017 6:37:30 PM
To: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Subject: RE: Contact info for Collier

Many thanks.

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Monday, May 1, 2017 2:16 PM
To: Hale, Michelle <hale.michelle@epa.gov>
Subject: RE: Contact info for Collier

Hi Michelle,

Sure thing! Info is below:

Thomas C. Collier
CEO
The Pebble Partnership
3201 C Street
Suite 404
Anchorage, AK 99503

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: +1 202 312 7468

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Hale, Michelle [mailto:hale.michelle@epa.gov]
Sent: Monday, May 01, 2017 12:08 PM
To: Munoz, Darrin R.
Subject: Contact info for Collier

Hello, Darrin, it was nice meeting you this morning. Could you please send me a mailing address for Mr. Collier?

Thank you in advance.

Michelle Hale
Executive Assistant to the Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW,
WJCS, Suite 3000
Washington, D.C. 20460
(202) 564-1430

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Message

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Sent: 8/7/2017 2:43:49 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]
CC: Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]
Subject: General Mills Follow-Up

Hello Albert,

I hope you are doing well. I just wanted to check back in regarding our meeting with General Mills last month and see if you needed any additional information on our end or if we could answer any questions you might have. We very much appreciated your time and your offer to look into the former General Mills site in Minneapolis.

Again we would be more than willing to have our technical experts meet with your technical experts to go over the analysis at a date of your convenience. Please let us know if this is something you would be interested in. Thanks again.

Regards,

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Ehrich, Delmar R. [Delmar.Ehrich@faegrebd.com]
Sent: 8/25/2017 5:15:33 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]; Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]
CC: Larry Deeney (Larry.Deeney@genmills.com) [Larry.Deeney@genmills.com]; Andrea Carruthers (Andrea.Carruthers@genmills.com) [Andrea.Carruthers@genmills.com]; Lee Anderson-WHQ (Lee.Anderson@genmills.com) [Lee.Anderson@genmills.com]
Subject: General Mills/Henkel Site
Attachments: 2017-08-25 L. Deeney letter to A. Timm and T. Grape - SE Hennepin Ground.._.doc; 2017-08-25 GSI Geosyntec Technical Note - Final.pdf

Dear Chairman Kelly and Mr. Falvo,

At Mr. Falvo's request, and in follow up to your July 12 meeting with General Mills, I am forwarding the supplemental report of General Mills' experts, Mike Kavanaugh at Geosyntec and Tom McHugh at GIS, which Larry Deeney of General Mills sent to MPCA this morning concerning MPCA's 2017 investigation results. These results show significant sources of TCE on the Sears property and on other areas up gradient of the General Mills/Henkel Site.

If you would like to discuss, we would be pleased to do so.

Regards,

Delmar R. Ehrich
Partner
delmar.ehrich@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
2200 Wells Fargo Center | 90 South Seventh Street | Minneapolis, MN 55402-3901, USA

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From: Larry Deeney [mailto:Larry.Deeney@genmills.com]
Sent: Friday, August 25, 2017 11:52 AM
To: Tim Grape (Timothy.Grape@state.mn.us); Timm, Allan (MPCA)
Cc: hans.neve@state.mn.us; carmen.netten@state.mn.us; Ann.Cohen@ag.state.mn.us; MKavanaugh@Geosyntec.com; temchugh@gsi-net.com; Mary Sands; Ehrich, Delmar R.
Subject: Southeast Hennepin Groundwater and Vapor Intrusion Site

Tim and Al,
Please see our attached response based on recent data provided by the Agency pertaining to the Southeast Hennepin Groundwater and Vapor Intrusion Site. I'll also send a hardcopy to you in the mail.
After you've had a chance to review, let me know if you'd like to discuss.

Regards,

Larry Deeney
Sr. Technical Leader – Global Environment
Phone: Ex. 6
Mobile:
larry.deeney@genmills.com

Global Safety & Environment
GENERAL MILLS

View our 2017 Global Responsibility Report

Geosyntec consultants

GSI ENVIRONMENTAL

Update to the Conceptual Site Model of TCE Impacts at and Down Gradient of the Southeast Hennepin Area Groundwater and Vapor State Superfund Site

Prepared by: GSI Environmental Inc. and Geosyntec Consultants.
Prepared for: General Mills, Inc.
25 August 2017

GSI Environmental and Geosyntec Consultants have previously submitted reviews of environmental conditions at the former General Mills, Inc. facility ("Facility") located at 2010 East Hennepin Avenue, Minneapolis, Minnesota ("East Hennepin Site") (GSI, 2017; Geosyntec, 2017). The East Hennepin Site also has been referred to as the General Mills/Henkel Corporation Superfund Site. In this short Technical Note, we provide an update to the previously reported Conceptual Site Model ("Model"). This update is based on new data (i.e., April/May 2017 soil and groundwater sampling results collected by the Minnesota Pollution Control Agency ("MPCA")) that provide further confirmation and detail regarding significant impacts to soil and groundwater by TCE from significant sources up gradient of the Facility. These data confirm a significant TCE source on or near 2600 Winter St. NE, a property owned since approximately 1964 by Sears ("Sears property"). This TCE source, as well as other sources not yet identified, have been contaminating the groundwater for decades and still impact the East Hennepin Site and the Como neighborhood. The April/May 2017 sampling data further confirm the existence of these up gradient sources and our Model for the area. These data further reinforce our key conclusions: 1) that the historical releases from the Facility have been fully remediated; 2) that the Facility is not a source of TCE to the groundwater beneath the East Hennepin Site; and 3) that up gradient sources of TCE fully explain the persistent TCE plume.

THE MODEL AND KEY CONCLUSIONS REGARDING THE EAST HENNEPIN SITE AND UP GRADIENT SOURCES OF TCE IMPACTS TO SOIL AND GROUNDWATER.

In March 2017, GSI and Geosyntec reported the following key conclusions to the MPCA:

1. The historic Model was founded on two faulty assumptions: 1) that solvent wastes from the former disposal area at the Facility caused all groundwater impacts, and 2) that these wastes contained significant amounts of TCE. However, data presented in our March 2017 reports demonstrated that neither of these conclusions is supported by primary evidence;

2. The General Mills waste material had a unique signature containing only minor amounts of TCE;

3. General Mills waste material was confined to a small area in the immediate vicinity of the GMI disposal area at the Facility;

4. The General Mills waste was not, and is not, a dense non-aqueous phase liquid source of impacts to groundwater and soil gas;

5. The soil and groundwater impacts associated with the Facility have been fully remediated;

6. The Facility is not a source of TCE to groundwater or soil vapor;

7. TCE from up gradient sources has been contaminating the area for decades – and still impact the Como Neighborhood, including the East Hennepin Site;

8. No additional remedial actions are necessary to address impacts from the Facility; and

9. The MPCA must revise its CSM to address the up gradient TCE sources instead of the fully remediated impacts from the Facility.

NEW DATA (APRIL/MAY 2017) PROVIDE FURTHER SUPPORT FOR THE MODEL THAT THERE ARE SIGNIFICANT TCE SOURCES IN THE SOUTHEAST HENNEPIN AREA, INCLUDING THE SEARS PROPERTY, THAT FULLY EXPLAIN THE PERSISTENT TCE GROUNDWATER PLUME IN BOTH AREAS.

In April and May 2017, the MPCA conducted additional investigations within the Southeast Hennepin Area Groundwater and Vapor State Superfund Site (located up gradient of the East Hennepin Site), including collection of groundwater samples from 10 existing groundwater monitoring wells and collection of soil and groundwater samples from 13 new sample points (not including SP-30, located at SE 19th Ave. and SE Elm Street). These new data (Figure 1) corroborate our earlier conclusions related to this area.

MPCA's April/May 2017 results provide further strong support for the new Model, specifically that significant sources of TCE up gradient of the former General Mills facility, including the Sears property, have impacted groundwater for decades.

The new investigation results provide important additional evidence for the Model presented to MPCA in March 2017. The new data indicate a significant TCE source on the Sears property. TCE concentrations in groundwater immediately down gradient of the Sears property (south and west) were as high as 2,020 µg/L at SP-22 (Figure 1) while the TCE concentrations measured up gradient of the Sears property (north and east) were much lower (a maximum of 128 µg/L at SP-29).

These investigation results show that the most significant source of TCE within the Southeast Hennepin Area Groundwater and Vapor State Superfund Site is located on the Sears property (i.e., the area between SP-22 and SP-29) (Figure 1). Although additional source(s) of TCE are present within the Southeast Hennepin Area Groundwater and Vapor State Superfund Site – particularly to the north and east of the Sears property – these new MPCA results indicate that additional investigation should be conducted on the Sears property to characterize and remediate this significant historical TCE release.

The sources of TCE within the Southeast Hennepin Area Groundwater and Vapor State Superfund Site fully explain the current TCE plume.

The new investigation results support our prior finding that the TCE plume originates within the Southeast Hennepin Area Groundwater and Vapor State Superfund Site. The new MPCA investigation results (Figure 1), along with recent more comprehensive area-wide monitoring results, show that TCE concentrations in groundwater within the Southeast Hennepin Area Groundwater and Vapor State Superfund Site are much higher than in down gradient areas, including areas on or near the former General Mills Facility. These recent data, which are consistent with prior data indicating high concentrations of TCE in groundwater within the Southeast Hennepin Area Groundwater and Vapor State Superfund Site, have been present for decades (GSI 2017 and Geosyntec 2017). These data reinforce our earlier conclusions that the impacts associated with the Facility have been fully remediated and that the Facility is not a TCE source to groundwater beneath the area.

SUMMARY AND CONCLUSIONS

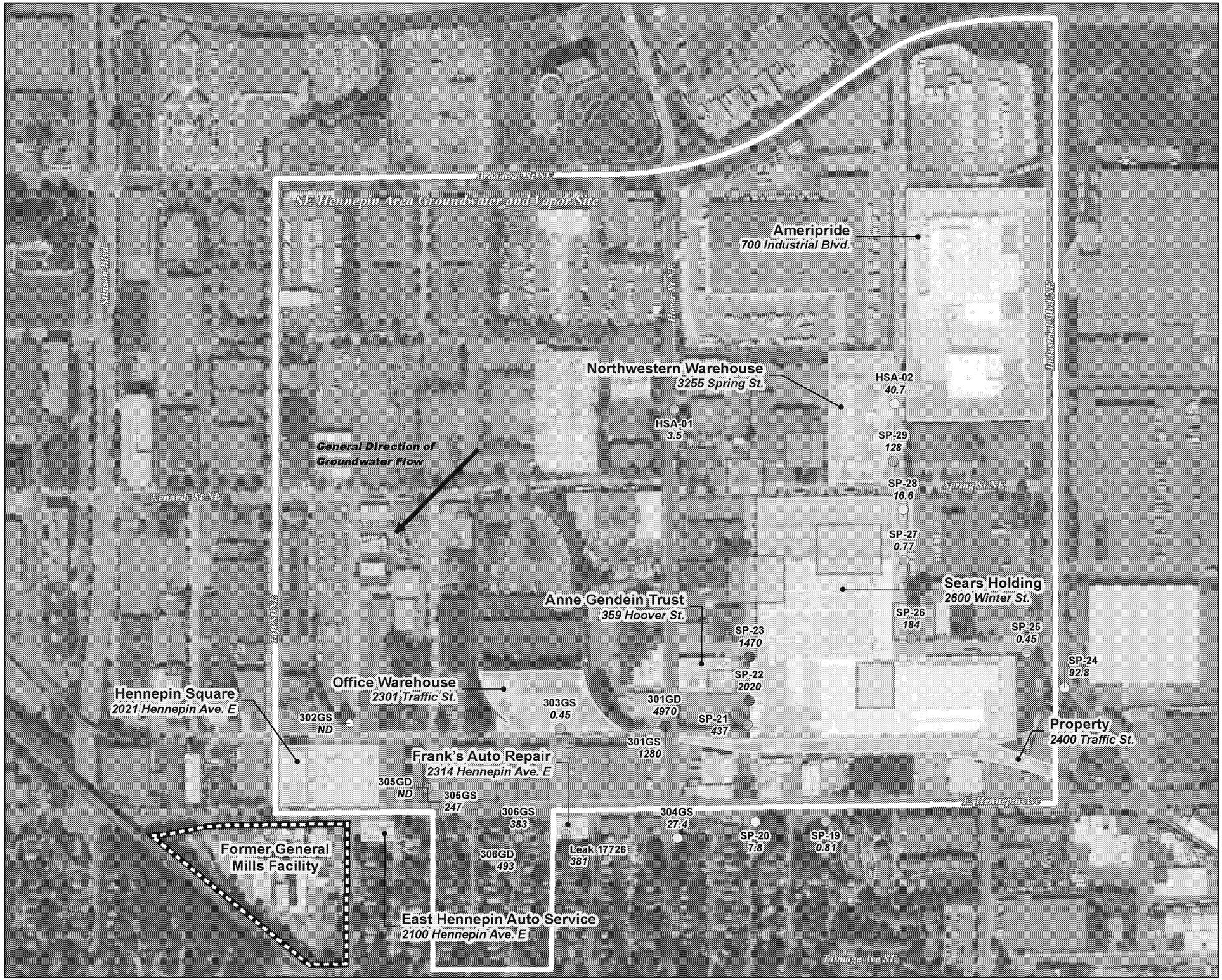
The new investigation results obtained by the MPCA in April and May 2017 support the Model which we presented to the MPCA in March 2017 and corroborate the previous conclusion that the sources of TCE within the Southeast Hennepin Area Groundwater and Vapor State Superfund Site fully explain the current TCE plume in groundwater. The new data provide no evidence that the East Hennepin Site is an on-going source of TCE in groundwater. We reiterate our conclusion that no additional response actions are necessary to address impacts associated with the historical activities at the General Mills/Henkel Facility. No up gradient investigation will alter these findings and conclusions as to the East Hennepin Site.

Therefore, the MPCA must update its current model to accurately reflect the historical, present and ongoing impacts of TCE from the source on the Sears property and from other potential sources up gradient of that property on the East Hennepin Site and other areas in the Como neighborhood.

REFERENCES

GSI Environmental Inc. Evaluation of Remedy Completeness at the General Mills/Henkel Corp. Superfund Site. March 2017.

Geosyntec Consultants. Supplemental Report on VOC Sources and Remediation at the General Mills/Henkel Corp. Superfund Site. March 2017.



N

LEGEND

Area of disturbed ground with road access suggestive of potential waste disposal, identified in 1947 aerial photo

MPCA VIC or Leak Program Site

Most Recent TCE in Groundwater

- > 1,000 µg/L
- 100 - 1,000 µg/L
- 5 - 100 µg/L
- 0 - 5 µg/L
- Not detected

Notes

1. Groundwater results shown are from samples collected from the Glacial Drift Aquifer in 2017.
2. Background Imagery: World Imagery - 1m; Sources: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community.

Feet
0 200 400

Projected Coordinate System
Datum: NAD 1983
UTM: Zone 15N (m)

GSI ENVIRONMENTAL

MPCA 2017 GROUNDWATER SAMPLE RESULTS

Southeast Hennepin Area Groundwater and Vapor Site
Minneapolis, MN

GSI Job No.	4679	Drawn By:	CDM
Issued:	25-Aug-2017	Chk'd By:	LMB
Map ID:	002_01	Appv'd By:	LMB/TEM

FIGURE 1

GENERAL MILLS

August 25, 2017

VIA EMAIL AND U.S. MAIL

Mr. Allan Timm
Site Remediation Unit 1
Site Remediation and Redevelopment Section
Remediation Division
MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road North
St. Paul, MN 55155-4194

Mr. Timothy J. Grape, PG
Project Manager
Site Remediation & Redevelopment Section
Remediation Division
MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road North
St. Paul, MN 55155-4194

Re: Southeast Hennepin Groundwater and Vapor Intrusion Site

Dear Messrs. Timm and Grape:

I enclose a supplemental report by Geosyntec and GSI based on the soil and groundwater sampling data collected by the MPCA in April 2017.

These investigation results demonstrate that the TCE plume originates within the Southeast Hennepin Area Groundwater and Vapor State Superfund Site ("the Site."). In particular, these results demonstrate that there is a significant TCE release on the Sears property at 2600 Winter Street NE which, according to publicly available information, has been owned by Sears since 1964. The TCE concentrations measured in groundwater at the southwest boundary of the Sears site were significantly higher than TCE concentrations measured at the northeast (up gradient) boundaries of the Sears site. There is much more TCE leaving the Sears property on its southwest boundary than what is entering the Sears property on the up gradient, northeast boundary of the Sears property. In addition, the TCE on the northeast boundary of the Sears property shows that there are TCE sources up gradient of the Sears property.

These results fully explain the continuing presence of TCE in groundwater and soil vapor. The new data provide no evidence that the General Mills/Henkel site is an ongoing source of TCE in groundwater. No additional response actions are necessary to address impacts associated with the historical activities at the General Mills/Henkel site. No up gradient investigation will alter these findings and conclusions as to the General Mills/Henkel site.

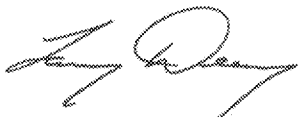
Accordingly, General Mills reiterates its demand that MPCA do two things:

1. Demand that those parties responsible for the up gradient TCE sources, including Sears, investigate and remediate those releases; and

2. De-list the General Mills/Henkel site from the Minnesota Permanent List of Priorities (PPL) and cooperate with U.S. EPA to de-list the General Mills/Henkel site from the National Priority List (NPL).

We would be pleased to discuss this matter further.

Sincerely,



Larry Deeney
Senior Technical Leader – Global Environment

cc: Hans Neve (via email only) (w/encl.)
Carmen Netten (via email only) (w/encl.)
Ann Cohen (via email only) (w/encl.)
Mary Sands (via email only) (w/encl.)
Michael Kavanaugh (via email only) (w/encl.)
Thomas McHugh (via email only) (w/ encl.)
Delmar Ehrich (via email only) (w/encl.)

Message

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Sent: 7/25/2017 1:38:18 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]
CC: Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]
Subject: RE: Insights Luncheon Invite

Thank you Albert! We look forward to having you.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Personal Matters / Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Kelly, Albert [mailto:kelly.albert@epa.gov]
Sent: Tuesday, July 25, 2017 8:41 AM
To: Munoz, Darrin R.
Cc: Falvo, Nicholas
Subject: RE: Insights Luncheon Invite

Thanks I look forward to attending.

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202 306 8830

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Monday, July 24, 2017 4:46 PM
To: Kelly, Albert <kelly.albert@epa.gov>
Cc: Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: Insights Luncheon Invite

Hello Albert,

At our meeting last Thursday I invited you to speak at our Insights Lunch on Superfund reform. I've attached an official invite with more information such as date and time. We would be very honored to have you as a speaker. Please let me know if you think you might be interested and able to participate. I'd be happy to get on the phone with you and provide you with more information. Thank you.

Regards,

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard

D: Personal Matters / Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Sent: 7/24/2017 8:46:03 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]
CC: Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]
Subject: Insights Luncheon Invite
Attachments: Superfund Insights Invitation.pdf

Hello Albert,

At our meeting last Thursday I invited you to speak at our Insights Lunch on Superfund reform. I've attached an official invite with more information such as date and time. We would be very honored to have you as a speaker. Please let me know if you think you might be interested and able to participate. I'd be happy to get on the phone with you and provide you with more information. Thank you.

Regards,

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com
Direct +Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW · Suite 400
Washington · D.C. 20001-4448
Main **+1 202 312 7440**
Fax **+1 202 312 7461**

July 24, 2017

Mr. Albert Kelly
Senior Advisor to the Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Mr. Kelly:

I hope you are doing well. I enjoyed visiting with you over the last several weeks on issues related to Superfund reform.

My firm is pleased to be hosting a Faegre Baker Daniels Insights Luncheon on Superfund reform policy September 21st at the City Club here in Washington, D.C. from 12:00 noon — 1:30 p.m. Given your expertise and role as Chairman of the Superfund Task Force, we would be honored if you would consider joining us as a speaker. We strongly believe that you would add great value and perspective to this event. In the past, we have held these Insights luncheons with members of Congress, most recently with Senator Cassidy (closed to press), and commissioners from both the FCC and FTC.

We typically invite a small number of press, however, if you prefer, we can make it a closed event. We believe with press in the room it will provide you with an opportunity to promote the Superfund Task Force's recommendations for streamlining the Superfund program.

We anticipate approximately 25-35 attendees consisting of clients, members of our firm and invitees from across the industry in Washington, D.C. I would be happy to share the attendee list with you prior to the event. Please let me know if you have questions.

Thank you for your consideration.

Best regards,

Darrin R. Munoz
Director

Message

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Sent: 7/12/2017 8:41:02 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]; Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]
Subject: Follow Up on General Mills Meeting
Attachments: ATT00001.txt

Albert and Nick,

Thank you for taking the time to meet with the General Mills team today. We very much appreciated your time and your offer to look into the former General Mills site in Minneapolis. We gave you a hard copy of several reports on this matter, but wanted to supply you with electronic attachments as well. Attached you will find:

1. Letter of General Mills to MPCA, regarding the General Mills/Henkel Superfund Site, dated march 15, 2017;

2. Supplemental Report on VOC Sources and Remediation at the General Mills/Henkel Superfund Site, dated March 15, 2017 (prepared by Mike Kavanaugh at Geoyntec); and

3. Evaluation of Remedy Completeness at the General Mills/Henkel Superfund Site, dated March 14, 2017 (prepared by Tom McHugh of GSI).

Additionally, if need be we would be more than willing to have our technical experts meet with your technical experts to go over the analysis at a date of your convenience. Please let us know if this is something you would be interested in. Thanks again.

Regards,

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Sent: 5/11/2017 9:31:40 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]
Subject: 40 CFR Part 192

Hello Albert,

I hope you're doing well! First off I wanted to thank you for meeting with myself and the folks from Pebble Mine a few weeks ago. We really appreciated you and the Administrator's time.

I also wanted to ask if you know who would be handling 40 CFR Part 192 associated with uranium and thorium ore processing for the EPA? I appreciate any help you could give me. Thanks a lot.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Personal Matters / Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Sent: 5/30/2017 4:54:14 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]
Subject: Superfund List

Hello Albert,

Thank you for the call. If you have a list of the Superfund Task Force would you be able to send it to me? Thanks so much.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Personal Matters / Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Kelly, Albert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08576E43795149E5A3F9669726DD044C-KELLY, ALBE]
Sent: 4/12/2018 8:53:53 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Welcome. We are all pleased you are coming

Sent from my iPhone

On Apr 12, 2018, at 4:43 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Thank you team!! Can't wait to get over there!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: Ex. 6 M: Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, April 12, 2018 4:30 PM
To: Ford, Hayley; Abboud, Michael; Baptist, Erik; Beach, Christopher; Beck, Nancy; Bennett, Tate; Block, Molly; Bodine, Susan; Bolen, Brittany; Bolen, Derrick; Bowman, Liz; Brown, Byron; Burke, Marcella; Chancellor, Erin; Cook, Steven; Cory, Preston (Katherine); Daniell, Kelsi; Darwin, Henry; Darwin, Veronica; Dominguez, Alexander; Dravis, Samantha; Falvo, Nicholas; Feeley, Drew (Robert); Ferguson, Lincoln; Forsgren, Lee; Fotouhi, David; Frye, Tony (Robert); Gordon, Stephen; Greaves, Holly; Greenwalt, Sarah; Gunasekara, Mandy; Hanson, Paige (Catherine); Harlow, David; Hewitt, James; Hupp, Millan; Jackson, Ryan; Kelly, Albert; Konkus, John; Kundinger, Kelly; Leopold, Matt; Letendre, Daisy; Lovell, Will (William); McMurray, Forrest; Munoz, Charles; Palich, Christian; Ringel, Aaron; Rodrick, Christian; Ross, David P; Schwab, Justin; Seabaugh, Catherine; Shimmin, Kaitlyn; Traylor, Patrick; Wagner, Kenneth; Wehrum, Bill; White, Elizabeth; Wilcox, Jahan; Woods, Clint; Yamada, Richard (Yujiro)
Subject: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator
Importance: High

By vote of 53-45

Dem Senators voting "YES": Manchin (WV) , Heitkamp (ND) , Donnelly (IN),

Message

From: Kelly, Albert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08576E43795149E5A3F9669726DD044C-KELLY, ALBE]
Sent: 10/24/2017 5:08:34 PM
To: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Subject: RE: Thank You

You are welcome Darrin. Call on me anytime I can be of help.

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Ex. 6

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Tuesday, October 24, 2017 12:40 PM
To: Kelly, Albert <kelly.albert@epa.gov>
Cc: Ehrich, Delmar R. <Delmar.Ehrich@faegrebd.com>; Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: Thank You

Albert,

Please accept our sincere appreciation for the outstanding presentation you made at our Insight Lunch yesterday. The attendees gained valuable insight into the CERCLA process and Administrator Pruitt's Superfund reform efforts. We hope it was a positive experience for you as well. The information you shared was very enlightening.

Again, our sincere thanks for your time.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Kelly, Albert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08576E43795149E5A3F9669726DD044C-KELLY, ALBE]
Sent: 8/24/2017 12:42:09 PM
To: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]; Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]
Subject: RE: Meeting Request on Behalf of International Paper

Sure

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Ex. 6

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Thursday, August 24, 2017 8:35 AM
To: Kelly, Albert <kelly.albert@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: Meeting Request on Behalf of International Paper

Hello Albert and Nick,

My firm represents International Paper and we were wondering if you would be willing to meet with us in the next couple of weeks. The meeting would be with their technical experts and maybe others from the company to discuss a specific Superfund issue that have.

Thank you for your consideration.

Regards,

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Kelly, Albert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08576E43795149E5A3F9669726DD044C-KELLY, ALBE]
Sent: 7/12/2017 11:36:48 PM
To: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]; Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]
Subject: RE: Follow Up on General Mills Meeting

Thanks Darrin. We will be inquiring and will get back to you.

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Ex. 6

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Wednesday, July 12, 2017 4:41 PM
To: Kelly, Albert <kelly.albert@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: Follow Up on General Mills Meeting

Albert and Nick,

Thank you for taking the time to meet with the General Mills team today. We very much appreciated your time and your offer to look into the former General Mills site in Minneapolis. We gave you a hard copy of several reports on this matter, but wanted to supply you with electronic attachments as well. Attached you will find:

1. Letter of General Mills to MPCA, regarding the General Mills/Henkel Superfund Site, dated march 15, 2017;

2. Supplemental Report on VOC Sources and Remediation at the General Mills/Henkel Superfund Site, dated March 15, 2017 (prepared by Mike Kavanaugh at Geoyntec); and

3. Evaluation of Remedy Completeness at the General Mills/Henkel Superfund Site, dated March 14, 2017 (prepared by Tom McHugh of GSI).

Additionally, if need be we would be more than willing to have our technical experts meet with your technical experts to go over the analysis at a date of your convenience. Please let us know if this is something you would be interested in. Thanks again.

Regards,

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Kelly, Albert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08576E43795149E5A3F9669726DD044C-KELLY, ALBE]
Sent: 6/30/2017 12:55:01 AM
To: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
CC: Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]
Subject: Re: Meeting Request for General Mills

Nick Faldo will get this all confirmed tomorrow

Sent from my iPad

On Jun 28, 2017, at 9:03 AM, Munoz, Darrin R. <Darrin.Munoz@FaegreBD.com> wrote:

Hello Albert,

Just wanted to follow-up on getting a meeting on the 12th penciled in. Thanks a lot.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Munoz, Darrin R.
Sent: Monday, June 26, 2017 3:06 PM
To: 'Kelly, Albert'
Subject: RE: Meeting Request for General Mills

Hello Albert,

Please disregard all previous emails and I apologize for the back and forth with dates on this meeting. Can we meet with you on Wednesday, July 12th for General Mills? Hopefully that is the last time I have to bother you on that. Anytime of day works for us.

Additionally, we also have a uranium client, Energy Fuels, who would like to discuss the Navajo Nation abandoned mine cleanup and how they could help. Could we meet with you on Thursday, July 20th for that? Thanks so much.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Kelly, Albert [mailto:kelly.albert@epa.gov]
Sent: Friday, June 23, 2017 1:48 PM

To: Munoz, Darrin R.
Subject: RE: Meeting Request for General Mills

We have regions in on the 17th, 18th and 19th. Other than those days, I am pretty good

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Ex. 6

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Friday, June 23, 2017 12:18 PM
To: Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: Meeting Request for General Mills

Thank you. Would Tuesday July 18th in the afternoon work for you? I know I said the week of the 10th, but this looks much better for everyone.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Kelly, Albert [mailto:kelly.albert@epa.gov]
Sent: Friday, June 23, 2017 10:37 AM
To: Munoz, Darrin R.
Subject: RE: Meeting Request for General Mills

Choose a time that works for you and I will get Byron

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Ex. 6

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Friday, June 23, 2017 10:29 AM
To: Kelly, Albert <kelly.albert@epa.gov>
Subject: FW: Meeting Request for General Mills

Hi Albert,

Sorry to keep pinging you on this, but can we look to reschedule this meeting for the week of July 10th? The only day that doesn't work would be Monday and Tuesday, but there rest of the week is wide open. I apologize for the change.

Darrin R. Munoz
Director

darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Munoz, Darrin R.
Sent: Thursday, June 22, 2017 11:00 AM
To: 'Kelly, Albert'
Subject: RE: Meeting Request for General Mills

Hi Albert,

Just wanted to check back in and see if you've had an opportunity to check with Byron. We want to let the General Mills folks know when they can get their flights. Thank you again for your help.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Kelly, Albert [mailto:kelly.albert@epa.gov]
Sent: Tuesday, June 20, 2017 3:19 PM
To: Munoz, Darrin R.
Subject: RE: Meeting Request for General Mills

Let me check Byrons schedule

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Ex. 6

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Tuesday, June 20, 2017 2:30 PM
To: Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: Meeting Request for General Mills

Hello Albert,

I profusely apologize for the delay in getting back to you. We had some scheduling snafus. Could I and several members of General Mills meet with you and Byron Brown next week? We were hoping anytime Tuesday morning or afternoon or Wednesday morning or afternoon, but will defer to your schedule. Thank you very much.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Kelly, Albert [mailto:kelly.albert@epa.gov]
Sent: Friday, June 02, 2017 3:38 PM
To: Munoz, Darrin R.
Subject: RE: Meeting Request for General Mills

I would be pleased to do so. Do I need to involve others in the meeting? Let me know your preferred dates.

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Ex. 6

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Friday, June 2, 2017 3:32 PM
To: Kelly, Albert <kelly.albert@epa.gov>
Subject: Meeting Request for General Mills

Hello Albert,

My firm represents General Mills and we were wondering if you would be willing to meet with us in the next 3-4 weeks. The meeting would be with Gregg Stedronsky, VP, Engineering, Safety & Environment, General Mills and others from the company and our firm to discuss a specific Superfund issue that has ramifications across the country at other sites. The only dates they couldn't do would be July 5-14.

Thank you for your attention.

Regards,

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/29/2018 8:32:24 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: RE:

Ex. 6

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

www.FaegreBD.com

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

-----Original Message-----
From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, January 29, 2018 3:19 PM
To: Wheeler, Andrew R.
Subject: Re: RE:

Ex. 6

Sent from my iPhone

> On Jan 29, 2018, at 3:01 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
> Thank you, Ex. 6
>
> Andrew R. Wheeler
> Principal
> andrew.wheeler@FaegreBD.com
> D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460
>
> www.FaegreBD.com
>
> Faegre Baker Daniels Consulting
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
>
> -----Original Message-----
> From: Lyons, Troy [mailto:lyons.troy@epa.gov]
> Sent: Monday, January 29, 2018 2:57 PM
> To: Wheeler, Andrew R.
> Subject:
>
> Congratulations on Ex. 6
>
> Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 2/16/2018 5:23:49 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: News

Deliberative Process / Ex. 5

Sent from my iPhone

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 2/14/2018 4:59:32 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: Huff post

Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, February 14, 2018 11:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Huff post

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Personal Phone / Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Wednesday, February 14, 2018 10:07 AM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan
Subject: RE: Huff post

Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, February 13, 2018 11:00 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Huff post

Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 13, 2018, at 10:52 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

> **Deliberative Process / Ex. 5**
>
> Sent from my iPhone
>
> On Feb 13, 2018, at 10:26 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
> **Deliberative Process / Ex. 5**
>
> Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 4/9/2018 8:59:34 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: FYI

Mitch McConnell threatens weekend work on slowed nominations
Washington Examiner
Susan Ferrechio
April 9, 2018 – 4:12 PM
https://www.washingtonexaminer.com/news/congress/mitch-mcconnell-threatens-weekend-work-on-slowed-nominations

Senate Majority Leader Mitch McConnell warned lawmakers on Monday that the Senate would remain in session until all of the week's pending nominees are cleared. If Democrats employ their typical delaying tactics, that guarantees a weekend session.

"Let me make one thing clear," the Kentucky Republican said. "The Senate's workweek will not end until all of these amply qualified nominees are confirmed."

Six Trump administration nominees are on the Senate calendar this week, including Claria Horn Boom, who was selected to serve as a United States district judge for the Eastern and Western districts of Kentucky.

Democrats have been refusing to agree to shorten the otherwise required 30 hours of debate time on nominees, which has slowed the process and angered Republicans.

A group of senators wants to change the rules to abbreviate the process.

A McConnell spokesman would not say whether he would agree to the change, but McConnell hinted there could soon be an announcement on the matter.

"I'll have more to say on these partisan tactics in the coming days," McConnell said Monday, referring to the time delay imposed by Democrats.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 2/12/2018 9:32:45 PM
To: Wheeler, Andrew R. (andrew.wheeler@faegrebd.com) [andrew.wheeler@faegrebd.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: FW: NPPC Wants Votes On Four Key Trump Nominees

PRESS RELEASE

Contact: Jim Monroe (monroej@nppc.org) or Dave Warner (warnerd@nppc.org) (202) 347-3600

NPPC Wants Votes On Four Key Trump Nominees

WASHINGTON, D.C., Feb. 12, 2018 – The National Pork Producers Council today urged Senate Majority Leader Mitch McConnell, R-Ky., and Minority Leader Chuck Schumer, D-N.Y., to schedule confirmation votes on four long-languishing Trump administration nominees for positions important to U.S. pork producers and American agriculture.

In a letter to the two leaders, NPPC asked the Senate to fulfill its "vital role in ensuring that our federal agencies are adequately staffed by moving quickly to schedule votes and confirm" Gregg Doud as chief agricultural negotiator at the Office of the U.S. Trade Representative, Bill Northey as undersecretary for Farm Production and Conservation at the U.S. Department of Agriculture, Stephen Vaden as USDA's general counsel and Andrew Wheeler as deputy administrator at the U.S. Environmental Protection Agency.

"All four candidates are highly qualified, and the positions they will fill are extremely important to the U.S. pork industry and American agriculture," wrote NPPC President Ken Maschhoff, a pork producer from Carlyle, Ill. "The nominees will oversee policies and programs that farmers and ranchers depend on."

Doud currently is president of the Commodity Markets Council, and he previous was a senior aide to the Senate Committee on Agriculture, Nutrition and Forestry. Doud, who grew up on a family farm in Kansas, also worked for the National Cattlemen's Beef Association and for U.S. Wheat Associates.

Northey is secretary of the Iowa Department of Agriculture and Land Stewardship. He previously served as president of the National Corn Growers Association and on Iowa's USDA Farm Service Agency state committee.

Vaden, who has been at USDA since President Trump's inauguration, grew up on a family farm in west Tennessee before coming to Washington to work at two of D.C.'s biggest law firms.

Wheeler is the co-leader of the energy practice at the law firm Faegre Baker Daniels and formerly served on the staff of Sen. Jim Inhofe, R-Okla., including as the long-time staff director of the Senate Committee on Environment and Public Works. He also worked at EPA's Office of Pollution Prevention and Toxics during both the George H. W. Bush and Bill Clinton administrations.

# # #

NPPC is the global voice for the U.S. pork industry, protecting the livelihoods of America's 60,000 pork producers, who abide by ethical principles in caring for their animals, in protecting the environment and public health and in providing safe, wholesome, nutritious pork products to consumers worldwide. For more information, visit www.nppc.org.

For questions, comments and suggestions, contact: Jim Monroe (monroej@nppc.org) or Dave Warner (warnerd@nppc.org), (202) 347-3600

Visit out social media sites!

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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/10/2018 4:49:59 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: NYT

I agree. Deliberative Process / Ex. 5

From: Bowman, Liz
Sent: Tuesday, April 10, 2018 12:44 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: NYT

Thanks; I can send her the statement that we have been sending to others who have asked.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, April 10, 2018 12:26 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: NYT

Coral davenport

Andrew R. Wheeler
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1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Tuesday, April 10, 2018 12:20 PM
To: Wheeler, Andrew R.; Jackson, Ryan; Lyons, Troy
Subject: RE: NYT

Do you know what reporter?

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, April 10, 2018 12:14 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: NYT

New York Times is calling people for a story on me. **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Andrew R. Wheeler
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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/16/2018 8:43:13 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: WH Briefing Mentioned You

Deliberative Process / Ex. 5

From: Bowman, Liz
Sent: Friday, March 16, 2018 3:03 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: WH Briefing Mentioned You

Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, March 16, 2018 2:58 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: WH Briefing Mentioned You

Thanks!!

Sent from my iPhone

On Mar 16, 2018, at 2:37 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Deliberative Process / Ex. 5

I haven't gotten questions about it, but wanted to give you a heads-up.

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/5/2018 10:19:39 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Chamber Support Letter #2

Nice

On Apr 5, 2018, at 5:24 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

fyi

Andrew R. Wheeler
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Guith, Christopher [mailto:CGuith@USChamber.com]
Sent: Tuesday, April 03, 2018 5:00 PM
To: Wheeler, Andrew R.
Subject: Chamber Support Letter #2

FYI

<180402_Support_Andrew_Wheeler_ Deputy_EPA_Admin.pdf>

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/5/2018 9:24:23 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: FW: Chamber Support Letter #2
Attachments: 180402_Support_Andrew_Wheeler_ Deputy_EPA_Admin.pdf

fyi

Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Personal Phone / Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Guith, Christopher [mailto:CGuith@USChamber.com]
Sent: Tuesday, April 03, 2018 5:00 PM
To: Wheeler, Andrew R.
Subject: Chamber Support Letter #2

FYI

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

April 3, 2018

TO THE MEMBERS OF THE UNITED STATES SENATE:

The U.S. Chamber of Commerce supports the nomination of Andrew Wheeler to be Deputy Administrator of the U.S. Environmental Protection Agency (EPA).

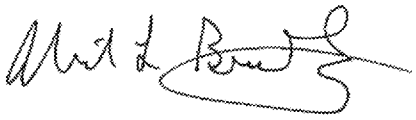
Mr. Wheeler's experience in public service makes him an excellent choice for leadership at the EPA. He began his career at the EPA, where he worked on toxic chemical, pollution prevention, and right-to-know issues. He was awarded the EPA Bronze Medal twice.

Mr. Wheeler has also served on Capitol Hill in various roles and offices, including as Majority Staff Director and Chief Counsel for the Senate Committee on Environment and Public Works. In those roles, he worked on every major piece of environmental and energy-related legislation before Congress for more than a decade.

Nominated in October 2017, his confirmation would provide EPA with the leadership and experience needed as the agency implements its Back to Basics agenda, which is focused on protecting the environment, sensible regulations that facilitate economic growth, and enhanced engagement with state and local partners.

The Chamber urges all senators to support swift confirmation of Andrew Wheeler to be the Deputy Administrator of EPA.

Sincerely,



Neil L. Bradley

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 12/8/2017 6:46:59 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

Will do.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, December 8, 2017 1:44 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

Liz, Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 My desk number is 202-312-7424

Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Friday, December 08, 2017 1:42 PM
To: Jackson, Ryan; Wheeler, Andrew R.
Cc: Lyons, Troy
Subject: RE: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

That makes sense, Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

From: Jackson, Ryan
Sent: Friday, December 8, 2017 1:41 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

I think Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, December 8, 2017 1:12 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

Deliberative Process / Ex. 5

I lobbied DOI on the issue and some Hill offices as well. Energy Fuel's uranium mill bordered Bears Ears on one side and their mine bordered the monument on the opposite side. Their access road to the mine was through the monument and the radiation monitors for the mill were inside the monument (they need to have constant access to their monitors, under NRC regulations). We lobbied for the boundaries to be moved slightly so that they would have access on the road and to their monitors.

Andrew R. Wheeler
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Friday, December 08, 2017 12:07 PM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan; Lyons, Troy
Subject: FW: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

Hi Andrew – The Washington Post is doing an article on the administrator for the end of the year, but separately, they seem to be working on a piece about DOI Bears' Ears and thus will be mentioning any role you had on that issue. While you are not at EPA yet, nor is this an EPA issue – I would be happy to either connect you with Juliet to talk on background (and can facilitate if you want) – or send along background information to Juliet about any role you did (or did not) have on this issue. I would suggest that **Deliberative Process / Ex. 5** **Deliberative Process / Ex. 5** Please either send me whatever information you have – or feel free to call me directly at **Ex. 6**

Thank you – Liz

From: Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]
Sent: Friday, December 8, 2017 11:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

It's related to the decision on Bears Ears, he represented a uranium processing firm that lobbied to reduce the monument's boundaries. I've put in a request to DOI, and they're working on it, but I just thought I'd mention it. EPA did not play a role in the decision, obviously, so I don't think that there's a need for a specific EPA comment.

And a couple other small questions (on the Pruitt story), related to regional offices. The administrator has yet to visit one, correct? And Ryan had mentioned that last week Bill Wehrum visited his office's staff in Ann Arbor—I know a lot of the air and radiation staff works there. Has he gone to the office in NC, where another chunk of the office's staff is based?
Thanks so much,

Juliet

Juliet Eilperin
Senior National Affairs Correspondent
Washington Post
Juliet.eilperin@washpost.com
(O) Ex. 6
(C)
@eilperin

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 12/8/2017 6:40:57 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

I suggest Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, December 8, 2017 1:12 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

Deliberative Process / Ex. 5

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Andrew R. Wheeler
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Friday, December 08, 2017 12:07 PM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan; Lyons, Troy
Subject: FW: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

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had on that issue. While you are not at EPA yet, nor is this an EPA issue – I would be happy to either connect you with Juliet to talk on background (and can facilitate if you want) – or send along background information to Juliet about any role you did (or did not) have on this issue. I would suggest Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 Please either send me whatever information you have – or feel free to call me directly at Ex. 6

Thank you – Liz

From: Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]
Sent: Friday, December 8, 2017 11:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: hey, I just wanted to mention that I am doing a non-EPA story that mentions Andy Wheeler's lobbying role from earlier this year

It's related to the decision on Bears Ears, he represented a uranium processing firm that lobbied to reduce the monument's boundaries. I've put in a request to DOI, and they're working on it, but I just thought I'd mention it. EPA did not play a role in the decision, obviously, so I don't think that there's a need for a specific EPA comment.

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Thanks so much,
Juliet

Juliet Eilperin
Senior National Affairs Correspondent
Washington Post
Juliet.eilperin@washpost.com
(O)
(C) Ex. 6
@eilperin

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/4/2017 12:44:44 AM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Prep Session

Thank you for Deliberative Process / Ex. 5

Sent from my iPhone

> On Nov 3, 2017, at 8:40 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:
>
> I am sorry I had to leave the prep session early; the climate assessment was released today and I was getting press calls.
>

Deliberative Process / Ex. 5

>
> Thanks for the Ex. 6
>
> Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/6/2017 1:55:34 AM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]
Subject: Re: Talking Points

Thank you

Sent from my iPhone

On Nov 5, 2017, at 8:40 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

DRAFT – DELIBERATIVE – NOT FOR PUBLIC DISTRIBUTION

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I can be reached at Ex. 6 Thank you – Liz

Topline Messages: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Background

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/6/2017 4:25:27 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: EPW Minority Presentation Request

Below are the requested presentations from EPW Minority.

- How to Conduct Congressional Oversight (2017)
- Preparing for the New Administration (2017)
- The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016)
- Preparing for the Change in Administration (2016)
- Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012)
- The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009)

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/10/2017 3:53:52 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: EPW Questionnaire
Attachments: EPW Cmte Questionnaire 115th Congress.doc

Hi Andrew,

Deliberative Process / Ex. 5

Hope you had a great weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 4/18/2017 4:30:23 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: dmaloney@hess.com; jnoyes@hess.com; mary.streett@bp.com; robert.stout@bp.com; geoff.morrell@bp.com; ray.dempsey@bp.com; mark.finley@bp.com; sally.kolenda@bp.com; lschaff@hess.com; lawrence.young@720strategies.com; vlad.cartwright@720strategies.com; hopkinsh@api.org; hopkinsh@api.org; David.vanHoog@bp.com; ksmith@nam.org; janice.raburn@bp.com; karl.connor@bp.com; jsadosky@forbes-tate.com; JTamborski@hess.com; lawrence.young@720strategies.com; vlad.cartwright@720strategies.com; ssteele@hess.com; hopkinsh@api.org; David.vanHoog@bp.com; eblitz@hess.com; Richard.England@mail.house.gov; bwkirkham@marathonoil.com; Tom.Sullivan@nelsonmullins.com; ksmith@nam.org; Joey.E.Harrington@conocophillips.com; wpiner1@bloomberg.com; rmiller@forbes-tate.com; oneill@harbingerstrategies.com; stombres@harbingerstrategies.com; ashlee@republicstrat.com; leah@mcrbtdc.com; Justin_Memmott@Barrasso.senate.gov; robin.sexton@720strategies.com; lawrence.young@720strategies.com; ACarter@cfr.org; kevin.mcnally@rapidangroup.com; kevin.mcnally@rapidangroup.com; Ex. 6 apoe@grandvc.com; Brendon_Plack@thune.senate.gov; Wiley.Deck@mail.house.gov; Arjun_Mody@rpc.senate.gov; Tyler.Nelson@mail.house.gov; domnitchc@api.org; kerry@republicstrat.com; Ted.Verrill@mail.house.gov; mark.gruman@mail.house.gov; Kevin.J.Avery@conocophillips.com; gdbaker@wms-jen.com; abaker@marcorubio.com; Danielle.Burr@mail.house.gov; Gena@CapitolHillClub.org; Elise.Conner@mail.house.gov; Artur.Suchorzewski@mail.house.gov; Glenn.Rushing@mail.house.gov; Andrew.D.Lundquist@conocophillips.com; militoe@api.org; Mary.Streett@bp.com; Kjersten.S.Drager@conocophillips.com; MGill@crowell.com; Kari.Gibson@conocophillips.com; mvb@814consulting.com; Jerry_McPhee@oxy.com; LHecker@hess.com; Mark.Gruman@mail.house.gov; Chris.Marohl@mail.house.gov; Stephanie@legerstrategies.com; tcharters@nswa.us; Neil_Chatterjee@mcconnell.senate.gov; johnsonb@api.org; achapman@noia.org; Schimanski@donschimanski.com; kelly@mcrbtdc.com; Elizabeth.Craddock@iadc.org; asullins@hess.com; jnoyes@hess.com; Henry.Cuellar@mail.house.gov; leah@mcrbtdc.com; esalazar@hess.com; Ex. 6 henry@quorum.us; leah@mcrbtdc.com; rehrlich@kslaw.com; Brandon.Consolvo@sf.frb.org; Thomas.Power@mail.house.gov; John.Seale@mail.house.gov; Kjersten.S.Drager@conocophillips.com; Rick.Leonard@mail.house.gov; blu.hulsey@clr.com; jim@ellisinsight.com; dregan@nada.org; Jeremy.Pederson@mail.house.gov; ADJones@wms-jen.com; keith.w.mccoy@exxonmobil.com; Kelly@mustangstrat.com; elizabeth.reicherts@siemens.com; eberke@berkefarah.com; lloyd@billjohnsonleads.com; ErfeV@api.org; CGuith@USChamber.com; Phil@sportsmenslink.org; catanzaro@cgcn.com; Ex. 6 mvb@814consulting.com; Bryan_Zumwalt@americanchemistry.com; Eric.Gustafson@mail.house.gov; MDunagin@hess.com; RThomasson@cassidy.com; HaynieM@api.org; Bryan_Zumwalt@americanchemistry.com Personal Email / Ex. 6 ; ryan.walker@mail.house.gov; BrownL@api.org; Colby.Hale@mail.house.gov; Brent.Golleher@lmoga.com; tyler@stevescalise.com; John.M.Dabbar@conocophillips.com; milam@mabrypublicaffairs.com; miturner@hess.com; hharris@grandvc.com; mary.milley@bp.com; ASlentz@hess.com; mitchell@cgcn.com; charris@USChamber.com; cranford@cgcn.com; bkoetzle@chevron.com; SMcDonald@ipaa.org; summer.b.bravo@xcelenergy.com; kmehta@aba.com; dharris@h2ccdc.com; tbroussard@hess.com; mlfehr@hess.com; dverdeyen@hess.com; mcrimmins@nationaljournal.com; amanda_neely@hsgac.senate.gov; michael@speakerryan.com; jhrobsky@bhfs.com; cbrown@epiphanyproductions.com
Subject: Update Contact Information
Attachments: Troy Lyons.vcf

Importance: High

Colleagues—please find attached my updated contact information. I look forward to continuing to work with you in my new role at the EPA.

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations

Ex. 6

Contact

Full Name: Troy Lyons
Last Name: Lyons
First Name: Troy
Company: EPA

Mobile Phone: Ex. 6

E-mail: lyons.troy@epa.gov

Message

From: Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]
Sent: 4/11/2018 3:12:14 PM
To: 'Wheeler, Andrew R. (Andrew.Wheeler@faegrebd.com)' [Andrew.Wheeler@faegrebd.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Time to speak to Senator Carper?

Importance: High

Andrew,

Senator Carper would like to speak to you re: the consideration of your nomination this week. The matter is urgent and time sensitive.

I've also reached out to Troy. You may wish to call me for context: cell Ex. 6

Mary Frances Repko
Democratic Staff Director
U.S. Senate Committee on Environment and Public Works

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 4/11/2018 2:03:03 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: FW: NEWS: API calls on U.S. Senate to approve Andrew Wheeler's nomination to EPA

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: API Press [mailto:Press@api.org]
Sent: Wednesday, April 11, 2018 10:01 AM
To: API Press <Press@api.org>
Subject: NEWS: API calls on U.S. Senate to approve Andrew Wheeler's nomination to EPA

NEWS

energy API | POWER PAST IMPOSSIBLE.ORG

FOR IMMEDIATE RELEASE

202.682.8114 | press@api.org

API calls on U.S. Senate to approve Andrew Wheeler's nomination to EPA

WASHINGTON, April 11, 2018 – API President and CEO Jack Gerard called on members of the U.S. Senate to approve the nomination of Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency (EPA).

"Smart regulation provides necessary certainty for robust U.S. energy investments that ensure America has the energy it needs now and in the future to increase national security, grow the economy, improve the trade imbalance and further environmental progress," said Gerard. "Andrew Wheeler knows the important role that natural gas and oil plays in the daily life of every American and will work to further a smarter, science-based regulatory agenda. His career experience on federal regulatory and legislative issues will prove to be a valued asset to EPA. We encourage the Senate to put Andrew to work at EPA soon and move quickly on other well-qualified nominees."

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 40 million Americans.

###

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/13/2018 1:34:42 PM
To: Wheeler, Andrew R. (andrew.wheeler@faegrebd.com) [andrew.wheeler@faegrebd.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Press Requests Moving Fwd

Hi Andrew – With regard to all the incoming press requests you are getting, I would suggest that you Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

If you have any questions, call me anytime.

Congratulations again,

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 2/9/2018 2:29:43 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Fwd:

Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 8, 2018, at 9:28 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 8, 2018, at 8:25 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: <Ex. 6 @vzwpix.com>
Date: February 8, 2018 at 7:11:26 PM EST
To: <lyons.troy@epa.gov>, Ex. 6 @vzwpix.com>

<text_0.txt>

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 2/9/2018 2:00:40 AM
To: Andrew R. Wheeler [andrew.wheeler@FaegreBD.com]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Cal #666

Can't make it up.....

Hotline
THURSDAY, FEBRUARY 8, 2018 AT 07:07 PM

Executive Nomination - Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY

Cal. #666 - Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

Limited time agreement followed by a vote.

Please notify the Cloakroom if your Senator would oppose confirmation of the nomination or would like time to speak.

Hotlines are sent from the Senate Republican Cloakroom using the telephone alert system. An email copy is sent to offices and posted on Trunkline 3.0 (**http://gop.senate.gov**) as a convenience, but primary notification will always come via telephone. If you have questions about Hotlines, unanimous consent items or other floor scheduling matters, please call the Cloakroom at Personal Phone / Ex. 6 Please do not reply to this message.

To change your Trunkline email subscriptions, please visit your **user profile**page.

Sent from my iPhone

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 2/9/2018 1:25:11 AM
To: Andrew R. Wheeler [andrew.wheeler@FaegreBD.com]
Subject: Fwd:
Attachments: text_0.txt; ATT00001.htm

Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: <Personal Phone / Ex. 6 @vzwpix.com>
Date: February 8, 2018 at 7:11:26 PM EST
To: <lyons.troy@epa.gov>, Personal Phone / Ex. 6 vzwpix.com>

Republican cloakroom Just hotlined my nomination

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 4/3/2018 4:11:30 PM
To: Kirkham, Brandon W. [Brandon.Kirkham@FaegreBD.com]
Subject: Re: Congrats re: Ex. 6 Personal

Thank you! How are you doing?

Sent from my iPhone

> On Apr 2, 2018, at 2:26 PM, Kirkham, Brandon W. <Brandon.Kirkham@FaegreBD.com> wrote:
>
>
>
> Brandon

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 3/29/2018 8:30:20 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE:

Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, March 29, 2018 4:28 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE:

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Personal Phone / Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, March 29, 2018 4:07 PM
To: Wheeler, Andrew R.
Subject:

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Personal Phone / Ex. 6 (cell)

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 3/29/2018 8:07:16 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Attachments: Andrew Wheeler Strategy.docx

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Personal Phone / Ex. 6 (cell)

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/20/2018 12:00:05 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Meeting with Ranking Member Carper

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 19, 2018, at 5:50 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> Deliberative Process / Ex. 5
>
> Sent from my iPhone
>
> On Jan 19, 2018, at 5:45 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:
>
> > Andrew—Ranking Member Carper would like a follow up meet with you next week. Do you have availability to meet?
> >
> > Michal—in preparation for the meeting, do you have the list of topics Senator Carper would like to discuss?
> >
> > _____
> > **Troy M. Lyons**
> > Associate Administrator
> > Office of Congressional & Intergovernmental Relations
> > U.S. Environmental Protection Agency
> > Personal Phone / Ex. 6 (cell)

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 2/23/2018 11:09:05 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Munoz, Charles [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae303b61fc23433e89c844d7842c9626-Munoz, Char]
Subject: Re: Wheeler Update

Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 23, 2018, at 5:45 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Lyons, Troy
Sent: Friday, February 23, 2018 5:42 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>
Subject: Re: Wheeler Update

Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 23, 2018, at 5:40 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 23, 2018, at 10:28 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you for your patience, Andrew.

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Personal Phone / Ex. 6 (cell)

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/19/2018 8:20:29 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: markup

Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, January 19, 2018 12:49 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: markup

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/19/2018 7:58:40 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: markup

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 19, 2018, at 12:49 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 3/12/2018 9:04:17 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Re: Noms

Deliberative Process / Ex. 5

Sent from my iPhone

On Mar 12, 2018, at 4:56 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

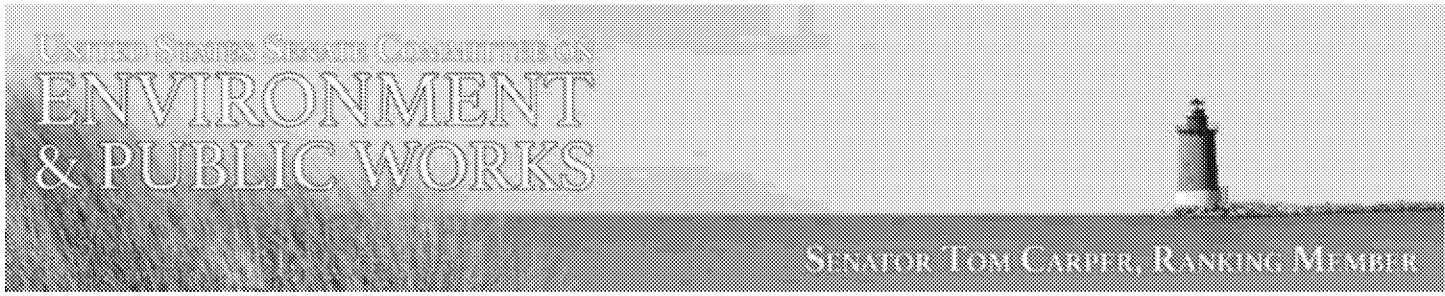
Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 12/12/2017 5:52:53 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: FW: RELEASE: Amid Evidence of Plagiarism, Carper Leads EPW Minority in Calling on CEQ Nominee to Submit New and Original Answers

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Tuesday, December 12, 2017 12:36 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Fwd: RELEASE: Amid Evidence of Plagiarism, Carper Leads EPW Minority in Calling on CEQ Nominee to Submit New and Original Answers

Subject: RELEASE: Amid Evidence of Plagiarism, Carper Leads EPW Minority in Calling on CEQ Nominee to Submit New and Original Answers



FOR RELEASE: December 12, 2017
CONTACT: Meghan Pennington or Christine Brennan – (202) 224-8832

Amid Evidence of Plagiarism, Carper Leads EPW Minority in Calling on CEQ Nominee to Submit New and Original Answers

Kathleen Hartnett White, President Trump's pick to serve as his most senior environmental advisor, copied at least 18 responses to questions for the record verbatim from previous nominees, including EPA Administrator Pruitt

WASHINGTON, DC – Today, the minority members of the Environment and Public Works (EPW) Committee called on Kathleen Hartnett White, President Trump's nominee to lead the White House Council on Environmental Quality and serve as his most senior environmental advisor, to submit new and original responses to questions for the record after it was discovered that at least 18 of her responses were copied verbatim from responses previously submitted to the committee. Repeatedly, Ms. White's answers to questions of opinion – on issues including climate change, hazardous air pollutants and environmental justice – matched answers previously provided by President Trump's Environmental Protection Agency (EPA) nominees, including EPA Administrator Pruitt and EPA Assistant Administrator Bill Wehrum.

In a letter led by Ranking Member Tom Carper (D-Del.), the lawmakers wrote, **"We write to request additional information about your responses to questions for the record sent to you by Members of the Environment and Public Works Committee after your confirmation hearing…We are troubled that it appears that you have cut and pasted from the written answers of other nominees in your responses to questions that were submitted to you."**

The senators requested that Ms. Hartnett White identify and give appropriate citation to all responses that include someone else's work and submit new answers to each of the plagiarized responses that represent her own views by December 22, 2017.

Senator Carper was joined by Senators Ben Cardin (D-Md.), Bernard Sanders (I-Vt.), Sheldon Whitehouse (D-R.I.), Jeff Merkley (D-Ore.), Kirsten Gillibrand (D-N.Y.), Cory Booker (D-N.J.), Edward J. Markey (D-Mass.), Tammy Duckworth (D-Ill.) and Kamala Harris (D-Calif.).

The text of the letter is available below and here.

December 12, 2017

Ms. Kathleen Hartnett White
Texas Public Policy Foundation
901 Congress Avenue
Austin, TX 98701

Dear Ms. White:

We write to request additional information about your responses to questions for the record[1] sent to you by Members of the Environment and Public Works Committee after your confirmation hearing. In at least 18 instances (attached), your responses to these questions included language that also appeared verbatim in responses to questions for the record received from EPA Administrator Scott Pruitt[2], and EPA's Assistant Administrator for Air and Radiation, Bill Wehrum[3].

For example, when asked a question about EPA's Mercury and Air Toxics (MATS) rule, you stated:

> "The quantifiable monetized benefits of the HAP reductions predicted to occur under MATS measured only a few million dollars. I understand that EPA has recalculated the benefits attributable to MATS in response to the Supreme Court remand. I am not familiar with the new estimates and I cannot prejudge any decision that might be made by EPA as it conducts its ongoing review of the rule."

Mr. Wehrum stated the following in response to a similar question:

"The quantifiable monetized benefits of the HAP reductions predicted to occur under MATS measured only a few million dollars. I understand that EPA has recalculated the benefits

[1] https://www.epw.senate.gov/public/_cache/files/a/1/a15d7d8c-572f-46ba-864f-15109d91915f/9990828E4533BE5492230CA6A32A1CD3.white-qfr-carper-responses.pdf
[2] https://www.epw.senate.gov/public/_cache/files/6d95005c-bd1a-4779-af7e-be831db6866a/scott-pruitt-qfr-responses-01.18.2017.pdf
[3] https://www.epw.senate.gov/public/_cache/files/d/e/de778b35-f2eb-453d-abde-9e4da14ae227/B9F1B1208CA3BAA95EAF5087BEA97345.epa-nominee-responses-to-senator-carper-questions-for-the-record.pdf

attributable to MATS in response to the Supreme Court remand. I am not familiar with the new estimates. If confirmed, I intend to consider them objectively."

Similarly, in response to five questions about climate change submitted to you by Senators Merkley, Sanders and Whitehouse, you stated:

"If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the impact that increasing greenhouse gases have on our changing climate."

Mr. Pruitt responded to a similar question as follows:

"If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the impact increasing greenhouse gases have on our changing climate. I will also adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment consistent with the process and rule of law established by congress. I also believe the Administrator has an important role when it comes to the regulation of carbon dioxide, which I will fulfill consistent with *Massachusetts v. EPA* and the agency's Endangerment Finding on Greenhouse Gases respective of the applicable statutory framework established by Congress. I believe the most effective path towards achieving these objectives is through close partnership with the states granting them regulatory leeway as ascribed by the rule of law."

We are troubled that it appears that you have cut and pasted from the written answers of other nominees in your responses to questions that were submitted to you. We request that you promptly provide responses to the following questions:

1. Please list each response to a question for the record submitted to you by any Member of the Environment and Public Works Committee for which you either plagiarized someone else's work or that you did not write part or all of the answer yourself.
2. For each item listed in your response to question 1, please list the source or person from which you derived part or all of your response.
3. Please submit a new answer to each such item that represents your own views and effort.

Thank you very much for your attention to this important matter. Please provide your response no later than close of business on Friday December 22, 2017.

###

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 12/19/2017 10:30:14 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Carper to force White House to renominate White in 2018

Deliberative Process / Ex. 5

Sent from my iPhone

On Dec 19, 2017, at 5:11 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Tuesday, December 19, 2017 5:08 PM
To: Wheeler, Andrew R.
Subject: RE: Carper to force White House to renominate White in 2018

Deliberative Process / Ex. 5

From: Lyons, Troy
Sent: Tuesday, December 19, 2017 5:07 PM
To: 'Wheeler, Andrew R.' <Andrew.Wheeler@FaegreBD.com>
Subject: RE: Carper to force White House to renominate White in 2018

Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, December 19, 2017 4:55 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: Carper to force White House to renominate White in 2018

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]
Sent: Tuesday, December 19, 2017 4:52 PM
To: Wheeler, Andrew R.
Subject: Carper to force White House to renominate White in 2018

By Anthony Adragna

12/19/2017 04:50 PM EDT

Sen. Tom Carper, top Democrat on the Environment and Public Works Committee, said today that he will force the Trump administration to renominate Kathleen Hartnett White to run the White House Council on Environmental Quality in 2018.

"Unqualified or controversial nominees will not simply be rubber-stamped by the Senate," Carper said in a statement. "Let's start the new year off with a clean slate and allow President Trump the opportunity to nominate a leader for the Council on Environmental Quality who takes environmental laws and public health protections seriously."

Senators typically allow nominees not confirmed by the end of the first year of a congressional term to remain pending without forcing them to be renominated. But Carper said White's controversial views on climate change and other environmental matters means she shouldn't be afforded that courtesy.

That comes as the first Republican senator expressed unease with White's nomination. Sen. Susan Collins told POLITICO she had viewed a clip of her confirmation hearing that "raised a lot of issues in my mind" but said she's not examined her record in-depth.

WHAT'S NEXT: Carper said he plans to object to any unanimous consent motions that would keep White's nomination pending after Congress adjourns for the year. That would force the White House to resubmit the nomination in 2018.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/12/carper-to-force-white-house-to-renominate-white-in-2018-299913

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Somewhat

Neutral

Not really

Not at all

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POLITICOPRO

This email was sent to andrew.Wheeler@faegrebd.com by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Morris, Madeline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F42C86B4A2044779972AC94E098F0304-MORRIS, MAD]
Sent: 7/11/2017 4:53:04 PM
To: Andrew.Wheeler@FaegreBD.com
Subject: RE: Scheduling request from the Association of Chamber of Commerce Executives

Hi Andrew,

I'm the Executive Scheduler for Administrator Pruitt. I wanted to thank you for inviting him to speak at your event next week, but unfortunately we couldn't make it work for the schedule. Please keep me informed for future events and opportunities, and I would be happy to try and make something work!

Thanks again!

Best,
Maddy

Madeline Morris Executive Scheduler | Office of the Administrator | direct: 202-564-0844 | cell: Ex. 6

Begin forwarded message:

> **From:** "Wheeler, Andrew R." <Andrew.Wheeler@FaegreBD.com>
> **Date:** July 6, 2017 at 10:25:58 PM EDT
> **To:** "Hupp, Millan" <hupp.millan@epa.gov>
> **Subject: Re: Scheduling request from the Association of Chamber of Commerce Executives**
>
> Thanks! As soon as you can would be great, thanks!
>
> Sent from my iPhone
>
> On Jul 6, 2017, at 9:37 PM, Hupp, Millan <hupp.millan@epa.gov> wrote:
>
>> Andrew -- do not know as of late. You all need an answer tomorrow? Looping in our scheduler, Maddy Morris.
>>
>> Thank you.
>> Millan
>>
>> Sent from my iPhone
>>
>> On Jul 6, 2017, at 5:04 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Millan, hi this is Andrew Wheeler at Faegre Baker Daniels. Do you know if the Administrator is going to be able to do this speech in Nashville? Thanks.

From: Hallowell, Jennifer L.
Sent: Wednesday, July 05, 2017 11:22 AM
To: Ex. 6
Subject: FW: Scheduling request from the Association of Chamber of Commerce Executives

Millan,

Hope you had a great Independence Day. Cam Savage indicated that you are the best person for me to follow up with regarding a scheduling request for Administrator Pruitt. I've attached the request form I attempted to submit on June 23. There are additional remarks in the body of the email but I believe all the required information is included in the official form. Thank you so much for taking a look at this and letting me know if it may be possible to schedule.

Sincerely,

Jennifer L. Hallowell
Director
jennifer.hallowell@FaegreBD.com Download vCard
D: +1 Ex. 6 | M: +1 Ex. 6

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA

From: Hallowell, Jennifer L.
Sent: Friday, June 23, 2017 1:57 PM
To: Hupp, Sydney
Subject: Scheduling request from the Association of Chamber of Commerce Executives

Sydney,

Good afternoon! You may recall I was put in touch with you by Cam Savage. Our last request didn't work

out but I'm reaching out now in a different capacity.

I'm contacting you on behalf of The Association of Chamber of Commerce Executives with a request for Administrator Pruitt to speak to their annual convention in Nashville, Tennessee, July 16-18.

(I've included all the necessary details on the Scheduling Request Form attached to this email.)

The Association of Chamber of Commerce Executives would like to invite the Administrator to speak and exchange ideas with Chamber of Commerce presidents who serve on the Board of Directors and Metro Cities Council during the ACCE annual convention. The 2017 Convention is being held at the Nashville Music City Center in downtown Nashville. It is expected to be the largest gathering of North American chambers of commerce in 20 years.

ACCE is the professional organization of chambers and their professional staffs. With a membership of more than 6,000 from more than 1,000 communities, the ACCE members reflect main street America, as well as metropolitan, regions and states. The collective memberships of ACCE's chambers exceeds 900,000 businesses, ranging from small retail shops to Fortune 100 companies. Because of the depth and breadth of its membership, few groups have a deeper insight into America's business communities and local economies than ACCE.

Within the ACCE, the Metro Cities Council subgroup has a membership limited to chief executives of chambers in cities with 500,000 or more in population. The Board of Directors, in turn, includes many of

these regional entities, but also true activists of all sizes in the chamber movement. Because of the stature of your office and the complex policies you are addressing, this combined audience of 75-100 influential leaders is ideal for delivering your messages and garnering insights from "the field." The 30-45 minute session will ensure an exceptional give-and-take for all parties.

We have four speaking time options for you and the Administrator to consider:

- Sunday, July 16 between 3:30p and 5:30p
- Monday, July 17 between 9:30a and 11:00a OR between 2:00p and 4:00p (preferred)
- Tuesday, July 18 between 2:00p and 5:00p

We would propose that the Administrator give remarks for 15-20 minutes and then take questions for another 20 minutes, but we are flexible.

If possible, we would appreciate a response prior to July 7 so that we may finalize our agenda.

Thank you so much for your consideration and for all you do on behalf America's people and businesses.

Sincerely,

Jennifer L. Hallowell
Director
jennifer.hallowell@FaegreBD.com Download vCard
D: +1 Ex. 6 | M: +1 Ex. 6

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA

<EPA Administrator Pruitt Speaker Request Form ACCE.DOCX>

Message

From: Morris, Madeline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F42C86B4A2044779972AC94E098F0304-MORRIS, MAD]
Sent: 7/11/2017 9:52:28 PM
To: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]
Subject: RE: Contact Info
Attachments: External Meeting Request Form.docx

From: Munoz, Darrin R. [mailto:Darrin.Munoz@FaegreBD.com]
Sent: Tuesday, July 11, 2017 5:50 PM
To: Morris, Madeline <morris.madeline@epa.gov>
Subject: Contact Info

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com Download vCard
D: Ex. 6

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

External Meeting Request Form for Administrator E. Scott Pruitt

U.S. Environmental Protection Agency

To request the Administrator to attend and/or speak at your event, please complete and submit the following form.

Today's Date:

Meeting Date:

Meeting Time:

Requested Location (if offsite, please list address, parking instructions, etc.):

Requestor:

Purpose of the Meeting:

Background on the Meeting:

Role of the Administrator:

Attendees:

Point of Contact:

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 2/23/2018 6:28:42 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Munoz, Charles [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae303b61fc23433e89c844d7842c9626-Munoz, Char]
Subject: Re: Wheeler Update

Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 23, 2018, at 12:49 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> **Deliberative Process / Ex. 5**
>
> :)
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. 6
>
> On Feb 23, 2018, at 12:45 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
> > **Deliberative Process / Ex. 5**
> >
> > Sent from my iPhone
> >
> > On Feb 23, 2018, at 11:25 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:
> >
> > > **Deliberative Process / Ex. 5**
> > >
> > > **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> > > **Sent:** Friday, February 23, 2018 10:36 AM
> > > **To:** Lyons, Troy <lyons.troy@epa.gov>
> > > **Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian

<palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>
Subject: Re: Wheeler Update

Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 23, 2018, at 10:28 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/8/2018 11:29:39 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Munoz, Charles [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae303b61fc23433e89c844d7842c9626-Munoz, Char]; Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]
Subject: Re: Wheeler Update

Thanks team!

Sent from my iPhone

On Jan 8, 2018, at 6:05 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi All,

We just found out Andrew has been re nominated by the WH officially. (congrats for the 2nd time!)

Deliberative Process / Ex. 5

Have a great evening,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

From: Lyons, Troy
Sent: Friday, January 5, 2018 11:43 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Cc: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: Wheeler Update
Importance: High

Deliberative Process / Ex. 5

Many thanks,

Troy

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 12/12/2017 6:02:55 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]; Munoz, Charles [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae303b61fc23433e89c844d7842c9626-Munoz, Char]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Wheeler Update

Understand. Deliberative Process / Ex. 5

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

On Dec 12, 2017, at 12:49 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]
Sent: 4/16/2018 8:34:33 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Andrew R. Wheeler [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Tomorrow

Andrew,

As a reminder, please bring 2 forms of ID or your passport. Either one of those will do so that you can get your employee ID processed.

Charles Munoz
White House Liaison

On Apr 16, 2018, at 3:44 PM, Palich, Christian <palich.christian@epa.gov> wrote:

> Hi Andrew,
>
> All good for your photo and ID badge with Charles at 11:45am tomorrow.
>
> Have a great evening!
>
> Christian R. Palich
> Deputy Associate Administrator
> Office of Congressional Affairs
> C: Ex. 6
>
> Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/12/2018 9:50:49 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Congrats!!

Thank you for your help my friend.

Sent from my iPhone

On Apr 12, 2018, at 4:30 PM, Palich, Christian <palich.christian@epa.gov> wrote:

> Congratulations officially Andrew, it has been a honor to get to work with you through this process.
>
> Celebrate this evening! So excited to have you at EPA.
>
> 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:* Ex. 6
> *E: Palich.Christian@epa.gov*

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/12/2018 9:49:44 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: Congratulations

Troy, thank you and a big thank you to your team. I always felt prepared and ready whether it was the hearing or the meetings. Your team always came through for me.

Sent from my iPhone

On Apr 12, 2018, at 4:30 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Congratulations, Mr. Deputy Administrator.
>
> Great work Christian and Tony!!!
>
> _____
> **Troy M. Lyons**
> Associate Administrator
> Office of Congressional & Intergovernmental Relations
> U.S. Environmental Protection Agency
> Ex. 6 cell)

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/11/2018 8:40:06 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: RE: Andrew Wheeler photo?

Thanks

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, April 11, 2018 4:38 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Andrew Wheeler photo?

Here's the pic I prefer.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Wednesday, April 11, 2018 4:21 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Palich, Christian; Ringel, Aaron
Subject: FW: Andrew Wheeler photo?

Hi Andrew – Do you have a photo you want us to send to the AP? We don't have one yet, so if you don't want them to pull one from somewhere random, it might be good if you have one to provide. Let us know thanks – Liz

---

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Wednesday, April 11, 2018 4:13 PM
To: Press <Press@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Andrew Wheeler photo?

Our understanding is that Andrew Wheeler is likely to be confirmed as deputy EPA administrator tomorrow. Does the agency have a hand-out photo of him to provide?

Thanks,

Michael

Michael Biesecker
Investigative Reporter
mbiesecker@ap.org
Twitter: @mbieseck
Public Key

ASSOCIATED PRESS

1100 13 St. NW, Suite 700
Washington, D.C. 20005-4076

T 202-641-9445
M Ex. 6

Have a tip for the Associated Press? We have a secure way to send it to us, anonymously. Follow this link for instructions: www.ap.org/tips

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"I go with Custer and will be at the death." – AP reporter Mark Kellogg's final dispatch from the Battle of the Little Bighorn, 1876

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Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/11/2018 5:05:33 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Senator Carper Conversation with Andrew Wheeler

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Wheeler, Andrew R.
Sent: Wednesday, April 11, 2018 11:38 AM
To: 'Lyons, Troy'
Cc: Jackson, Ryan; Palich, Christian
Subject: RE: Senator Carper Conversation with Andrew Wheeler
Importance: High

I just talked to mary Frances, carper is going to call be on his way to vote around 12:15. She is also sending me the letter.

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Wednesday, April 11, 2018 10:53 AM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan; Palich, Christian
Subject: Fwd: Senator Carper Conversation with Andrew Wheeler

FYI.

Andrew, ok to give him your cell? Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: "Repko, Mary Frances (EPW)" <mary_frances_repko@epw.senate.gov>
Date: April 11, 2018 at 10:49:04 AM EDT
To: "'Lyons, Troy'" <lyons.troy@epa.gov>
Subject: RE: Senator Carper Conversation with Andrew Wheeler

I do. The Senator is a dog with a bone about the letter – it is what he wants. He wants to share a copy of the letter with Andrew and ask him if he is confirmed if he will work to get the letter completed. Alternatively, he wants to ask if he were confirmed and became Acting Administrator, if he'd sign it.

These are things that Andrew may not be able to do given the circumstances, but I needed to let you know, and I wanted to make sure he had that context.

I think the Senator is troubled that the letter which would have led to one fewer vote and a time agreement wasn't forthcoming, and that the debate on Andrew's nomination will be very hot and loaded with commentary about the current Administrator.

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Wednesday, April 11, 2018 10:44 AM
To: Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
Subject: Re: Senator Carper Conversation with Andrew Wheeler

Apologies I was confused and thought you meant Bill Wehrum.

Do you know what he wants to speak to Andrew about?

Sent from my iPhone

On Apr 11, 2018, at 10:41 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:

> Gotcha. Ok. I left a vm for Andrew to call me on my cell.
>
> ---
>
> **From:** Lyons, Troy <lyons.troy@epa.gov>
> **Sent:** Wednesday, April 11, 2018 10:40 AM
> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>
> Yes. Will track down asap. Sorry for the missed calls. **Personal Matters / Ex. 6**
>
> Sent from my iPhone
>
> On Apr 11, 2018, at 10:22 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:
>
> > I don't have Andrew's number for that, can you advise?
> >
> > ---
> >
> > **From:** Lyons, Troy <lyons.troy@epa.gov>
> > **Sent:** Wednesday, April 11, 2018 10:20 AM
> > **To:** Repko, Mary Frances (EPW)

<mary_frances_repko@epw.senate.gov>
Subject: Re: Senator Carper Conversation with Andrew Wheeler

I gave him a heads up that Senator Carper would likely be calling so he is expecting a call

Sent from my iPhone

On Apr 11, 2018, at 10:04 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:

> Troy,
>
> Senator Carper would like to speak with Andrew Wheeler today, this morning if possible, and it is very time sensitive. Please advise, and it may be useful if I spoke to you and Andrew beforehand.
>
> Thanks,
> Mary Frances
>
> Mary Frances Repko
> Democratic Staff Director
> U.S. Senate Committee on Environment and Public Works

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/11/2018 3:37:37 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Senator Carper Conversation with Andrew Wheeler

Importance: High

I just talked to mary Frances, carper is going to call be on his way to vote around 12:15. She is also sending me the letter.

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Wednesday, April 11, 2018 10:53 AM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan; Palich, Christian
Subject: Fwd: Senator Carper Conversation with Andrew Wheeler

FYI.

Andrew, ok to give him your cell? **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

> **From:** "Repko, Mary Frances (EPW)" <mary_frances_repko@epw.senate.gov>
> **Date:** April 11, 2018 at 10:49:04 AM EDT
> **To:** "'Lyons, Troy'" <lyons.troy@epa.gov>
> **Subject: RE: Senator Carper Conversation with Andrew Wheeler**
>
> I do. The Senator is a dog with a bone about the letter – it is what he wants. He wants to share a copy of the letter with Andrew and ask him if he is confirmed if he will work to get the letter completed. Alternatively, he wants to ask if he were confirmed and became Acting Administrator, if he'd sign it.
>
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From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Wednesday, April 11, 2018 10:44 AM
To: Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
Subject: Re: Senator Carper Conversation with Andrew Wheeler

Apologies I was confused and thought you meant Bill Wehrum.

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Sent from my iPhone

On Apr 11, 2018, at 10:41 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:

> Gotcha. Ok. I left a vm for Andrew to call me on my cell.
>
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> **From:** Lyons, Troy <lyons.troy@epa.gov>
> **Sent:** Wednesday, April 11, 2018 10:40 AM
> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>
> Yes. Will track down asap. Sorry for the missed calls. **Ex. 6**
>
> Sent from my iPhone
>
> On Apr 11, 2018, at 10:22 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:
>
>> I don't have Andrew's number for that, can you advise?
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>> ---
>>
>> **From:** Lyons, Troy <lyons.troy@epa.gov>
>> **Sent:** Wednesday, April 11, 2018 10:20 AM
>> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
>> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>>
>> I gave him a heads up that Senator Carper would likely be calling so he is expecting a call
>>
>> Sent from my iPhone
>>
>> On Apr 11, 2018, at 10:04 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:
>>
>>> Troy,
>>>
>>> Senator Carper would like to speak with Andrew Wheeler today, this morning if possible, and it is very

time sensitive. Please advise, and it may be useful if I spoke to you and Andrew beforehand.

Thanks,
Mary Frances

Mary Frances Repko
Democratic Staff Director
U.S. Senate Committee on Environment and Public Works

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 2/7/2018 3:00:55 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Andrew.Wheeler@FaegreBD.com
Subject: RE: Wheeler Clears EPW

Awesome; let's get him here!

From: Palich, Christian
Sent: Wednesday, February 7, 2018 9:59 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Andrew.Wheeler@FaegreBD.com
Subject: Wheeler Clears EPW

Hi All,

I wanted to let everyone know Andrew Wheeler was just cleared through EPW by party line vote. We will now begin the effort to get him floor time for the full senate vote ASAP.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/23/2018 11:21:40 AM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Re: Wheeler

Happy to help.

Sent from my iPhone

On Jan 23, 2018, at 12:55 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 2/6/2018 10:03:04 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Andrew Wheeler Nomination Talking Points Document

I think it looks good. Thanks team.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, February 06, 2018 1:48 PM
To: Wheeler, Andrew R.
Cc: Frye, Tony (Robert); Lyons, Troy; Shimmin, Kaitlyn
Subject: Andrew Wheeler Nomination Talking Points Document

Hi Andrew,

Deliberative Process / Ex. 5

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/9/2018 8:35:29 PM
To: Wheeler, Andrew R. (andrew.wheeler@faegrebd.com) [andrew.wheeler@faegrebd.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: FW: Request for comment re: Andrew Wheeler's work at FaegreBD

FYI

From: Bixby, Scott [mailto:Scott.Bixby@thedailybeast.com]
Sent: Monday, April 9, 2018 4:33 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Request for comment re: Andrew Wheeler's work at FaegreBD

Thanks so much for your quick response, Liz!

From: Bowman, Liz <Bowman.Liz@epa.gov>
Sent: Monday, April 9, 2018 4:32:09 PM
To: Bixby, Scott
Subject: RE: Request for comment re: Andrew Wheeler's work at FaegreBD

Hi Scott – Thank you for the ability to comment. Andrew Wheeler will bring extraordinary credentials to EPA that will greatly assist the Agency as we work to implement the president's agenda. Andrew Wheeler has not lobbied EPA, nor any new EPA issues since President Trump was elected, and deregistered as lobbyist in August 2017. Mr. Wheeler consults with EPA career ethics officials, and will ensure that he is recuses himself from any potential conflicts. Thank you – Liz

Additional background:
Mr. Wheeler has spent his entire career working in environmental policy. In addition to spending four years at EPA's Office of Pollution Prevention and Toxics during the George H. W. Bush and Bill Clinton administrations, he also spent many years on Capitol Hill. After serving as general counsel to U.S. Senator James Inhofe, he worked as staff director and chief counsel for two Senate Committees with vital roles in protecting human health and the environment: the U.S. Senate Committee on Environment and Public Works (EPW) and the U.S. Senate Subcommittee for Clean Air Wetlands and Nuclear Safety. Mr. Wheeler currently works as a principal at FaegreBD Consulting providing guidance on federal regulatory and legislative environmental and energy issues.

From: Bixby, Scott [mailto:Scott.Bixby@thedailybeast.com]
Sent: Monday, April 9, 2018 4:07 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Request for comment re: Andrew Wheeler's work at FaegreBD

Hi Liz –

Hope all is well! We're working on a story related to Andrew Wheeler's potential confirmation as deputy administrator of the EPA, specifically relating to his lobbying work on behalf of energy companies while at Faegre Baker Daniels. As a former lobbyist whose lobbying work for Murray Energy alone ran into the millions, how does Mr. Wheeler — and the EPA — plan to ensure that his past work wouldn't color his role as deputy administrator?

Thanks so much in advance for your help and time!

Scott Bixby

Weekend Editor

The Daily Beast

Message

From: Mack, Bryan (Carper) [Bryan_Mack@carper.senate.gov]
Sent: 1/22/2018 7:29:57 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Soviak, Sarah (Carper) [Sarah_Soviak@carper.senate.gov]
Subject: RE: Meeting with Ranking Member Carper

We're confirmed on our end. Thanks!

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, January 22, 2018 2:28 PM
To: Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
Cc: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>
Subject: Re: Meeting with Ranking Member Carper

Apologies-to clarify 10:45-11:15

Sent from my iPhone

On Jan 22, 2018, at 2:13 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Bryan-could we lock in 1045-11 on W?
>
> Sent from my iPhone
>
> On Jan 22, 2018, at 1:53 PM, Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov> wrote:
>
> > Would a time in the 10:00-11:15am window on Wednesday morning work on your end for a 30 minute meeting in Senator Carper's office in 513 Hart?
> >
> > Thanks,
> > Bryan
> >
> > **Bryan Mack**
> > Director of Scheduling
> > Office of Senator Thomas R. Carper
> > 513 Hart Senate Office Building
> > 202-224-2441
> >
> > ---
> >
> > **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> > **Sent:** Monday, January 22, 2018 10:29 AM

To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>; Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
Subject: RE: Meeting with Ranking Member Carper

I have not read the Murray Action Plan and I do not intend to. I am happy to discuss again the circumstances from a year ago when I glanced at it.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Monday, January 22, 2018 10:20 AM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian; Frye, Tony (Robert); Shimmin, Kaitlyn; Soviak, Sarah (Carper); Mack, Bryan (Carper)
Subject: RE: Meeting with Ranking Member Carper

Thanks

I'm looping our scheduling team so they can figure out the best time.

We'd like to talk further about the Murray Action Plan, perhaps with a more specific focus on the endangerment finding/climate science bullet and some of the other EPA recommendations on the list that have not yet been taken.

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, January 19, 2018 5:49 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: Meeting with Ranking Member Carper

I have other times available but I'm free all day Tuesday and Wednesday morning.

Sent from my iPhone

On Jan 19, 2018, at 5:45 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Andrew—Ranking Member Carper would like a follow up meet with you next week. Do you have availability to meet?

Michal—in preparation for the meeting, do you have the list of topics Senator Carper would like to discuss?

_____

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/10/2018 4:16:18 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: RE: Committee Letter
Attachments: CommitteeLetter1-10-18.docx

Attached, thanks.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, January 10, 2018 11:10 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Frye, Tony (Robert)
Subject: RE: Committee Letter

Hi Andrew,

I may of missed it, but can you send this letter over with the date being 1/10? Thanks! Once received we will get it sent to committee asap.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: andrew wheeler [mailto Ex. 6
Sent: Thursday, January 4, 2018 12:30 PM
To: Palich, Christian <palich.christian@epa.gov>; andrew wheeler <andrew.wheeler@faegrebd.com>
Subject: Re: Committee Letter

attached is updated letter with tomorrows date.

On Thu, Jan 4, 2018 at 11:50 AM, andrew wheeler < Ex. 6 wrote:

> Christian, let me know if this needs to be changed.

January 10, 2018

Chairman John Barrasso
Senate Environment and Public Works Committee
Senate Dirksen Building Room 410
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper,

I certify that the information contained in my Committee Questionnaire is and remains, to the best of my knowledge, true and accurate.

During the period since the filing date of my financial disclosure report through the date of this letter, I have received no reportable outside earned income or honoraria from sources other than those identified in my financial disclosure report.

Thank you and the Committee for your consideration of my nomination.

Sincerely,

Andrew Wheeler

Message

From: Mack, Bryan (Carper) [Bryan_Mack@carper.senate.gov]
Sent: 1/22/2018 7:25:41 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Soviak, Sarah (Carper) [Sarah_Soviak@carper.senate.gov]
Subject: RE: Meeting with Ranking Member Carper

Yes, we're confirmed for 10:45am on Wednesday in 513 Hart. Thanks!

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, January 22, 2018 2:13 PM
To: Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
Cc: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>
Subject: Re: Meeting with Ranking Member Carper

Bryan-could we lock in 1045-11 on W?

Sent from my iPhone

On Jan 22, 2018, at 1:53 PM, Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov> wrote:

> Would a time in the 10:00-11:15am window on Wednesday morning work on your end for a 30 minute meeting in Senator Carper's office in 513 Hart?
>
> Thanks,
> Bryan
>
> **Bryan Mack**
> Director of Scheduling
> Office of Senator Thomas R. Carper
> 513 Hart Senate Office Building
> 202-224-2441
>
> ---
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Monday, January 22, 2018 10:29 AM
> **To:** Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
> **Cc:** Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>; Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
> **Subject:** RE: Meeting with Ranking Member Carper

I have not read the Murray Action Plan and I do not intend to. I am happy to discuss again the circumstances from a year ago when I glanced at it.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Monday, January 22, 2018 10:20 AM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian; Frye, Tony (Robert); Shimmin, Kaitlyn; Soviak, Sarah (Carper); Mack, Bryan (Carper)
Subject: RE: Meeting with Ranking Member Carper

Thanks

I'm looping our scheduling team so they can figure out the best time.

We'd like to talk further about the Murray Action Plan, perhaps with a more specific focus on the endangerment finding/climate science bullet and some of the other EPA recommendations on the list that have not yet been taken.

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, January 19, 2018 5:49 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: Meeting with Ranking Member Carper

I have other times available but I'm free all day Tuesday and Wednesday morning.

Sent from my iPhone

On Jan 19, 2018, at 5:45 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andrew—Ranking Member Carper would like a follow up meet with you next week. Do you have availability to meet?
>
> Michal—in preparation for the meeting, do you have the list of topics Senator Carper would like to discuss?
>
> _____

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/22/2018 7:10:07 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Meeting with Ranking Member Carper

We will be there.

Sent from my iPhone

On Jan 22, 2018, at 1:58 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

This works for me but I'll let you guys answer since I would like you both there.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Mack, Bryan (Carper) [mailto:Bryan_Mack@carper.senate.gov]
Sent: Monday, January 22, 2018 1:53 PM
To: Wheeler, Andrew R.; Freedhoff, Michal (EPW); Lyons, Troy
Cc: Palich, Christian; Frye, Tony (Robert); Shimmin, Kaitlyn; Soviak, Sarah (Carper)
Subject: RE: Meeting with Ranking Member Carper

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Thanks,
Bryan

Bryan Mack
Director of Scheduling
Office of Senator Thomas R. Carper
513 Hart Senate Office Building
202-224-2441

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, January 22, 2018 10:29 AM
To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>; Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
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Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Monday, January 22, 2018 10:20 AM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian; Frye, Tony (Robert); Shimmin, Kaitlyn; Soviak, Sarah (Carper); Mack, Bryan (Carper)
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Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, January 19, 2018 5:49 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: Meeting with Ranking Member Carper

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Sent from my iPhone

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>
> _____

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/7/2018 5:15:02 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Andrew Wheeler Vote Update

Great update.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

On Apr 2, 2018, at 11:10 AM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi All,

Deliberative Process / Ex. 5

Wanted to keep everyone in the loop!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/3/2018 11:30:55 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Re: Nomination Update-Andrew Wheeler

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 3, 2018, at 5:24 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

From: Jackson, Ryan
Sent: Wednesday, January 3, 2018 5:18 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: RE: Nomination Update-Andrew Wheeler

Well, that's great. **Deliberative Process / Ex. 5**

From: Palich, Christian
Sent: Wednesday, January 3, 2018 5:11 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: RE: Nomination Update-Andrew Wheeler

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Jackson, Ryan
Sent: Wednesday, January 3, 2018 4:09 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: Re: Nomination Update-Andrew Wheeler

Deliberative Process / Ex. 5

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

On Jan 3, 2018, at 3:04 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi All,

Deliberative Process / Ex. 5

Wanted to keep everyone in loop and will let you when we get more information.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/3/2018 5:02:07 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: status?

Thanks!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, January 03, 2018 11:51 AM
To: Wheeler, Andrew R.
Subject: RE: status?

Deliberative Process / Ex. 5

Will hopefully have update shortly!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, January 3, 2018 11:44 AM
To: Palich, Christian <palich.christian@epa.gov>
Subject: status?

Do you need a letter or statement from me?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 2/2/2018 10:02:23 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]
Subject: RE: Update

Deliberative Process / Ex. 5

From: Bowman, Liz
Sent: Friday, February 2, 2018 12:12 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Update

That works; **Deliberative Process / Ex. 5**

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, February 2, 2018 11:13 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Update

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Friday, February 02, 2018 11:02 AM
To: Lyons, Troy; Wheeler, Andrew R.

Cc: Jackson, Ryan; Palich, Christian; Hewitt, James
Subject: RE: Update

Great, should Deliberative Process / Ex. 5)?

From: Lyons, Troy
Sent: Friday, February 2, 2018 10:58 AM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Update

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/2/2018 9:24:01 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Paperwork

Thanks, Andrew! I hope your break was good. Ex. 6

Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, January 2, 2018 3:58 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Paperwork

Happy New Year, Ex. 6 Is Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 Thanks.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/7/2017 9:02:36 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Running a little late

I'm in 508 hart

Sent from my iPhone

On Nov 7, 2017, at 3:56 PM, Palich, Christian <palich.christian@epa.gov> wrote:

> Still in with minority's staff, should be done shortly.
>
> Christian R. Palich
> Deputy Associate Administrator
> Congressional & Intergovernmental Relations
> **Ex. 6**
>
> Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/3/2017 1:44:17 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Murder Board

Arriving now

Sent from my iPhone

On Nov 3, 2017, at 9:16 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Sorry about that!! 1152 EAST constitution and 12th
>
> Sent from my iPhone
>
> On Nov 3, 2017, at 9:09 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
> > I don't have it on my calendar. Where is it and what door do we need to come to?
> >
> > Andrew R. Wheeler
> > *Principal*
> > andrew.wheeler@FaegreBD.com Download vCard
> > D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460
> >
> > **Faegre Baker Daniels Consulting**
> > 1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 11/29/2017 1:28:43 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Tomorrow's vote

Yes. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

On Nov 29, 2017, at 7:49 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

On Nov 28, 2017, at 10:21 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Deliberative Process / Ex. 5 we have responded to 33 of 39 EPW member letters.

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 28, 2017, at 10:15 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/11/2017 6:12:27 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: EPW Questionnaire

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, October 10, 2017 1:15 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy
Subject: RE: EPW Questionnaire

Sending in now. Thanks Andrew!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, October 10, 2017 12:32 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: EPW Questionnaire

attached

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, October 10, 2017 11:54 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy
Subject: EPW Questionnaire

Hi Andrew,

Deliberative Process / Ex. 5

Hope you had a great weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/18/2017 11:03:47 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Nomination Timeline

Thank you!

Sent from my iPhone

On Oct 18, 2017, at 6:08 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Hi Andrew, here is your schedule as it stands. I'm working to get a few briefings here at EPA for the afternoon of the 23rd. I will send you calendar invites once they are scheduled.

Thursday, Oct 19

9:30 AM: Meeting with Senator Boozman
Location: Hart 141
Staffers: Joe Brown and Jimmy Harris

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart
Staffer: Pierce Wiegard

Tuesday, Oct 24

3:15 PM: Meeting with Senator Capito
Location: Russell 172
Staffer: Travis Cone

5:30 PM: Meeting with Senator Merkley
Location: Hart 313
Staffer: Adrian Deveny and Becca Ward

Wednesday, Oct 25

1:30 PM: Meeting with Senator Carper
Location: 513 Hart
Staff: Michal Freedhoff, Director of Oversight
Gabby Batkin, Staff Director
Mary Frances Repko, Deputy Staff Director

Thursday, Oct 26

2:30 PM: Meeting with Rep. Walden
Location: 2185 Rayburn

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, October 18, 2017 3:55 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Nomination Timeline

No problem.

Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 3:53 PM
To: Wheeler, Andrew R.
Subject: Re: Nomination Timeline

Double checked it's 3:30. Sorry about that!

Sent from my iPhone

On Oct 18, 2017, at 3:50 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> On my calendar for tomorrow I have a 4:00 with Sullivan but in the notes it says it's at 3:30. I can do either, but which is it? Thanks.
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 3:24 PM
To: Wheeler, Andrew R.
Subject: RE: Nomination Timeline

2:30 PM on the 26th work for a Walden meeting? He's out of town the 27th.

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 16, 2017 4:22 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Nomination Timeline

I'm tied up the morning of the 26th.

Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Friday, October 13, 2017 5:24 PM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Jackson, Ryan; Bowman, Liz; Palich, Christian; Ringel, Aaron; Frye, Tony (Robert); Rodrick, Christian
Subject: RE: Nomination Timeline

Andrew, Below are your meetings with EPW Members for next week. I will keep continue to keep you updated as I'm sure there will be changes.

Monday, Oct 16
2:45 PM: Meeting with OCIR Staff
Location: 3426 William Jefferson Clinton North

Tuesday, Oct 17
11:00 AM: Meeting with Senator Fischer
Location: 454 Russell

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307

4:30 PM: Meeting with Senator Markey
Location: 255 Dirksen

Wednesday, Oct 18

3:30 PM: Meeting with Senator Capito
Location: Russell 172

Thursday, Oct 19

2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
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1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 13, 2017 1:50 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Re: Nomination Timeline

Thank you. Deliberative Process / Ex. 5 I was waiting for a date.

Sent from my iPhone

On Oct 13, 2017, at 1:20 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.
>
> **HOUSEKEEPING ITEMS**
>
> Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

TIMING

Deliberative Process / Ex. 5

SCHEDULE

October 16: Meeting with OCIR Staff—the purpose is to identify

Deliberative Process / Ex. 5

October 17: Begin Meetings with EPW—we hope to Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

October 23: Program Briefings—OCIR will coordinate with the

Deliberative Process / Ex. 5

October 24: Murder Board and Debrief— Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

November 1: TENTATIVE Confirmation Hearing

POST HEARING TIMING

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/9/2017 10:43:42 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Gardner & Johnson letter

Do you have a copy of the Portman letter?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, November 07, 2017 12:27 PM
To: Wheeler, Andrew R.
Subject: Gardner & Johnson letter

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/6/2017 7:48:50 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: EPW Form

Ok, thanks!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Friday, October 06, 2017 3:39 PM
To: Wheeler, Andrew R.
Subject: Re: EPW Form

Hi Andrew,

Deliberative Process / Ex. 5

Just wanted to get you an update. Enjoy the weekend.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 6, 2017, at 1:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> **Deliberative Process / Ex. 5**
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
>
> ---
>
> **From:** Palich, Christian [mailto:palich.christian@epa.gov]
> **Sent:** Friday, October 06, 2017 1:38 PM
> **To:** Wheeler, Andrew R.

Cc: Jackson, Ryan
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Thanks Andrew and have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 6, 2017 1:34 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPW Form
Importance: High

Attached is my EPW form. **Deliberative Process / Ex. 5**

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/18/2017 8:13:11 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: EPA deputy nominee Wheeler represented ethanol group

Deliberative Process / Ex. 5

Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Wednesday, October 18, 2017 4:12 PM
To: Wheeler, Andrew R.; Palich, Christian
Subject: RE: EPA deputy nominee Wheeler represented ethanol group

Thanks, **Deliberative Process / Ex. 5**

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, October 18, 2017 3:55 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: FW: EPA deputy nominee Wheeler represented ethanol group

I would quarrel with the headline, I didn't represent them, represent typically means lobby for.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]
Sent: Wednesday, October 18, 2017 3:50 PM
To: Wheeler, Andrew R.
Subject: EPA deputy nominee Wheeler represented ethanol group

By Alex Guillén

10/18/2017 03:47 PM EDT

Andrew Wheeler, the nominee for EPA deputy administrator, worked for the ethanol group Growth Energy this year, according to his financial disclosure documents.

Wheeler, an attorney at Faegre Baker Daniels, was previously known to lobby for coal producer Murray Energy, among several other companies, as revealed in lobbying disclosures. But his financial disclosure shows Wheeler provided "strategic advice and counseling" rather than lobbying services to Growth Energy.

Growth Energy hired FBD for lobbying earlier this year, according to records, but Wheeler was never named on those disclosures.

"We hired Faegre Baker Daniels for lobbying and consultant help on renewable fuels issues. Andrew Wheeler has not lobbied on our behalf but has provided consultant services," Growth Energy spokeswoman Jenni Roberson said in an email. Wheeler did not return a request for comment today.

Growth Energy was one of the groups that successfully sued EPA over its 2014-2016 Renewable Fuel Standard volumes. It has also opposed EPA Administrator Scott Pruitt's recent move to potentially weaken biodiesel requirements, a proposal that has angered several key corn state Republican senators and threatened to hold up several other EPA nominees.

The financial disclosure shows Wheeler also provided advice and counsel, but not lobbying work, to International Paper, Archer Daniels Midland and General Mills. Previously reported lobbying clients included Xcel Energy, Bear Head LNG and Energy Fuels Resources.

WHAT'S NEXT: Wheeler was nominated earlier this month and has yet to have a nomination hearing in the Senate.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/epa-deputy-nominee-wheeler-represented-ethanol-group-094468

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Yes, very | Somewhat | Neutral | Not really | Not at all

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POLITICOPRO

This email was sent to andrew.Wheeler@faegrebd.com by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 11/2/2017 11:27:02 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Hurricane Response Question

Deliberative Process / Ex. 5

Sent from my iPhone

On Nov 2, 2017, at 5:49 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi Andrew,

Deliberative Process / Ex. 5

Have a great evening!

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/10/2018 8:56:24 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: markup

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Thanks.

Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 3/23/2018 11:43:59 PM
To: Andrew R. Wheeler [andrew.wheeler@FaegreBD.com]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Fwd: Senate update

#4

Sent from my iPhone

Begin forwarded message:

From: "Suares, Erica (McConnell)" <Erica_Suares@mcconnell.senate.gov>
Date: March 23, 2018 at 6:56:24 PM EDT
To: "Suares, Erica (McConnell)" <Erica_Suares@mcconnell.senate.gov>
Subject: Senate update

Hi everyone,

The Senate will convene at 3:00 pm on April 9, 2018 (following a two-week recess). The Senate will proceed to Executive Session to resume consideration of Executive Calendar #539, Claria Horn Boom, of Kentucky, to be United States District Judge for the Eastern and Western Districts of Kentucky.

At 5:30 pm, April 9, the Senate will proceed to a roll call vote on the motion to invoke cloture on the Boom nomination.

ICYMI: late last night Leader McConnell filed cloture on the following nominations in the following order (this is the order we will process the nominations):

1. <!--[if !supportLists]--><!--[endif]-->Cal. #539 - Claria Horn Boom, of Kentucky, to be United States District Judge for the Eastern and Western Districts of Kentucky.
2. <!--[if !supportLists]--><!--[endif]-->Cal. #728 - John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2022.
3. <!--[if !supportLists]--><!--[endif]-->Cal. #605 - Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.
4. <!--[if !supportLists]--><!--[endif]-->Cal. #666 - Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.
5. <!--[if !supportLists]--><!--[endif]-->Cal. #540 - John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.
6. <!--[if !supportLists]--><!--[endif]-->Cal. #541 - Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

The Senate will convene for pro forma session only with no business conducted on the following dates at the following times:

- <!--[if !supportLists]--><!--[endif]-->Monday, March 26th at 11:30am
- <!--[if !supportLists]--><!--[endif]-->Thursday, March 29th at 3:45pm

- <!--[if !supportLists]--><!--[endif]-->Monday, April 2nd at 12:00pm
- <!--[if !supportLists]--><!--[endif]-->Thursday, April 5th at 11:30am

Yesterday in the Senate – Thursday, March 23 (roll call votes / wrap up – noms & legislation cleared by consent):

Roll Call Votes:

- <!--[if !supportLists]--><!--[endif]-->Motion to instruct the Sergeant at Arms to request the presence of absent Senators. Agreed to. (91-6)
- <!--[if !supportLists]--><!--[endif]-->Motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R.1625, Omnibus Appropriations. Invoked. (67-30)
- <!--[if !supportLists]--><!--[endif]-->Motion to concur in the House amendment to the Senate amendment to H.R.1625, Omnibus Appropriations. Agreed to. (65-32)

Executive Session:

1. <!--[if !supportLists]--><!--[endif]-->Cal. #762 - Thomas T. Cullen, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.
2. <!--[if !supportLists]--><!--[endif]-->Cal. #763 - Robert K. Hur, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.
3. <!--[if !supportLists]--><!--[endif]-->Cal. #764 - David C. Joseph, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.
4. <!--[if !supportLists]--><!--[endif]-->Cal. #330 – Steven T. Mnuchin, of California, to be United States Governor of the European Bank for Reconstruction and Development, United States Governor of the African Development Fund, and United States Governor of the Asian Development Bank.
5. <!--[if !supportLists]--><!--[endif]-->Cal. #331 – Steven T. Mnuchin, of California, to be United States Governor of the International Monetary Fund, United States Governor of the African Development Bank, United States Governor of the Inter-American Development Bank, and United States Governor of the International Bank for Reconstruction and Development for a term of five years.
6. <!--[if !supportLists]--><!--[endif]-->Cal. #721 - Anne Marie White, of Michigan, to be an Assistant Secretary of Energy (Environmental Management).
7. <!--[if !supportLists]--><!--[endif]-->Cal. #722 - Brent K. Park, of Tennessee, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.
8. <!--[if !supportLists]--><!--[endif]-->Cal. #723 - James Edwin Williams, of Utah, to be Chief Financial Officer, Department of Labor.
9. <!--[if !supportLists]--><!--[endif]-->Cal. #725 - Mark Schneider, of the District of Columbia, to be Director of the Institute of Education Science, Department of Education for a term of six years.
10. <!--[if !supportLists]--><!--[endif]-->Cal. #616 - Carlos Trujillo, of Florida, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.
11. <!--[if !supportLists]--><!--[endif]-->Cal. #752 - Robert Frank Pence, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.
12. <!--[if !supportLists]--><!--[endif]-->Cal. #753 - Edward Charles Prado, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Argentine Republic.
13. <!--[if !supportLists]--><!--[endif]-->Cal. #754 - Trevor D. Traina, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

14. <!--[if !supportLists]--><!--[endif]-->Cal. #755 - Erik Bethel, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.
15. <!--[if !supportLists]--><!--[endif]-->Cal. #756 - Judy Lynn Shelton, of Virginia, to be United States Director of the European Bank for Reconstruction and Development.
16. <!--[if !supportLists]--><!--[endif]-->Cal. #759 - Kevin Edward Moley, of Arizona, to be an Assistant Secretary of State (International Organization Affairs).
17. <!--[if !supportLists]--><!--[endif]-->Cal. #760 - Josephine Olsen, of Maryland, to be Director of the Peace Corps.
18. <!--[if !supportLists]--><!--[endif]-->Cal. #761 - Marie Royce, of California, to be an Assistant Secretary of State (Educational and Cultural Affairs).
19. <!--[if !supportLists]--><!--[endif]-->PN 1369 - Tim Thomas, of Kentucky, to be Federal Cochairman of the Appalachian Regional Commission.

ARMY
Cal. #742 – Brig. Gen. Timothy J. Hilty to be Major General
NAVY
Cal. #743 – Vice Adm. Matthew J. Kohler to be Vice Admiral
AIR FORCE
Cal. #744 – The following to be to be Major General:
Brig. Gen. Vincent K. Becklund
Brig. Gen. Charles S. Corcoran
Brig. Gen. Barry R. Cornish
Brig. Gen. Christopher E. Craige
Brig. Gen. Andrew A. Croft
Brig. Gen. Allan E. Day
Brig. Gen. Eric T. Fick
Brig. Gen. Chad P. Franks
Brig. Gen. John R. Gordy, II
Brig. Gen. Gregory M. Guillot
Brig. Gen. Stacey T. Hawkins
Brig. Gen. Cameron G. Holt
Brig. Gen. Kevin A. Huyck
Brig. Gen. David J. Julazadeh
Brig. Gen. Kevin B. Kennedy
Brig. Gen. Kyle J. Kremer
Brig. Gen. Peter J. Lambert
Brig. Gen. William J. Liquori, Jr.
Brig. Gen. Randall Reed
Brig. Gen. Lenny J. Richoux
Brig. Gen. Carl E. Schaefer
Brig. Gen. John E. Shaw
Brig. Gen. Brad M. Sullivan
Brig. Gen. Stephen C. Williams
MARINE CORPS
Cal. #745 – The following to be to be Major General:
Brig. Gen. James W. Bierman, Jr.
Brig. Gen. David J. Furness
Brig. Gen. John M. Jansen
Brig. Gen. Michael E. Langley
Brig. Gen. David A. Ottignon
Brig. Gen. Thomas D. Weidley

AIR FORCE
Cal. #746 – Lt. Gen. Timothy M. Ray to be General
Cal. #747 – Maj. Gen. David D. Thompson to be Lieutenant General
NAVY
Cal. #748 – Vice Adm. Christopher W. Grady to be Admiral
Cal. #749 – Rear Adm. Timothy J. White to be Vice Admiral
Cal. #750 – Capt. David A. Welch to be Rear Admiral (lower half)
Cal. #751 – Rear Adm. Scott A. Stearney to be Vice Admiral
And all nominations on the Secretary's Desk in the Air Force, Army, Marine Corps, and Navy.

Rule 14 – added to the Senate calendar:
S.2629 – Postal Service Reform
S.5247 – Right to Try

Wrap Up - cleared:
H.R.4851 – Kennedy-King Commemorative Site with a Young amendment
S.772 – Amber Alerts
Cal. #24, S.269 – Tanana Tribal Council
Cal. #229, S.607 – DOI Business Incubators with a Hoeven amendment
Cal. #248, S.1116 – Native American Business Development with a Hoeven amendment
Cal. #272, S.1223 – Klamath Tribe Judgement Fund Repeal
Cal. #295, S.943 – Johnson O'Malley Supplemental Indian Education with a Lankford amendment
Cal. #342, S.292 – Childhood Cancer STAR
Cal. #343, S.1091 – Supporting Grandparents Raising Grandchildren
S.Res.405 – National CACFP
S.Res.445 – Hurricane Maria
S.Res.446 – Cerebral Palsy
S.Res.447 – Rehabilitation Counselors
S.Res.448 – Women's History
S.Res.449 – Asbestos Awareness
H.R.4547 – Social Security

Also, please see several helpful documents from the Senate GOP Comms Center below.

We'll see you after the recess. Happy Easter (in advance)!

Of interest: "Holy Week Around the World:" https://www.theguardian.com/world/gallery/2016/mar/25/holy-week-celebrations-around-the-world-in-pictures

Thanks, Erica

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Restoring America's Military

Omnibus Bill 'Delivers The Largest Year-On-Year Increase In Defense Spending In Fifteen Years'

SENATE APPROPRIATIONS COMMITTEE: "The agreement provides the biggest year-over-year increase in defense funding in 15 years. Combined with FY2018 funding previously approved by Congress for missile defense and disaster response, the Defense Department will receive more than $61 billion over the 2017 enacted level. The omnibus measure funds a 2.4 percent pay increase for troops and includes substantial increases to support aircraft, ship, and equipment procurement. It also provides flexibility to execute operation and maintenance accounts more efficiently." (Senate Appropriations Committee, Press Release, 3/21/2018)

- <!--[if !supportLists]--><!--[endif]-->**"WINNERS: The troops: All military personnel will get a 2.4 percent pay raise..."** ("The Daily 202: Winners And Losers In The Spending Bill," *The Washington Post*, 3/22/2018)

- <!--[if !supportLists]--><!--[endif]-->**"In the broadest strokes, the bill gives Republicans a major win by delivering ... [an] increase in military spending..."** ("Congressional Negotiators Reach Deal On $1.3 Trillion Spending Bill Ahead Of Friday Government Shutdown Deadline," *The Washington Post*, 3/21/2018)

SEN. MCCONNELL: 'First And Foremost, In My View, This Bill Will Mark The End Of Disproportionate And Harmful Cuts To Department Of Defense Funding'

SENATE MAJORITY LEADER MITCH McCONNELL (R-KY): "First and foremost, in my view, this bill will mark the end of disproportionate and harmful cuts to Department of Defense funding. It delivers the largest year-on-year increase in defense spending in fifteen years. These new funding levels will ensure the training and tools available to our servicemembers remain on the cutting edge." (Sen. McConnell, Floor Remarks, 3/22/2018)

- <!--[if !supportLists]--><!--[endif]-->**SEN. McCONNELL (R-KY): "...building on the funding agreement passed in February, the measure will deliver the resources and certainty that America's military deserves. To be specific, this legislation will provide the largest year-on-year increase in defense funding in fifteen years.** After years of disproportionate cuts to our armed services, Congress has begun to provide adequate resources -- to put an end to the harmful decline in combat readiness. To fulfill our commitments to American families who sacrifice through service -- many of them in my home state of Kentucky. For our men and women in uniform, this means a well-deserved pay raise. ... Our warriors on the front line deserve to be trained to the highest standards, as do the units that replace them. Now our commanders can work to restore combat readiness. And not a moment too soon. Threats around the world are only growing in number and intensity. By strengthening our investment in missile defense; by funding new weapons systems; by scaling up shipbuilding and

aircraft procurement; and by investing in our all-volunteer servicemembers; we will send a strong message to our allies and our foes alike that America's military is regaining dominance." (Sen. McConnell, Floor Remarks, 3/21/2018)

SPEAKER PAUL RYAN (R-WI): "We made a promise to the country that we would rebuild our military. Aging equipment, personnel shortages, training lapses, maintenance lapses — all of this has cost us.... With this week's critical funding bill we will begin to reverse that damage." ("Spending Talks Nearly Done, $1.3T Bill Soon To Be Unveiled," *The Associated Press*, 3/21/2018)

SEN. ROY BLUNT (R-MO): "...I think in the last few weeks since the CR was passed, we sort of lost sight of what the bill we'll vote on this week will do for national defense. **Underfunding our defense capabilities, underfunding our training dollars, underfunding having equipment in the condition that you and I would want it to be in for the men and women that defend us, has caught up with us in the last couple of years.** Way too many people injured, way too many lives lost simply because we haven't treated our defense like we should. **This bill's the biggest year over year increase in defense in 15 years. $61 billion funding not only new training dollars, new missile defense, but also a pay increase for men and women in uniform. And that is the single biggest thing we'll be doing in the bill we vote on this week,** is trying to restore again the fact that we never want Americans to be in a fair fight, we want them to have every advantage they can possibly have." (Sen. Blunt, Press Conference, 3/20/2018)

REP. STEVE SCALISE (R-LA): "... [W]e're going to be voting on a bill to finally start restoring our nation's defense to the levels that it needs to be; to give our men and women in uniform the tools that they need -- not only to be prepared to defend our country, but to be able to train in a safe environment.... **[I]t's an important bill that finally restores the cuts that have been made to our nation's defense, so that we can rebuild and maintain one of our basic constitutional responsibilities, that is to provide for a strong national defense."** (Rep. Scalise, Press Conference, 3/20/2018)

REP. CATHY McMORRIS RODGERS (R-WA): "This week, the House is ... taking the final steps on our promise to rebuild our military, and give our troops a much-needed pay increase. We owe it to our servicemembers to make sure that they have the tools and the resources to safely train, restore readiness and keep all of us safe. And they go about it every day, here and all around the world." (Rep. McMorris Rodgers, Press Conference, 3/20/2018)

REP. LIZ CHENEY (R-WY): "[F]or far too long, because of the policies of the Obama administration in particular, because of inconsistent funding from Congress, we've been in a situation where our military has been starved.... [W]e're now in a position where that can end. And that's why we must pass this omnibus." (Rep. Cheney, Press Conference, 3/20/2018)

- <!--[if !supportLists]--><!--[endif]-->**REP. CHENEY:** "[W]e can't continue to ask our men and women in uniform to put their lives on the line, to make the ultimate sacrifice, unfortunately, in some cases, without the very best resources and equipment. Our adversaries' capabilities have been increasing, and our own have been decreasing. Passing this omnibus is the way to begin to change that, and to turn it around." (Rep. Cheney, Press Conference, 3/20/2018)

REP. DON BACON (R-NE): "I served nearly 30 years in the Air Force, 16 assignments, retired as a one-star. And **I saw the military performance and capabilities decline, particularly over the last five, 10 years, when I served there.... We can give you statistic after statistic. Our military should be second to none. And when you have your four-stars saying that our readiness levels are the worst they've seen on paper since 1977, it demands action."** (Rep. Bacon, Press Conference, 3/20/2018)

- <!--[if !supportLists]--><!--[endif]-->**REP. BACON:** "I believe in peace through strength. I believe in deterrence. And this bill that we're going to hopefully pass, and I think we will, will fix our military." (Rep. Bacon, Press Conference, 3/20/2018)

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Safety Provisions 'Will Be Effective And Save Lives'

Omnibus Legislation 'Delivers For Students And Teachers' By Including Fix NICS And STOP School Violence Act

SENATE MAJORITY LEADER MITCH McCONNELL (R-KY): "The [omnibus] legislation also delivers for students and teachers across our nation, who deserve to learn and work without fear of violence. At the insistence of the Speaker and myself, this bill will include two important, bipartisan, commonsense measures to address real issues facing the nation: the Fix NICS bill and the STOP School Violence Act." (Sen. McConnell, Remarks, 3/22/2018)

Parkland Victim Families Letter: "We are the families of the victims killed in the tragedy in Parkland, FL on February 14, 2018. **We strongly urge you to support the inclusion of the STOP School Violence Act and the Fix NICS ACT in the upcoming Omnibus spending bill to be debated and ultimately voted on in both chambers."** (Letter to Speaker Ryan, Rep. Pelosi, and Sens. McConnell and Schumer, 3/19/2018)

Fix NICS, 'A Bipartisan Proposal To Boost Compliance With The National Instant Criminal Background Check System'

SEN. JOHN CORNYN (R-TX): "The calls from the American people to address gun violence in our schools and communities have been deafening, and I'm grateful we'll soon get that chance… Fixing the background check system will help save lives and reduce the likelihood of what occurred in Parkland and Sutherland Springs from happening again." ("After Mass Shootings, Congress Likely To Approve Cornyn's Background Check Bill In Budget Deal," *The Dallas Morning News*, 3/21/2018)

The omnibus bill "includes legislation known as the Fix NICS Act that uses a combination of incentives and punishments to prod federal agencies and the military to upload records into the background-check system for purchasing guns. Republicans insisted on including the bipartisan bill in the … omnibus appropriations bill …" (*The Atlantic*, 3/22/2018)

- <!--[if !supportLists]--><!--[endif]-->**"The 'Fix NICS Act' authored by [Sen. John] Cornyn, the No. 2 Senate Republican, and Sen. Chris Murphy, a Connecticut Democrat, would penalize federal**

agencies that fail to report records and incentivize states to send criminal history records to the National Instant Criminal Background Check System. It has more than 75 co-sponsors in the Senate." ("After Mass Shootings, Congress Likely To Approve Cornyn's Background Check Bill In Budget Deal," *The Dallas Morning News*, 3/21/2018)

Parkland Victim Families Letter: "The Fix NICS Act is desperately needed to improve compliance with firearms purchasing background check systems which are already in place. These are systems that all US citizens rely on to keep firearms away from those that should not be allowed to purchase them." (Letter to Speaker Ryan, Rep. Pelosi, and Sens. McConnell and Schumer, 3/19/2018)

Organizations supporting Fix NICS legislation include:

- <!--[if !supportLists]--><!--[endif]-->Sandy Hook Promise
- <!--[if !supportLists]--><!--[endif]-->National Coalition Against Domestic Violence
- <!--[if !supportLists]--><!--[endif]-->Fraternal Order of Police
- <!--[if !supportLists]--><!--[endif]-->National Domestic Violence Hotline
- <!--[if !supportLists]--><!--[endif]-->National Sheriff's Association

The STOP School Violence Act 'Will Make Schools Safer'

SEN. ORRIN HATCH (R-UT): "First, **the [STOP School Violence Act] will provide grants to be used for evidence-based training to prevent student violence against others and self, including training for local law enforcement officers, school personnel, and students**.... Second, the bill will fund evidence-based technology and equipment to improve school security and prevent school violence.... Third, the bill will provide funding for the development and operation of evidence-based school threat assessment and crisis intervention teams ... Fourth, **the bill will authorize funding for continued coordination with local law enforcement. These four initiatives do not operate in isolation, but together are a comprehensive approach to improving school security and reducing student violence. Training students and teachers to identify and report warning signs is critical to stopping acts of school violence before they happen."** (Sen. Hatch, Press Release, 3/06/2018)

Parkland Victim Families Letter: "This Act will make schools safer by funding the creation of and providing training for Threat Assessment Teams (TATs), teachers and students. It also includes security measures and provides for the creation of anonymous reporting systems. All of which will help make schools safer." (Letter to Speaker Ryan, Rep. Pelosi, and Sens. McConnell and Schumer, 3/19/2018)

Organizations supporting the STOP School Violence Act include:

- <!--[if !supportLists]--><!--[endif]-->American Mental Health Counselors Association
- <!--[if !supportLists]--><!--[endif]-->American Psychiatric Association
- <!--[if !supportLists]--><!--[endif]-->American Psychoanalytic Association
- <!--[if !supportLists]--><!--[endif]-->Clinical Social Work Association
- <!--[if !supportLists]--><!--[endif]-->County Executives of America
- <!--[if !supportLists]--><!--[endif]-->Depression and Bipolar Support Alliance
- <!--[if !supportLists]--><!--[endif]-->Federal Law Enforcement Officers Association
- <!--[if !supportLists]--><!--[endif]-->Fraternal Order of Police
- <!--[if !supportLists]--><!--[endif]-->Major County Sheriffs' Association
- <!--[if !supportLists]--><!--[endif]-->Mental Health America
- <!--[if !supportLists]--><!--[endif]-->National Alliance for Public Charter Schools
- <!--[if !supportLists]--><!--[endif]-->National Alliance on Mental Illness
- <!--[if !supportLists]--><!--[endif]-->National Association for Children's Behavioral Health
- <!--[if !supportLists]--><!--[endif]-->National Association of Social Workers

- <!--[if !supportLists]--><!--[endif]-->National Association of State Fire Marshals
- <!--[if !supportLists]--><!--[endif]-->National Association of State Mental Health Program Directors
- <!--[if !supportLists]--><!--[endif]-->National Federation of Families for Children's Mental Health
- <!--[if !supportLists]--><!--[endif]-->Partner Alliance for Safer Schools
- <!--[if !supportLists]--><!--[endif]-->Safe and Sound Schools
- <!--[if !supportLists]--><!--[endif]-->Sandy Hook Promise
- <!--[if !supportLists]--><!--[endif]-->School Social WORK Association of America
- <!--[if !supportLists]--><!--[endif]-->Secure Schools Alliance
- <!--[if !supportLists]--><!--[endif]-->The National Alliance to Advance Adolescent Health
- <!--[if !supportLists]--><!--[endif]-->The National Council for Behavioral Health

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Omnibus Bill 'A Victory For Families Caught In The Grip Of The Opioid Epidemic'

'It Is Time To Liberate Our Communities From This Scourge Of Drug Addiction'

Omnibus Bill Will Help 'Combat This Growing Crisis'

PRESIDENT TRUMP: "It is time to liberate our communities from this scourge of drug addiction."
(President Trump, "How We Will Win The War On Opioids," 3/1/2018)

SENATE MAJORITY LEADER MITCH McCONNELL (R-KY): "[The omnibus bill is] a victory for families caught in the grip of the opioid epidemic. This bill scales up research, treatment and prevention funding and provides for grants to first responders. It will confront the scourge of addiction head-on and help save lives. For rural communities, like many in my home state of Kentucky, this is a big deal."
(Sen. McConnell, Floor Remarks, 3/22/2018)

SPEAKER PAUL RYAN (R-WI): "The opioid epidemic continues to ravage our communities... By expanding access to treatment and recovery efforts that have proven successful, we can empower individuals to retake control of their lives. And by investing in increased law enforcement efforts, we can empower local communities to address the problem at its root and stop the spread of these deadly drugs. Congress has long prioritized fighting opioid abuse—and we will not rest until we see results worthy of those counting on us. Through this week's legislation, we'll continue to partner with the Trump

administration to put an end to what very well may be the biggest public health emergency of our lifetime." (Speaker Ryan, Press Release, 3/19/2018)

TRUMP ADMINISTRATION STATEMENT OF ADMINISTRATION POLICY: "The Consolidated Appropriations Act provides $4 billion in high priority investments to fund the President's Opioid Initiative and combat this growing crisis. These resources will expand access to prevention, treatment, and recovery support services. It also includes $330 million for Department of Justice grant programs that support drug courts, treatment, and law enforcement and community responses, $130 million for the Rural Communities Opioid Response program, and $386 million for opioid-related programs at the Department of Veterans Affairs (VA). In addition, the bill prioritizes funding at the Department of Justice for the Drug Enforcement Administration and the Organized Drug Enforcement Task Force for fighting drug addiction and the opioid crisis. … If H.R. 1625 were presented to the President in its current form, his advisors would recommend that he sign the bill into law." (H.R.1625, Statement Of Administration Policy, 3/22/2018)

APPROPRIATIONS COMMITTEE CHAIRMAN SEN. THAD COCHRAN (R-MS): "Extensive negotiations and hard work went into producing this legislation, which… directs new funding to some of the most critical challenges facing our nation, including faltering infrastructure and the opioid crisis." (Sen. Cochran, Press Release, 5/21/2018)

- <!--[if !supportLists]--><!--[endif]-->**SENATE APPROPRIATIONS COMMITTEE: "The measure addresses the national opioid emergency declared by President Trump by allocating more than $4.65 billion throughout the government to work with states and localities to fight the opioid epidemic.** The funding, a $3.0 billion increase over FY2017, is directed toward continued opioid prevention, treatment, and law enforcement initiatives." (Senate Appropriations Committee, Press Release, 3/21/2018)

SEN. ROY BLUNT (R-MO): "The opioid epidemic is a devastating public health crisis that touches people of every age, from every background, in communities in Missouri and across the nation… The opioid epidemic is claiming 115 lives every day, forcing kids into foster care, straining law enforcement resources, and costing our economy more than $78 billion a year. That's why we've made opioid treatment, prevention, and research a priority in the past two government funding bills, and are continuing that effort with $3.6 billion this year." (Sen. Blunt, Press Release, 3/21/2018)

SEN. SHELLEY MOORE CAPITO (R-WV): "As a leader on the Appropriations Committee, I am proud that I was able to secure critical funding to support numerous West Virginia priorities—including efforts to fight the opioid epidemic… Specifically, this legislation provides a historic increase in anti-drug and opioid resources, including much-needed resources for the HIDTA and Drug Free Communities programs. … Not only does this legislation provide significant resources for these priorities, but it also ensures that those resources will be used responsibly and effectively. … That means West Virginia communities hardest-hit by the opioid epidemic will receive a fairer share of funding—an amount that will total tens of millions." (Sen. Shelley Moore Capito, Press Release, 3/21/2018)

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'Sustain Our Military's Primacy'

'Our Backlog Of Deferred Readiness, Procurement, And Modernization Requirements Has Grown In The Last Decade And A Half And Can No Longer Be Ignored.'

SEC. MATTIS: 'Congressional Action Will Ensure Our Military Can Defend Our Way Life, Preserve The Promise Of Prosperity, And Pass On The Freedoms You And I Enjoy To The Next Generation'

2018 National Defense Strategy: "To address the scope and pace of our competitors' and adversaries' ambitions and capabilities, we must invest in modernization of key capabilities through sustained, predictable budgets. Our backlog of deferred readiness, procurement, and modernization requirements has grown in the last decade and a half and can no longer be ignored. We will make targeted, disciplined increases in personnel and platforms to meet key capability and capacity needs. The 2018 National Defense Strategy underpins our planned fiscal year 2019-2023 budgets, accelerating our modernization programs and devoting additional resources in a sustained effort to solidify our competitive advantage." (Department of Defense, Press Release, 2/12/2018)

JAMES MATTIS, Secretary of Defense: "I cannot overstate the negative impact to our troops and families' morale from all this budget uncertainty. Today's **Congressional action will ensure our military can defend our way life, preserve the promise of prosperity, and pass on the freedoms you and I enjoy to the next generation."** (Sec. Mattis, White House Press Briefing, 2/07/2018)

- <!--[if !supportLists]--><!--[endif]-->**SEC. MATTIS: "If we are to sustain our military's primacy, we need budget predictability. ...no strategy can survive without the necessary stable, predictable funding. Failure to modernize our military risks leaving us with a force that could dominate the last war but be irrelevant to tomorrow's security."** (U.S. House Of Representatives, Armed Services Committee, Hearing, 2/6/2018)

UNDER SECRETARY OF DEFENSE COMPTROLLER DAVID NORQUIST: "We are appreciative of Congress raising the caps and ending the destructive effects of sequestration-level funding." (Department of Defense News Briefing on the President's Fiscal Year 2019 Defense Budget, 2/12/2018)

- <!--[if !supportLists]--><!--[endif]-->**NORQUIST: "Many of you heard Secretary Mattis' comments about the damaging effect of sequestration.... With the bipartisan budget agreement, that hemorrhaging stops."** (Department of Defense News Briefing on the President's Fiscal Year 2019 Defense Budget, 2/12/2018)

'Really Good Increases To Build Upon The Funding We Saw In '17 To Get Readiness Up'

GEN. JAMES C. McCONVILLE, Vice Chief of Staff United States Army: "… you have a situation where you have … well-over half the combatant commander's demands for forces come from the Army. So very high demand, and supply that just cannot meet that demand right now…. **That's why these – the budgets we're seeing that we should see from the FY '18, FY '19 for Congress are so – are so welcome, because they are really good increases to build upon the funding we saw in '17 to get readiness up** in terms of end strength, in terms of training time, in terms of equipment and equipment readiness rates – all those things I need to do to build that readiness. Because, as soon as I build it, all these other things are consuming it and eating it back down." ("Discussion with the Secretaries of the U.S. Military Departments," CSIS, Washington, DC, 3/12/2018)

SEC. of the ARMY MARK ESPER: "We're really appreciative of what Congress has done with regard to FY '18 dollars, the increase is spectacular…" ("Discussion with the Secretaries of the U.S. Military Departments," CSIS, Washington, DC, 3/12/2018)

ADMIRAL WILLIAM F. MORAN, U.S. Navy Vice Chief of Naval Operations: "Budget Control Act (BCA) funding caps over the past five years … challenged the ability of the Navy to adequately address the full range of needed investments while meeting near-term commitments…. During this time we prioritized funding for deployed naval forces first, and began accumulating risk to our surge forces, training forces, and our shore infrastructure. As a result, too many of our planes weren't ready to fly, too many ships were not training at sea, our ship and aircraft maintenance production was severely delayed, and our shore infrastructure had degraded to unacceptable levels." (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

- <!--[if !supportLists]--><!--[endif]-->**ADMIRAL MORAN: "Unpredictable budgets not only hamstring the Navy's ability to prepare and plan, they are a major disincentive to industrial base investments in ship repair and modernization capacity we need to grow readiness. No business organization, public or private, can withstand the fits and starts of our budget environment."** (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

GEN. STEPHEN W. WILSON, Vice Chief of Staff of the Air Force: "Our military advantages and readiness shrunk due to the longest continuous stretch of combat in our nation's history, coupled with years of inconsistent and insufficient funding. At the same time, our strategic competitors, notably China and Russia, have closed gaps in capability and capacity. The result is an overstretched and under resourced United States Air Force." (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

- <!--[if !supportLists]--><!--[endif]-->**GEN. WILSON: "Readiness and lethality are derived from stable funding … We must get back to, and maintain, regular fiscal order … Prolonged budgetary stability is the most reliable way to ensure yesterday's winning force does not become irrelevant tomorrow. To that end, we are deeply appreciative of recent efforts to begin the return of fiscal order …"** (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

GEN. GLENN WALTERS, Assistant Commandant of the Marine Corps: "Along with your authorizations as outlined in the 2018 NDAA, **we require your support through the required appropriations to adapt your Marine Corps to compete, deter and win against the threats we face together. CRs and the looming threat of sequestration continue to disrupt our planning and directly threaten our readiness. Predictable and sustained budgets remain the essential requirement for the Marine Corps to meet our obligation as the Nation's 'force in readiness.'"** (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

- <!--[if !supportLists]--><!--[endif]-->**GEN. WALTERS: "Your Marine Corps requires continued support from Congress with predictable budgets over a sustained period to fully mitigate the readiness challenges we face.** Fiscal instability, resulting from persistent continuing resolutions (CRs) and looming and actual government shutdowns, produce the most significant risk to our readiness." (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

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Sent: 11/6/2017 10:58:04 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: FW: Wheeler follow-ups from OW's briefing
Attachments: urban_waters_factsheet_federal_partnership_110515.pdf; EPA Statement on Integrated Planning for WRE 5.18.17.pdf; OW BUDGET OVERVIEW - 10-31-17 update.docx

Hi Andrew, not to overload you with more information but here Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please let me know if Deliberative Process / Ex. 5

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C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Klasen, Matthew
Sent: Monday, November 6, 2017 5:41 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: If still helpful: Wheeler follow-ups from OW's briefing

Kaitlyn and Tony,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know if you have any questions.

Thanks,
Matt

Water Quality Standards Actions ("Over-Promulgations") in EPW Member States: From existing fact sheets, here's the one that is EPW-specific:

CA (Harris): California Bay-Delta Flow Water Quality Standards

TMDL Actions in EPW Member States: From existing fact sheets, here's the one that is EPW-specific:
WV (Capito): Litigation regarding submission of biologically impaired WV waters

Urban Waters Program: See public fact sheet here. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

urban_waters_fa...

Sen. Fischer Integrated Planning Bill: Attached here, for reference, is the statement for the record we submitted this spring to a hearing about the bill. Gives good context for EPA's efforts and what we said at the time about the bill (which has since passed the Senate).

EPA Statement on Integrated Planni...

[Extra bonus]: Updated Budget Fact Sheet: Ideally, OW would like to see if they could update the version in his book with this one. (But if too late, I'm sure that's OK.)

OW BUDGET OVERVIEW - 10...

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell Ex. 6

STATEMENT FOR THE RECORD
U.S. ENVIRONMENTAL PROTECTION AGENCY

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT
UNITED STATES HOUSE OF REPRESENTATIVES

May 18, 2017

Chairman Graves, Ranking Member Napolitano, and members of the Subcommittee, thank you for the opportunity to provide a written statement for today's hearing record regarding the U.S. Environmental Protection Agency's efforts to achieve better water quality improvements through integrated municipal stormwater and wastewater planning (Integrated Planning) and other innovative approaches for meeting our infrastructure challenges. The EPA is grateful for the continued interest of the Subcommittee and of communities across the country in our efforts to promote Integrated Planning for meeting Clean Water Act obligations.

The nation has come a long way in improving water quality, public health and the environment since Congress enacted the Clean Water Act almost 45 years ago. We have improved water quality and increased public health protection in streams, lakes, bays, and other waters nationwide. However, significant water pollution challenges remain. We still face difficult and expensive challenges such as providing advanced treatment for nutrients and controlling combined sewer overflows, sanitary sewer overflows, and stormwater pollution.

Increases in impervious surfaces, aging infrastructure, declining population in rural and urban areas, and extreme events related to rainfall and drought are stressing existing infrastructure and

programs needed to fully attain Clean Water Act goals. In addition, many of our state and local government partners find themselves facing difficult financial conditions. The EPA continues to work with states and local governments to develop and implement new approaches that will achieve water quality and human health goals more cost effectively and sustain our nation's essential water infrastructure to create jobs and strengthen the economy.

In the past, the EPA, states, and municipalities have focused on each Clean Water Act requirement individually, without full consideration of all Clean Water Act requirements or how various water quality investments can be coordinated and managed as a consolidated effort. This approach may have had the unintended consequence of constraining a municipality from addressing its most serious water quality issues first. Integrated Planning offers municipalities an opportunity to meet Clean Water Act requirements in a way that allows the highest priority wastewater and stormwater projects to come first, and the EPA encourages communities to evaluate and incorporate sustainable and community first solutions, such as green infrastructure, into these efforts. After extensive public input, including a series of workshops across the country, the EPA issued the June 12, 2012 memorandum, "Integrated Municipal Stormwater and Wastewater Planning Approach Framework.[1]" The Framework explains EPA's goals in working with communities on Integrated Plans and provides communities with a guide to develop and implement effective integrated plans under the Clean Water Act.

[1] A copy of the EPA June 12, 2012 memorandum is available at: https://www.epa.gov/sites/production/files/2015-10/documents/integrated_planning_framework.pdf.

Over the past several years, the EPA has encouraged the Integrated Planning approaches described in the 2012 memorandum. During the previous administration the agency's active pursuit of flexibility within Integrated Planning has been most visible in the enforcement realm where numerous settlements have either specifically included language incorporating Integrated Planning, or otherwise incorporated the concepts in a consent decree. For example, in settlements with King County and Seattle, Washington, where the EPA and the communities are working to resolve wastewater issues, our agreements included specific provisions for developing an integrated plan that would also include stormwater considerations. In other cases, such as recent amendments to a consent decree with the Sewerage and Water Board of New Orleans, Louisiana, Integrated Planning is not called out by name, but adjustments to the decree were made to account for the multiple Clean Water Act obligations that needed to be prioritized in concert with the ongoing recovery from Hurricane Katrina. Integrated Planning elements are part of numerous consent decrees in settled cases and pending enforcement cases.

Several cities across the country have approached the agency about pursuing Integrated Planning in the enforcement context to address their wastewater obligations. These cities are enthusiastic about the opportunities to take a more holistic approach to protecting water quality. It is the intent of the EPA to encourage Integrated Planning through avenues that emphasize the importance of cooperative federalism. EPA will facilitate its regional offices working with communities to develop plans and implement compliance schedules outside the enforcement context. States and municipalities both benefit by the prioritization that Integrated Planning

allows, granting them the flexibility to direct their limited investment resources to the projects that will have the highest impact.

The Integrated Planning approach can also serve as a catalyst for an evolving National Pollutant Discharge Elimination System (NPDES) permit program. While the Integrated Planning approach is voluntary, many municipalities have developed or are developing Integrated Plans that may ultimately inform the development of conditions and requirements in their NPDES permits. NPDES permits can have an important role in Integrated Planning by setting implementation schedules that are consistent with the permittee's financial capability, allowing for adaptive management, encouraging the use of sustainable green infrastructure, and assisting in implementing trading programs. These approaches could support more sustainable solutions that provide environmental improvement more quickly. In addition, the Integrated Planning approach encourages communities to develop a public participation process which can support adaptive management and provides opportunities for buy in and support from ratepayers, elected officials and environmental groups.

The EPA is encouraged that several communities have expressed interest in developing an integrated plan that can assist the NPDES permitting authority in reissuing their permits. Several other communities have already submitted an integrated plan to their NPDES permitting authority, and we welcome the efforts of additional communities to pursue such an approach. In October of 2014, EPA awarded a total of $335,000 in technical assistance to five communities to

help them develop components of integrated plans for wastewater and stormwater management that will provide examples of how communities can develop elements of integrated plans to support Clean Water Act permit conditions. The five communities are: Santa Maria, CA; Burlington, VT; Durham, NH; Springfield, MO; and Onondaga County, NY.

Building on the success of the Integrated Planning Framework, the EPA worked with stakeholder groups such as the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the Water Environment Federation, and the National Association of Clean Water Agencies concerning the financial challenges that communities face as they pursue the goals of the Clean Water Act. These financial challenges are a constant concern for both the EPA and the regulated community, and turning attention to these issues was a natural outgrowth of our work on Integrated Planning.

From 2012 through 2014, EPA held a series of meetings with these stakeholders to solicit their input on the financial factors impacting community investments in clean water infrastructure. As part of the EPA's continued commitment to implementing Clean Water Act objectives in a sustainable manner, the EPA issued a Financial Capability Assessment Framework ("FCA Framework") in 2014 to help communities understand the flexibility in the 1997 FCA Guidance.[2] The FCA Framework was developed with extensive public input, including input from the

[2] Kopocis, K. (2014). *Financial Capability Assessment Framework for Municipal Clean Water Act Requirements.* [Memorandum]. Washington, DC: Environmental Protection Agency. Retrieved from https://www.epa.gov/sites/production/files/2015-10/documents/municipal_fca_framework.pdf

Environmental Financial Advisory Board and the stakeholder groups previously mentioned. The FCA Framework clarifies the EPA 1997 FCA Guidance – and the flexibilities therein – for developing compliance schedules that will ensure that the financial burdens on a utility and its customers are fully and consistently considered. The FCA Framework also provides examples of the types of "additional information" cities can provide in order to demonstrate a "more accurate and complete picture" of their financial capability as is envisioned in the 1997 FCA Guidance.

Last year, Senate Report 114–70, which accompanied the 2016 Consolidated Appropriations Act, directed EPA to contract with the National Academy of Public Administration (NAPA) to conduct an independent study to create a definition and framework for "community affordability" and determine how different localities can effectively fund municipal projects. NAPA will issue a report with findings and recommendations by September 19, 2017. EPA will use the NAPA report to identify potential modifications to EPA's 1997 FCA guidance.

It is also important to emphasize the contributions that the 51 Clean Water State Revolving Fund (CWSRF) programs can and do make to financing infrastructure planning at the local and regional levels. The enactment of the 2014 Water Resources Reform and Development Act amended the CWSRF program in ways that will clarify additional avenues for communities when they make wastewater and stormwater investments – which will assist them in implementing integrated plans. For example, these amendments specifically authorize the CWSRF to finance measures to manage, reduce, and treat stormwater. Further, CWSRFs can

now provide additional subsidies to encourage sustainable planning, design and construction of wastewater infrastructure. In addition, the Act created the Water Infrastructure Finance and Innovation Act (WIFIA) program. WIFIA is authorized to provide low-cost financing for water infrastructure projects of regional and national significance, including any type of project currently eligible under the CWSRF. WIFIA received its first appropriations to cover the subsidy cost of providing WIFIA credit assistance in FY 2017.

The EPA, states and municipalities are using the flexibility in the Clean Water Act and existing regulations to apply the Integrated Planning approach to identify cost-effective and protective solutions to successfully improve water quality. As we move forward with the Integrated Planning approach, we look forward to working with this Subcommittee, our state colleagues, municipalities, and the many other partners, stakeholders, and citizens to implement it. The EPA remains committed to improvements in wastewater and stormwater management and moving toward full attainment of water quality and human health goals.

EPA-HQ-2018-007275 and EPA-HQ-2018-007438 Prod 1 ED_002061_00150623-00007

OFFICE OF WATER BUDGET OVERVIEW

Office of Water's (OW) budget is comprised of 30 "Program Projects". These are the programmatic elements that appear in the President's Budget.

OW received funding for these Program Projects in four different Treasury Accounts

- Environmental Programs & Management (EPM) – Primarily operating funds (e.g. contracts, travel, expenses) and payroll. Also provides funding for the geographic programs.
- Science & Technology (S&T) – primarily funds scientific work
- State and Tribal Assistance Grants (STAG) – grants for states and tribes for water related activities
- Water Infrastructure Finance and Innovation Program Account (WIFIA) – new account in FY 2017, work previously funded by EPM. Provides the cost of direct loans for the cost of guaranteed loans as authorized by the Water Infrastructure Finance and Innovation Act of 2014. OW is authorized to collect and spend fees under this account.

Total OW Related Program Funding: FY 2016 Enacted – FY 2018 President's Budget

Program Projects	FY 2016	FY 2017	FY 2018
EPM Beach / Fish Programs	$1,982	$1,590	$0
EPM Chesapeake Bay (Water)	$68,967	$68,910	$0
EPM Gulf of Mexico (Water)	$4,162	$8,412	$0
EPM Lake Champlain	$4,399	$4,399	$0
EPM Long Island Sound	$3,940	$8,000	$0
EPM Geographic Program: Other (Water)	$7,327	$7,326	$0
EPM Marine Pollution	$10,161	$9,985	$0
EPM NEP / Coastal Waterways	$26,723	$26,723	$0
EPM Surface Water Protection	$200,256	$198,056	$174,975
EPM Wetlands	$21,065	$21,003	$18,115
EPM Great Lakes Restoration Initiative (Water)	$298,844	$298,815	$0
EPM South Florida (Water)	$1,625	$1,696	$0
EPM San Francisco Bay (Water)	$4,787	$4,781	$0
EPM Puget Sound (Water)	$27,879	$27,879	$0
EPM Water Quality Research & Support Grants	$12,700	$12,700	$0
EPM & S&T Drinking Water Programs	$99,790	$99,106	$83,448
EPM & S&T Homeland Security: Critical Infrastructure Protection	$11,489	$10,024	$0
S&T Homeland Security: Preparedness, Response and Recovery	$0	$0	$1,100
STAG Nonpoint Source (Sec. 319)	$164,915	$167,950	$0
STAG PWSS	$101,963	$100,194	$71,238
STAG Pollution Control (Sec. 106)	$230,806	$226,802	$161,257
STAG Wetlands Program Development	$14,661	$14,407	$10,243
STAG UIC	$10,506	$10,324	$7,340
STAG Beaches Protection	$9,549	$9,383	$0
STAG Alaska Native Villages	$20,000	$19,653	$0
STAG Clean Water SRF	$1,393,887	$1,369,702	$1,393,887
STAG Drinking Water SRF	$863,233	$848,255	$863,233
STAG Mexico Border	$10,000	$9,826	$0
STAG Gold King Mine – Water Monitoring	$0	$3,931	$0
WIFIA Water Infra Finance & Innovation	$0	$30,000	$20,000
	$3,625,616	**$3,619,832**	**$2,804,836**

URBANWATERS
FEDERAL PARTNERSHIP

The Urban Waters Federal Partnership: Connecting Communities to their Urban Waterways

ABOVE: Baltimore's vacant properties are being transformed through the use of green redevelopment strategies and tree plantings.

The Urban Waters Federal Partnership (UWFP) seeks to reconnect urban communities, particularly those that are overburdened or economically distressed, with their waterways to become stewards for clean urban waters. Through the Partnership, communities gain economic, environmental, and social benefits, and collaborate with Federal agencies, state and local agencies, and community-led efforts to achieve common goals.

The UWFP designated 19 locations between 2011 to 2014. The 19 geographically dispersed locations are working to revitalize urban waterways and the communities that surround them, transforming overlooked watersheds into community assets.

The UWFP is supported by 14 Federal agencies and more than 28 non-governmental organization (NGO) partners working in 19 designated locations. Examples of Partnership Accomplishments are highlighted below.

UWFP Accomplishments

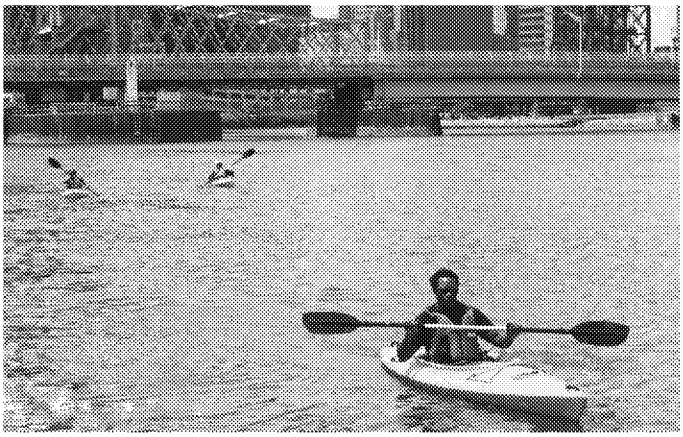
Toxics Cleanup in a New Jersey Watershed

The Lower Passaic River was severely impacted by the early 1900s Industrial Revolution and still contains contaminants, such as mercury and dioxins. Due to the polluted conditions and industry along the riverfront, local underserved communities have been denied river access.

To address this, the U.S. EPA Superfund Program and the U.S. Army Corps of Engineers are leading toxic sediment cleanups, improving the health of the Passaic River, reducing human and wildlife exposure to toxic hazards, and creating opportunities for habitat restoration. Other locally driven improvements include Newark's rebuilt Riverfront Park, which is the site of new community-based recreational programs and events. In addition, the UWFP is supporting future plans that include parks and new habitats for fish and wildlife.

Restoring Rapids in Michigan

Efforts to restore and recreate the namesake rapids to downtown Grand Rapids, Michigan will improve habitats for fish, including the threatened lake sturgeon, which is spiritually important to Native American tribes. New recreational activities will increase revenue at local businesses in Grand Rapids. Expanded recreational use of the river is estimated to add $15.9 - $19.1 million per year and 1,520 new jobs to the local economy.



ABOVE: The Lower Passaic River has become the site of new community-based recreational programs and events, and has attracted local residents to kayak on the river.

Redeveloping Vacant Lands in Maryland

Led by the U.S. Department of Agriculture's Forest Service, approximately 60 partners are working to redevelop Baltimore's vacant lands and clean the Patapsco watershed. The Patapsco watershed flows to the Baltimore City Harbor and into the Chesapeake Bay. Baltimore's 30,000 vacant properties pose economic, public health, and environmental problems. Location partners are adopting green redevelopment strategies to reduce polluted stormwater from those lots.

Partnering with Tribes for an Urban Wildlife Refuge

The Middle Rio Grande watershed, in New Mexico, is situated between several tribes, including the Isleta Pueblo to the south of Albuquerque, and the Sandia Pueblo and other tribes to the north. There are a number of underserved communities where residents face high levels of unemployment and poverty. The Middle Rio Grande faces numerous challenges because long-term drought is affecting ecosystems and communities along the river.

Through the UWFP, partners are cleaning up and restoring the ecosystem, redeveloping the Bridge Boulevard corridor, and supporting education through citizen science projects. Partners created the Valle de Oro National Wildlife Refuge, the first urban wildlife refuge in the Southwest. Nine Federal agencies, which are led by the U.S. Department of Housing and Urban Development and the U.S. EPA, are working with state and tribal agencies to implement these projects.

Guiding Principles of the Urban Waters Federal Partnership

- **Promote clean urban waters** - The Partnership enhances the value of urban waters, recognizing their importance for the environment, public health, natural beauty, and economic and recreational potential. The Partnership seeks to also protect, manage, and restore the lands that surround those waters.
- **Reconnect people to their waterways** - Urban communities need access to their waterways to draw on commercial, recreational, and educational benefits. Reconnecting underserved communities to their waterways fosters economic growth and improvements in residents' well-being.
- **Encourage water conservation** - The Partnership strives to promote sustainability of water resources. New educational and conservation programs geared toward urban communities inspire such efforts to improve infrastructure and conserve local water resources.
- **Use urban water systems as a way to promote economic revitalization and prosperity** - Access to healthy urban waters enhances economic competitiveness by revitalizing local businesses and creating jobs. Efforts are especially focused on communities disproportionately impacted by pollution or economic burdens.
- **Encourage community improvements through active partnerships** - Strong partnerships at the Federal, state, and local levels, and with tribes, integrate services needed for community revitalization. Federal partners are removing barriers to collaboration and increasing the effectiveness of their actions.
- **Listen to communities in order to engage them** - The Partnership seeks to understand community values and to see environmental issues through their eyes. The Partnership works with underserved populations from the bottom up, rather than taking a top-down approach.
- **Focus on measuring results and evaluation to fuel future success** - Finding ways to measure success allows the Partnership to better invest resources at the local and Federal level. The Partnership is committed to monitoring progress to respond quickly when change is needed.

EPA United States Environmental Protection Agency

October 2015

For additional information on the Urban Waters program, please visit: **http://www.urbanwaters.gov/**.

Message

From: andrew wheeler Ex. 6
Sent: 1/4/2018 5:29:36 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; andrew wheeler [andrew.wheeler@faegrebd.com]
Subject: Re: Committee Letter
Attachments: CommitteeLetter1-5-18.docx

attached is updated letter with tomorrows date.

On Thu, Jan 4, 2018 at 11:50 AM, andrew wheeler < Ex. 6 wrote:

> Christian, let me know if this needs to be changed.

January 5, 2018

Chairman John Barrasso
Senate Environment and Public Works Committee
Senate Dirksen Building Room 410
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper,

I certify that the information contained in my Committee Questionnaire is and remains, to the best of my knowledge, true and accurate.

During the period since the filing date of my financial disclosure report through the date of this letter, I have received no reportable outside earned income or honoraria from sources other than those identified in my financial disclosure report.

Thank you and the Committee for your consideration of my nomination.

Sincerely,

Andrew Wheeler

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/10/2018 5:09:51 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: Senator Deliberative Process / Ex. 5

Will do.

Personal Matters / Ex. 6

Sent from my iPhone

On Jan 10, 2018, at 12:08 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Sure. **Deliberative Process / Ex. 5** **Personal Matters / Ex. 6**

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Wednesday, January 10, 2018 12:03 PM
To: Wheeler, Andrew R.
Cc: Palich, Christian; Frye, Tony (Robert)
Subject: Re: Senator Deliberative Process / Ex. 5

I think that **Deliberative Process / Ex. 5**

I think we should **Deliberative Process / Ex. 5**
Sent from my iPhone

On Jan 10, 2018, at 11:18 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

When should we **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Andrew R. Wheeler
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Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/10/2018 5:08:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: Senator Deliberative Process / Ex. 5

Would you Deliberative Process / Ex. 5?

Sent from my iPhone

On Jan 10, 2018, at 11:18 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

When should we Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Andrew R. Wheeler
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 11/28/2017 5:23:49 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Next week

Got it! Thanks

Sent from my iPhone

On Nov 28, 2017, at 11:57 AM, Palich, Christian <palich.christian@epa.gov> wrote:

> No problem Andrew!
>
> Christian R. Palich
> Deputy Associate Administrator
> Congressional & Intergovernmental Relations
> **Ex. 6**
>
> Sent from my iPhone
>
> On Nov 28, 2017, at 11:56 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
>> I have a meeting at my firm on Thursday December 7th from 11:30-12:00. If we do any hill meetings that day I'll need enough travel time.
>>
>> Sent from my iPhone

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 10/5/2017 10:20:20 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Congratulations!

That's great, good to know. I apologize again. Now that I know EPA is giving out medals, I probably need to up my game.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, October 5, 2017 5:18 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Congratulations!

Let's include it going forward, I was only there four years and I received two of them during the Clinton Administration. You don't have to specify the award topics.

Andrew R. Wheeler
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Thursday, October 05, 2017 5:14 PM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian
Subject: RE: Congratulations!

Oh gosh, I am sorry. We didn't include that b/c I didn't know EPA had bronze medals…

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, October 5, 2017 5:11 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Congratulations!

No I wasn't kidding, I received three bronze medals at EPA.

EPA Bronze Medal: For Outstanding Support for the Agency IRM Planning and Budgeting Process
EPA Bronze Medal: For Expanding the Scope and Impact of the Toxic Release Inventory Program
EPA Bronze Medal: For the Development of the TSCA 8(e) CAP Information Product

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1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Thursday, October 05, 2017 5:00 PM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian
Subject: RE: Congratulations!

Were you kidding about the three bronze medals?

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, October 5, 2017 4:55 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Congratulations!

Thanks! Deliberative Process / Ex. 5

Andrew R. Wheeler
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, October 05, 2017 4:50 PM
To: Wheeler, Andrew R.
Cc: Palich, Christian; Bowman, Liz
Subject: Congratulations!

Congratulations on the official nomination.

We look forward to working w you on your confirmation.

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Sent from my iPhone

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 11/14/2017 1:08:45 AM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Andrew R. Wheeler [andrew.wheeler@FaegreBD.com]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Qfrs

He's a champ.

-----Original Message-----
From: Lyons, Troy
Sent: Monday, November 13, 2017 8:04 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Andrew R. Wheeler <andrew.wheeler@FaegreBD.com>; Palich, Christian <palich.christian@epa.gov>
Subject: Qfrs

Rj--Andy deserves another bronze medal, **Deliberative Process / Ex. 5**

Sent from my iPhone

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 11/8/2017 11:12:11 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Wheeler comments on Murray coal plan, DOE NOPR

Got it, thank you.

-----Original Message-----
From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, November 8, 2017 4:59 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Re: Wheeler comments on Murray coal plan, DOE NOPR

Deliberative Process / Ex. 5

Sent from my iPad

> On Nov 8, 2017, at 4:04 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:
>
> PM

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 11/14/2017 1:00:40 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: QFR's

Employee of the decade.

Sent from my iPhone

On Nov 13, 2017, at 7:39 PM, Palich, Christian <palich.christian@epa.gov> wrote:

I'm speechless. **Deliberative Process / Ex. 5**

Enjoy the evening Andrew.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 13, 2017, at 7:19 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Done. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, November 13, 2017 3:20 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Shimmin, Kaitlyn; Frye, Tony (Robert)
Subject: QFR's

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and a draft
Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I have put the QFR process timeline below and please let us know if you have any questions.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

<ALL QFR's Wheeler 11.08.2017-Answers.docx>

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/14/2017 12:59:07 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: QFR's

Deliberative Process / Ex. 5

Sent from my iPhone

On Nov 13, 2017, at 7:39 PM, Palich, Christian <palich.christian@epa.gov> wrote:

I'm speechless.. **Deliberative Process / Ex. 5**

Enjoy the evening Andrew.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 13, 2017, at 7:19 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Done. **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 **Ex. 6** F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, November 13, 2017 3:20 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Shimmin, Kaitlyn; Frye, Tony (Robert)
Subject: QFR's

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and a **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I have put the QFR process timeline below and please let us know if you have any questions.

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

<ALL QFR's Wheeler 11.08.2017-Answers.docx>

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 11/8/2017 9:03:59 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: FW: Wheeler comments on Murray coal plan, DOE NOPR

HI Andrew – Can you provide some more information on the following? I am not familiar with this issue.

From: Gavin Bade [mailto:gavin@industrydive.com]
Sent: Wednesday, November 8, 2017 2:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Wheeler comments on Murray coal plan, DOE NOPR

Hi Liz,

Gavin here from Utility Dive. Good to meet you in person at the hearing today.

I wanted to follow up on Andrew Wheeler's comments regarding Murray Energy's plan submitted to the White House and the meetings Wheeler attended to apply its recommendations to what eventually became the DOE's cost recovery NOPR.

In general, our audience would appreciate some more detail about Wheeler's involvement in the process that crafted the NOPR. I'm particularly interested in the two meetings — one on the Hill and one at DOE — regarding the NOPR. Who was present in those meetings, what was discussed, and when did they take place?

I know the power sector executives that read UD each day would consider this critical information about a major market reform proposal and their potential new regulator. Any guidance on his involvement would be appreciated.

Sens. Carper and Whitehouse also told me they would push Wheeler for more details on these matters in their questions submitted for the record. If you cannot provide more detail now, can you indicate if Wheeler will elaborate on his involvement in those responses?

Thanks a million. I need to get a post up this afternoon but am happy to update with any EPA comment before 9 a.m. tomorrow so it can make it into the AM newsletter. Always reachable at Ex. 6

Best,

Gavin Bade

--
Gavin Bade
Senior Reporter
UtilityDive.com
gavin@industrydive.com

Message

From: Frye, Tony (Robert) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=58C08ABDFC1B4129A10456B78E6FC2E1-FRYE, ROBER]
Sent: 1/25/2018 10:02:32 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Biographical Sketch

Hey Andrew – Thanks for coming in today. Below, I have included the outline of the document from our conversation. Feel free to add your thoughts and we'll combine our work to make sure it is as robust as possible. Have a great day.

Best,
Tony

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/8/2017 5:29:16 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Sent from my iPhone

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 10/30/2017 3:23:03 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Questions Deliberative Process / Ex. 5

Andrew—the team has done a fantastic job putting questions together for Friday's murder board.

Deliberative Process / Ex. 5

We are happy to chat offline, but wanted to put on your radar.

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/16/2017 10:40:17 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: RE: Nomination Timeline

Hi Andrew- Updated schedule. I've tracked down most of the staffer's names. And I think I added you to all of the invites but let me know if you think you are missing any.

Senate Confirmed Nominee Line by Line

Week of October 16th

Tuesday, Oct 17

11:00 AM: Meeting with Senator Fischer
Location: 454 Russell
Staffer: Jessica Clowser

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524
Staffer: Radha Adhar

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307
Staffer: Richard Wheeler

Wednesday, Oct 18

11:30 AM: Meeting with Senator Markey
Location: 255 Dirksen
Staffers: Avenel Joseph and Morgan Gray

2:30 PM: Meeting with Senator Inhofe
Location: 205 Russell
Staffers: Jennie Wright and Luke Holland

3:30 PM: Meeting with Senator Capito
Location: Russell 172
Staffer: Travis Cone

Thursday, Oct 19

9:30 AM: Meeting with Senator Boozman
Location: Hart 141
Staffers: Joe Brown and Jimmy Harris

2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530
Staffer:

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart
Staffer: Pierce Wiegard

Tuesday, Oct 24

5:30 PM: Meeting with Senator Merkley
Location: Hart 313
Staffer:

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Palich, Christian
Sent: Monday, October 16, 2017 10:04 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Nomination Timeline

Hi Andrew,

Hope you had a great weekend, look forward to seeing you today. When you arrive at north building lobby please call Tony Frye at Ex. 6 and he will come down to bring you up.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Shimmin, Kaitlyn
Sent: Friday, October 13, 2017 5:24 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: RE: Nomination Timeline

Andrew, Below are your meetings with EPW Members for next week. I will keep continue to keep you updated as I'm sure there will be changes.

Monday, Oct 16

2:45 PM: Meeting with OCIR Staff
Location: 3426 William Jefferson Clinton North

Tuesday, Oct 17

11:00 AM: Meeting with Senator Fischer
Location: 454 Russell

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307

4:30 PM: Meeting with Senator Markey
Location: 255 Dirksen

Wednesday, Oct 18

3:30 PM: Meeting with Senator Capito
Location: Russell 172

Thursday, Oct 19

2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 13, 2017 1:50 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Re: Nomination Timeline

Thank you. Deliberative Process / Ex. 5

Sent from my iPhone

On Oct 13, 2017, at 1:20 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.
>
> **HOUSEKEEPING ITEMS**

Deliberative Process / Ex. 5

TIMING

Deliberative Process / Ex. 5

SCHEDULE

October 16: Meeting with OCIR Staff— Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

October 17: Begin Meetings with EPW— Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

October 23: Program Briefings— Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

October 24: Murder Board and Debrief— Deliberative Process / Ex. 5

November 1: TENTATIVE Confirmation Hearing

POST HEARING TIMING

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: andrew wheeler Ex. 6
Sent: 1/4/2018 4:50:27 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; andrew.wheeler@faegrebd.com
Subject: Committee Letter
Attachments: CommitteeLetter1-4-18.docx

Christian, let me know if this needs to be changed.

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/16/2017 8:07:57 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Meeting with Merkley

yes

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Monday, October 16, 2017 4:03 PM
To: Wheeler, Andrew R.
Cc: Palich, Christian
Subject: Meeting with Merkley

Andrew, would you be available on Tuesday Oct. 24th at 5:30 PM for a meeting with Merkley?

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/25/2018 7:25:33 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Downstairs

Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/25/2017 3:07:03 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: is the 8th confirmed now?

Ok, **Deliberative Process / Ex. 5**

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, October 25, 2017 10:59 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy
Subject: RE: is the 8th confirmed now?

As of yesterday EPW said 8th is 100% the day.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, October 25, 2017 10:57 AM
To: Palich, Christian <palich.christian@epa.gov>
Subject: is the 8th confirmed now?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: + Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/12/2017 5:56:06 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: On the following week

Perfect

Sent from my iPad

> On Oct 12, 2017, at 1:08 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:
>
> How about 2:45 PM on Monday the 16th?
>
>
> 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: Ex. 6
> Shimmin.Kaitlyn@epa.gov
>
> -----Original Message-----
> From: Palich, Christian
> Sent: Thursday, October 12, 2017 1:01 PM
> To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
> Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
> Subject: RE: On the following week
>
> No problem Andrew! CCing Kaitlyn as well to help us find a time for you to come in on Monday.
>
> Thank you,
>
> Christian R. Palich
> Deputy Associate Administrator
> Office of Congressional & Intergovernmental Affairs U.S Environmental Protection Agency
> O: 202.564.4944
> C: Ex. 6
> E: Palich.Christian@epa.gov
>
> -----Original Message-----
> From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> Sent: Thursday, October 12, 2017 12:59 PM
> To: Palich, Christian <palich.christian@epa.gov>
> Subject: On the following week
>
> Every day is fine, I just need to end on that Thursday, the 26th, by 5:00.
>
> Sent from my iPhone

Message

From: Leggett, Matt (EPW) [Matt_Leggett@epw.senate.gov]
Sent: 10/16/2017 4:33:49 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Where is Wheeler from in Virginia? McLean?

Thank you.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 16, 2017 12:27 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Leggett, Matt (EPW) <Matt_Leggett@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Where is Wheeler from in Virginia? McLean?

Ex. 6

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: + Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, October 16, 2017 12:26 PM
To: Leggett, Matt (EPW); Palich, Christian
Cc: Wheeler, Andrew R.
Subject: RE: Where is Wheeler from in Virginia? McLean?

Andrew—please see the question below from EPW

From: Leggett, Matt (EPW) [mailto:Matt_Leggett@epw.senate.gov]
Sent: Monday, October 16, 2017 12:18 PM
To: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Where is Wheeler from in Virginia? McLean?

I need his current residence – city and state – for the memo for tomorrow's meeting.

Matt Leggett
Chief Counsel
Ex. 6
--
U.S. Senate Committee on Environment and Public Works
Senator John Barrasso, Chairman

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 3/23/2018 11:54:39 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Great News

Thank you both!

Sent from my iPhone

On Mar 23, 2018, at 7:37 AM, Palich, Christian <palich.christian@epa.gov> wrote:

> Late last night the Leader filed Cloture on you getting you in the line for confirmation after Easter break.
>
> Almost there Andrew! We will keep you updated as we hear more about when the floor time clock will start on you.
>
> Have a terrific weekend.
>
> Christian R. Palich
> Deputy Associate Administrator
> Office of Congressional Affairs
> C: Ex. 6
>
> Sent from my iPhone

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 11/6/2017 4:25:06 PM
To: Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Talking Points

Deliberative Process / Ex. 5

From: Bodine, Susan
Sent: Monday, November 6, 2017 11:24 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Talking Points

Deliberative Process / Ex. 5

From: Lyons, Troy
Sent: Monday, November 6, 2017 11:18 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Talking Points

See my addition in yellow re: **Deliberative Process / Ex. 5**

From: Bodine, Susan
Sent: Monday, November 6, 2017 8:15 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Talking Points

These look good

From: Bowman, Liz
Sent: Sunday, November 5, 2017 8:40 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Talking Points

DRAFT – DELIBERATIVE – NOT FOR PUBLIC DISTRIBUTION

Below, please find some talking points that may be helpful in responding to some potential questions this week. I am also copying Susan, as I feel like **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I can be reached at Personal Phone / Ex. 6

Thank you – Liz

Topline Messages: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 10/21/2017 12:01:18 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: Draft Opening Statement -- Wheeler

Very nice. You're a pro. Eager to get you in the building.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 20, 2017 4:50 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Draft Opening Statement -- Wheeler

Attached is my draft opening statement. Please let me know your thoughts.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/1/2017 8:30:14 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Health Effects Institute

Deliberative Process / Ex. 5

Sent from my iPad

On Nov 1, 2017, at 4:25 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 11/6/2017 1:24:15 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Monday meeting?

Okay so 2:30 today instead of 2:30 tomorrow. Got it!

Sent from my iPhone

On Nov 6, 2017, at 7:40 AM, Palich, Christian <palich.christian@epa.gov> wrote:

> It is, they decided to have Andrew and Kathleen do the meeting together. Sorry for the confusion.
>
> Christian R. Palich
> Deputy Associate Administrator
> Congressional & Intergovernmental Relations
> **Ex. 6**
>
> Sent from my iPhone
>
> On Nov 6, 2017, at 7:39 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:
>
>> Christian can you double check with them that it is different from this meeting? That Beth set up. Thanks!
>>
>> <image1.PNG>
>>
>> Sent from my iPhone
>>
>> On Nov 3, 2017, at 8:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>>
>>> I already have one on my calendar for Tuesday for 2:30, but I can do Monday at 2:30. I have a noon meeting with toxics on Monday.
>>>
>>> Sent from my iPhone
>>>
>>> On Nov 3, 2017, at 5:37 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>>>
>>>> Do one of these times work Monday for you Andrew?
>>>>
>>>> Have a great weekend!
>>>>
>>>> Christian R. Palich
>>>> Deputy Associate Administrator
>>>> Congressional & Intergovernmental Relations

Ex. 6

Sent from my iPhone

Begin forwarded message:

From: "Leggett, Matt (EPW)" <Matt_Leggett@epw.senate.gov>
Date: November 3, 2017 at 5:18:51 PM EDT
To: "Viktoria Seale (viktoria.z.seale@ceq.eop.gov)" <viktoria.z.seale@ceq.eop.gov>, "Palich, Christian" <palich.christian@epa.gov>
Cc: "Lyons, Troy" <lyons.troy@epa.gov>, "mary.b.neumayr@ceq.eop.gov" <mary.b.neumayr@ceq.eop.gov>, "Trenti, Beth (EPW)" <Beth_Trenti@epw.senate.gov>
Subject: Monday meeting?

Hi Viktoria and Christian,

We were wondering if you all would like to bring in Ms. White and Mr. Wheeler to meet with majority staff and majority subcommittee staff directors on **Monday at 12 noon or 2:30?** This would be one final meeting to go over the hearing, have an informal q&a, and get the subcommittee staff directors focused and involved. Are you and the nominees available to meet at EPW at either of those times?

Best,

Matt

Matt Leggett
Chief Counsel
Ex. 6
U.S. Senate Committee on Environment and Public Works
Senator John Barrasso, Chairman

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/1/2017 7:52:56 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: EPW Meeting

Thank you

Sent from my iPhone

On Nov 1, 2017, at 3:41 PM, Palich, Christian <palich.christian@epa.gov> wrote:

> Done!
>
> Christian R. Palich
> *Deputy Associate Administrator*
> *Office of Congressional & Intergovernmental Affairs*
> *U.S Environmental Protection Agency*
> *O: 202.564.4944*
> *C:* Ex. 6
> *E: Palich.Christian@epa.gov*
>
> ---
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Wednesday, November 1, 2017 3:40 PM
> **To:** Palich, Christian <palich.christian@epa.gov>
> **Subject:** Re: EPW Meeting
>
> Yes please. I have a 1:00 appt. I don't want to cut the meeting short
>
> Sent from my iPhone
>
> On Nov 1, 2017, at 3:27 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>
>> It's the meeting with all the LA's, Richard, and EPW staff. Would you rather do 2:30pm Andrew? We can move it.
>>
>> Christian R. Palich
>> *Deputy Associate Administrator*
>> *Office of Congressional & Intergovernmental Affairs*
>> *U.S Environmental Protection Agency*
>> *O: 202.564.4944*
>> *C:* Ex. 6
>> *E: Palich.Christian@epa.gov*

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/1/2017 5:16:35 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: have they noticed the hearing yet?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: + Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/21/2017 5:56:39 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: question about the Wheeler qfr

Based upon my discussions with the career ethics officials, the look back period for lobbying activities is two years. I did not work on litigation for either regulation. I've not lobbied in the last two years on MATS and my only lobbying activity for CPP was in support of the CRA vote in the Senate. It's my understanding from the career officials that I could not work on the CPP regulation, but I could work on its successor.

Sent from my iPad

On Nov 21, 2017, at 12:15 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andy—please take a look at the question below from EPW.
>
> **From:** Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
> **Sent:** Tuesday, November 21, 2017 11:55 AM
> **To:** Lyons, Troy <lyons.troy@epa.gov>
> **Cc:** Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
> **Subject:** question about the Wheeler qfr
>
> Hi Troy and hope all is well
>
> We are reviewing the Wheeler qfr responses and have a follow-up question or two.
>
> In a response to Senator Carper, he said that "**To the best of my recollection I only worked in opposition to two Clean Air Act regulations during the Obama Administration, MATS and CPP. I did not fully review any of the other regulations and therefore cannot provide an opinion on them."**
>
> In a subsequent response to Senator Whitehouse, he said, in response to a question about whether he would recuse himself from participating in issues on which he worked against EPA in the past, **"I will follow the advice and guidance of the career EPA ethics officials and if a waiver is necessary I will make the waiver publicly available. However, based on preliminary discussions with the career ethics officials, I do not anticipate that a waiver will be necessary however, if one is needed I will make it public."**
>
> We are trying to understand these two statements taken together and are hoping you can help –
>
> 1) <!--[if !supportLists]--><!--[endif]-->When, and for which client(s), did he work against MATS and CPP?
> 2) <!--[if !supportLists]--><!--[endif]-->What did he do on these issues? Lobby? Assist with the preparation of litigation against EPA? File or write comments? Something else?
> 3) <!--[if !supportLists]--><!--[endif]-->Does he not expect to need a waiver because he does not expect to work on these issues? If there is some other reason, what is it?

Thanks (and have a great Thanksgiving)
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/31/2017 8:45:49 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Resume
Attachments: Wheeler Andrew - CV.DOC

Christian, see attached.

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Palich, Christian
Sent: Tuesday, October 31, 2017 4:45 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Resume

Hi Andrew,

Do you have a resume you can send over? Deliberative Process / Ex. 5

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Andrew R. Wheeler

Ex. 6 • (c) Ex. 6 (h) Ex. 6

MANAGEMENT & POLICY EXPERIENCE

Trump Campaign
Policy Staff July 2016 –

- One of Two Policy Staff responsible for environmental, energy, agriculture, transportation and telecommunications policy.
- Drafted talking points for speeches, debate preparation, and policy documents.

FaegreBD Consulting Washington, D.C.
Principal, Team Leader ***Energy and Environment Practice*** 2009 – present

- Serves as a Principal in a national consulting and government relations firm, assisting clients with federal regulatory and legislative issues. Provided business consulting, conducted federal affairs assessments and direct advocacy services for clients.
- Worked on behalf of business clients, local governmental bodies and not-for-profit organizations.
- Focused extensively on national energy, climate change, and environmental issues including fuels policies, air regulations, and coal issues.
- Team Leader of nine person team since 2014.
- *Of Counsel* with Faegre Baker Daniels Law Firm.
- Co-Chair of firm-wide Energy and Natural Resources Industry Team (50+ attorneys) since 2016.

U.S. Senate Committee on Environment and Public Works (EPW) Washington, D.C.
Staff Director and Chief Counsel 2002 – 2009

- Served as both Staff Director (Chief of Staff) and Chief Counsel for one of eight authorizing committees in the United States Senate formulating and executing the legislative, oversight, policy and public outreach agenda
  - Jurisdiction encompasses seven Cabinet level departments and agencies
  - Responsible for the Senate confirmation of 52 Presidential nominated positions
  - Policy and procedural advice to members of the Committee and other Senators
  - Chief Liaison to Senate and House Leadership and the White House
- Direct Management:
  - Multi-layered policy and communication/public affairs organization
  - Develop and implement long-term strategic plan while also responding to time sensitive demands
  - More than 30 professional staff, additional responsibility of budget and administration of 60 staff
- Legislative, Policy and Subject Matter Responsibilities:
  - Managed the Senate floor debate and strategy for the Lieberman/Warner Climate Change Bill and other greenhouse gas and carbon constraint technology related legislation
  - Highway Bill reauthorization with over $286 Billion in transportation funding in 2005.
  - Power plant multi-emissions (Clear Skies Act) and Clean Air Interstate Rule (CAIR)
  - Energy Policy Act of 2005 and 2007 with emphasis on Renewable Fuels Standard (RFS)
  - Policy and legislation involving offshore oil reserves, alternative fueled vehicles, biofuels, oil shell, tar sands, and the renewable portfolio standard
  - Work extensively with regulatory agencies such as the Environmental Protection Agency, Nuclear Regulatory Commission, and the Departments of Energy, Transportation, and Interior
- Public Communication:
  - Deliver public policy speeches to various organizations including the American Bar Association and various trade associations and industry conventions

- Conduct press interviews and media availabilities including on camera interviews
- Advocacy of Committee positions within Congress, the Administration and the general public
- Recognized by *National Journal* as one of the Top Congressional Staff Leaders for 2005

U.S. Senate Subcommittee for Clean Air, Wetlands and Nuclear Safety Washington, D.C.
Staff Director and Counsel *1997-2002*

- Served under the Chairmanships of both Senators Jim Inhofe (R-OK) and George Voinovich (R-OH)
  - Drafted and negotiated legislation involving clean air issues, nuclear energy, and FEMA
  - Developed policy on full range of energy and environmental issues
  - Organized over 30 Subcommittee oversight and legislative hearings
- Represented the Subcommittee to constituents, outside lobbyists, and Executive Branch employees
- Guided numerous bills through the Committee, Senate floor, and conference committee process

Office of United States Senator James Inhofe Washington, D.C
General Counsel 1995-1996

- Lead staff person for Commerce and Judiciary issues
- Managed Senator's agenda on environmental issues before the Environmental and Public Works Committee (Superfund, Safe Drinking Water Act, Clean Air Act, and Resources Conservation Recovery Act)

United States Environmental Protection Agency (EPA) Washington, D.C.
Special Assistant, Information Management Division, 1991-1995
Office of Pollution Prevention and Toxics

- Reported to Division Director and worked as liaison to other Divisions and Offices within the EPA and outside constituent groups
- Coordinated Division working groups and special projects including annual conference attended by over 500 participants
- Worked on the Toxic Release Inventory and the Toxic Substances Control Act

ACTIVITIES & AWARDS

- National Energy Resources Organization, former President and Chairman
- Washington Coal Club, President 2016
- John C. Stennis Congressional Staff Fellow – 106th Congress
- EPA Bronze Medal – 1993, twice in 1994
- Phi Delta Phi
- Alpha Chi Sigma, President – 1986
- Eagle Scout

EDUCATION

George Mason University School of Business, M.B.A. May, 1998
Washington University School of Law, J.D. May, 1990
Member - District of Columbia Bar
Case Western Reserve University, B.A. May, 1987
Major: English, Biology

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/10/2017 4:32:20 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: EPW Questionnaire
Attachments: EPWWheelerForm.pdf

attached

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, October 10, 2017 11:54 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy
Subject: EPW Questionnaire

Hi Andrew,

Deliberative Process / Ex. 5

Hope you had a great weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

ROOM 410 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL
NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement for completion by Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable John Barrasso, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Matt Leggett) as soon as possible.

Name of Nominee: Andrew R. Wheeler

Position to which nominated: Deputy Administrator, EPA

Date of Nomination: 10-5-2017

Business Name: Faegre Baker Daniels

Business Address: 1050 K Street, NW Suite 400

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

City, State & Zip: Washington, D.C. 20001

Business E-mail: Andrew.Wheeler@faegrebd.com

Business Phone: 202-312-7424

Full Legal Name: **Andrew Ronald Wheeler**

Date of birth: Ex. 6

State of residency: Virginia

Education:

Institution	Dates Attended	Degrees Received	Dates of Degrees
Case Western Reserve University	1983-1987	B.A.	1987
Washington University School of Law	1987-1990	J.D.	1990
George Mason University Business School	1993-1998	M.B.A.	1998

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Employment Record

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances. Attach additional pages if necessary.

Position Title	Employer	Address	Dates	Terminated (Y/N)
Principal	Faegre Baker Daniels, LLC	1050 K Street NW Washington DC	1/09 - present	No
Republican Staff Director/Chief Counsel	U.S. Senate EPW Committee	406 Dirksen Senate Office Building	1/03 – 1/09	No
Clean Air Subcommittee Staff Director	U.S. Senate EPW Committee	406 Dirksen Senate Office Building	1/97 – 1/03	No
General Counsel	Office of Senator Jim Inhofe	456 Russell Senate Office Building	12/95-1/97	No
Environmental Protection Specialist	U.S. EPA	Waterside Mall	6/91 – 12/95	No

Honors and Awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognition for outstanding service or achievement. Attach additional pages if necessary.

Date	Honor/Award
2005	*National Journal* — One of the Top Congressional Staff Leaders
106th Congress	John C. Stennis Congressional Staff Fellow
1994	EPA Bronze Medal: For Expanding the Scope and Impact of the Toxic Release Inventory Program

1994	EPA Bronze Medal: For the Development of the TSCA 8(e) CAP Information Product
1993	EPA Bronze Medal: For Outstanding Support for the Agency IRM Planning and Budgeting Process

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations. Attach additional pages if necessary.

Organization	Office held (if any)	Dates
NERO	Chairman, President, VP	2009-present
Washington Coal Club	President	2016

Qualifications:

State fully your qualifications to serve in the position to which you have been nominated.

I have spent over twenty-five years working in the environmental field. I started my career as a career employee of the EPA in 1991, worked in the U.S. Senate for fourteen years, and have spent the last eight years as a consultant/lobbyist for a large variety of energy and environmental clients. This has given me a unique perspective of both the Executive and Legislative branches. On the management side, I have an M.B.A. and I managed over thirty staff as the Staff Director of EPW.

I am an avid outsdoorsman, camping, hiking and also an Eagle Scout. I believe in a clean environment, clean air and clean water. I will work with Administrator Pruitt and the staff of the EPA, both political and career, to ensure that the mission of the agency and the laws of our country are upheld and followed. I respect the career employees of the agency, and if I am confirmed I hope to earn their respect.

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
__X__Yes.

_____ No. If not, please explain:

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

_____ Yes. If so, please explain:

__X__ No.

3. Has anybody made a commitment to you for a job after you leave government?

_____ Yes. If so, please explain:

__X__ No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

____ Yes.

____ No.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

____ Yes. If so, please explain:

__X__ No

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

The only additional amount would be my firm's contribution to my retirement account for 2017, which is generally paid in early 2018. This is a straight percentage of my salary and the amount has already been set.

2. Are any assets pledged?

____ Yes. If so, please explain:

_X___ No

3. Are you currently a party to any legal action?

_____ Yes. If so, please explain:

__X__ No

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

__X__ Yes

_____ No. If not, please explain:

5. Has the Internal Revenue Service ever audited your Federal tax return?

_____ Yes. If so, what resulted from the audit?

__X__ No

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

I have no financial or deferred compensation agreements except for my firm's retirement fund contribution for 2017 which is supposed to be paid in early 2018. It is a specific percentage of my 2017 salary. Therefore there are no policy issues which would affect the contribution.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

I have no investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest.

UNITED STATES SENATE
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STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

I have been a registered lobbyist for almost nine years, representing a number of companies and entities before Congress and some Federal agencies and Departments.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

Following the Trump ethics pledge I will be recusing myself from contact with my firm and my clients from the past two years.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I have had several conversations with the EPA ethics officials and will continue to have regular discussions with them to ensure that I am in full compliance with the law and my pledge. Se attached.

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Membership/Office/Political Party	**Dates**	**Amount (if applicable)**
Senator Cory Gardner - Project West PAC	03/14/2017	$1500.00
Fairfax County Poll Observer – Rep Party	11/08/2016	N/A

Trump Campaign Policy Staff – Energy and Environmental issues	7/2016 – 11/2016	N/A – volunteer position
Senator Cory Gardner - Project West PAC	04/27/2016	$2,500.00
Rubio Campaign Policy Advisor	2/2016-3/2016	N/A – volunteer position
Gillespie Campaign Day Volunteer Worker	11/04/14	N/A
Gillespie Delegate at Fairfax and Virginia State GOP Conventions	March and June 2014	N/A
Gardner for Senate	03/27/2014	$1,000.00
Boehner for Speaker	07/18/2013	$1,500.00
Friends of Jim Inhofe	06/11/2013	$1,000.00
Romney Ohio Voter Drive	11/03-06/2012	N/A
George Allen for US Senate	07/25/2012	$1,000.00
Romney Victory Inc	09/24/2012	$1,000.00
Citizens for Josh Mandel	10/02/2012	$1,000.00
Romney for President	02/08/2012	$2,500.00
Senator Jim Inhofe -Fund for a Cons. Future	03/01/2012	$1,000.00
Romney Victory	04/26/2012	$2,000.00
Boehner for Speaker	06/25/2012	$1,000.00
Romney Volunteer Policy Advisor	2/2012 – 11/2012	N/A
Senator Jim Inhofe -Fund for a Cons. Future	04/05/2011	$1,000.00
Stivers for Congress	05/31/2011	$1,000.00
Arlington County Election Day Voter Drive	11/02/2010	N/A
Stivers for Congress	03/03/2010	$1,000.00
Gardner for Congress	06/22/2010	$1,000.00
Senator Jim Inhofe -Fund for a Cons. Future	06/25/2009	$1,000.00
Arlington County Election Day Voter Drive	11/04/2008	N/A

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.
(Please list first any publications and/or speeches that involve environmental or related matters.)

Presentations

- **The Global Transition to a New, Enhanced Energy Future**
  Institute of Clean Air Companies 2017 Clean Air Summit; Arlington, VA, May 3, 2017
- **How to Conduct Congressional Oversight**
  The Bipartisan Policy Center, Senate Legislative Director Retreat, 2017

- **Preparing for the New Administration**
  The Business Council for Sustainable Energy, 2017
- **What Does a New Congress and New Administration Bring to Environmental Policy?**
  2016 Indiana Environmental Conference, Indiana Chamber of Commerce, 2016
- **National and Local Perspectives of Water**
  2016 Minnesota Water Technology Summit, 2016
- **The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate**
  IU McKinney School of Law's Eighth Annual Environment, Energy & Natural Resources Symposium, March 6, 2016
- **Preparing for the Change in Administration**
  Senate Western Caucus, Washington, D.C., February 5, 2016
- **U.S. Energy Panel: How Reliable Will the Provision of Electricity Be Following the EPA Clean Power Plan?**
  Panelist, 16th Coaltrans USA Conference, January 29, 2016
- **Prospects for Energy & Environmental Policy in 2014**
  Moderator, Energy & Environmental Symposium: A Conversation with National Stakeholders, Washington, D.C., March 2014
- **Beltway Perspectives: Legal Issues and Policy Priorities for 2014**
  Panelist, ABA 21st Fall Conference on the Environment, October 10, 2013
- **Developments in U.S. Energy Production and the Implications for Global Trade**
  Panelist, America's Energy Exports, U.S. Chamber of Commerce, January 16, 2013
- **Focusing on What Really Should Be Debated: The Cases of Boiler Mact, Utility Mact and CSPAR**
  ABA's 40th National Spring Conference on the Environment, Baltimore, Maryland, June 1, 2012
- **The Clean Air Act: A View from the Capitol**
  ALI-ABA Clean Air Conference, Washington, D.C., December 2, 2011
- **View From the Capitol: New Legislative Developments**
  ALI-ABA Clean Air Course, Washington, D.C., December 3, 2010
- **Election Preview 2010**
  RISE Annual Meeting, Jacksonville, Florida, September 10, 2010
- **U.S. Politics and Implications for Asia in the North American GHG Market**
  Carbon Forum Asia, Singapore, October, 27, 2009
- **National Outlook for Comprehensive Energy Reform and Climate Change**
  Oklahoma Independent Petroleum Association, Tulsa, Oklahoma, September 26, 2009
- **Domestic and International Implications of Climate Policy**
  Indiana Energy Association, Indianapolis, September 24, 2009

- **Maximizing the Benefits of the Energy Efficiency and Conservation Block Grant Program: Why You Need a Conservation Plan**
  Webinar, August 4, 2009
- **The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade**
  Webinar, Washington, D.C., April 22, 2009
- **Emerging Federal Energy Policy and the American Recovery and Reinvestment Act: What's in It for Indiana?**
  Indiana State Bar Association, Indianapolis, April 17, 2009
- **Energy Efficiency, Design, Construction, LEED & Green Projects: The Stimulus Does It All**
  Webinar, April 9, 2009
- **Climate Change and the Law: Congressional Developments**
  Webinar, Washington, D.C., April 3, 2009
- **Navigating the New Washington**
  Federal Economic Development Forum IEDC, Alexandria, Virginia, March 15, 2009
- **The American Recovery and Reinvestment Act: Energy and Environment Provisions**
  Educational Association of University Centers, Washington, D.C., March 9, 2009
- **Water Conservation: Your Business, Your Role -- A D.C. Perspective**
  Indianapolis Chamber of Commerce and the Green Street Institute, Indianapolis, March 6, 2009
- **The American Recovery and Reinvestment Act's Energy and Climate Change Provision**
  B&D Consulting and Baker & Daniels Webinar, Washington, D.C., February 24, 2009
- **Congressional Developments and the New Administration**
  ALI-ABA Environmental Law Course, Bethesda, Maryland, February 5, 2009

Published Articles

- **What To Expect From Trump's Environmental Policies**
  Author, *Law360*, November 2016
- **PURPA Changed Could Shake Up Clean Energy Market**
  Co-author, *Law360*, September 2016
- **Keystone XL Will Shape Energy Debate For 114th Congress**
  Co-author, *Law360*, February 2015
- **EPA Delay On Renewable Fuel Puts Ball In Congress' Court**
  Co-author, *Law360*, January 2015
- **As Climate Changes So Does Focus On Methane Emissions**
  Co-author, *Law360*, September 2014

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

__X__ Yes

____ No. If not, please explain:

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

___ Yes. If so, please explain:

__X__ No

AFFIDAVIT

Andrew Wheeler

) **ss**, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 10th day of October 10, 2017

Notary Public

DEBORAH A. SURRY
NOTARY
Exp. 4/30/2022
PUBLIC
DISTRICT OF COLUMBIA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/14/2017 9:39:20 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: WheelerRequested Presentations
Attachments: WheelerRequestedPresentations.pdf

Attached are the presentations requested.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Requested Wheeler Presentations

a. How to Conduct Congressional Oversight (2017) **[a copy of handouts used]**

b. Preparing for the New Administration (2017) **[no materials available]**

c. The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016) **[no materials available, agenda attached, please note there was a typo on the date, the conference occurred in 2015, not 2016]**

d. Preparing for the Change in Administration (2016) **[a copy of handouts used]**

e. Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012) **[copy of Powerpoint attached]**

f. The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009) **[copy of Powerpoint attached]**

FAEGRE BAKER DANIELS

Andrew Wheeler

As a principal and the team leader of the energy and environment practice group at FaegreBD Consulting and Of Counsel at Faegre Baker Daniels law firm, Andrew Wheeler employs his extensive background in energy, environmental, and infrastructure policy. He helps lead the firm's practice by advising numerous types of clients on comprehensive legislative, regulatory and operational strategies. His knowledge and insider understanding of the Senate, House and various federal agencies allows Andrew to develop tailored, comprehensive strategies that assist clients in realizing their federal affairs goals and build lasting relationships with key policymakers.

Andrew came to FaegreBD Consulting from the Senate Committee on Environment and Public Works where he served as Majority Staff Director, Minority Staff Director and Chief Counsel. In those roles, he worked on every major piece of environmental and infrastructure related legislation over fifteen years. Prior to his work at the full Senate EPW Committee, Andrew served in a similar capacity for six years for the Subcommittee on Clean Air, Climate Change, Wetlands and Nuclear Safety. He started his career at the Environmental Protection Agency working on toxic chemical, pollution prevention and right-to-know issues. Andrew completed his law degree at Washington University, his MBA at George Mason University, and his undergraduate work at Case Western Reserve University.

How to Conduct Congressional Oversight
– Bipartisan Policy Center 2017

Andrew R. Wheeler
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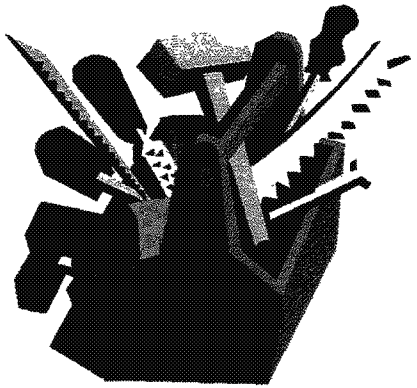
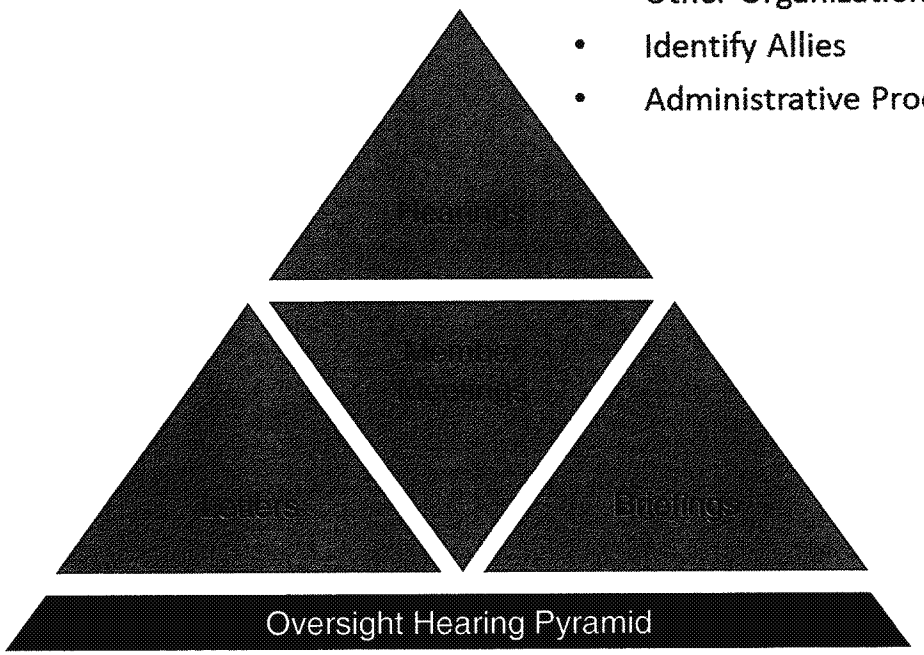


Oversight Toolbox

- Letters to Agencies.
- Committee Briefings, Office Briefings
- Member Meetings
- Other Organizations (GAO, NAS, Commissions, IGs)
- Identify Allies
- Administrative Procedures Process



RECENT ADMINISTRATIVE CHANGES AND JUDICIAL DECISIONS
RELATING TO SECTION 404
OF THE FEDERAL WATER POLLUTION CONTROL ACT
THURSDAY, JUNE 26, 1997

Senator Inhofe. Let me start by asking Mr. Davis the question. In your testimony, both your written testimony and your oral testimony, you talked about the 14 days as the average time the takes the Corps to approve a general permit and 104 days for the approval of individual permit, but I've heard all kinds of scary stories from the field saying it has been much, much longer than that.

One of the reasons that I understand is that it takes the Corps quite a number of days before it decides when an application is complete, so that you don't start the clock running until that point, and then maybe after that point it's 104 days.

Now, I would like to ask you, have you done any studies to determine how long it is from the time the application is first submitted and is granted, not when it's accepted as an application of proper form?

Mr. Davis. I don't think, Mr. Chairman, we've done any specific studies. We have, though, encouraged our field, through training and guidance, to expedite the process and to not allow this initial phase, which is obviously very important to get a complete application before we can go out with a public notice and advertise to the public the proposed project, we have encouraged them to keep that moving.

If you look at the literally tens of thousands of actions a year, I'm sure there are some abuses of that. But, on balance, when you look at the way the program is working --

Senator Inhofe. It's striking an average here. If it's 104 days, do you think that maybe at an average it would take 200 additional days from the time it's submitted until it's considered to be complete?

Mr. Davis. Absolutely not. I mean, the law requires us to submit a -- to publish a public notice within 15 days of complete application. My experience has been that a large majority of them come in relatively complete and we're ready to go with that and we meet that 15-day requirement. So I think it would be much less than 200 days.

Now, there are projects that are very, very large projects --

Senator Inhofe. No. I'm talking about just average, because --

Mr. Davis. No. On average it would not be 200 days.

Senator Inhofe. This is my concern. I know there are exceptions. All right.

Senator Inhofe. Okay. That's not the figure that I have.

Let's go to this chart up here. At our last wetlands hearing three years ago, we asked you to start keeping track of the length of time it takes for the Corps to review and act on an individual permit. I know you kept track on the periods between the time of application -- why don't you go up there and point to this -- the time of application is deemed complete, and the time it is approved. But the period of time -- that's 127 days -- the period of time that I'm concerned about is the period from which it is submitted to the time it is approved.

Now, we had asked for that information. Do you have that information for us?

Mr. Davis. Mr. Chairman, I don't believe we have that information.

Senator Inhofe. All right. That's a good, honest answer. Let's get it.

Justification for 2000 WRDA Amendment

Timeline on Permits Requests

June 26, 1997	Hearing where you first asked Mr. Davis about the process timing for individual permits.
August 29,1997	Corps answered Hearing followup questions regarding the average time for individual permits.
Jan 26, 1998	Staff requested in briefing that they track the individual permits processing time.
Feb 20, 1998	Corps responded that it would be difficult to track
March 5, 1998	Staff reiterated in briefing that Senator Inhofe would like the data tracked.
Oct 9, 1998	Staff reiterated in briefing that Senator Inhofe would like the data tracked.

From 2000 WRDA

Sec. 214. Regulatory Analysis and Management Systems Data.

This provision requires the Secretary to publish on the Army Corps' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data, including the date on which an individual or nationwide permit application under Section 404 of the Federal Water Pollution Control Act is received, the date on which the application is considered complete, the date on which the Corps either grants or denies the permit. Also, if an application is not complete when first received by the Corps, a description of the reason the application is not complete should be included in the RAMS. This provision was an amendment offered by Senator Inhofe and adopted by unanimous consent.

SEC. 2027. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the expenditures by the Corps for the preceding fiscal year and estimated expenditures by the Corps for the current fiscal year; and

(2) for projects and activities that are not scheduled for completion in the current fiscal year, the estimated expenditures by the Corps necessary in the following fiscal year for each project or activity to maintain the same level of effort being achieved in the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to activities carried out with funding provided under the Construction appropriations account for the Secretary, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed partnership agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

10 USC 3036
note.

121 STAT. 1080 PUBLIC LAW 110–114—NOV. 8, 2007

(2) With respect to operation and maintenance of the inland and intracoastal waterways identified by section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth;

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption; and

(C) the actual expenditures to maintain each waterway.
(3) With respect to activities carried out with funding provided under the Investigations appropriations account for the Secretary—
(A) the number of active studies;
(B) the number of completed studies not yet authorized for construction;
(C) the number of initiated studies; and
(D) the number of studies expected to be completed during the fiscal year.
(4) Funding received and estimates of funds to be received for interagency and international support activities under section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a).
(5) Recreation fees and lease payments.
(6) Hydropower and water storage receipts.
(7) Deposits into the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund.
(8) Other revenues and fees collected by the Corps of Engineers.
(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—
(A) the date on which each permit application is filed;
(B) the date on which each permit application is determined to be complete;
(C) the date on which any permit application is withdrawn; and
(D) the date on which the Corps of Engineers grants or denies each permit.

permits section

(10) With respect to projects that are authorized but for which construction is not complete, a list of such projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—
(A) the authorization date;
(B) the last allocation date;
(C) the percentage of construction completed;
(D) the estimated cost remaining until completion of the project; and
(E) a brief explanation of the reasons for the delay.

Preston|Gates|Ellis & Rouvelas|Meeds LLP

MEMORANDUM

TO: Interested Parties

FROM: Michael W. Evans

DATE: January 14, 2005

SUBJECT: How to Refer to Statutory Provisions

When you are working on legislation, it often is necessary to refer to a specific provision of a statute. In order to help you do so, this outline explains how to refer to the various provisions. It will help you be more precise. It also will allow you to adopt an air of superiority whenever someone else refers to clause two as "two little eye."

Sec. 101. This is a section.
(a) This is a subsection.
(1) This is a paragraph.
(A) This is a subparagraph.
(i) This is a clause. It is referred to as "clause one." For some reason, lower case Roman numerals come before upper case Roman numerals.
(I) This is a subclause. It is referred to as "subclause one."
(aa) This is an item. It is referred to as "item a."

There is no official designation for a provision beyond an item. It's probably a subitem. Anyway, if you get to that level of detail, your draft probably is too complex.

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1735 NEW YORK AVENUE NW SUITE 500 WASHINGTON, DC 20006 TEL: (202) 628-1700 FAX: (202) 331-1024 www.prestongates.com
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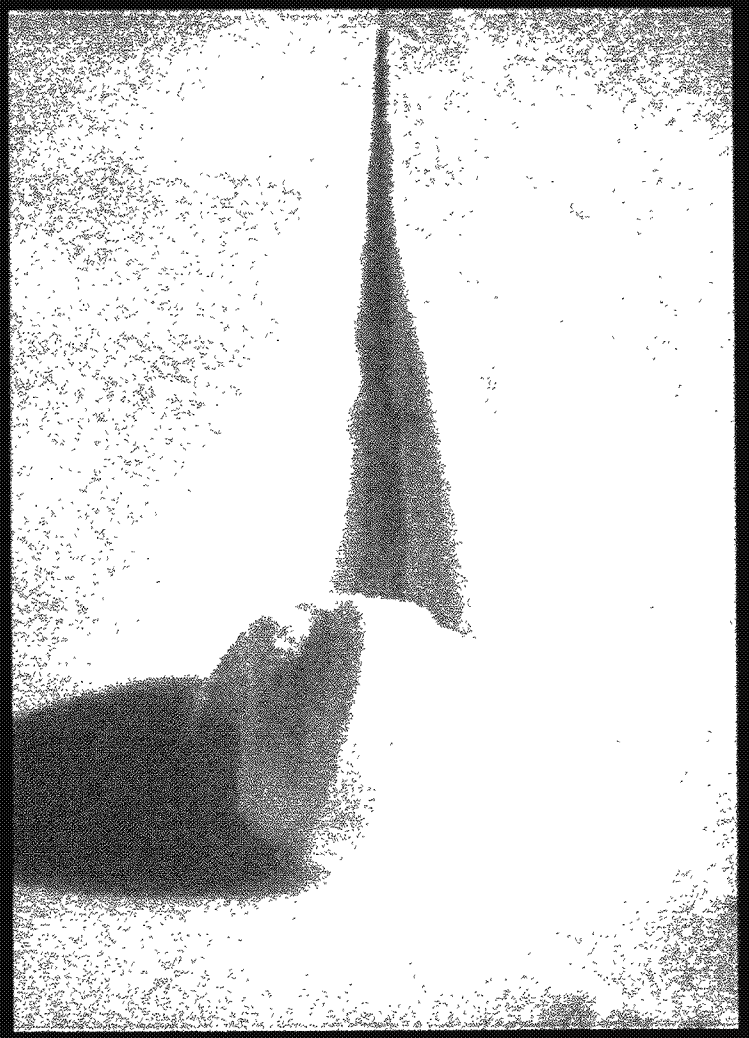
It's a Short Trip from Riding the Waves of Change to Being Torn Apart by the Jaws of Defeat.

EPA-HQ-2018-007275 and EPA-HQ-2018-007438 Prod 1 ED_002061_00152449-00011



A Few Harmless Flakes Working Together Can Unleash an Avalanche of Destruction.

EPA-HQ-2018-007275 and EPA-HQ-2018-007438 Prod 1 ED_002061_00152449-00012

Indiana University
Robert H. McKinney School of Law

Events

Friday, March 6, 2015

IU McKinney School of Law's Eighth Annual Environment, Energy & Natural Resources Symposium
The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy, and Climate

CLE: 6.5 HOURS

Speaker: Janet McCabe, Air Official at US Environmental Protection Agency, Washington, DC
Time: 10:00 am - 6:00 pm
Location: Wynne Courtroom and Atrium, Inlow Hall, 530 W. New York Street, Indianapolis, IN
Contact: enlaw@iu.edu

"Too many Americans continue to breathe dirty air. And political paralysis has plagued further progress against air pollution. We have to break this logjam by applying more than just Federal leverage. We must take advantage of the innovation, energy, and ingenuity of every American."
- President George H. W. Bush

"We've got to pause and ask ourselves: How much clean air do we need?"
- Lee Iacocca

IU Robert H. McKinney School of Law's **Eighth Annual Spring Environmental Symposium** will focus on the legal challenges and opportunities in the management of air quality – including an exploration of proposed new rules regarding greenhouse gas emissions from coal-fired power plants, energy industry responses to regulatory changes, and opportunities for renewable energy in Indiana.

Our Keynote, **Janet McCabe**, is the top Air Official at US Environmental Protection Agency in Washington, DC, and she will be joined by experts and industry leaders from the private sector, government, and public interest organizations.

Other experts and officials from state and federal government and from the private sector will join panels to discuss:

- Proposed **Greenhouse Gas Rules** – Clean Air Act Draft **111(d)** Regulations
- **Renewable Energy & Air**: The Market and Legal Policy Response to the move from Fossil Fuels
- The **Private Sector Response** to Clean Air Regulatory Changes

We will also have legal **ethics panels** on climate change and environmental justice as well as an expert introduction to the science of climate change.

Admission:

- $75 Attorney w/CLE (6.5 hours, including 1.0 ethics, pending approval)
- $25 General Admission
- Free (w/ID) for students, teachers & non-profit employees

Registration:

» **Online Registration for Outside Attendees**

- $75 Attorney w/ 6.5 CLE Credit hours (pending approval)
- $25 General Admission

» **Online Registration for High School/College (IU, McKinney and Other) Students, Faculty, Staff and Non-Profit Employees**

Agenda:

9:30am - Noon	Registration
10:00am-10:15am	**Welcome & Introductions**
10:15am-10:45am	**Setting the Stage** - The Air Up There: Science, Policy, and Legal Ethics Challenges • **Eric Dannenmaier**, Professor of Law, IU Robert H. McKinney School of Law, Indianapolis, IN
10:45am-11:30am	Panel One - **Climate Change – A Science Primer for Law and Policy Leaders** • **Dr. Gabriel Filippelli,** Professor, IUPUI Department of Earth Sciences
11:30am-12:00pm	**LUNCH**
12:00pm-1:00pm	**KEYNOTE - National Clean Air Regulatory Priorities** • **Janet McCabe**, Acting Assistant Administrator for Air and Radiation, US EPA, Washington, DC
1:15pm-2:15pm	Panel Two - **Proposed Greenhouse Gas Rules – Clean Air Act Draft 111(d) Regulations** • **Jodi Perras**, Indiana Representative for Sierra Club's Beyond Coal Campaign, Sierra Club • **Mark Maassel**, President Indiana Energy Association [invited] • **Bob Martineau**, Commissioner, Environmental Counsel of the States [invited], Commissioner, Environmental Counsel of the States [invited]
2:30pm-3:30pm	Panel Three - **Renewable Energy & Air: The Market and Legal Policy Response to the move from Fossil Fuels** • **Nick Melloh,** President, Johnson Melloh Solutions • **Dr. M. Razi Nalim**, Ph.D., P.E., CSO, Aerodyn Combustion, LLC • **Dr. Peter J. Schubert**, Ph.D., P.E. Principal, Biomass Unit Ops, LLC • **Angela Weber**, Commissioner, Indiana Utilities Regulatory Commission
3:30-4:00pm	Special Presentation – **Legal Ethics in the Air: What is a Lawyer's Duty to Environmental Justice Dr. Carlton Waterhouse,** Professor, IU Robert H. McKinney School of Law – Indianapolis, IN
4:15pm-5:15pm	Panel Four - **The Private Sector Response to Clean Air Regulatory Changes** • **Edward L. "Skipp" Kropp**, Of Counsel, Steptoe & Johnson, PLLC • **Michael Allen**, Associate General Counsel, Citizens Energy Group • **Kelly Carmichael**, Managing Director, Environmental Safety & Sustainability, NiSource • **Andrew Wheeler**, Principal, FaegreBD Consulting
5:15pm-6:00pm	Final Plenary - **Prospects for Air's Future: How Can and Should the Law Adapt** • **Eric Dannenmaier**, Professor of Law, IU Robert H. McKinney School of Law, Indianapolis, IN Panelists from throughout the day will be invited to respond and comment
6:00pm	**RECEPTION** - All Invited

Parking:

Parking is available for a nominal fee at the campus Gateway Garage, located on the corner of Michigan and California Streets (Address is 525 Blackford Street).

Parking is also available for a nominal fee at the Natatorium Garage two blocks west of the law school.

Special Accommodations:

Individuals with disabilities who need special assistance should call (317) 274-8036 no later than one week prior to the event. Special arrangements can be made to accommodate most needs.

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« Event List

FAEGRE BAKER DANIELS

Andrew Wheeler

As a principal and the team leader of the energy and environment practice group at FaegreBD Consulting and Of Counsel at Faegre Baker Daniels law firm, Andrew Wheeler employs his extensive background in energy, environmental, and infrastructure policy. He helps lead the firm's practice by advising numerous types of clients on comprehensive legislative, regulatory and operational strategies. His knowledge and insider understanding of the Senate, House and various federal agencies allows Andrew to develop tailored, comprehensive strategies that assist clients in realizing their federal affairs goals and build lasting relationships with key policymakers.

Andrew came to FaegreBD Consulting from the Senate Committee on Environment and Public Works where he served as Majority Staff Director, Minority Staff Director and Chief Counsel. In those roles, he worked on every major piece of environmental and infrastructure related legislation over the fifteen years. Prior to his work at the full Senate EPW Committee, Andrew served in a similar capacity for six years for the Subcommittee on Clean Air, Climate Change, Wetlands and Nuclear Safety. He started his career at the Environmental Protection Agency working on toxic chemical, pollution prevention and right-to-know issues. Andrew completed his law degree at Washington University, his MBA at George Mason University, and his undergraduate work at Case Western Reserve University.

Preparing for the Change in Administration
- Western Caucus
2016

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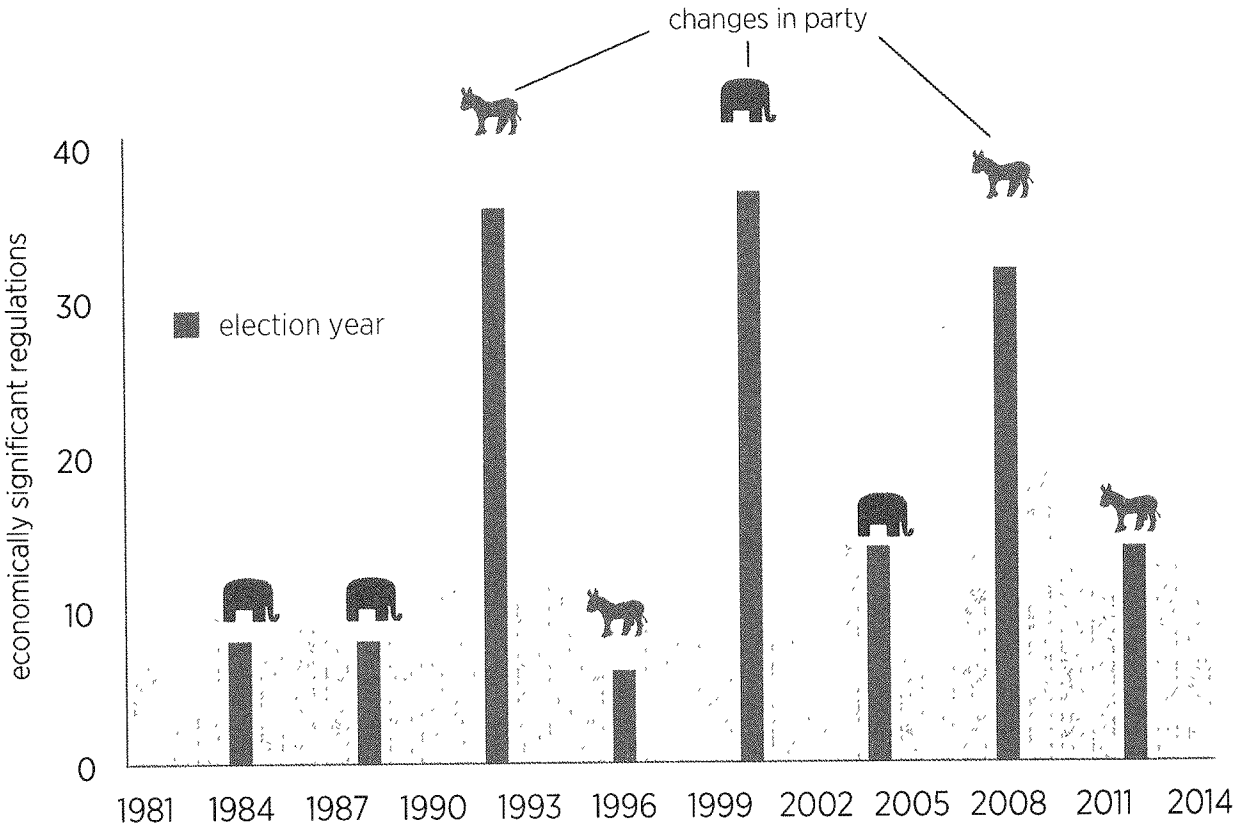
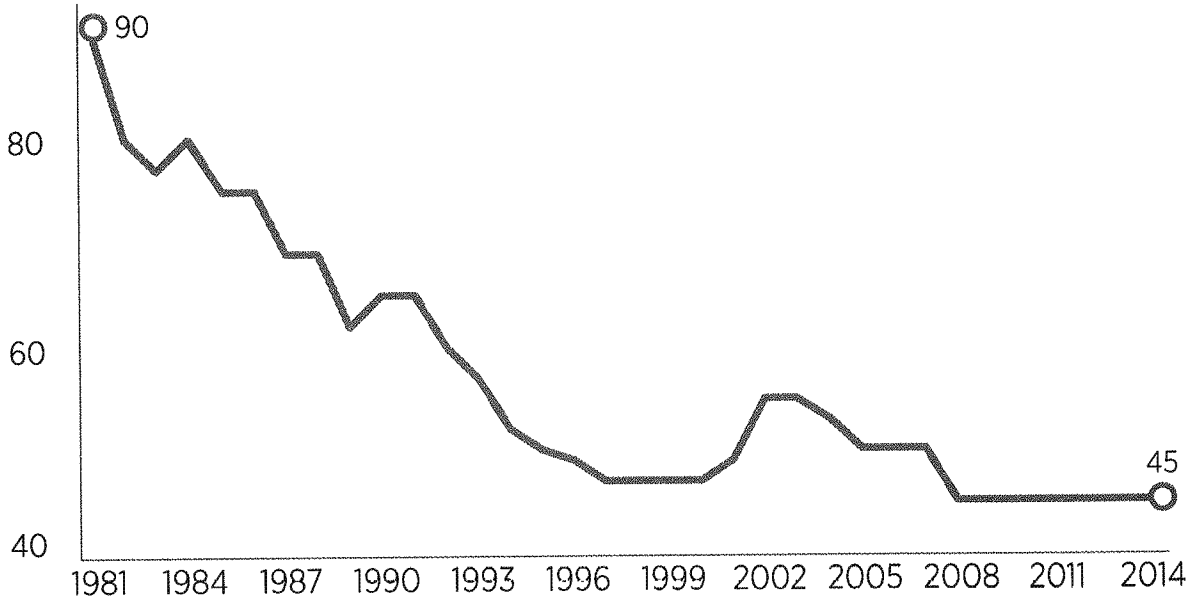
FaegreBD Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Midnight Regulations and the Decrease of OIRA Staff

Every four years, the number of new general regulations surges during the "midnight" period between the presidential election day and Inauguration Day. This surge is seen when an incumbent president is reelected; however, it is considerably higher when there is a change in party.



OIRA Full-Time Employees



read more ( )

MERCATUS CENTER
George Mason University

Data notes: Secondary chart does not cross horizontal axis at 0.
Sources: OIRA's online "review counts" database;
Appendix to the Budget of the United States for FY 1981–2014.
Produced by Sherzod Abdukadirov and Rizqi Rachmat, January 2016.

Congressional Review Act

- Congress is given 60 legislative days[1] to disapprove.

- Agencies (promulgating a covered rule) must submit a report to each House of Congress and to the Comptroller General.
  - copy of the rule
  - concise general statement describing the rule
  - the proposed effective date of the rule

- Resolution of Disapproval introduced in the Senate

- Resolution is referred to Committee of jurisdiction

- After 20 days it can be discharged by written petition of 30 Members and placed on Senate Calendar

- Debate is limited to 10 hours with no amendments, requires simple majority to pass.

- A resolution passed by one body of Congress cannot be referred to Committee in the other body.

1. There is an extended time frame for rules submitted in the final 60 days of a congressional session. These rules can be disapproved within 75 legislative days of when the next session of Congress convenes.

EPA Issues New Pollution Rule for Diesel Trucks, Buses

By Brian Hansen

WASHINGTON, DC, December 21, 2000 (ENS) - In a bold move that drew accolades from environmental groups and objections from the trucking industry, the outgoing Clinton/Gore administration today unveiled a new air pollution control rule. It will force drastic reductions in heavy duty truck and bus emissions over the next decade....

...Carol Browner, administrator of the U.S. Environmental Protection Agency, announced the sweeping new standards at a news conference in Washington. Browner said the new diesel rule could not have been enacted without the leadership of President Bill Clinton and Vice President Al Gore, who she said have "fought tirelessly to make clean air a reality."...

...Others see the new rule quite differently. Senator James Inhofe, a Republican from Oklahoma, has signaled that he and other GOP lawmakers will try to roll back the new diesel rule and other so-called "midnight regulations" that the Clinton administration has enacted in the waning weeks of its final term

"What is most disturbing is that the Clinton/Gore administration will promulgate these regulations at any cost," Inhofe wrote in a recent op-ed piece published in the "Washington Times" newspaper. "This last minute regulatory push serves two purposes: first, it panders to special interest groups for political gain and second, it preempts regulatory decisions which should properly be made by the next administration."

President-elect George W. Bush and Vice President-elect Dick Cheney will be sworn into office on January 20. Sources tell ENS that Christine Todd Whitman, New Jersey's Republican Governor, is the incoming administration's top choice to head up the Environmental Protection Agency.

Bush has not said whether his administration would support Inhofe's efforts to roll back the EPA's newly enacted diesel rule. Browner, asked about the possibility, said, "I certainly hope that they would not delay or undo this. This is much needed. This is about cleaner air for every person in this country."

"These standards are about providing a level of public health protection, and it would be my strong hope that the next administration will share our commitment to clean air for all Americans," Browner added....

THE TENSION BETWEEN ENVIRONMENTAL REGULATION, JOB GROWTH AND THE ECONOMY
– The Clean Air Act –

Andrew Wheeler
Principal
FaegreBD Consulting
June 1, 2012

FAEGREBD Consulting

- Overall impact of EPA Clean Air Rules
- UMACT
- CSAPR
- NSPS
- What's Next

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- Employment losses total 2.15 million job-years by 2020. Counting job gains, net employment losses total 1.65 million job-years.
- Annual employment losses average 239,000 jobs. Counting job gains, net employment losses average 183,000 jobs per year.
- Job losses outweigh job gains by three to one.
- Cumulative GDP loss of $190 billion by 2020.
- The average U.S. family loses $270 per year in disposable income, a total of $1,750 by 2020.

  - Analysis by National Economic Research Associates (NERA), October 2011

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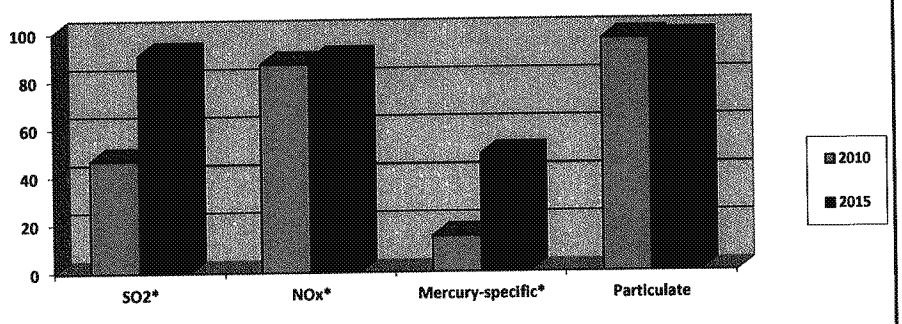
Percentage of Coal Units with Advanced Controls, 2010 and 2015



***The combination of SO_2 scrubbers and selective catalytic reduction controls for NO_x also reduces mercury, eliminating the need for mercury-specific controls at many power plants.**

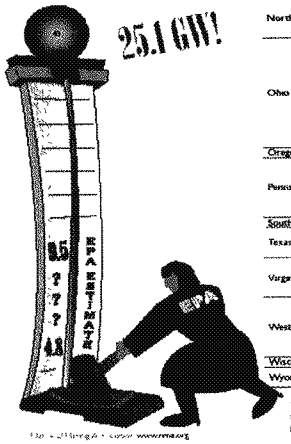
Source: NERA analysis of U.S. EPA, "IPM Analysis of the Final Mercury and Air Toxics Standards (MATS)." http://www.epa.gov/airmarkets/progsregs/epa-ipm/toxics.html/

EPA Misery Index

NMA

Coal Plant Retirements due to EPA Regulations

The Environmental Protection Agency (EPA) has dangerously underestimated the impact of its back-door mandates on affordable coal-based electricity generation. Instead of the 4.8 to 9.5 gigawatts (GW) of electric plant retirements predicted by EPA, 57 power plants with 25.1 GW of generating capacity have already gone on the chopping block due to U-MACT and CSAPR. That means more than 29,000 workers are losing their jobs, millions of consumers will be paying more for their electricity and the reliability of our electricity supply is being compromised.



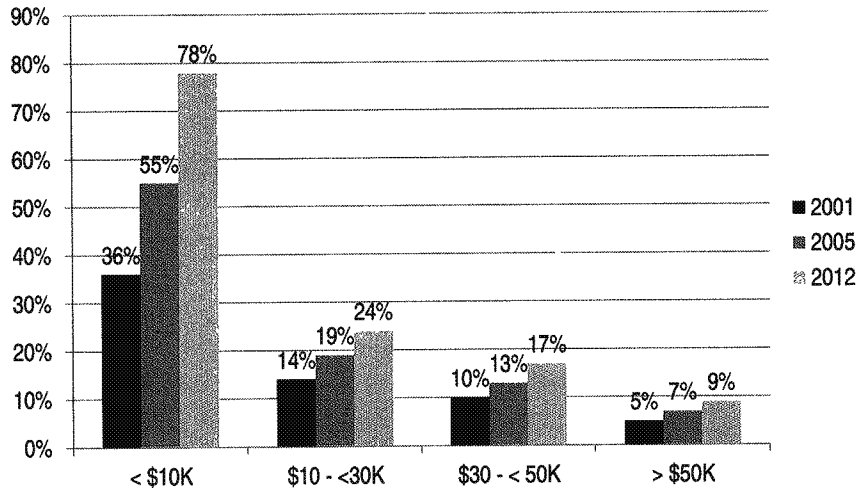
State	District	Plant Name	Owner	Capacity (MW)
Georgia	GA-2	Mitchell	Georgia Power	40
	GA-10	Harlee Branch	Georgia Power	581
Illinois	IL-15	Hutsonville	Ameren	150
	IL-18	Meredosia	Ameren	303
Indiana	IN-1	State Line	Dominion	795
	IN-9	Tanner's Creek	AEP	368
Kentucky	KY-1	Green River	LG&E	189
	KY-3	Cane Run	LG&E	619
	KY-5	Big Sandy	AEP	438
	KY-6	Tyrone	LG&E	135
Maryland	MD-6	R Paul Smith	FirstEnergy	110
Massachusetts	MA-6	Salem Harbor	Dominion	604
Michigan	MI-2	B.C. Cobb	CMS	312
	MI-4	D.E. Karn	CMS	515
	MI-7	J.R. Whiting	CMS	335
Minnesota	MN-5	Black Dog	Xcel	294
Missouri	MO-3	Meramec	Ameren	924
New Mexico	NM-3	Four Corners	Arizona Public Service	633
North Carolina	NC-2	Cape Fear	Progress Energy	761
	NC-3	H.F. Lee	Progress Energy	377
	NC-7	L.V. Sutton	Progress Energy	604
		Weatherspoon	Progress Energy	177
Ohio	OH-1	Miami Fort	Duke	163
	OH-2	W.C. Beckjord	Duke	1,558
	OH-7	Hickory	AEP	100
	OH-9	Bay Shore	FirstEnergy	499
	OH-11	Lake Shore	FirstEnergy	300
	OH-13	Avon Lake	GenOn	732
	OH-14	Ashtabula	FirstEnergy	256
		Eastlake	FirstEnergy	1,287
	OH-17	Niles	GenOn	217
	OH-18	Conesville	AEP	165
		Muskingum River	AEP	915
Oregon	OR-2	Boardman	Portland General	601
Pennsylvania	PA-3	Armstrong	FirstEnergy	356
	PA-4	New Castle	GenOn	330
	PA-5	Shawville	GenOn	597
	PA-6	Titus	GenOn	243
	PA-15	Portland	GenOn	401
	PA-18	Brunner	GenOn	460
South Dakota	At-large	Ben French	Black Hills	25
Texas	TX-4	Monticello	Luminant	1,186
		Welsh	AEP	528
	TX-28	T.H. Deely	CPS Energy	897
Virginia	VA-1	Yorktown	Dominion	376
	VA-4	Chesapeake	Dominion	613
	VA-9	Clinch River	AEP	235
		Glen Lyn	AEP	335
West Virginia	WV-1	Albright	FirstEnergy	278
		Kammer	AEP	712
		Rivesville	FirstEnergy	110
		Willow Island	FirstEnergy	212
	WV-2	Kanawha	AEP	400
		Philip Sporn	AEP	1,108
Wisconsin	WI-3	Alma	Dairyland Power Coop	45
Wyoming	At-large	Neil Simpson	Black Hills	22
		Osage	Black Hills	35
			Total	25,138

25.1 gigawatts is enough electric generating capacity to power 18.8 million homes. All retirements based on publicly available information.

http://www.nma.org www.nma.org

Energy Cost Impacts on American Families, 2001-2012

As Percentage of Annual Household After-Tax Income – Gene Trisko



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- EPA claims "up to $2 Trillion in annual economic benefits by 2020" but..
  - EPA uses "willingness to pay' questionnaires asking people how much they would consider paying for less sick days or less risk has no bearing on the economy or the impact on real jobs.
  - The EPA's macroeconomic analysis actually shows the cumulative impact of their regulations on the GDP to be a range between $110 billion **loss** to just a $5 billion gain by 2020.
  - The same analysis showed that the overall impact to the GDP in 2010 by the previous EPA Clean Air regulations was a loss of $32 billion to $79 billion.

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- The EPA's Utility MACT regulation is supposed to control HAPs but...
  - The monetized benefits of controlling HAPs amount to only 0.0004% of the benefits of the proposal, the rest are from PM which is already controlled by existing regulations.
  - Utility MACT would have a "negligible impact on mercury exposure" because most mercury exposure in our country comes from non-US sources. Mercury emissions have been cut in half over the past 30 years.
  - The other HAPs in the proposal would change the background cancer risk from .33 as it is currently to 0.330001

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Southern Company Services, Inc.
601 Pennsylvania Avenue, NW
Suite 600
Washington D C 20004
Tel 202 261.5000

SOUTHERN COMPANY

Southern Company has not said that compliance with the Utility MACT rule will be achieved by 2016. In fact Southern does not expect to have a compliance plan finalized until later in the summer of 2012. What Southern has said is that while the capital cost for compliance with the Utility MACT rule may be somewhat less than projected from the proposed rule because the final rule may require fewer baghouses, they have NOT said that compliance will be achieved by 2016. Time beyond the 3 year compliance period will still be needed due to the need for new scrubbers, baghouses, new gas pipelines, fuel conversions and transmission projects to comply with the rule's provisions plus address potential reliability problems. Southern remains concerned about the short time frame in the rule.

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- "The United Mine Workers of America and other unions met with EPA officials repeatedly over the course of the rulemaking to share our analysis of the rule's potential impacts and to recommend several improvements to it. **Our study suggested that up to 56,000 megawatts of electric generating capacity at smaller and older plants could be "at risk" of premature closure.** We told EPA that as many as 54,000 direct jobs were at risk in the utility, mining and rail transport sectors, in addition to 200,000 jobs in related industries and communities impacted by plant closures."... Estimates I've seen of **lost tax revenues as a result of already-announced closures are devastating for these communities**, such as more than $2 million in Oregon, Ohio, and $6.5 million in Eastlake, Ohio. That's a lot of new police cars, fire trucks and textbooks that won't be available where they are needed."
  - ***-Cecil E. Roberts, President of the UMW March 13, 2012***

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- This is the most expensive power sector EPA regulation in history and all of the costs will get passed onto us, the consumer – yet Congress has failed to act. And, this is only one of several new costly EPA utility regulations. **Unless this regulation is changed, it will have a severe impact on manufacturing competitiveness and jobs.** Even without this new regulation, electricity costs have been rising at an alarming rate. According to the EIA, U.S. industrial electricity costs have risen 4.5 percent per year since 2000. Despite lower natural gas costs for gas-fired power generation, industrial electricity prices rose in 2011. Even a 1 cent/kWh increase in the cost of electricity imposes additional costs of approximately $9 billion per year on manufacturing facilities…If the Utility MACT rule goes into effect as currently finalized, billions of dollars of investment will be required in upgrades to existing electricity production facilities, new generation facilities and transmission upgrades. **In 2015 alone, EPA estimates that the rule will cost consumers $9.6 billion annually (in 2007 dollars).** Others in the electric power industry have estimated that costs will be much higher."
  - **- Industrial Energy Consumers of America, February 16, 2012**

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- CSAPR's Timeline is unrealistic.
  - Although CATR proposed a January 2014 implementation date, CSAPR only allowed a 5 month implementation window which would result in unnecessary electric generating unit retirements.
- CSAPR is inflexible and attacks states rights.
  - EPA is initially enforcing the new rule through Federal Implementation Plans, which are less flexible than state-specific State Implementation Plans and contrary to the implementation of most Clean Air Act rules.
- The final version of CSAPR was significantly different than the proposed rule.
  - The final rule added Texas to the annual SO_2 and NO_x programs and Iowa, Missouri, and Wisconsin were added to the ozone-season NO_x program. The states did not have an opportunity to comment on these substantial changes.
  - The final version also included much stricter emission reduction requirements. EPA significantly lowered NO_x emission levels in the base case (without CSAPR) from approximately 3 million tons in the proposal to 2.1 million tons in the final. Additionally, the SO_2 reduction mandates in CSAPR are 20 percent by 2012 and 50 percent by 2014, far more strict than the proposal, 5 percent and 20 percent, respectively.
- EPA's air quality modeling was flawed.
  - EPA's air quality modeling did not take into consideration the emission reductions achieved under the CAIR framework established in 2005. From 2005 to 2009, SO_2 emissions fossil-fuel power plants declined 44 percent and NO_x declined by 45 percent.

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States controlled for both fine particles (annual SO_2 and NO_x) and ozone (ozone season NO_x) (21 States)

States controlled for fine particles only (annual SO_2 and NO_x) (2 States)

States controlled for ozone only (ozone season NO_x) (5 States)

States not covered by the Cross-State Air Pollution Rule

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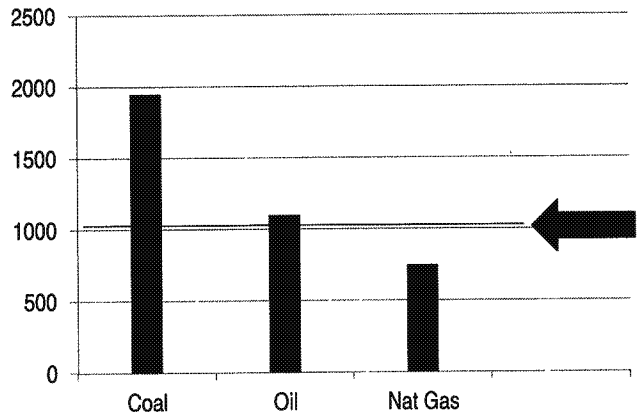

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"He was as lame as a duck. Not the metaphorical lame duck, either, but a real duck that was actually lame, maybe from stepping on a land mine or something."

- From a collection of the best high school similes and metaphors.

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The Waxman-Markey American Clean Energy and Security Act (ACES): Cap-and-Trade

a presentation on the draft bill's cap-and-trade title under discussion by the House Energy and Commerce Committee

Andrew Wheeler and Andy Ehrlich
Energy and Climate Change practice group
B&D Consulting

B&D CONSULTING

Who We Are

- *B&D Consulting*:A national advisory and advocacy firm headquartered in Washington, D.C.
- *Andrew Wheeler*: Former Staff Director and Chief Counsel of the Senate Environment & Public Works Committee
  - Led Senate cap-and-trade debate in 2003, 2005 and 2008

- *Andy Ehrlich*:En ergy & Climate Change practice group leader, former Chief of Staff in the leadership of the House of Representatives
  - Successfully advocated on numerous aspects of last years Lieberman-Warner Climate Security Act

BAD CONSULTING

The Full ACES Bill

- Bundles comprehensive energy reform with climate change legislation
  - Title I: Clean Energy
  - Title II: Energy Efficiency
  - **Title III: Reducing Global Warming Pollution**
  - Title IV: Transitioning to a Clean Energy Economy

The RES is getting almost as much attention as the climate piece.

While Title 3 focuses on climate, there are climate related provisions sprinkled throughout.

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Greenhouse Gases Covered

- The cap covers seven of the primary industrial greenhouse gases plus room to expand:
  - Carbon Dioxide
  - Methane
  - Nitrous Oxide
  - Sulfur Hexafluoride
  - Hydrofluorocarbons
  - Perfluorocarbons
  - **Nitrogen trifluoride**
  - Any other anthropogenic gas designated as a GHG by the Administrator

used in plasma etching of silicon wafers

Used predominantly in the high volume production of liquid crystal displays and silicon-based thin film solar cells.

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Coverage of the Cap

- The draft's covered entities are responsible for 85% of U.S. global warming emissions.
  - Entities that emit less than 25,000 tons per year of CO_2 equivalent are not covered by this program.
  - Entities emitting over 10,000 tons of CO_2 equivalent must report to a GHG registry

[redacted]

•Inslee is working with Mike Doyle to include more provision to prevent job leakage by giving free permits to domestic energy-intensive manufacturers

for 10K to 25K EPA is to develop performance standards which may include registering

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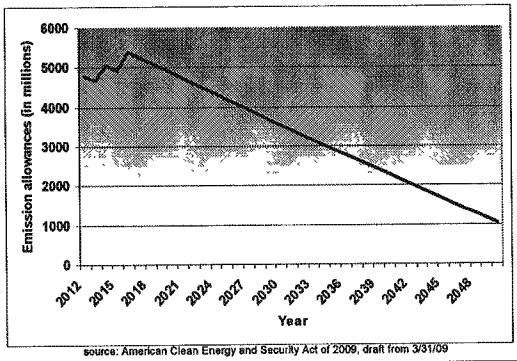
Declining Cap

- The 2012 cap is set at 4% below the 2005 emissions level.
- The 2020 cap is 20% below the 2005 emissions level.
- The 2030 cap is 45% below the 2005 emissions level.
- The 2050 cap is 83% below the 2005 emissions level

[redacted]



source: American Clean Energy and Security Act of 2009, draft from 3/31/09

This is more stringent than LW
It follows Obama Branch
of 83% by 2050
but not mid term goal
2020 is 14% below 2005

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How the Cap Works

- Each year's cap is expressed as a total number of greenhouse gas emissions allowances.
- Each emission allowance authorizes the emission of one metric ton of CO_2-equivalent in one year.

Greenhouse gas (1 metric ton)	Carbon dioxide equivalent (metric tons)
Carbon dioxide	1
Methane	25
Nitrous oxide	298
HFC-23	14,800
HFC-125	3,500
HFC-134a	1,430
HFC-143a	4,470
HFC-152a	124
HFC-227ea	3,220
HFC-236fa	9,810
HFC-4310mee	1,640
CF4	7,390
C2F6	12,200
C4F10	8,860
C6F14	9,300
SF6	22,800
NF3	17,200

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How the Cap Works (cont'd)

- Each covered electric power and industrial entity must hand over to EPA a number of allowances equal to the number of metric tons of CO_2-equivalent that the entity emitted.
- Each importer or refiner of transportation fuels must hand over to the EPA a number of allowances equal to the number of metric tons of CO_2-equivalent contained in the fuels that it put into commerce.
- [redacted]

date can be changed

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Who Does What?

Offsets Integrity Advisory Board
- Independent
- Advises EPA for eligible offset project types, qualifications and regular review

The President
Submits recommendations for change of program

National Academy of Sciences
Reports every four years on science, technology, and progress

EPA
- Establish a GHG registry
- Validate reporting
- Conduct auctions
- Banking and borrowing
- Run strategic reserve
- Enforcement

FERC
Regulates the allowance and offsets markets

[redacted]

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Allocations in 2012

- The draft bill leaves this section blank.

Draft proposal is expected to be released April 24.

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Auction Revenues: Where Do They Go?

- The draft bill leaves this section blank.

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Cost Containment

- The draft has a number of cost containment measures:
  - Trading
  - Offsets
  - Banking
  - Borrowing
  - Strategic Reserve
  - Carbon Market Assurance and Oversight

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Cost Containment: Trading

- Because cap-and-trade allows allowances to be bought and sold freely or saved for use in the future years, a market for allowances will develop and will create a uniform price.
- Covered entities with emission allowances may exchange, transfer or hold these allowances or ask the Administrator to retire the allowance.
  - The Administrator will establish a tracking system and all transactions must be reported.
  - Covered entities that cannot reduce their own emissions without incurring a cost (per-unit of GHG reduction) higher than the market price of an allowance will purchase allowances on the secondary market in lieu of reducing their own emissions.

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Cost Containment: Offsets

- The draft allows covered entities to increase their emissions above their allowances if they can obtain "offsetting" reductions at lower cost from other sources.
- The total quantity of offsets allowed in any year cannot exceed 2 billion tons, split evenly between domestic and international offsets.
  - This amount reduces as the years progress.
- Covered entities using offsets must submit five tons of offset credits for every four tons of emissions being offset.
- All offsets must go through a certification process.
  - Effective agreements are required with other countries to assure international offset quality.
- Offsets projects go back to 2001.

[redacted]

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Cost Containment: Banking

- A covered entity may use an emission allowance to meet the compliance obligation requirements for the vintage year of the allowance, or in any subsequent calendar year.
  - Allows unlimited banking.

[redacted]

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Cost Containment: Borrowing

- Two types of borrowing:
  - Borrowing without interest 1 year in advance
  - Borrowing with interest between 1 to 5 years in advance
    - Interest is calculated using the formula of 0.08 times the number of years between the calendar year in which the allowance is being used to satisfy a compliance obligation and the vintage year of the allowance.
- Borrowing is limited to 15% of compliance obligation.

[redacted]

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Cost Containment: Strategic Reserve

- Once each quarter, the Administrator shall auction off allowances from the Strategic Reserve to covered entities.
  - The Administrator sets the minimum strategic reserve auction price.
- Filling the reserve is done by saving:
  - 1% from 2012-2019
  - 2% from 2020-2029
  - 3% from 2030-2050
  - Unsold allowances
- Proceeds are used to purchase additional allowances to replenish the reserve supply.
- Compliance obligations may only constitute 10% from the Strategic Reserve.

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Cost Containment: Carbon Market Assurance and Oversight

- The Federal Energy Regulatory Commission (FERC) regulates the cash market in emission allowances and offsets.
- The President delegates regulatory responsibility for the derivatives market to an appropriate agency (or agencies), based on the advice of an interagency working group.
- Any entity cannot control more than 10% of the allowance market.
- The President may recommend lowering the threshold for covered entities, but not lower than 10,000 metric tons.
- The President may recommend increasing the number of allowable offsets.
- Creates an Offsets Integrity Advisory Board and an offsets registry.

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Additional GHG Standards

- Allows the EPA Administrator to set standards of emissions for stationary sources that have uncapped GHG emissions greater than 10,000 tons of CO_2 equivalent and were responsible for emitting 20% of uncapped GHGs.
- HFCs are in a separate auction.
- EPA may use the CAA to regulate black carbon.

[redacted]

HFC language follows closely to the LW and its various problems.

– Bipart leg intro this week to identify sources + emissions reductions for Black Carbon

Carper, Inhofe, Boxer, Merry

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Clean Air Act Preemption

- §831 – Criteria Pollutants
  - Provides that GHGs may not be listed as criteria air pollutants on the basis of their effects on climate change.
- §832 – Hazardous Air Pollutants
  - Provides that GHGs may not be listed as hazardous air pollutants on the basis of their effects on climate change.
- §833 – New Source Review
  - Provides that New Source Review does not apply to GHG emissions.
- §834 – Title V Permits
  - Provides that GHGs won't be considered when determining whether a stationary source is required to operate pursuant to a permit under Title V of the Clean Air Act.

Other Provisions

- *Supplemental Emissions Reductions.* Emissions are reduced further through international agreements to slow tropical deforestation (which accounts for a fifth of global carbon emissions), funded by auctioning a fraction of the emissions allowances. Criteria are included to set declining rates of deforestation as the baseline for supplemental emission reductions.
  - By 2020, the goal is to achieve supplemental annual emission reductions equal to 10 percent of U.S. 2005 emission levels.
- *Scientific Review.* The National Academy of Sciences is tasked to review the targets periodically in light of the best available science, and the President is to recommend program changes to Congress.

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More Important Provisions

- §334 and 335 – State Authority
  - The draft bill strenuously protects state authority to establish GHG control programs that are more stringent than Federal requirements.
    - Except from 2012 through 2017, states do not have authority to preempt a Federal cap-and-trade program.
- §116 – New Source Performance Standards for new coal plants
  - New coal plants are capped at 1,110 lbs of CO_2 per MWh after 2015 and 800 lbs after 2020. EPA may impose stricter standards not later than 2025.
- §336 – Citizen Suit Provision
  - The draft allows any person who "perceives some risk" from "any incremental increase in a greenhouse gas emission" to sue to stop the offending project under the Clean Air Act.

Key Court Signals High Standing Bar For Activists' Climate Suits

Wednesday, April 22, 2009

http://www.insideepa.com/secure/docnum.asp?docnum=4222009_standing&f=epa_2001.ask

The U.S. Court of Appeals for the District of Columbia Circuit -- the appellate court that hears most regulatory challenges -- appears to have set a high bar for environmentalists and other citizens to sue the government over actions that worsen global warming, hindering their efforts to bring climate suits under a host of environmental laws. In its April 17 ruling in *Center For Biological Diversity [CBD] v. U.S. Department of Interior [DOI]*, the court ruled that the Supreme Court's landmark decision in *Massachusetts v. EPA* did not grant citizens standing to sue on the merits of their climate claims. The appellate court only granted plaintiffs standing to sue on climate matters when the government has violated a procedural requirement.

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Policy vs. Politics

- Legislative Prospects
  - Differing dynamics of House and Senate
  - Influential groups and caucuses
  - Bipartisanship and areas for compromise
- Legislation Timing
  - House timetable vs. Senate timetable
  - Obama Administration
  - Copenhagen
- EPA's Endangerment Finding
  - Administrator Jackson is at the G8 Environment meeting

Democratic lawmakers have touted an EPA analysis released Tuesday that expects carbon permits to be sold for between $13 and $17 per ton of carbon dioxide emitted. It does not, however, detail whether business would have to buy all or some of the allowances. "How were you able to do that analysis while the bill has no allocation-cost scheme in it?" Texas Rep. Joe L. Barton, ranking Republican of the House Energy and Commerce Committee, asked Mrs. Jackson.

"We had to make assumptions," Mrs. Jackson said. Mrs. Jackson did not say whether the analysis included a determination of how many allowances would be sold, only saying that analysts assumed 40 percent of auction proceeds would be returned to consumers.

When she was pressed later by Rep. Steve Scalise, Louisiana Republican, she repeated the president's preference for selling all of the carbon permits. Mr. Obama spent Earth Day in Iowa touting a wind turbine manufacturing plant and the green jobs he hopes to create through investments in renewable energy projects, but said that a cap on carbon emissions is necessary to push the nation away from fossil fuels.

Barton Eyes Air Act 'Performance Standard' As Cap-And-Trade Alternative

Wednesday, April 22, 2009

http://www.insideepa.com/secure/docnum.asp?docnum=4222009_barton

House Energy & Commerce Committee Republicans are drafting alternative legislation to Democrats' cap-and-trade plan that would impose a Clean Air Act "performance standard" on climate change pollutants that at least initially would be focused on new power plants, according to ranking member Rep. Joe Barton (R-TX). Speaking to reporters April 22, Barton said that while he does not believe carbon dioxide is a pollutant "there are others that do [and] we are looking at a regulatory standard based on performance." Barton's comments come as the committee was holding three days of hearings on a cap-and-trade bill in advance of an energy and environment subcommittee mark-up possibly next week.

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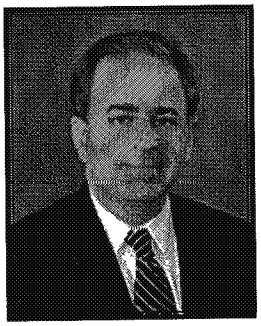
Questions?



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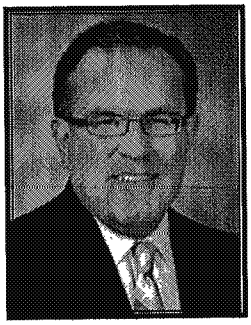

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Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/17/2017 11:29:26 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Final Wheeler Q & A
Attachments: FINAL ALL QFR's Wheeler 11.17.2017.docx

Importance: High

Deliberative Process / Ex. 5

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Senate Committee on Environment and Public Works
Hearing entitled *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."*
November 8, 2017
Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, ***including each sub-part.***

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
   a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

Deliberative Process / Ex. 5

   b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?

Deliberative Process / Ex. 5

   c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?

Deliberative Process / Ex. 5

   d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.
   a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?

      Deliberative Process / Ex. 5

   b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

Deliberative Process / Ex. 5

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

Deliberative Process / Ex. 5

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
    a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

    b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

4. Your ethics agreement states that you "for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving

[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators
[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

Deliberative Process / Ex. 5

b. 5 C.F.R 2635.502(a) states that:

> "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

Do you agree that you or your firm's representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

Deliberative Process / Ex. 5

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you

intend to seek such waivers to meet with and explain will why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

Deliberative Process / Ex. 5

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

Deliberative Process / Ex. 5

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

Deliberative Process / Ex. 5

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Deliberative Process / Ex. 5

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

Deliberative Process / Ex. 5

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?

Deliberative Process / Ex. 5

10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of

[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView
[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean

greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9] Do you agree with these statements? Why or why not?

Deliberative Process / Ex. 5

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

Deliberative Process / Ex. 5

12. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[10] Do you agree with this statement? Why or why not?

Deliberative Process / Ex. 5

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[11]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

Deliberative Process / Ex. 5

    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf
[10] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257CBB004F0795/%24file/12-1100-1488346.pdf
[11] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

Deliberative Process / Ex. 5

c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

Deliberative Process / Ex. 5

14. The US Supreme Court has expressly declined to consider whether EPA should have chosen some other mechanism "under section 112" in regulating power plant mercury and all the other HAPs emitted by the industry. What is your position on that precedent?

Deliberative Process / Ex. 5

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?

Deliberative Process / Ex. 5

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

Deliberative Process / Ex. 5

    b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per

kilowatt-hour for electricity than in 2007."[12] This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?

Deliberative Process / Ex. 5

c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?

Deliberative Process / Ex. 5

d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

Deliberative Process / Ex. 5

17. Section 109 of the Clean Air Act is very clear. It requires EPA to review the NAAQS for six common air pollutants including ground-level ozone, particulate matter, sulfur dioxide, nitrogen dioxide every 5 years. The Clean Air Act requires EPA to set these standards that "are requisite to protect the public health," with "an adequate margin of safety," and secondary standard necessary to protect public welfare. Please respond to each sub-part below:
    a. If confirmed, will you continue to hold to the five-year National Ambient Air Quality Standards review time period that the Clean Air Act requires of the EPA?

Deliberative Process / Ex. 5

    b. Do you agree with Justice Scalia's opinion in Whitman v. American Trucking Associations that it is "fairly clear that [the Clean Air Act] does not permit the EPA to consider costs in setting the standards"? If you do not agree, why not?

[12] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf

Deliberative Process / Ex. 5

c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"[13] is accurate? If not, why not?

Deliberative Process / Ex. 5

d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015[14], as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?

Deliberative Process / Ex. 5

e. Do you agree that the November 6, 2017 announcement by the Trump Administration stated that "EPA is not extending the time provided under section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations"?

Deliberative Process / Ex. 5

f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

Deliberative Process / Ex. 5

g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

Deliberative Process / Ex. 5

18. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

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[13] https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf
[14] https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting

Deliberative Process / Ex. 5

19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[15] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[16]
    a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

Deliberative Process / Ex. 5

    b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

Deliberative Process / Ex. 5

    c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[17] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

Deliberative Process / Ex. 5

[15] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord
[16] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html
[17] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Deliberative Process / Ex. 5

21. An article[18] about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

Deliberative Process / Ex. 5

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee: **Attached are the available presentations as noted.**

    a. How to Conduct Congressional Oversight (2017) **[a copy of handouts used]**
    b. Preparing for the New Administration (2017) **[no materials available]**
    c. The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016) **[no materials available, agenda attached]**
    d. Preparing for the Change in Administration (2016) **[a copy of handouts used]**
    e. Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012) **[copy of Powerpoint attached]**
    f. The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009) **[copy of Powerpoint attached]**

23. Earlier this year, the fiscal year 2018 budget proposal[19] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

Deliberative Process / Ex. 5

[18] https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan
[19] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

Deliberative Process / Ex. 5

25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

Deliberative Process / Ex. 5

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

Deliberative Process / Ex. 5

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (i.e., not draft, as was inaccurately asserted at the hearing) report[20] that concluded that, quote, "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, "Changes in the characteristics of extreme events are particularly important for human safety."

    a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding,

[20] https://science2017.globalchange.gov/

hurricanes and wildfires? If not, please fully document the basis for such rejection.

Deliberative Process / Ex. 5

b. Do you agree with the report's conclusion that "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?" If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

28. The CO2 Coalition[21] is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2 in the atmosphere[22]. Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

Deliberative Process / Ex. 5

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

Deliberative Process / Ex. 5

[21] http://co2coalition.org/
[22] https://youtu.be/5Oapr4fopuI

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Deliberative Process / Ex. 5

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Deliberative Process / Ex. 5

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Deliberative Process / Ex. 5

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe

this reflects fair and balanced input from public health and environmental advocacy organizations?

Deliberative Process / Ex. 5

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: (found here: https://science2017.globalchange.gov/downloads/), scientists from EPA and 12 other agencies find that "Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960." (Figure ES.1)
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

35. In the hearing you said, "I believe that man has an impact on the planet. What's not completely understood is what the impact is." Yet the Fourth National Climate Assessment finds that "human activities are the primary driver of recent global temperature rise" (Figure ES. 2).
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency's science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
    a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?

Deliberative Process / Ex. 5

c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?

Deliberative Process / Ex. 5

37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy's cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

Deliberative Process / Ex. 5

39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

Deliberative Process / Ex. 5

41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.

    a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?

Deliberative Process / Ex. 5

    b. Congress has already appropriated $51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

Deliberative Process / Ex. 5

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?

Deliberative Process / Ex. 5

43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?

Deliberative Process / Ex. 5

44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Deliberative Process / Ex. 5

Energy Future

45. In your view, what is the role of renewable energy in our energy future?

Deliberative Process / Ex. 5

46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Deliberative Process / Ex. 5

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

Deliberative Process / Ex. 5

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

Deliberative Process / Ex. 5

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

    a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?

Deliberative Process / Ex. 5

    b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?

Deliberative Process / Ex. 5

    c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

Deliberative Process / Ex. 5

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

Deliberative Process / Ex. 5

b. Were you aware of this behavior? If you were aware, what did you to do ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?

Deliberative Process / Ex. 5

52. You criticized the Paris Climate Agreement, calling it a "sweetheart deal" for China that gave the United States' competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.

    a. If both countries remain on their current paths, China will soon replace us as the world's technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?

    Deliberative Process / Ex. 5

    b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China's leadership in these fields represents a threat to our economy and national security?

    Deliberative Process / Ex. 5

    c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least $131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

    Deliberative Process / Ex. 5

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Deliberative Process / Ex. 5

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Deliberative Process / Ex. 5

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

Deliberative Process / Ex. 5

56. Do you support EPA Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

57. According to the EPA, the Clean Power Plan will lead to climate and health benefits "worth an estimated $55 billion to $93 billion in 2030, including avoiding 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in children."

    a. Do you agree with the EPA's findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA's estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA's findings, on which data or scientific studies do you base your opinion?

Deliberative Process / Ex. 5

    b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

58. Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States. The EPA conducted a study of the drinking water impacts and released a final report in December 2016. The Agency found "hydraulic fracturing activities can impact drinking water resources under some circumstances."
    a. Do you concur with the conclusions of the EPA's final report on fracking and drinking water?

Deliberative Process / Ex. 5

    b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?

Deliberative Process / Ex. 5

    c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking's possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

Deliberative Process / Ex. 5

59. Data shows that mercury pollution in the North Atlantic and mercury concentrations in our fisheries have fallen dramatically since the United States started requiring stronger emission controls from coal power plants.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

Deliberative Process / Ex. 5

60. Changes in weather patterns, such as heavier precipitation events that increase run-off and flooding, are affecting lakes, rivers, and reservoirs nationwide. Water quality, quantity, and the integrity of our water infrastructure are at risk. Recent studies in the Northeast have found that degraded water quality on lakes can cost lakeside communities millions of dollars in losses from both tourism and taxable income due to reduced property values. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Deliberative Process / Ex. 5

Environmental Justice

61. How do you define "environmental justice"?

Deliberative Process / Ex. 5

62. Do you think environmental justice is a serious issue that the EPA should address?

Deliberative Process / Ex. 5

63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?

Deliberative Process / Ex. 5

64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack. As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

Deliberative Process / Ex. 5

65. Describe how you will, if confirmed, ensure that EPA's Environmental Justice 2020 plan is fully implemented.

Deliberative Process / Ex. 5

66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA's jurisdiction?

Deliberative Process / Ex. 5

67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

Deliberative Process / Ex. 5

68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Deliberative Process / Ex. 5

Vermont

69. Lake Champlain is one of Vermont's most treasured environmental features. Tourism and property values are tied to the health of the lake—keeping its waters swimmable, fishable and drinkable is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
    a. If confirmed, do you commit to continuing the Agency's support for the clean-up of Lake Champlain through this new TMDL and federal funding?

Deliberative Process / Ex. 5

    b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Deliberative Process / Ex. 5

<u>Senator Sullivan:</u>

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended permitting application reviews and environmental challenges to issued permits. EPA

must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?

Deliberative Process / Ex. 5

b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?

Deliberative Process / Ex. 5

c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

Deliberative Process / Ex. 5

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.

a. Do you recognized that these issues are fundamental problem for the Alaska Native community?

Deliberative Process / Ex. 5

b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Deliberative Process / Ex. 5

Senator Whitehouse:

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.
    a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?

Deliberative Process / Ex. 5

    b. You've worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you've worked, cases on which you've worked, and regulatory work you've done?

Deliberative Process / Ex. 5

    c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?

Deliberative Process / Ex. 5

73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grip reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.

a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?

Deliberative Process / Ex. 5

b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?

Deliberative Process / Ex. 5

c. In your opinion, how would Perry's proposal, if approved by FERC, benefit Murray's coal mining assets?

Deliberative Process / Ex. 5

74. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see." Do you agree with his statement?

Deliberative Process / Ex. 5

75. Have you reviewed EPA's endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?

Deliberative Process / Ex. 5

76. Do you agree with each of the following statements included in the U.S. Global Change Research Program's recent Climate Science Special Report?
    a. "Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years." (page 10)
    b. "The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally." (page 11)
    c. "There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible." (page 11)

d. "The world's oceans are currently absorbing more than a quarter of the CO_2 emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems." (page 28)
e. "The rate of acidification is unparalleled in at least the past 66 million years." (page 28)
f. "This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence." (page 10)
g. "Human activities are now the dominant cause of the observed trends in climate." (page 36)
h. "[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors." (page 37)

Deliberative Process / Ex. 5

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/14/2017 12:18:16 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: RE: QFR's
Attachments: ALL QFR's Wheeler 11.08.2017-Answers.docx

Done. What else do you need? Deliberative Process / Ex. 5 Ex. 6

Andrew R. Wheeler
Principal
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, November 13, 2017 3:20 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Shimmin, Kaitlyn; Frye, Tony (Robert)
Subject: QFR's

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 I have put the QFR process timeline below and please let us know if you have any questions.

- Deliberative Process / Ex. 5

We will be developing draft answers on some of the more specific office questions with program staff as well to combine or supplement your draft answers, if there are questions you are not sure of specifically please flag for us.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944

C: **Ex. 6**
E: *Palich.Christian@epa.gov*

Senate Committee on Environment and Public Works
Hearing entitled *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."*
November 8, 2017
Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, ***including each sub-part.***

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
   a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

      Deliberative Process / Ex. 5

   b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?

      Deliberative Process / Ex. 5

   c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?

      Deliberative Process / Ex. 5

   d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

      Deliberative Process / Ex. 5

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.
   a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?

      Deliberative Process / Ex. 5

   b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

      Deliberative Process / Ex. 5

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.

a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

4. Your ethics agreement states that you "for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

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[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html

[3] http://www.charlotteobserver.com/news/article173612361.html

[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators

[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

Deliberative Process / Ex. 5

b. 5 C.F.R 2635.502(a) states that:

> "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

Do you agree that you or your firm's representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

Deliberative Process / Ex. 5

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you intend to seek such waivers to meet with and explain will why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

Deliberative Process / Ex. 5

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

Deliberative Process / Ex. 5

b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

Deliberative Process / Ex. 5

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Deliberative Process / Ex. 5

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

Deliberative Process / Ex. 5

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?

Deliberative Process / Ex. 5

10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9] Do you agree with these statements? Why or why not?

Deliberative Process / Ex. 5

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General

[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView
[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean
[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf

Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

Deliberative Process / Ex. 5

12. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[10] Do you agree with this statement? Why or why not?

Deliberative Process / Ex. 5

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[11]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

Deliberative Process / Ex. 5

    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

Deliberative Process / Ex. 5

    c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

Deliberative Process / Ex. 5

14. The US Supreme Court has expressly declined to consider whether EPA should have

[10] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257CBB004F0795/%24file/12-1100-1488346.pdf
[11] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

chosen some other mechanism "under section 112" in regulating power plant mercury and all the other HAPs emitted by the industry. What is your position on that precedent?

Deliberative Process / Ex. 5

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?

Deliberative Process / Ex. 5

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

    Deliberative Process / Ex. 5

    b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per kilowatt-hour for electricity than in 2007."[12] This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?

    Deliberative Process / Ex. 5

    c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?

Deliberative Process / Ex. 5

[12] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf

d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

Deliberative Process / Ex. 5

17. Section 109 of the Clean Air Act is very clear. It requires EPA to review the NAAQS for six common air pollutants including ground-level ozone, particulate matter, sulfur dioxide, nitrogen dioxide every 5 years. The Clean Air Act requires EPA to set these standards that "are requisite to protect the public health," with "an adequate margin of safety," and secondary standard necessary to protect public welfare. Please respond to each sub-part below:

a. If confirmed, will you continue to hold to the five-year National Ambient Air Quality Standards review time period that the Clean Air Act requires of the EPA?

Deliberative Process / Ex. 5

b. Do you agree with Justice Scalia's opinion in Whitman v. American Trucking Associations that it is "fairly clear that [the Clean Air Act] does not permit the EPA to consider costs in setting the standards"? If you do not agree, why not?

Deliberative Process / Ex. 5

c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"[13] is accurate? If not, why not?

Deliberative Process / Ex. 5

d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015[14], as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?

Deliberative Process / Ex. 5

e. Do you agree that the November 6, 2017 announcement by the Trump Administration stated that "EPA is not extending the time provided under

[13] https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf
[14] https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting

section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations"?

Deliberative Process / Ex. 5

f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

Deliberative Process / Ex. 5

g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

Deliberative Process / Ex. 5

18. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

Deliberative Process / Ex. 5

19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[15] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[16]

a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

Deliberative Process / Ex. 5

b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

[15] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord
[16] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html

Deliberative Process / Ex. 5

c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[17] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

Deliberative Process / Ex. 5

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Deliberative Process / Ex. 5

21. An article[18] about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

Deliberative Process / Ex. 5

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

[17] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

[18] https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan

23. Earlier this year, the fiscal year 2018 budget proposal[19] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

Deliberative Process / Ex. 5

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

Deliberative Process / Ex. 5

25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

Deliberative Process / Ex. 5

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

Deliberative Process / Ex. 5

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (ie, not draft, as was inaccurately asserted at the hearing) report[20] that concluded that, quote, "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, "Changes in the characteristics of extreme events are particularly important for human safety."

[19] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119
[20] https://science2017.globalchange.gov/

a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding, hurricanes and wildfires? If not, please fully document the basis for such rejection.

Deliberative Process / Ex. 5

b. Do you agree with the report's conclusion that "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?" If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

28. The CO2 Coalition[21] is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2 in the atmosphere[22]. Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

Deliberative Process / Ex. 5

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

Deliberative Process / Ex. 5

[21] http://co2coalition.org/
[22] https://youtu.be/5Oapr4fopuI

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Deliberative Process / Ex. 5

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Deliberative Process / Ex. 5

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Deliberative Process / Ex. 5

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe this reflects fair and balanced input from public health and environmental advocacy organizations?

Deliberative Process / Ex. 5

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: (found here: https://science2017.globalchange.gov/downloads/), scientists from EPA and 12 other agencies find that "Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960." (Figure ES.1)
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

35. In the hearing you said, "I believe that man has an impact on the planet. What's not completely understood is what the impact is." Yet the Fourth National Climate Assessment finds that "human activities are the primary driver of recent global temperature rise" (Figure ES. 2).
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency's science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
    a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?

Deliberative Process / Ex. 5

b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?

Deliberative Process / Ex. 5

c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?

Deliberative Process / Ex. 5

37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy's cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

Deliberative Process / Ex. 5

39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

Deliberative Process / Ex. 5

41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.

    a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?

Deliberative Process / Ex. 5

    b. Congress has already appropriated $51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

Deliberative Process / Ex. 5

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?

Deliberative Process / Ex. 5

43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?

Deliberative Process / Ex. 5

44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Deliberative Process / Ex. 5

Energy Future

45. In your view, what is the role of renewable energy in our energy future?

Deliberative Process / Ex. 5

46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Deliberative Process / Ex. 5

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

Deliberative Process / Ex. 5

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

Deliberative Process / Ex. 5

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?

Deliberative Process / Ex. 5

b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?

Deliberative Process / Ex. 5

c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

Deliberative Process / Ex. 5

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

Deliberative Process / Ex. 5

b. Were you aware of this behavior? If you were aware, what did you to do ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?

Deliberative Process / Ex. 5

52. You criticized the Paris Climate Agreement, calling it a "sweetheart deal" for China that gave the United States' competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.

a. If both countries remain on their current paths, China will soon replace us as the world's technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?

Deliberative Process / Ex. 5

b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China's leadership in these fields represents a threat to our economy and national security?

Deliberative Process / Ex. 5

c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least $131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

Deliberative Process / Ex. 5

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Deliberative Process / Ex. 5

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Deliberative Process / Ex. 5

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

Deliberative Process / Ex. 5

56. Do you support EPA Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

57. According to the EPA, the Clean Power Plan will lead to climate and health benefits "worth an estimated $55 billion to $93 billion in 2030, including avoiding 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in children."

a. Do you agree with the EPA's findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA's estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA's findings, on which data or scientific studies do you base your opinion?

Deliberative Process / Ex. 5

b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

58. Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States. The EPA conducted a study of the drinking water impacts and released a final report in December 2016. The Agency found "hydraulic fracturing activities can impact drinking water resources under some circumstances."
    a. Do you concur with the conclusions of the EPA's final report on fracking and drinking water?

Deliberative Process / Ex. 5

b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?

Deliberative Process / Ex. 5

c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking's possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

Deliberative Process / Ex. 5

59. Data shows that mercury pollution in the North Atlantic and mercury concentrations in our fisheries have fallen dramatically since the United States started requiring stronger emission controls from coal power plants.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

Deliberative Process / Ex. 5

60. Changes in weather patterns, such as heavier precipitation events that increase run-off and flooding, are affecting lakes, rivers, and reservoirs nationwide. Water quality, quantity, and the integrity of our water infrastructure are at risk. Recent studies in the Northeast have found that degraded water quality on lakes can cost lakeside communities millions of dollars in losses from both tourism and taxable income due to reduced property values. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Deliberative Process / Ex. 5

Environmental Justice

61. How do you define "environmental justice"?

Deliberative Process / Ex. 5

62. Do you think environmental justice is a serious issue that the EPA should address?

Deliberative Process / Ex. 5

63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?

Deliberative Process / Ex. 5

64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack. As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

Deliberative Process / Ex. 5

65. Describe how you will, if confirmed, ensure that EPA's Environmental Justice 2020 plan is fully implemented.

Deliberative Process / Ex. 5

66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA's jurisdiction?

Deliberative Process / Ex. 5

67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

Deliberative Process / Ex. 5

68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Deliberative Process / Ex. 5

Vermont

69. Lake Champlain is one of Vermont's most treasured environmental features. Tourism and property values are tied to the health of the lake—keeping its waters swimmable, fishable and drinkable is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
    a. If confirmed, do you commit to continuing the Agency's support for the clean-up of Lake Champlain through this new TMDL and federal funding?

Deliberative Process / Ex. 5

    b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Deliberative Process / Ex. 5

<u>Senator Sullivan:</u>

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended

permitting application reviews and environmental challenges to issued permits. EPA must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?

Deliberative Process / Ex. 5

b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?

Deliberative Process / Ex. 5

c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

Deliberative Process / Ex. 5

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.

a. Do you recognized that these issues are fundamental problem for the Alaska Native community?

Deliberative Process / Ex. 5

b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Deliberative Process / Ex. 5

<u>Senator Whitehouse:</u>

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.

    a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?

    Deliberative Process / Ex. 5

    b. You've worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you've worked, cases on which you've worked, and regulatory work you've done?

    Deliberative Process / Ex. 5

    o
    g

    c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?

    Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grip reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.
    a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?

Deliberative Process / Ex. 5

    b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?

Deliberative Process / Ex. 5

    c. In your opinion, how would Perry's proposal, if approved by FERC, benefit Murray's coal mining assets?

Deliberative Process / Ex. 5

74. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see." Do you agree with his statement?

Deliberative Process / Ex. 5

75. Have you reviewed EPA's endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?

Deliberative Process / Ex. 5

76. Do you agree with each of the following statements included in the U.S. Global Change Research Program's recent Climate Science Special Report?
    a. "Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years." (page 10)

b. "The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally." (page 11)
c. "There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible." (page 11)
d. "The world's oceans are currently absorbing more than a quarter of the CO_2 emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems." (page 28)
e. "The rate of acidification is unparalleled in at least the past 66 million years." (page 28)
f. "This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence." (page 10)
g. "Human activities are now the dominant cause of the observed trends in climate." (page 36)
h. "[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors." (page 37)

Deliberative Process / Ex. 5

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/13/2017 8:20:13 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Troy Lyons (lyons.troy@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: QFR's
Attachments: ALL QFR's Wheeler 11.08.2017.docx; Wheeler QFR Formal Letter 11.08.17.pdf; 2017.11.09 - Proposed Responses to Anticipated Questions for the Record ....docx

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and a Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 I have put the QFR process timeline below and please let us know if you have any questions.

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
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Senate Committee on Environment and Public Works
Hearing entitled *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."*
November 8, 2017
Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, ***including each sub-part.***

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
    a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?
    b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?
    c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?
    d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.

a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?
b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
   a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to

[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators

attain the national ambient air quality standards for carbon monoxide? Why or why not?

b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

4. Your ethics agreement states that you "for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

   a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

   b. 5 C.F.R 2635.502(a) states that:

      > "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

      Do you agree that you or your firm's representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you intend to seek such waivers to meet with and explain will why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?
b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?

10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9] Do you agree with these statements? Why or why not?

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

12. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[10] Do you agree with this statement? Why or why not?

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[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView
[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean
[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf
[10] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257C88004F0795/%24file/12-1100-1488346.pdf

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[11]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.
    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?
    c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

14. The US Supreme Court has expressly declined to consider whether EPA should have chosen some other mechanism "under section 112" in regulating power plant mercury and all the other HAPs emitted by the industry. What is your position on that precedent?

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

[11] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per kilowatt-hour for electricity than in 2007."[12] This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?
c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?
d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

17. Section 109 of the Clean Air Act is very clear. It requires EPA to review the NAAQS for six common air pollutants including ground-level ozone, particulate matter, sulfur dioxide, nitrogen dioxide every 5 years. The Clean Air Act requires EPA to set these standards that "are requisite to protect the public health," with "an adequate margin of safety," and secondary standard necessary to protect public welfare. Please respond to each sub-part below:
    a. If confirmed, will you continue to hold to the five-year National Ambient Air Quality Standards review time period that the Clean Air Act requires of the EPA?
    b. Do you agree with Justice Scalia's opinion in Whitman v. American Trucking Associations that it is "fairly clear that [the Clean Air Act] does not permit the EPA to consider costs in setting the standards"? If you do not agree, why not?
    c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"[13] is accurate? If not, why not?
    d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015[14], as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?
    e. Do you agree that the November 6, 2017 announcement by the Trump

[12] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf
[13] https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf
[14] https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting

Administration stated that "EPA is not extending the time provided under section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations"?

f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

18. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[15] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[16]

a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[17] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

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[15] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord

[16] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html

[17] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

21. An article[18] about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee:

    a. How to Conduct Congressional Oversight (2017)
    b. Preparing for the New Administration (2017)
    c. The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016)
    d. Preparing for the Change in Administration (2016)
    e. Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012)
    f. The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009)

23. Earlier this year, the fiscal year 2018 budget proposal[19] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up

[18] https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan
[19] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119

Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (ie, not draft, as was inaccurately asserted at the hearing) report[20] that concluded that, quote, "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, "Changes in the characteristics of extreme events are particularly important for human safety."

    a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding, hurricanes and wildfires? If not, please fully document the basis for such rejection.

    b. Do you agree with the report's conclusion that "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?" If not, please fully document the basis for your disagreement.

    c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

28. The CO2 Coalition[21] is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2

[20] https://science2017.globalchange.gov/
[21] http://co2coalition.org/

in the atmosphere[22]. Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe this reflects fair and balanced input from public health and environmental advocacy organizations?

[22] https://youtu.be/5Oapr4fopuI

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: (found here: https://science2017.globalchange.gov/downloads/), scientists from EPA and 12 other agencies find that "Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960." (Figure ES.1)
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

35. In the hearing you said, "I believe that man has an impact on the planet. What's not completely understood is what the impact is." Yet the Fourth National Climate Assessment finds that "human activities are the primary driver of recent global temperature rise" (Figure ES. 2).
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency's science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
    a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?
    b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?
    c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?

37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy's cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.

    a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?

    b. Congress has already appropriated $51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?

43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?

44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Energy Future

45. In your view, what is the role of renewable energy in our energy future?

46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

    a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?

    b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?

    c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

    a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

b. Were you aware of this behavior? If you were aware, what did you to do ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?

52. You criticized the Paris Climate Agreement, calling it a "sweetheart deal" for China that gave the United States' competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.
    a. If both countries remain on their current paths, China will soon replace us as the world's technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?

    b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China's leadership in these fields represents a threat to our economy and national security?

    c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least $131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

56. Do you support EPA Administrator Pruitt's decision to rescind the Clean Power Plan?

57. According to the EPA, the Clean Power Plan will lead to climate and health benefits "worth an estimated $55 billion to $93 billion in 2030, including avoiding 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in children."

    a. Do you agree with the EPA's findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA's estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA's findings, on which data or scientific studies do you base your opinion?

    b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt's decision to rescind the Clean Power Plan?

58. Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States. The EPA conducted a study of the drinking water impacts and released a final report in December 2016. The Agency found "hydraulic fracturing activities can impact drinking water resources under some circumstances."
    a. Do you concur with the conclusions of the EPA's final report on fracking and drinking water?

    b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?

    c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking's possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

59. Data shows that mercury pollution in the North Atlantic and mercury concentrations in our fisheries have fallen dramatically since the United States started requiring stronger emission controls from coal power plants.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

60. Changes in weather patterns, such as heavier precipitation events that increase run-off and flooding, are affecting lakes, rivers, and reservoirs nationwide. Water quality, quantity, and the integrity of our water infrastructure are at risk. Recent studies in the Northeast have found that degraded water quality on lakes can cost lakeside communities millions of dollars in losses from both tourism and taxable income due to reduced property values. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Environmental Justice

61. How do you define "environmental justice"?

62. Do you think environmental justice is a serious issue that the EPA should address?

63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?

64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack.

As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

65. Describe how you will, if confirmed, ensure that EPA's Environmental Justice 2020 plan is fully implemented.

66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA's jurisdiction?

67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Vermont

69. Lake Champlain is one of Vermont's most treasured environmental features. Tourism and property values are tied to the health of the lake—keeping its waters swimmable, fishable and drinkable is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
    a. If confirmed, do you commit to continuing the Agency's support for the clean-up of Lake Champlain through this new TMDL and federal funding?

    b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Senator Sullivan:

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended permitting application reviews and environmental challenges to issued permits. EPA must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

    a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?

    b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?

    c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.
    a. Do you recognized that these issues are fundamental problem for the Alaska Native community?
    b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Senator Whitehouse:

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.
    a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?
    b. You've worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you've worked, cases on which you've worked, and regulatory work you've done?
    c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?

73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grip reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.
    a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?
    b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?
    c. In your opinion, how would Perry's proposal, if approved by FERC, benefit Murray's coal mining assets?

74. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see." Do you agree with his statement?

75. Have you reviewed EPA's endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?

76. Do you agree with each of the following statements included in the U.S. Global Change Research Program's recent Climate Science Special Report?
    a. "Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years." (page 10)

b. "The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally." (page 11)
c. "There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible." (page 11)
d. "The world's oceans are currently absorbing more than a quarter of the CO_2 emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems." (page 28)
e. "The rate of acidification is unparalleled in at least the past 66 million years." (page 28)
f. "This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence." (page 10)
g. "Human activities are now the dominant cause of the observed trends in climate." (page 36)
h. "[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors." (page 37)

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA
SHELLEY MOORE CAPITO, WEST VIRGINIA
JOHN BOOZMAN, ARKANSAS
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GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

November 13, 2017

Andrew R. Wheeler
Principal, Faegre Baker Daniels LLC
1050 K Street NW Suite 400
Washington, D.C. 20001

Dear Mr. Andrew R. Wheeler:

On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Wednesday, November 8, 2017, at the hearing entitled, *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."* The Committee greatly appreciates your attendance and participation in this hearing.

In order to maximize the opportunity for communication between you and the Committee, follow-up questions have been submitted by the members. To comply with Committee rules, please e-mail a copy of your responses to Elizabeth_Olsen@epw.senate.gov or deliver one hard copy by 12:00p.m. Monday, November 20, 2017. Responses should be delivered to the EPW Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about the requests or the hearing, please feel free to contact Staff Director, Richard Russell in the Majority Office at (202) 224-6176 or Staff Director, Gabrielle Batkin in the Minority Office at (202) 224-8832.

Sincerely,

John Barrasso, M.D.
Chairman

Thomas R. Carper
Ranking Member

PRINTED ON RECYCLED PAPER

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 4/11/2018 10:02:30 PM
To: Andrew R. Wheeler [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Fwd: Wheeler cloture vote is 2nd vote of 2 that starts at 9:30AM

FYI

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: Ex. 6

Sent from my iPhone

Begin forwarded message:

From: "Van Doren, Terry (McConnell)" <Terry_VanDoren@mcconnell.senate.gov>
Date: April 11, 2018 at 5:55:29 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "'Lyons, Troy'" <lyons.troy@epa.gov>
Subject: Wheeler cloture vote is 2nd vote of 2 that starts at 9:30AM

Vote Alert

WEDNESDAY, APRIL 11, 2018 AT 05:34 PM

Roll Call Votes Scheduled

At 9:30am on Thursday, April 12th, the Senate will proceed to two roll call votes on the following:

1. Confirmation of Executive Calendar #605, Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.
2. Motion to invoke cloture on Executive Calendar #666, Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 4/11/2018 5:24:22 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: RE: Senator Carper Conversation with Andrew Wheeler

FYI. Cloture vote and then your debate will occur immediately after they confirm the #2 at Labor Dept (which is happening this afternoon/evening).

Almost there.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, April 11, 2018 1:06 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Senator Carper Conversation with Andrew Wheeler

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Wheeler, Andrew R.
Sent: Wednesday, April 11, 2018 11:38 AM
To: 'Lyons, Troy'
Cc: Jackson, Ryan; Palich, Christian
Subject: RE: Senator Carper Conversation with Andrew Wheeler
Importance: High

I just talked to mary Frances, carper is going to call be on his way to vote around 12:15. She is also sending me the letter.

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: + Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Wednesday, April 11, 2018 10:53 AM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan; Palich, Christian
Subject: Fwd: Senator Carper Conversation with Andrew Wheeler

FYI.

Andrew, ok to give him your cell? Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

> **From:** "Repko, Mary Frances (EPW)" <mary_frances_repko@epw.senate.gov>
> **Date:** April 11, 2018 at 10:49:04 AM EDT
> **To:** "'Lyons, Troy'" <lyons.troy@epa.gov>
> **Subject: RE: Senator Carper Conversation with Andrew Wheeler**
>
> I do. The Senator is a dog with a bone about the letter – it is what he wants. He wants to share a copy of the letter with Andrew and ask him if he is confirmed if he will work to get the letter completed. Alternatively, he wants to ask if he were confirmed and became Acting Administrator, if he'd sign it.
>
> These are things that Andrew may not be able to do given the circumstances, but I needed to let you know, and I wanted to make sure he had that context.
>
> I think the Senator is troubled that the letter which would have led to one fewer vote and a time agreement wasn't forthcoming, and that the debate on Andrew's nomination will be very hot and loaded with commentary about the current Administrator.
>
> ---
>
> **From:** Lyons, Troy <lyons.troy@epa.gov>
> **Sent:** Wednesday, April 11, 2018 10:44 AM
> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>
> Apologies I was confused and thought you meant Bill Wehrum.
>
> Do you know what he wants to speak to Andrew about?
>
> Sent from my iPhone
>
> On Apr 11, 2018, at 10:41 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:

Gotcha. Ok. I left a vm for Andrew to call me on my cell.

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Wednesday, April 11, 2018 10:40 AM
To: Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
Subject: Re: Senator Carper Conversation with Andrew Wheeler

Yes. Will track down asap. Sorry for the missed calls. **Ex. 6**

Sent from my iPhone

On Apr 11, 2018, at 10:22 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:

> I don't have Andrew's number for that, can you advise?
>
> ---
>
> **From:** Lyons, Troy <lyons.troy@epa.gov>
> **Sent:** Wednesday, April 11, 2018 10:20 AM
> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>
> I gave him a heads up that Senator Carper would likely be calling so he is expecting a call
>
> Sent from my iPhone
>
> On Apr 11, 2018, at 10:04 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:
>
>> Troy,
>>
>> Senator Carper would like to speak with Andrew Wheeler today, this morning if possible, and it is very time sensitive. Please advise, and it may be useful if I spoke to you and Andrew beforehand.
>>
>> Thanks,
>> Mary Frances
>>
>> Mary Frances Repko
>> Democratic Staff Director
>> U.S. Senate Committee on Environment and Public Works

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 2/15/2018 9:14:32 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Personal Matters / Ex. 6

Personal Matters / Ex. 6

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, February 15, 2018 4:06 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: Ex. 6

Ex. 6

Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 2/7/2018 3:04:09 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Wheeler Clears EPW

You were on delay!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Feb 7, 2018, at 9:59 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Ummmm, they are still voting.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, February 07, 2018 9:59 AM
To: Jackson, Ryan; Lyons, Troy; Bowman, Liz
Cc: Shimmin, Kaitlyn; Frye, Tony (Robert); Wheeler, Andrew R.
Subject: Wheeler Clears EPW

Hi All,

I wanted to let everyone know Andrew Wheeler was just cleared through EPW by party line vote. Deliberative Process / Ex. 5

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/10/2018 4:42:31 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: RE: Committee Letter

Sent! Thanks Andrew.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, January 10, 2018 11:16 AM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Committee Letter

Attached, thanks.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, January 10, 2018 11:10 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Frye, Tony (Robert)
Subject: RE: Committee Letter

Hi Andrew,

I may of missed it, but can you Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency

O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: andrew wheeler Ex. 6
Sent: Thursday, January 4, 2018 12:30 PM
To: Palich, Christian <palich.christian@epa.gov>; andrew wheeler <andrew.wheeler@faegrebd.com>
Subject: Re: Committee Letter

attached is updated letter with tomorrows date.

On Thu, Jan 4, 2018 at 11:50 AM, andrew wheeler Ex. 6 wrote:

> Christian, let me know if this needs to be changed.

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 2/6/2018 6:47:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Troy Lyons (lyons.troy@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Andrew Wheeler Nomination Talking Points Document
Attachments: 2017-11-07_LOS to EPW_Wheeler Nomination.pdf; 2018.02.06 - DRAFT - Wheeler Nom Member Talking Points - TFCPTML.docx; 171107_Nomination_Wheeler_EPA_Senate EPW.pdf; 171108 - Portman letter to EPW re Andrew Wheeler.pdf; Rep Bill Johnson - Wheeler LOR.pdf; WheelerNomination_UMWA_8Nov2017.pdf

Hi Andrew,

Attached is our draft Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

CORY GARDNER
COLORADO

SUITE SR-354
SENATE RUSSELL OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5941

United States Senate

COMMITTEES:
BUDGET
COMMERCE, SCIENCE, AND TRANSPORTATION
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS

November 7, 2017

The Honorable John Barrasso
Chairman
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I write today in support of Andrew Wheeler to be Deputy Administrator of the U.S. Environmental Protection Agency (EPA). During my time serving as a legislative staffer to former Senator Wayne Allard I came to know Andrew in his position as Staff Director and Chief Counsel to the Senate Committee on Environment and Public Works. In that position, he displayed a strong understanding and respect for the law while also working across the aisle whenever and wherever possible in a professional manner to achieve policy outcomes that benefitted all Americans.

He also took time to develop expertise amongst staffers both on and off the committee, helping build a knowledge base on important policy matters.

I'm confident that Andrew will take that same approach as Deputy Administrator of the EPA, where he will be responsible for overseeing the day-to-day operation and implementation of policies that are designed to both clean up contamination of the environment and return these areas to their communities to be put to a useful purpose, and protect the environment from further contamination. I also believe Andrew will build important state partnerships to advance mutual goals of bettering the environment.

As you consider this nomination, I believe you will come to a similar opinion of Andrew that I have of him and urge you to support his nomination out of committee.

Sincerely,

Cory Gardner
United States Senator

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
SENIOR VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

November 7, 2017

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

The U.S. Chamber of Commerce supports the nomination of Andrew Wheeler to be Deputy Administrator for the U.S. Environmental Protection Agency ("EPA"). We look forward to the Senate Environment and Public Works Committee advancing his nomination to the full Senate for confirmation.

Mr. Wheeler's substantial public service experience makes him an excellent choice for leadership at the EPA. He began his career at the EPA, where he worked on toxic chemical, pollution prevention and right-to-know issues, and he was awarded the EPA Bronze Medal twice for his accomplishments.

Mr. Wheeler also has shown his ability to work with Congress, having previously served your committee as majority staff director, minority staff director, and chief counsel. In these roles, he worked on every major piece of environmental and energy-related legislation before Congress for over a decade.

The Chamber urges the committee to act swiftly on Mr. Wheeler's nomination.

Sincerely,

Neil Bradley

cc: Members of the Committee on Environment and Public Works

ROB PORTMAN
OHIO

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ENERGY AND NATURAL RESOURCES
FINANCE
FOREIGN RELATIONS
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

November 8, 2017

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to recommend Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency (EPA). Andrew was nominated for this position by President Trump on October 5, 2017.

Andrew is a native of my home state of Ohio, and has experience in both the legislative and executive branches on energy and environment policy. He began his career at EPA and subsequently worked for Senator James Inhofe and my predecessor former Senator George Voinovich on the Senate Environment and Public Works Committee. Andrew served as the Majority Staff Director, Minority Staff Director and Chief Counsel of the Senate Environment and Public Works Committee.

Andrew has continued his work on energy and environment policy as a Principal at Faegre Baker Daniels Consulting. Andrew received his MBA from George Mason University School of Management and his JD from Washington University School of Law, and has been a keynote speaker before the American Bar Association.

I trust that this information will be useful to you as you review Andrew's nomination. Please feel free to follow up with me with any additional questions.

Sincerely,

Rob Portman
U.S. Senator

448 Russell Senate Office Building
Washington, DC 20510
Phone: (202) 224-3353

312 Walnut Street
Suite 3435
Cincinnati, OH 45202
Phone: (513) 684-3265

1240 East 9th Street
Suite 3061
Cleveland, OH 44199
Phone: (216) 522-7095

37 West Broad Street
Suite 200
Columbus, OH 43215
Phone: (614) 469-6774

420 Madison Avenue
Suite 1210
Toledo, OH 43604
Phone: (419) 259-3595

www.portman.senate.gov

BILL JOHNSON
6TH DISTRICT, OHIO

COMMITTEE ON ENERGY AND COMMERCE

COMMITTEE ON THE BUDGET

WASHINGTON OFFICE
1710 Longworth House Office Building
Washington, DC 20515

(202) 225-5705

billjohnson.house.gov

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

November 6, 2017

Chairman John Barrasso
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Barrasso,

I write in support of Andrew Wheeler's nomination to become the next Deputy Administrator of the Environmental Protection Agency (EPA).

Mr. Wheeler has served as an EPA staffer, and brings a wealth of experience working in environmental policy from several different perspectives. He earned the EPA Bronze Medal three times, as Staff Director and Chief Counsel for the U.S. Senate Committee on Environment and Public Works (EPW), and as a principal consultant helping businesses with federal regulatory and policy issues.

Since my election in 2010, my team and I have worked with Andrew on several different major policy issues, and I've found him to be knowledgeable, professional, and a tremendous resource on environmental and energy policy.

I am confident Mr. Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained, while also ensuring the EPA becomes a partner in progress in responsible energy exploration and job creation.

Sincerely,

Bill Johnson

Bill Johnson
Member of Congress

MARIETTA OFFICE
246 Front Street
Marietta, OH 45750

(740) 376-0868

SALEM OFFICE
192 East State Street
Salem, OH 44460

(330) 337-6951

CAMBRIDGE OFFICE
116 Southgate Parkway
Cambridge, OH 43725

(740) 432-2366

IRONTON OFFICE
202 Park Avenue
Suite C
Ironton, OH 45638

(740) 534-9431

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

United Mine Workers of America

CECIL E. ROBERTS
INTERNATIONAL PRESIDENT

TELEPHONE
(703) 291-2420
FAX (703) 291-2451

UNITED MINE WORKERS' HEADQUARTERS
18354 QUANTICO GATEWAY DRIVE, SUITE 200
Triangle, VA
22172-1779

November 8, 2017

The Honorable Tom Barrasso
Chair, Senate Committee on Environment and Public Works

The Honorable Tom Carper
Ranking Member, Senate Committee on Environment and Public Works

Dear Chairman Barrasso, Ranking Member Carper and Members of the Committee:

As you consider the nomination of Andrew R. Wheeler for Deputy Administrator of the Environmental Protection Agency, I ask that you take into consideration his hard work on behalf of America's active and retired coal mine workers. For the past five years, Mr. Wheeler has been an ally as the United Mine Workers of America has worked to preserve the health care and pensions that retired miners worked for over their lifetimes.

Andrew worked alongside our UMWA team to successfully pass legislation that has ensured that our miners will have the health care that was promised to them, and that they earned. As you are aware, this effort lasted years, and we faced major setbacks along the way. However, Andrew was a strong partner to us and we are very appreciative of that.

Andrew will bring a wealth of experience, from both the public and private sectors, to EPA. It is our belief that he will be a reasonable voice within the agency, and will recognize the impact on both the workers and mining communities that are directly affected as EPA develops future emissions regulations.

We look forward to working productively with Andrew in this role at EPA. I am available to discuss this further at your convenience.

Sincerely,

Cecil E. Roberts

Cecil E. Roberts

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 4/17/2018 2:13:06 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Tomorrow

Coming!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: Ex. 6

Sent from my iPhone

On Apr 17, 2018, at 10:12 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> I down at the guards desk now, ryan hasn't responded to my text. Can you come and get me?
>
> Sent from my iPhone
>
> On Apr 17, 2018, at 9:59 AM, Palich, Christian <palich.christian@epa.gov> wrote:
>
> > I'll grab you outside the Administrator office Andrew and get you where you need to be at 11:30am.
> >
> > Christian R. Palich
> > Deputy Associate Administrator
> > Office of Congressional Affairs
> > C: Ex. 6
> >
> > Sent from my iPhone
> >
> > On Apr 16, 2018, at 5:00 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
> >
> > > Just let me know where I need to be. I'm with the Administator from 10:45-11:30
> > >
> > > Sent from my iPhone
> > >
> > > On Apr 16, 2018, at 3:44 PM, Palich, Christian <palich.christian@epa.gov> wrote:
> > >
> > > > Hi Andrew,
> > > >
> > > > All good for your photo and ID badge with Charles at 11:45am tomorrow.
> > > >
> > > > Have a great evening!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: Ex. 6

Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/3/2018 9:13:53 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Nomination Update-Andrew Wheeler

Absolutely, Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Jackson, Ryan
Sent: Wednesday, January 3, 2018 4:09 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: Re: Nomination Update-Andrew Wheeler

Deliberative Process / Ex. 5

Ryan Jackson
Chief of Staff
U.S. EPA
Personal Phone / Ex. 6

On Jan 3, 2018, at 3:04 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi All,

Deliberative Process / Ex. 5

Wanted to keep everyone in loop and will let you when we get more information.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/18/2018 9:24:01 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: hey

Thanks! Ex. 6

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Jan 18, 2018, at 4:23 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Ex. 6

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/31/2017 8:46:40 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Resume

Never mind! Kaitlyn to the rescue.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Shimmin, Kaitlyn
Sent: Tuesday, October 31, 2017 4:46 PM
To: Palich, Christian <palich.christian@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: RE: Resume

Christian, see attached.

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Palich, Christian
Sent: Tuesday, October 31, 2017 4:45 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Resume

Hi Andrew,

Do you have a resume you can send over? Deliberative Process / Ex. 5

Thanks!

Christian R. Palich

Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/7/2017 7:07:41 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Fwd: Sen. Wicker Questions for Andrew Wheeler

Hi Andrew,

Please see below from Senator Wicker.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6

Sent from my iPhone

Begin forwarded message:

> **From:** "McMillin, Neal (Wicker)" <Neal_McMillin@wicker.senate.gov>
> **Date:** November 7, 2017 at 1:57:05 PM EST
> **To:** "palich.christian@epa.gov" <palich.christian@epa.gov>
> **Cc:** "Elsner, Brandon (Wicker)" <Brandon_Elsner@wicker.senate.gov>
> **Subject: Sen. Wicker Questions for Andrew Wheeler**
>
> Hi Christian,
>
> Wanted to provide you with the questions Senator Wicker is interested in asking Andrew Wheeler at tomorrow's EPW hearing. We'd appreciate if you share the below questions with Mr. Wheeler for his preparation.
>
> **Question 1**
> *What is the appropriate role for states in ensuring the integrity and health of our environment? What steps should the EPA take to better collaborate with state and local officials to achieve cooperative federalism?*
>
> **Question 2**
> *As you know Obama administration agencies have regularly asserted powers not granted to them by Congress. Two obvious examples are in the cases of the Waters of the United States (WOTUS) and the Clean Power Plan.*
>
> - *What is your view as the role of Congress in fashioning environmental policy?*
> - *Can you assure this committee that you will not reach beyond the authority granted to the EPA by Congress?*
>
> Thank you,

Neal McMillin
Senator Roger F. Wicker

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/10/2017 1:28:02 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Gardner & Johnson letter
Attachments: attachment 1.pdf; ATT00001.htm

See below! Sorry Andrew in the last minute frenzy of getting these in I forgot to CC you.

Again great job Wednesday and enjoy the weekend.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 9, 2017, at 5:45 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Do you have a copy of the Portman letter?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, November 07, 2017 12:27 PM
To: Wheeler, Andrew R.
Subject: Gardner & Johnson letter

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

ROB PORTMAN
OHIO

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ENERGY AND NATURAL RESOURCES
FINANCE
FOREIGN RELATIONS
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

November 8, 2017

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to recommend Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency (EPA). Andrew was nominated for this position by President Trump on October 5, 2017.

Andrew is a native of my home state of Ohio, and has experience in both the legislative and executive branches on energy and environment policy. He began his career at EPA and subsequently worked for Senator James Inhofe and my predecessor former Senator George Voinovich on the Senate Environment and Public Works Committee. Andrew served as the Majority Staff Director, Minority Staff Director and Chief Counsel of the Senate Environment and Public Works Committee.

Andrew has continued his work on energy and environment policy as a Principal at Faegre Baker Daniels Consulting. Andrew received his MBA from George Mason University School of Management and his JD from Washington University School of Law, and has been a keynote speaker before the American Bar Association.

I trust that this information will be useful to you as you review Andrew's nomination. Please feel free to follow up with me with any additional questions.

Sincerely,

Rob Portman
U.S. Senator

448 Russell Senate Office Building
Washington, DC 20510
Phone: (202) 224-3353

312 Walnut Street
Suite 3435
Cincinnati, OH 45202
Phone: (513) 684-3265

1240 East 9th Street
Suite 3061
Cleveland, OH 44199
Phone: (216) 522-7095

37 West Broad Street
Suite 200
Columbus, OH 43215
Phone: (614) 469-6774

420 Madison Avenue
Suite 1210
Toledo, OH 43604
Phone: (419) 259-3595

www.portman.senate.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/14/2017 10:13:01 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: WheelerRequested Presentations

Perfect. Thanks Andrew!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, November 14, 2017 4:39 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: WheelerRequested Presentations

Attached are the presentations requested.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/7/2017 5:27:11 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Gardner & Johnson letter
Attachments: 2017-11-07_LOS to EPW_Wheeler Nomination.pdf; Wheeler LOR.PDF

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

CORY GARDNER
COLORADO

SUITE SR-354
SENATE RUSSELL OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5941

United States Senate

COMMITTEES:
BUDGET
COMMERCE, SCIENCE, AND TRANSPORTATION
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS

November 7, 2017

The Honorable John Barrasso
Chairman
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I write today in support of Andrew Wheeler to be Deputy Administrator of the U.S. Environmental Protection Agency (EPA). During my time serving as a legislative staffer to former Senator Wayne Allard I came to know Andrew in his position as Staff Director and Chief Counsel to the Senate Committee on Environment and Public Works. In that position, he displayed a strong understanding and respect for the law while also working across the aisle whenever and wherever possible in a professional manner to achieve policy outcomes that benefitted all Americans.

He also took time to develop expertise amongst staffers both on and off the committee, helping build a knowledge base on important policy matters.

I'm confident that Andrew will take that same approach as Deputy Administrator of the EPA, where he will be responsible for overseeing the day-to-day operation and implementation of policies that are designed to both clean up contamination of the environment and return these areas to their communities to be put to a useful purpose, and protect the environment from further contamination. I also believe Andrew will build important state partnerships to advance mutual goals of bettering the environment.

As you consider this nomination, I believe you will come to a similar opinion of Andrew that I have of him and urge you to support his nomination out of committee.

Sincerely,

Cory Gardner
United States Senator

BILL JOHNSON
6TH DISTRICT, OHIO

COMMITTEE ON ENERGY AND COMMERCE

COMMITTEE ON THE BUDGET

WASHINGTON OFFICE
1710 Longworth House Office Building
Washington, DC 20515

(202) 225-5705

billjohnson.house.gov

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

November 6, 2017

Chairman John Barrasso
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Barrasso,

I write in support of Andrew Wheeler's nomination to become the next Deputy Administrator of the Environmental Protection Agency (EPA).

Mr. Wheeler has served as an EPA staffer, and brings a wealth of experience working in environmental policy from several different perspectives. He earned the EPA Bronze Medal three times, as Staff Director and Chief Counsel for the U.S. Senate Committee on Environment and Public Works (EPW), and as a principal consultant helping businesses with federal regulatory and policy issues.

Since my election in 2010, my team and I have worked with Andrew on several different major policy issues, and I've found him to be knowledgeable, professional, and a tremendous resource on environmental and energy policy.

I am confident Mr. Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained, while also ensuring the EPA becomes a partner in progress in responsible energy exploration and job creation.

Sincerely,

Bill Johnson

Bill Johnson
Member of Congress

MARIETTA OFFICE
246 Front Street
Marietta, OH 45750

(740) 376-0868

SALEM OFFICE
192 East State Street
Salem, OH 44460

(330) 337-6951

CAMBRIDGE OFFICE
116 Southgate Parkway
Cambridge, OH 43725

(740) 432-2366

IRONTON OFFICE
202 Park Avenue
Suite C
Ironton, OH 45638

(740) 534-9431

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 3/19/2018 8:00:25 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: 3.20 Tester Meeting Briefing

Deliberative Process / Ex. 5

Hope this helps Andrew! Anything else let me know.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, March 19, 2018 2:56 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: 3.20 Tester Meeting Briefing

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, March 19, 2018 2:41 PM
To: Wheeler, Andrew R.
Cc: Shimmin, Kaitlyn; Frye, Tony (Robert); Lyons, Troy
Subject: 3.20 Tester Meeting Briefing

Hi Andrew,

Deliberative Process / Ex. 5

If you have any questions please let me know!

Hope all is well and look forward to seeing you tomorrow,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/24/2017 8:01:38 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Quote on Conference

EPA

Agency keeps scientists from speaking at watershed conference

Arianna Skibell, E&E News reporter

Published: Monday, October 23, 2017

U.S. EPA prevented scientists from speaking about a climate report on Narragansett Bay in Rhode Island. Charlie Walker/Wikimedia Commons

U.S. EPA has asked three scientists to not speak at a conference today in Providence, R.I., about the state of Narragansett Bay and its watershed program.

The conference features the release of a report three years in the making on the status of New England's largest estuary. The 500-page document includes an extensive section on climate change.

The New York Times first reported that two EPA scientists and one contractor would no longer present at the conference. EPA spokesman and former Trump campaign worker John Konkus confirmed the news and attributed the decision to the nature of the event.

"EPA scientists are attending, they simply are not presenting, it is not an EPA conference," he said in an email to *The Washington Post*.

Konkus is a onetime congressional staffer and media consultant who served as the North Florida field office manager for then-candidate Donald Trump's presidential campaign last fall. In an unusual move, all grant requests since August have gone through his office for review (*Greenwire*, Aug. 17).

EPA's $26 million National Estuary Program — slated for elimination under the White House's fiscal 2018 budget — funds 28 state programs and helps support Narragansett Bay efforts. Rhode Island gets about $600,000.

Sen. Sheldon Whitehouse (D-R.I.), who is scheduled to speak at the event, said Narragansett Bay is one of his state's most important economic assets. EPA needs to work with local leaders to plan for its future, he said.

"Whatever you think about climate change, this kind of collaboration should be a no-brainer," he said in a statement. "Muzzling our leading scientists benefits no one."

The director of the Narragansett Bay Estuary Program, Tom Borden, said the head of EPA's Atlantic Ecology Division at the National Health and Environmental Effects Research Laboratory told him last week that Autumn Oczkowski, the keynote speaker and division research ecologist, would not speak at the event. Oczkowski's colleague Rose Martin and an EPA contractor, Emily Shumchenia, would likewise not present.

The move comes as onlookers worry EPA is squelching information about climate change. Pruitt has publicly questioned whether human activity is contributing to global warming. And last week, EPA webpages about climate change returned to the agency's website but without references to rising temperatures (*Climatewire*, Oct. 20).

Sen. Jack Reed (D-R.I.) said "muzzling" EPA scientists is not the way to address climate change. "While the Trump Administration tries to suppress the facts, the American people are seeing and feeling the real world impacts," he said in an emailed statement.

"We need to work on a bipartisan basis to reduce pollution and emissions," he said, "and this type of hostility toward science inhibits rather than furthers discussion and action."

While President Trump has called global warming a hoax and downplayed its potential impact on the recent spate of devastating hurricanes, some government agencies seem to be speaking out anyway.

Last week, NOAA Fisheries researchers linked shifts in food webs to climate change (*Greenwire*, Oct. 20). And the Department of Energy yesterday tweeted a map demonstrating how climate change threatens U.S. energy infrastructure.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/3/2017 12:37:40 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Hurricane Response Question

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 2, 2017, at 8:34 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> Deliberative Process / Ex. 5
>
> Sent from my iPhone
>
> On Nov 2, 2017, at 7:34 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:
>
> Deliberative Process / Ex. 5
>
> Sent from my iPhone
>
> On Nov 2, 2017, at 7:24 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
> Deliberative Process / Ex. 5
>
> Sent from my iPhone
>
> On Nov 2, 2017, at 5:49 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>
> Hi Andrew,
>
> Deliberative Process / Ex. 5

Have a great evening!

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/30/2017 5:14:44 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: FYI

Hotline

THURSDAY, NOVEMBER 30, 2017 AT 12:06 PM

Executive Nomination

ENVIRONMENTAL PROTECTION AGENCY

Cal. #506 - Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

Limited time agreement followed by a vote.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/14/2017 8:16:37 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: so...

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 14, 2017, at 3:08 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> **Deliberative Process / Ex. 5** ?
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | **Ex. 6** F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/6/2017 5:51:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 6, 2017 1:40 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Friday, October 06, 2017 1:38 PM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan
Subject: RE: EPW Form

Perfect. **Deliberative Process / Ex. 5**

Thanks Andrew and have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 6, 2017 1:34 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPW Form
Importance: High

Attached is my EPW form. **Deliberative Process / Ex. 5**

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | **Ex. 6** F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/18/2017 7:43:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: Heads Up

Thanks for letting us know Andrew.

Christian R. Palich
Deputy Associate Administrator
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U.S Environmental Protection Agency
O: 202.564.4944
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E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, October 18, 2017 3:28 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Heads Up

Deliberative Process / Ex. 5

Andrew R. Wheeler
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Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/17/2017 5:28:20 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Cleared QFR's
Attachments: FINAL ALL QFR's Wheeler 11.17.2017.docx; ATT00001.htm

Hi Andrew,

Please take a final look at your WH and EPA cleared QFR's. If all is good with you on these answers we will PDF and send to committee Monday morning.

Have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

Senate Committee on Environment and Public Works
Hearing entitled *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."*
November 8, 2017
Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, ***including each sub-part.***

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
   a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

Deliberative Process / Ex. 5

   b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?

Deliberative Process / Ex. 5

   c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?

Deliberative Process / Ex. 5

   d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.
   a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?

Deliberative Process / Ex. 5

   b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

Deliberative Process / Ex. 5

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

Deliberative Process / Ex. 5

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
    a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

    b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

4. Your ethics agreement states that you "for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving

[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators
[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

Deliberative Process / Ex. 5

b. 5 C.F.R 2635.502(a) states that:

> "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

Do you agree that you or your firm's representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

Deliberative Process / Ex. 5

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you

intend to seek such waivers to meet with and explain will why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

Deliberative Process / Ex. 5

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

Deliberative Process / Ex. 5

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

Deliberative Process / Ex. 5

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Deliberative Process / Ex. 5

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

Deliberative Process / Ex. 5

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?

Deliberative Process / Ex. 5

10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of

[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView
[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean

greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9] Do you agree with these statements? Why or why not?

Deliberative Process / Ex. 5

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

Deliberative Process / Ex. 5

12. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[10] Do you agree with this statement? Why or why not?

Deliberative Process / Ex. 5

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[11]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

Deliberative Process / Ex. 5

    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

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[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf
[10] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257CBB004F0795/%24file/12-1100-1488346.pdf
[11] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

Deliberative Process / Ex. 5

c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

Deliberative Process / Ex. 5

14. The US Supreme Court has expressly declined to consider whether EPA should have chosen some other mechanism "under section 112" in regulating power plant mercury and all the other HAPs emitted by the industry. What is your position on that precedent?

Deliberative Process / Ex. 5

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?

Deliberative Process / Ex. 5

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

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    b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per

kilowatt-hour for electricity than in 2007."[12] This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?

Deliberative Process / Ex. 5

c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?

Deliberative Process / Ex. 5

d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

Deliberative Process / Ex. 5

17. Section 109 of the Clean Air Act is very clear. It requires EPA to review the NAAQS for six common air pollutants including ground-level ozone, particulate matter, sulfur dioxide, nitrogen dioxide every 5 years. The Clean Air Act requires EPA to set these standards that "are requisite to protect the public health," with "an adequate margin of safety," and secondary standard necessary to protect public welfare. Please respond to each sub-part below:
    a. If confirmed, will you continue to hold to the five-year National Ambient Air Quality Standards review time period that the Clean Air Act requires of the EPA?

Deliberative Process / Ex. 5

    b. Do you agree with Justice Scalia's opinion in Whitman v. American Trucking Associations that it is "fairly clear that [the Clean Air Act] does not permit the EPA to consider costs in setting the standards"? If you do not agree, why not?

[12] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf

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c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"[13] is accurate? If not, why not?

Deliberative Process / Ex. 5

d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015[14], as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?

Deliberative Process / Ex. 5

e. Do you agree that the November 6, 2017 announcement by the Trump Administration stated that "EPA is not extending the time provided under section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations"?

Deliberative Process / Ex. 5

f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

Deliberative Process / Ex. 5

g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

Deliberative Process / Ex. 5

18. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

[13] https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf
[14] https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting

Deliberative Process / Ex. 5

19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[15] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[16]
    a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

Deliberative Process / Ex. 5

    b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

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    c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[17] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

Deliberative Process / Ex. 5

[15] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord
[16] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html
[17] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Deliberative Process / Ex. 5

21. An article[18] about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

Deliberative Process / Ex. 5

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

23. Earlier this year, the fiscal year 2018 budget proposal[19] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

Deliberative Process / Ex. 5

[18] https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan

[19] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

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25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

Deliberative Process / Ex. 5

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

Deliberative Process / Ex. 5

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (i.e., not draft, as was inaccurately asserted at the hearing) report[20] that concluded that, quote, "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, "Changes in the characteristics of extreme events are particularly important for human safety."

    a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding,

[20] https://science2017.globalchange.gov/

hurricanes and wildfires? If not, please fully document the basis for such rejection.

Deliberative Process / Ex. 5

b. Do you agree with the report's conclusion that "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?" If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

28. The CO2 Coalition[21] is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2 in the atmosphere[22]. Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

Deliberative Process / Ex. 5

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

Deliberative Process / Ex. 5

[21] http://co2coalition.org/
[22] https://youtu.be/5Oapr4fopuI

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Deliberative Process / Ex. 5

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Deliberative Process / Ex. 5

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Deliberative Process / Ex. 5

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe

this reflects fair and balanced input from public health and environmental advocacy organizations?

Deliberative Process / Ex. 5

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: (found here: https://science2017.globalchange.gov/downloads/), scientists from EPA and 12 other agencies find that "Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960." (Figure ES.1)
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

35. In the hearing you said, "I believe that man has an impact on the planet. What's not completely understood is what the impact is." Yet the Fourth National Climate Assessment finds that "human activities are the primary driver of recent global temperature rise" (Figure ES. 2).
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency's science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
    a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?

Deliberative Process / Ex. 5

c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?

Deliberative Process / Ex. 5

37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy's cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

Deliberative Process / Ex. 5

39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

Deliberative Process / Ex. 5

41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.

    a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?

    Deliberative Process / Ex. 5

    b. Congress has already appropriated $51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

    Deliberative Process / Ex. 5

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?

Deliberative Process / Ex. 5

43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?

Deliberative Process / Ex. 5

44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Deliberative Process / Ex. 5

Energy Future

45. In your view, what is the role of renewable energy in our energy future?

Deliberative Process / Ex. 5

46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Deliberative Process / Ex. 5

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

Deliberative Process / Ex. 5

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

Deliberative Process / Ex. 5

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

    a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?

Deliberative Process / Ex. 5

    b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?

Deliberative Process / Ex. 5

    c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

Deliberative Process / Ex. 5

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

Deliberative Process / Ex. 5

b. Were you aware of this behavior? If you were aware, what did you to do ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?

Deliberative Process / Ex. 5

52. You criticized the Paris Climate Agreement, calling it a "sweetheart deal" for China that gave the United States' competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.
    a. If both countries remain on their current paths, China will soon replace us as the world's technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?

Deliberative Process / Ex. 5

    b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China's leadership in these fields represents a threat to our economy and national security?

Deliberative Process / Ex. 5

    c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least $131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

Deliberative Process / Ex. 5

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Deliberative Process / Ex. 5

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Deliberative Process / Ex. 5

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

Deliberative Process / Ex. 5

56. Do you support EPA Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

57. According to the EPA, the Clean Power Plan will lead to climate and health benefits "worth an estimated $55 billion to $93 billion in 2030, including avoiding 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in children."

    a. Do you agree with the EPA's findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA's estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA's findings, on which data or scientific studies do you base your opinion?

Deliberative Process / Ex. 5

    b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

58. Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States. The EPA conducted a study of the drinking water impacts and released a final report in December 2016. The Agency found "hydraulic fracturing activities can impact drinking water resources under some circumstances."
    a. Do you concur with the conclusions of the EPA's final report on fracking and drinking water?

Deliberative Process / Ex. 5

    b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?

Deliberative Process / Ex. 5

    c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking's possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

Deliberative Process / Ex. 5

59. Data shows that mercury pollution in the North Atlantic and mercury concentrations in our fisheries have fallen dramatically since the United States started requiring stronger emission controls from coal power plants.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

Deliberative Process / Ex. 5

60. Changes in weather patterns, such as heavier precipitation events that increase run-off and flooding, are affecting lakes, rivers, and reservoirs nationwide. Water quality, quantity, and the integrity of our water infrastructure are at risk. Recent studies in the Northeast have found that degraded water quality on lakes can cost lakeside communities millions of dollars in losses from both tourism and taxable income due to reduced property values. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Deliberative Process / Ex. 5

Environmental Justice

61. How do you define "environmental justice"?

Deliberative Process / Ex. 5

62. Do you think environmental justice is a serious issue that the EPA should address?

Deliberative Process / Ex. 5

63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?

Deliberative Process / Ex. 5

64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack. As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

Deliberative Process / Ex. 5

65. Describe how you will, if confirmed, ensure that EPA's Environmental Justice 2020 plan is fully implemented.

Deliberative Process / Ex. 5

66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA's jurisdiction?

Deliberative Process / Ex. 5

67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

Deliberative Process / Ex. 5

68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Deliberative Process / Ex. 5

Vermont

69. Lake Champlain is one of Vermont's most treasured environmental features. Tourism and property values are tied to the health of the lake—keeping its waters swimmable, fishable and drinkable is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
    a. If confirmed, do you commit to continuing the Agency's support for the clean-up of Lake Champlain through this new TMDL and federal funding?

Deliberative Process / Ex. 5

    b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Deliberative Process / Ex. 5

<u>Senator Sullivan:</u>

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended permitting application reviews and environmental challenges to issued permits. EPA

must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?

Deliberative Process / Ex. 5

b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?

Deliberative Process / Ex. 5

c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

Deliberative Process / Ex. 5

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.

a. Do you recognized that these issues are fundamental problem for the Alaska Native community?

Deliberative Process / Ex. 5

b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Deliberative Process / Ex. 5

Senator Whitehouse:

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.
    a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?

Deliberative Process / Ex. 5

    b. You've worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you've worked, cases on which you've worked, and regulatory work you've done?

Deliberative Process / Ex. 5

    c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?

Deliberative Process / Ex. 5

73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grip reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.

a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?

Deliberative Process / Ex. 5

b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?

Deliberative Process / Ex. 5

c. In your opinion, how would Perry's proposal, if approved by FERC, benefit Murray's coal mining assets?

Deliberative Process / Ex. 5

74. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see." Do you agree with his statement?

Deliberative Process / Ex. 5

75. Have you reviewed EPA's endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?

Deliberative Process / Ex. 5

76. Do you agree with each of the following statements included in the U.S. Global Change Research Program's recent Climate Science Special Report?
    a. "Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years." (page 10)
    b. "The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally." (page 11)
    c. "There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible." (page 11)

d. "The world's oceans are currently absorbing more than a quarter of the CO_2 emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems." (page 28)
e. "The rate of acidification is unparalleled in at least the past 66 million years." (page 28)
f. "This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence." (page 10)
g. "Human activities are now the dominant cause of the observed trends in climate." (page 36)
h. "[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors." (page 37)

Deliberative Process / Ex. 5

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/13/2017 9:13:24 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Wehrum & Leopold Final QFR's
Attachments: FINAL Leopold QFRs 10.12.17.pdf; FINAL Wehrum QFRs 10.12.2017.pdf

Attached! Let me know if you need anything further.

Christian R. Palich
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Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
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Senate Committee on Environment & Public Works
Hearing entitled, *"Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission."*
October 4, 2017
Questions for the Record for Mr. Matthew Leopold

Ranking Member Carper:

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.

    a. Do you agree that it is essential that in making decisions, EPA's Office of General Counsel (OGC) must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    b. Will you commit to restricting communications between OGC and the White House staff regarding specific matters under the authority of OGC?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    c. Will you commit to ensuring the staff of OGC is familiar with those restrictions?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to OGC staff, including you, occur?

If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.

   a. If you are confirmed, will you commit to protect the rights of all career employees in OGC to make lawful disclosures, including their right to speak with Congress?

      If confirmed, I commit to protecting the rights of all EPA employees and will follow the law.

   b. Will you commit to communicate employees' whistleblower rights via email to all OGC employees within a week of being sworn in?

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

If confirmed, I commit to protecting the rights of all EPA employees and will follow the law.

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately said that section 213 of the Clean Air Act precludes CPSC action.

   a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

   It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel.

   b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

   It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel.

4. You spent more time – 6 years – as an attorney in the Environment and Natural Resources Division of the Department of Justice than in any other position. Based on your experience, to what extent do you believe that the work of the Environment and

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[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators
[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

Natural Resources Division makes an important contribution to the protection of public health and the environment? Please explain and describe your views of the contributions the work of the Division makes.

The Environment and Natural Resources Division (ENRD) is the nation's environmental law firm handling work arising from approximately 150 federal civil and criminal statutes, including the Clean Air Act, Clean Water Act, CERCLA, and Safe Drinking Water Act. It serves as counsel to EPA, the Department of the Interior, and other federal agencies that have environmental or natural resource issues. ENRD is important to protecting human health and the environment as it enforces the federal pollution-control laws EPA oversees.

5. Earlier this year, the fiscal year 2018 budget proposal[6] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Based on your experience as an attorney in the Environment and Natural Resources Division, please describe the potential impact on the work of the Division of such a reduction in funding. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer. Since 2005, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

   I support the important work done by ENRD. It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel. If confirmed, I would manage OGC's functions, including its reliance on ENRD as outside counsel, within the authority and budget provided by Congress.

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

   i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
   ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert

[6] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119

"annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.

iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[7].

a) If the events above occurred as described to my staff, do you agree that EPA's failure to even attempt to undertake a credible cost-benefit analysis of its proposal to repeal the Clean Water Rule would be vulnerable to assertions that the agency ran afoul of both the Clean Water Act and the Administrative Procedure Act? Why or why not?

I am not able to speculate about what may or may not have occurred in this instance. If confirmed, I would work to ensure that the legal requirements for analyzing the cost-benefit of EPA rules are adhered to.

b) The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written. If you are confirmed, do you commit to ensure that career staff in OGC will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

I support the appropriate use of both written and oral guidance and would endeavor to use each in appropriate circumstances.

8. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Yes.

9. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[8]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

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[7] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

[8] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView

If confirmed, I will make my calendar available on a timely basis.

Senator Cardin:

10. The people of Baltimore must be able to rest assured that the facilities covered by Risk Management Plans under CAA §112(r) will have to evaluate implementing safer measures protections, and that first responders will have the information they need to respond to chemical disasters. In your capacity as General Counsel for EPA, while facing a law suit from various state Attorneys General, including Attorney General Frosh of Maryland, how will you counsel Administrator Pruitt on the question of implementing the original January 2017 Environmental Protection Agency Amendments to the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act without further delay?

    CAA §112(r)(3) provides EPA the authority to amend the List of Regulated Substances. Would you counsel Administrator Pruitt to add chlorosulfonic acid to the List of Regulated Substances?

    Risk Management Plans under CAA §112(r) are an important tool provided by Congress for facilities using substances "known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment." The plans include information on the potential effects of an accidental release, the steps a facility is taking to prevent such a release, and directions for those that respond if a release occurs. I am unfamiliar with the specific legal issues raised in the litigation referenced. Also, it would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel. If confirmed, I would request a briefing by EPA staff on the issues and EPA legal authorities.

11. Attorney General Jeff Sessions issued a memo on June 7, 2017, prohibiting all Department of Justice components and United States Attorney's Offices from entering into any settlement agreement that directs or provides for a settlement payment to non-governmental, third parties that were not directly harmed by the conduct. As you know, this is commonplace practice in cases where the environmental harm is irreparable—like the BP oil spill or the Volkswagen diesel emissions case. Please provide your understanding of the legal basis, if any, for prohibiting payments to third parties that will mitigate environmental harms?

    The Department of Justice has certain legal authority to conduct and settle litigation matters. In litigation matters where the Department of Justice is counsel to EPA, I would respect the legal authority of the Department as appropriate.

Senator Markey:

12. In the past, you stated that the EPA was regulating beyond its authority in terms of the Clean Power Plan, however you also said that it's "settled law EPA can regulate

greenhouse gases." Given this and the intentions of the EPA to repeal the CPP, what suggestions would you make to Administrator Pruitt in terms of the Plan's replacement?

It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel. If confirmed, I would request a briefing by EPA staff on the issues and EPA legal authorities, and I would commit to offer counsel supporting the rule of law in this or any other EPA action.

Senator Sanders:

Climate Change

13. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

    I believe that climate change is real and human activity contributes to climate change.

14. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

    I believe that climate change is real and human activity contributes to climate change.

Science

15. At the EPA, science provides the foundation for Agency policies, actions, and decisions made on behalf of the American people. What should the role of science be in the interpretation and implementation of EPA policies, rules, and regulations?

    High quality science is an essential predicate to many of the decisions that EPA makes. The role of science is critical to EPA's essential mission of protecting human health and the environment.

16. Do you support relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

    I support the roles of scientists in helping EPA in its mission of protecting human health and the environment.

Congressional Relations

17. If confirmed, do you commit to assuring staff in the Office of the General Counsel will respond to all relevant inquiries from all Members of Congress, regardless of party or position?

Yes.

Most Pressing Challenges

18. The EPA's FY18 budget lists the following as priorities: clean water and drinking water, infrastructure, work at Brownfields and Superfund projects, improving and protecting air quality, and ensuring the safety of chemicals. If confirmed, would these also be the most pressing challenges that deserve your and OGC's attention? If confirmed, how will you ensure OGC better addresses these challenges?

    If confirmed, I would manage OGC's functions within the authority and budget provided by Congress. I would request a full briefing by OGC staff on the ongoing work of the office and after understanding the scope of its current commitments set priorities based on legal requirements, the needs of the client program offices, and the priorities of the Administrator.

Primary Environmental Enforcement by the States

19. When giving advice to the EPA's staff, how will you balance the EPA's obligation to enforce the nation's environmental laws and regulations where the state and federal governments share authority?

    If confirmed, I would advise EPA staff that it is essential for the federal government and state governments to work together to provide the environmental protection that our laws demand and that the American people deserve. Many federal environmental statutes are designed with states as a primary implementer. EPA and the states should respect the design of cooperative federalism inherent in the law and leverage the assets of each other to achieve greater outcomes.

Environmental Regulations

20. As you may know, the EPA proposed to repeal the Obama Administration's Clean Power plan regulations to address atmospheric carbon pollution. If you are confirmed, will you commit to ensuring that in whatever replacement the Trump Administration makes to the Clean Power Plan, the EPA continues to fulfill its obligations under *Massachusetts v. EPA*?

    It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel. If confirmed, I would commit to offer counsel supporting the rule of law in this or any other EPA action, including advising the Agency on Supreme Court precedent, such as *Massachusetts v. EPA*.

<u>Senator Whitehouse:</u>

21. Administrator Pruitt has been criticized for spending a disproportionate amount of his time meeting with industry and virtually no time with public-interest groups. If confirmed, will you commit to meet with and listen to all parties in a balanced fashion?

It is important for EPA to be accessible to the public and the regulated community. While the primary role of the General Counsel is to advise EPA policy-makers, if confirmed, I would attempt to meet with entities affected by the Office of General Counsel, while abiding by all legal and ethical limitations.

22. The President's budget proposes to cut EPA's budget by 30%. The Office of General Counsel oversees ethics and FOIA. Based on what I've seen, EPA's Office of General Counsel is struggling to keep its head above water with current resources. For example, I've sent ethics-related inquiries to EPA, including one in May about an appointee with extensive conflicts of interest, that EPA has either not responded to or provided slow and incomplete responses. I've seen one inadequate recusal for former Baker Hostetler attorney Justin Schwab that took six months to fix. In the update recusal statement we learned that one of Mr. Schwab's clients was the State of Oklahoma. As of September 29, 2017, EPA had over 2,100 open FOIA requests and outside groups, including the California Attorney General have filed suit over long-languishing requests.

    a. Do you believe these response times to Congress and the public are acceptable?

    I am not familiar with the specific details of these requests. If confirmed, I would request a briefing by EPA staff on OGC's history in responding to Congressional and FOIA requests.

    b. Do you believe the President's budget, if enacted, would provide enough money for your office to fulfill its ethics requirements and respond to Congress and FOIA requests from the public?

    If confirmed, I will manage OGC's functions within the authorities and budget provided by Congress.

    c. What specific steps will you take as General Counsel to ensure that responses to congressional inquiries and FOIA requests are made in the most expeditious manner possible?

    If confirmed, I would request a full briefing by OGC staff on the ongoing work of the office and after understanding the scope of its current commitments set priorities as appropriate for responses to requests for information. I would work with members of Congress to provide requested information, while respecting legal privileges and the role of the Executive branch.

23. If confirmed, do you commit to notifying the Committee of all of the email addresses you plan to use upon confirmation and within seven days of using a new email address, including any aliases or pseudonyms? Do you commit do conducting all business using official email addresses and other means and to refrain from any mediums that are outside the Freedom of Information Act's reach?

If confirmed, I commit to notifying the Committee of the e-mail address I use for official business. If confirmed, I commit to following EPA's Records Policy and the Federal Records Act.

24. Have you heard anything to suggest that EPA may close or consolidate any Regional Offices?
    a. What is your opinion of such a proposal?

    I am not aware of any such plans.

25. Do you a believe that climate change is real?

    Yes.

26. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide's] a primary contributor to the global warming that we see." Based on the scientific findings from experts such as NOAA and statements on EPA's website, including "Carbon dioxide is the primary greenhouse gas that is contributing to recent climate change," Politifact determined that statement to be false. Do you agree with Administrator Pruitt or scientific experts regarding whether carbon dioxide is the primary greenhouse gas that is contributing to climate change?

    I believe that carbon dioxide contributes to climate change.

27. In 2009, as mandated by the Supreme Court and backed by a robust scientific and technical review, the Environmental Protection Agency produced the Endangerment and Cause or Contribute Findings for Greenhouse Gases (GHGs) under Section 202(a) of the Clean Air Act. It found six greenhouse gases - carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride - "taken in combination endanger both the public health and the public welfare of current and future generations." Do you agree with the EPA's endangerment finding? Why or why not?

    If confirmed, I would commit to advising the Agency on Supreme court precedent, such as *Massachusetts v. EPA* and the Agency's Endangerment Finding on Greenhouse Gases respective to the relative statutory framework established by Congress.

28. Do you believe the U.S. should remain a party to the United Nations Framework Convention on Climate Change?

The United Nations Framework Convention on Climate Change is an international agreement. The US Department of State has primary responsibility for such matters. I defer to the State Department on this issue.

29. Do you believe the U.S. should remain a party to the Paris Agreement?

The Paris Agreement is an international agreement. The US Department of State has primary responsibility for such matters. I defer to the State Department on this issue.

30. Do you support the amendment to the Montreal Protocol to phase down HFCs?

The Montreal Protocol is an international agreement. The US Department of State has primary responsibility for such matters. I defer to the State Department on this issue.

31. If confirmed, do you commit to providing complete and accurate responses to inquiries from EPW members in a timely fashion?

Yes.

Senate Committee on Environment & Public Works
Hearing entitled, *"Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission."*
October 4, 2017
Questions for the Record for Mr. William Wehrum

Ranking Member Carper:

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.

    a. Do you agree that it is essential that in making decisions, EPA's OAR must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    b. Will you commit to restricting communications between OAR and the White House staff regarding specific matters under the authority of OAR?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    c. Will you commit to ensuring the staff of OAR is familiar with those restrictions?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to OAR staff, including you, occur?

If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.

   5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.

   a. If you are confirmed, will you commit to protect the rights of all career employees in OAR to make lawful disclosures, including their right to speak with Congress?

   b. Will you commit to communicate employees' whistleblower rights via email to all OAR employees within a week of being sworn in?

   If confirmed, I will work closely with EPA Office of Administration and

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

Resources Management to ensure all OAR employees continue to apprised of their rights as federal employees.

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.

    a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

    b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

    I do not have experience with interpreting or applying CAA § 213 to these circumstances. If confirmed, I will work with Administrator Pruitt as needed to properly implement this section of the Act.

4. Your public financial disclosure material lists, among others, several clients such as the American Petroleum Institute and others that are trade or other associations that consist of individual member companies. For each such association or organization listed on your financial disclosure form, please provide a complete list of the individual companies and other entities that comprise its members.

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[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators
[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

The trade associations listed in my financial disclosure are my clients and not their individual members. As such, I do not have current member lists for my trade association clients.

5. In addition to employees or representatives of the trade associations or organizations listed as your clients, have you met or otherwise communicated with employees or representatives of the companies that are members of the associations or organizations as part of your work for the client itself? If so, which ones?

   The trade associations listed in my financial disclosure are my clients and not their individual members. I routinely meet with member companies, but do not keep comprehensive records of such contacts.

6. Your ethics agreement states that you "will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

   a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

   b. If that list does not include particular matters involving the list of individual companies and other entities described in question 4, why not?

   c. 5 C.F.R 2635.502(a) states that

      "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

      Do you agree that your representation of numerous industry clients in litigation to repeal or weaken EPA regulations would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the litigation or in an administrative action designed to accomplish the identical outcome – repeal or weakening of an EPA regulation – that the litigation sought to accomplish? Why or why not?

      Attachment A is a list of particular matters involving specific parties to

which I believe my ethics agreement will apply. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

7. Do you intend to participate in non-public meetings with your former clients or their member companies (as applicable) if you are confirmed, even if the meetings are about the repeal or weakening of the very same EPA regulations you sought, on behalf of those clients, to repeal or weaken through litigation? If so, please explain why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

   If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

8. Your Ethics Agreement also states that you will either recuse yourself from or seek authorization to participate in "any particular matter involving specific parties in which I know the law firm [Hunton & Williams] is a party or represents a party." Please provide a list of all the EPA-related particular matters involving specific parties in which Hunton & Williams is a party or represents a party, and indicate whether you plan to seek authorization to participate in each such matter.

   I do not have a list of all particular matters involving specific parties in which Hunton & Williams is a party or represents a party. If confirmed, I intend to ascertain Hunton's involvement on a case-by-case basis before becoming involved in any particular matter involving specific parties.

9. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

   a) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.

   b) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.

c) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written. If you are confirmed, do you commit to ensure that career staff in OAR will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

10. As Attorney General of Oklahoma, Administrator Pruitt copied and pasted materials sent to him by industry onto his own letterhead and sent them to EPA. Similarly, when you last served in EPA's air office, language drafted by your old law firm found its way into an EPA mercury regulation that you helped write. You also repeatedly prevented EPA employees from verifying the public health benefits of reducing mercury exposure.

    a. If confirmed, do you commit that you will not allow industry to exert an undue influence on any of the regulatory and policy efforts you will be charged with leading? If not, why not?

    b. Do you commit not to censor or exclude the dedicated and knowledgeable career EPA staff? If not, why not?

    If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

11. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

    Administrator Pruitt has made responsiveness to Congress an important priority. The 2800 pages of EPA responses provided to Members of the Environment and Public Works Committee on display at the nomination hearing is a testament to this commitment. Accordingly, I will continue to be a part of EPA's transparent and responsive culture.

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[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

12. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

    If confirmed, I will make my calendar available on a timely basis.

13. In 2006, when you were last nominated to lead the Office of Air and Radiation (OAR), the then-Bush Administration requested for FY 2007 $1.33 billion (adjusting to 2017 dollars) for State and Tribal Assistance Grants, of which $250 million (in 2017 dollars) was for Air and Radiation programs. Earlier this year, the Trump Administration requested for FY 2018 $597 million, of which $168 million was for Air and Radiation programs. This is more than 50% less for the STAG program in general, and almost 1/3 less for Categorical Grants for OAR programs.

    a. Did you support the request for FY 2007, and do you support the request for FY 2018? Why, or why not?

    b. If you support both the requested levels in FY 2007 and FY 2018, why do you believe that a 1/3 cut to the funding levels in FY 2018 from FY 2017 levels is appropriate?

    If confirmed, I will manage OAR's programs within the authorities and budget provided by Congress, including STAG grants.

14. How many legal cases have you filed, or joined others in filing against the EPA, since leaving the agency? Please provide a full list with the outcome of each case, including those cases in which the court disagreed with your argument, agreed with your argument, and those in which the court refused to hear the matter.

    I believe that I have been involved in five cases against EPA that have been decided: (1) a challenge to EPA's E15 waiver (dismissed on standing); (2) a challenge to EPA's misfueling mitigation rule (dismissed on standing); (3) a challenge to EPA's most recent PM2.5 NAAQS (petition denied); (4) a challenge to the Wise Co., TX nonattainment area designation for the 2008 ozone NAAQS (petition denied); and (5) a challenge to CSAPR (mixed result). I continue to search my files and will update this answer if I find more cases. In addition, Attachment 1 is a table listing all of my pending cases against EPA.

15. You've represented industry in at least thirty-one cases against the EPA since you left the agency. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support and why? If you support more than one, please name these as well.

[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView

I represent clients in private practice. It is my legal ethical duty to zealously represent their interests.

16. Delaware is already seeing the adverse effects of climate change with sea level rise, ocean acidification, and stronger storms. While all states will be harmed by climate change, the adverse effects will varyby state and region. Would you comment on why it is imperative that we have national standards to reduce carbon pollution? If you do not believe it is imperative, why not?

    If confirmed, my primary responsibility will be to faithfully implement the Clean Air Act, including authorities and restrictions applicable to greenhouse gases.

17. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue."

    a. Do you agree with Administrator Pruitt's statement?

    b. If the Clean Power Plan is withdrawn, and if confirmed, how will you lead the agency to fulfill its legal obligations to address climate change?

    I agree with Administrator Pruitt. If confirmed, my primary responsibility will be to faithfully implement the Clean Air Act, including authorities and restrictions applicable to greenhouse gases.

18. EPA policy prohibits the use of non-EPA e-mail accounts and instructs employees to: "not use any outside e-mail system to conduct official Agency business. If, during an emergency, you use a non-EPA e-mail system, you are responsible for ensuring that any e-mail records and attachments are saved in your office's recordkeeping system." When last at the EPA, did you ever use personal email to conduct official EPA business? Did you ever use an email alias to conduct official EPA business when you last served at the agency? Do you commit that if confirmed, you will not use an email alias or use personal email addresses to conduct EPA business?

    I do not recall using personal e-mail to conduct official business when last at EPA. I did not use an e-mail alias to conduct official business when last at EPA. If

[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean

confirmed, I intend to use my EPA e-mail account to conduct official business.

19. Clean car standards save consumers money at the pump and help reduce oil imports. Automakers are complying with vehicle standards ahead of schedule. If confirmed, will you commit to support, defend and enforce EPA's current programs to address greenhouse gas emissions from vehicles?

    If confirmed, my primary responsibility will be to faithfully implement the Clean Air Act, including authorities and restrictions applicable to greenhouse gases.

20. For the most part, patients and their families only participate in scientific trials and studies once they know their privacy - and any resulting health-related information - will remain confidential and secure. If confirmed, do you commit to respecting confidentiality agreements that exist between researchers and their subjects? Will you protect the health information of the thousands of people that have participated in health studies in the past?

    If confirmed, I will comply with appropriate standards to continue the protection of sensitive or confidential information.

21. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating,
    "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9]

    a. Do you agree with these statements, if not, why not?

    b. Did you participate in drafting the proposed Bush Endangerment Finding document in any way? If so, how?

       I believe that the climate is changing and that anthropogenic emissions contribute to the change. I did not participate in drafting the proposed Bush Endangerment Finding document.

22. When you last served in the EPA OAR office, did the EPA ever propose to disapprove state mercury emissions control programs that were stronger than the Clean Air Mercury? If so, please provide how many times this happened and what your role was in these actions. Please also provide how this fits in Administrator Pruitt's views of "cooperative federalism."

    I do not recall that EPA proposed to disapprove any state program proposed

[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf

pursuant to the Clean Air Mercury Rule.

23. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund?

    No.

24. Have you ever contributed any money or time to two election fundraising groups, Oklahoma Strong PAC and Liberty 2.0 PAC?

    No.

25. How many legal cases have you filed, or joined others in filing, that involved the Renewable Fuel Standard, biofuels or biodiesel since leaving the EPA? Please provide a summary of your argument and the outcome of each case, including those cases in which the court disagreed with your argument.

    I was counsel of record on three cases related to the RFS (principal clients are included in parentheses): (1) a challenge to EPA's E15 waiver (API and the Grocery Manufacturers Association); (2) a challenge to EPA's misfueling mitigation rule (API); and (3) a challenge to Minnesota's B10 mandate (API, the Auto Alliance, the American Fuel and Petrochemical Manufacturers).

26. Have you ever argued in court, or been part of a legal argument, that the Renewable Fuel Standard, as being implemented by the EPA, will lead to an increase in the overall demand for corn, which will lead to an increase in the price of corn? If so, please cite the case and the data used for the argument.

    I am not authorized by my clients to discuss relevant cases.

27. In your 2005 EPW confirmation hearing, you answered a question, with the following, "I was barred for 1 year starting September 29, 2001, from participating in the particular matters listed in Attachment A of the memorandum and from taking official action on any particular matter in which my former clients, listed in Attachment B, were or represented a party to the matter. The ethics memorandum also addressed the general rulemakings on which I had represented various clients…With respect to the ethylene MACT rule and the semiconductor MACT rule, he [Kenneth J. Wernick, EPA's then Alternate Agency Ethics Official] concluded that it would be prudent for me not to handle these matters during my first year at EPA. Subsequent to that time, there was no bar to my participating as an EPA official in these rulemakings... In accordance with the ethics memorandum referenced above, I refrained for 1 year starting September 29, 2001, from participating in the particular matters identified by the memorandum and from taking official action with respect to any particular matter involving the entities listed in the memorandum. I also did not participate in the

ethylene and semiconductor MACT rules in my first year at EPA."[10]

[10] https://www.gpo.gov/fdsys/pkg/CHRG-109shrg42275/pdf/CHRG-109shrg42275.pdf

a. Please provide a full list of the cases you filed, joined others in filing, or participated in some way related to the ethylene and semiconductor MACT rules prior to you joining the EPA in 2001. Please include any other work that you may have done while employed at Latham and Watkins – or any other organization – prior to coming to the EPA in 2001 that was related to the ethylene and semiconductor MACT rules.

b. What led Kenneth J. Wernick, EPA's then Alternate Agency Ethics Official to conclude it wouldn't "be prudent" for you to handle the ethylene MACT rule and the semiconductor MACT rule during your first year at EPA?

c. In 2001, what other issues and rulemakings did you have to recuse yourself for one year to meet the ethical standards set by the EPA?

Prior to and upon joining EPA in 2001, I sought, obtained, and strictly followed advice from EPA's ethics officials as to my ethical obligations related to my prior work in private practice. My prior ethics agreement is a matter of public record.

28. How many legal cases have you filed, or joined others in filing, since leaving the EPA that challenged rules the Obama EPA had to re-write because the courts said the original rules written by the Bush Administration were illegal?

To my knowledge, I have been involved in three cases challenging rules that EPA issued on remand from court decisions on Bush Administration air rules.

29. On July 8, 2003, Jeff Holmstead, then-EPA Assistant Administrator for Air and Radiation provided the following remarks in his written testimony to the House Energy and Air Quality Subcommittee of the Energy and Commerce Committee, "Clear Skies would also reduce mercury emissions from power plants. EPA is required to regulate mercury because EPA determined that mercury emissions from power plants pose an otherwise unaddressed significant risk to health and the environment, and because control options to reduce this risk are available."[11] At the time Mr. Holmstead provided these remarks, you were serving as his chief counselor within the EPA OAR office.

a. Did you agree at the time with Mr. Holmstead's determination, if so why? If not, why not?

b. Did you ever provide legal counsel to Mr. Holmstead, or others within the EPA, that helped provided the legal basis for these remarks?

c. Do you agree with Mr. Holmstead's remarks today?

I believe Mr. Holmstead was referring to Administrator Browner's 1999

[11] https://archive.epa.gov/ocir/hearings/testimony/108_2003_2004/web/pdf/2003_0708_jh.pdf

"appropriate and necessary" determination, which was still in effect at the time. That determination, as amended in the Mercury and Air Toxics Rule, was determined to be illegal by the US Supreme Court.

30. On July 8, 2003, Jeff Holmstead, then-EPA Assistant Administrator for Air and Radiation provided the following remarks in his written testimony to the House Energy and Air Quality Subcommittee of the Energy and Commerce Committee: "Mercury, a potent toxin, can cause permanent damage to the brain and nervous system, particularly in developing fetuses when ingested in sufficient quantities. People are exposed to mercury mainly through eating fish contaminated with methylmercury… EPA estimates that 60% of the mercury falling on the U.S. is coming from current man-made sources. Power generation remains the largest man-made source of mercury emissions in the United States…Mercury that ends up in fish may originate as emissions to the air. Mercury emissions are later converted into methylmercury by bacteria. Methylmercury accumulates through the food chain: fish that eat other fish can accumulate high levels of methylmercury".[12] At the time Mr. Holmstead provided these remarks, you were serving as his chief counselor within the EPA OAR office.

    a. Did you have any involvement in the drafting of these remarks? If so, what was your involvement?

    b. Did you agree at the time with Mr. Holmstead's remarks, if so why? If not, why not?

    c. Do you still agree with Mr. Holmstead's remarks today? If not, why not?

    I do not recall being involved in drafting Mr. Holmstead's remarks. I believe that, for the most part, mercury emissions from power plants are dispersed widely in the global atmosphere. I believe that global mercury emissions inventories have significantly changed since my prior time at EPA. Therefore, I cannot speak to his comments related to domestic and global emissions inventories. I believe his comments about the movement and transformation of mercury in the environment are correct.

31. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[13] Do you agree with this statement? Did you have any involvement with this case, if so, please explain.

    I believe that comments were submitted to the record in this rulemaking demonstrating significant flaws in EPA's exposure and risk assessment. I was not counsel of record in this case.

[12] https://archive.epa.gov/ocir/hearings/testimony/108_2003_2004/web/pdf/2003_0708_jh.pdf
[13] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257C88004F0795/%24file/12-1100-1488346.pdf

32. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[14]

    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

    I am not familiar with Dr. Paulson's testimony. I believe that comments were submitted to the record in this rulemaking demonstrating significant flaws in EPA's exposure and risk assessment.

33. On July 8, 2003, Jeff Holmstead, then-EPA Assistant Administrator for Air and Radiation provided the following remarks in his written testimony to the House Energy and Air Quality Subcommittee of the Energy and Commerce Committee, "We have not developed methodologies for quantifying or monetizing all the expected benefits of Clear Skies…These estimates [for Clear Skies] do not include the many additional benefits that cannot currently be monetized but are likely to be significant, such as human health benefits from reduced risk of mercury emissions, and ecological benefits from improvements in the health of our forests, lakes, and coastal waters."[15] At the time Mr. Holmstead provided these remarks, you were serving as his chief counselor within the EPA OAR office.

    a. Did you have any involvement in the drafting of these remarks? If so, what was your involvement?

    b. Did you agree at the time with Mr. Holmstead's remarks, if so why? If not, why not?

    c. Do you agree with Mr. Holmstead's remarks today that it is currently difficult, or impossible, to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not?

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[14] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

[15] https://archive.epa.gov/ocir/hearings/testimony/108_2003_2004/web/pdf/2003_0708_jh.pdf

I do not recall being involved in drafting Mr. Holmstead's testimony. I believe that EPA was not able in 2003 to monetize all benefits associated with reducing mercury emissions. I do not know the current state of EPA's knowledge.

34. In 2005 GAO report that reviewed EPA's cost-benefit analysis for the Clean Air Mercury Rule, which you have testified you were heavily involved in writing, GAO identified, "four major shortcomings in the economic analysis underlying EPA's proposed mercury control options that limit its usefulness for informing decision makers about the economic trade-offs of the different policy options."[16]

    a. Can you explain the cost-benefit analysis used for the proposed Clean Air Mercury Rule and why it was used?

    b. Can you explain why the GAO found short-comings with this approach?

    c. Do you agree that co-benefit pollution reductions should be considered when EPA is quantifying the benefits and costs of regulations? If not, why not?

    d. While you were at EPA, did the agency ever use co-benefits to justify a clean air rule and has this approach ever been used in the past?

    I do not recall being involved in preparing the cost-benefit analysis for the Clean Air Mercury Rule. If confirmed, I intend to address the question of how co-benefits should be considered in cost-benefit analyses. I cannot prejudge the outcome because any such analysis would be an integral part of informal legislative rulemaking.

35. You were substantially involved in EPA's proposal and adoption of the Clean Air Mercury Rule and accompanying Delisting Rule. In 2005, for your EPW confirmation hearing you were asked the following question for the record: "With regard to trading of mercury, in your view, would it have been legally acceptable for EPA, taking into account the requirements of the Clean Air Act, to propose and adopt a facility specific mercury MACT that did not allow trading?" You answered, "After considering the utility unit emissions that would remain following imposition of the requirements of the Act, EPA determined that it was neither appropriate nor necessary to regulate utility units under section 112 of the Clean Air Act. Once EPA made that determination, it would not have been legally appropriate for EPA to issue a MACT standard." Three years later, the D.C. Circuit vacated the EPA's decision to delist power plants as a source under Section 112. Six years later under the Obama Administration, the EPA issued the Mercury and Air Toxics Rule to address mercury and air toxic emissions from power plants under the Section 112 of the Clean Air Act.

[16] http://www.gao.gov/products/GAO-05-252

a. Did you disagree with the court's ruling and legal reasoning against the EPA's actions while you were at the agency on mercury and air toxic power plant emissions? Do you continue to disagree today?

b. Do you still hold the position that it is not "appropriate nor necessary" for the EPA to regulate utility units under Section 112 of the Clean Air Act and therefore, still agree it is not legally appropriate for EPA to issue a MACT standard, as the EPA did through the Mercury and Air Toxics Standard? If so, please explain.

c. If you do not agree that EPA has met the "necessary and appropriate" criteria found in Section 112(n), what is your understanding of what that would mean for the Mercury and Air Toxics Rule?

I respect the court's decision with regard to the Clean Air Mercury Rule. I also respect the US Supreme Court's determination that the "appropriate and necessary" finding relied upon in the Mercury and Air Toxics Rule was illegal.

36. The US Supreme Court has expressly declined to consider whether EPA should have chosen some other mechanism "under section 112" in regulating power plant mercury and all the other HAPs emitted by the industry. What is your position on that precedent?

The Supreme Court chooses which areas they should consider providing judgement on when issuing decisions and which areas they decline to consider. I cannot infer the intent of the court from their decision not to consider this one specific issue.

37. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?

If confirmed, I likely will be involved in assessing this question. I cannot prejudge the outcome.

38. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to their knowledge, about five facilities received an approval from the EPA to operate for up to an additional year, which was through April 2017. According to EEI, to their knowledge all of their member companies have fully implemented the Mercury and Air Toxics Standard Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.

a. Do dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standard? If so, please explain.

b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per kilowatt-hour for electricity than in 2007."[17] This means the near universal compliance of the Mercury and Air Toxics Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?

c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, if so, why?

d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants helping the industry be in full compliance of the rule?

e. When you were last at the EPA, or after, do you know of any instances when a power plant bought and installed air control technology and decided not to run the technology? If so, please explain the instance. Please include in your explanation if there were any impacts to downwind states or to air pollution levels.

If confirmed, I likely will be involved in assessing the question of how to appropriately respond to the US Supreme Court's remand of the MATS "appropriate and necessary" determination. I cannot prejudge the outcome of that assessment. I will note that MATS imposed substantial costs on electric power generators. The fact that power prices have declined in recent years does not necessarily mean that MATS did not impose substantial incremental costs.

39. In a 2016 Law 360 article, you are quoted as saying, "The reason this [the Mercury and Air Toxics Standards Rule] was such a big issue for us is because by EPA's own analysis, if you look at the benefits generated by the hazardous air pollutant reductions this rule would achieve, the costs vastly outweigh the benefits. So from our perspective, it's a regulation that made no sense and wasn't justified."[18] In April 2017, the EPA asked the D.C. Circuit Court of Appeals to delay oral arguments scheduled the Mercury and Air Toxics Standards (MATS) as it reviews the rule.

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[17] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf
[18] https://www.law360.com/articles/742955/environmental-group-of-the-year-hunton-williams

a. It is clear from this statement you already have a formed view of the validity of the Mercury and Air Toxics Standard going into the agency. Will you commit to this Committee that you will recuse yourself from the review and any possible rewriting of the Mercury and Air Toxics Rule? If not, why not?

b. Do you continue to believe the Mercury and Air Toxics Standards is a regulation that made no sense and wasn't justified? If so, why?

The quantifiable monetized benefits of the HAP reductions predicted to occur under MATS measured only a few million dollars. I understand that EPA has recalculated the benefits attributable to MATS in response to the Supreme Court remand. I am not familiar with the new estimates. If confirmed, I intend to consider them objectively.

40. Will you commit, that if confirmed, you will not act to weaken the Mercury and Air Toxics Standards, if not, why not?

I cannot prejudge any decision that might be made by EPA if I am confirmed.

41. This year, you represented the American Petroleum Institute as an intervenor in defense of Administrator Pruitt's 90-day stay of oil and gas pollution standards, which the D.C. Circuit found violated the Clean Air Act. In my office, you refused to recuse yourself from participating in this rule, is that still true and how do you justify that, if confirmed, you will come into the EPA as impartial regulator as it relates to this issue? Do you agree with the court's decision, and why not?

Comprehensive rules of ethics govern the transition from private practice to government service. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

42. Section 109 of the Clean Air Act is very clear. It requires EPA to review the NAAQS for six common air pollutants including ground-level ozone, particulate matter, sulfur dioxide, nitrogen dioxide every 5 years. The Clean Air Act requires EPA to set these standards that "are requisite to protect the public health," with "an adequate margin of safety," and secondary standard necessary to protect public welfare.

a. If confirmed, will you continue to hold to the five-year National Ambient Air Quality Standards review time period that the Clean Air Act requires of the EPA?

b. The science was clear that the 2008 ozone standard was not protecting public health, so EPA was required to Act. Is that not your understanding of the Clean Air Act?

c. If confirmed, will you commit to not further delay the implantation of the 2015 ozone NAAQS? If not, why not?

d. Do you agree with Justice Scalia's opinion in Whitman v. American Trucking Associations that it is "fairly clear that [the Clean Air Act] does not permit the EPA to consider costs in setting the standards" and if so, will you commit not to include consider costs when setting the National Ambient Air Quality Standards? If you do not agree, why not?

If confirmed, I will endeavor to meet all statutory deadlines. I am not familiar with the record for the 2015 ozone NAAQS decision, so cannot comment on the decision to change the standard. I respect all US Supreme Court decisions.

43. In 2006, while you served as Acting Assistant Administrator for Air, the EPA proposed to eliminate lead as a criteria pollutant under the Section 109 Clean Air Act National Ambient Air Quality Standard (NAAQS) process. Did you have any involvement in this proposal? If so, please explain.

Yes, I was involved in developing that proposal. CAA § 108(a)(1)(B) states that ambient levels of a criteria pollutant should "result[] from numerous or diverse mobile or stationary sources." Information at the time indicated that there were few industrial sources of lead emissions and that lead emissions from mobile sources had been virtually eliminated. The proposal asked for comment on whether lead continued to meet the § 108(a)(1)(B) criterion.

44. Like you, I am an avid runner. In Delaware during the summer, we often have code orange days warning about the high levels of ozone for that day. Much of Delaware's ozone pollution is coming across the state boundary from upwind states.

a. Can you describe how high levels of ozone could damage my lungs if I were to take a long run during a code orange day?

b. Do you agree that ground-level ozone is a dangerous pollutant that causes respiratory and cardiovascular harm? If not, on what basis do you disagree?

c. If confirmed, how would you direct states to work together to reduce ozone pollution?

Inhaling too much ozone can cause a wide range of adverse cardiovascular effects. CAA §§ 110(a)(2)(D) and 126 are designed to address interstate transport (i.e., emissions from upwind states that significantly contribute to downwind nonattainment).

45. Clean Air Act section 110(a)(2)(D)(i)(I), also known as the "Good Neighbor" provision, requires that state implementation plans to address air pollution "contain adequate provisions prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts

which will contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard." Under this provision of the Clean Air Act, "[w]henever the Administrator finds that the applicable implementation plan for any area is substantially inadequate . . . to mitigate adequately [] interstate pollutant transport . . . or to otherwise comply with any requirement of this chapter, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies."

a. Do you support the "Good Neighbor Provision" in the Clean Air Act and agree that this provision does not "encroach upon state sovereignty"? If not, why?

b. If confirmed, do you commit to fully apply and enforce the Good Neighbor provision?

CAA § 110(a)(2)(D) describes one of many elements that must be included in an approval State Implementation Plan. My hope is that more states address this obligation in the first instance so that US EPA does not need to make findings of substantial inadequacy. If confirmed, my goal is to faithfully implement all aspects of the Clean Air Act.

46. Currently, under the Clean Air Act section 110(a)(2)(D)(i)(I), also known as the "Good Neighbor" provision, Delaware has sent four petitions to the EPA that identify facilities in other states that are emitting air pollution that are significantly contributing to Delaware's air quality and impacting Delaware's ability to maintain or be in attainment for the 2008 national ambient air quality standards (NAAQS) for ozone and the 2015 ozone NAAQS. The petitions are for: 1) Brunner Island facility's electric generating units located near York, Pennsylvania; 2) Homer City Generating Station's electric generating units located in Indiana County, Pennsylvania; 3) Harrison Power Station's electric generating units located near Haywood, Harrison County, West Virginia; and 4) Conemaugh Generating Station's electric generating units located in Indiana County, Pennsylvania. In addition, Maryland has filed a petition that requests EPA make a finding that 36 electric generating units located in the states of Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 2008 and the 2015 ozone NAAQS in Maryland. The EPA has granted itself six months extension on every petition and has done nothing after that. All of the extensions have long since expired.

a. If confirmed, will you commit to promptly act on Good Neighbor petitions so states, like Delaware and Maryland, can protect their citizens from upwind pollution in neighboring and distant states? If not, why not?

b. If confirmed, will you support, defend and enforce EPA's Good Neighbor provisions to address air pollution that crosses state borders? If not, why not?

c. In some of these situations, like the Harrison Power Station near Haywood in West Virginia, the power plant in question has the needed technology on the

facility to help reduce ozone pollution in downwind Delaware and West Virginia ratepayers are already paying for the technology, but the pollution control isn't running. If confirmed, what will you do to ensure pollution control technology already on facilities runs to ensure downwind states have clean air?

d. If confirmed, will you fully implement the Cross State Air Pollution Rules?

e. If the Mercury and Air Toxics Rule is revoked, do you expect there will be an increase in upwind ozone and particulate pollution and have an impact on downwind states? If so, please explain. If not, why?

I think your question relates to CAA § 126 and not to § 110(a)(2)(D). I am not familiar with the specific petitions described in this question. But, I will note that CSAPR and the CSAPR update rule were intended to address interstate transport under § 110(a)(2)(D), such that there should not be a need or justification for § 126 petitions addressing the same plants, pollutants, and standards. If confirmed, I will endeavor to meet all CAA deadlines and my goal will be to faithfully implement all aspects of the CAA.

47. Just last month, you argued against an Obama Administration Occupational Safety and Health Administration indoor air rule that protects construction workers against silica dust, a type of dust that is linked to cancer and lung disease. During your arguments, you are quoted as saying, "People are designed to deal with dust — people are in dusty environments all the time, and it doesn't kill them," [19]The American Industrial Hygiene Association has stated that delaying the full enforcement of this rule will put – and this is their words, quote "2.3 million workers at greater risk to exposure, especially the construction industry — the backbone of our economy"

a. Please provide the scientific studies that provided the basis for your argument in this case.

b. When you stated "people are designed to deal with dust," what did you mean by that statement?

c. When you were last in the EPA, did you ever work on a rule was deemed later to ignore all of the science dealing with particle matter pollution?

d. Do you agree that there is robust science linking small particle pollution to negative health impacts, even death? If so, why is the science here different than for silica pollution?

The silica case dealt with the unique toxicological properties of silica and not with the pollutant "particular matter" that is regulated by EPA. The quote in this question was taken out of the context of a broader argument related to

[19] https://www.eenews.net/greenwire/stories/1060061731/search?keyword=silica

the question of whether there is an exposure threshold for respirable silica below which significant adverse health effects should not be expected to occur. The silica case remains an active matter and I am not authorized by my clients to say more.

48. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

President Trump is the Nation's Chief Executive. I believe it was within his authority to withdraw. I respect his decision.

49. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[20] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[21]

    a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

    b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

    c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[22] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

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[20] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord

[21] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html

[22] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

I am not familiar with the NERA study, so I cannot assess NERA's comments. If confirmed, my goal would be not to "distort" anybody's statements.

50. In a Law360 interview, you were asked, "What is the most challenging case you have worked on and what made it challenging?" You responded, "Without a doubt, it would be Massachusetts v. EPA. I was at the EPA at the time, working as counsel to the assistant administrator for air, Jeff Holmstead."[23] Please explain in detail, what your involvement was while in the EPA regarding regulations that led to, and the agency's defense of the Massachusetts v. EPA case.

    There were no regulations that led to the Mass v EPA decision. The decision under review was EPA's denial of a citizen petition asking EPA to regulate GHG emissions from motor vehicles. OAR was responsible in the first instance for preparing the proposed and final denial. OAR staff – including myself – provided support to the government litigation team while the case was pending in the DC Circuit and the US Supreme Court.

[23] https://www.law360.com/articles/427231/q-a-with-hunton-williams-bill-wehrum

Senator Cardin

51. On December 15, 2016, EPA extended by six months the deadlines to respond to petitions submitted by the state of Maryland under section 126 of the Clean Air Act. The petition from Maryland requests that EPA make a finding that 36 electric generating units located in the states of Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 2008 and the 2015 ozone NAAQS in Maryland. On September 27, 2017, the State of Maryland filed a complaint in the United States District Court of the District of Maryland against the EPA because of the lack of response in regard to the 2016 Good Neighbor petition.

    Will you commit to urge the EPA to approve the petition and enforce the air pollution controls already in place in Maryland at upwind out-of-state facilities that directly impede efforts to attain and maintain federal health-based air quality standards in Maryland?

    I cannot commit at this time to take any action for which I might be responsible if confirmed to be AA for OAR. I will note that CSAPR and the CSAPR update rule were intended to address interstate transport under § 110(a)(2)(D), such that there should not be a need or justification for § 126 petitions addressing the same plants, pollutants, and standards. If confirmed, and if the issues have not yet been resolved, I will look closely at the intersection of Maryland's § 126 petition with the CSAPR rules.

Senator Duckworth:

52. The Renewable Fuel Standard (RFS) program passed Congress with broad bipartisan support and was signed into law by President George W. Bush because it strengthens our nation's energy independence and security. The RFS supports rural communities and American farmers, while reducing greenhouse gas emissions. In my home State of Illinois alone, the RFS has helped create 4000 jobs and more than $5 billion in economic impact.

    I am concerned Administrator Pruitt, who reassured Congress that he would execute the program as Congress intended, will break his promise and implement the law in such a way as to limit or cap the growth in renewable fuels – directly violating the RFS program's statutory goals to increase American energy independence and security through increased production of biofuels. As the U.S. Environmental Protection Agency (EPA) has repeatedly affirmed, any policy that decreases or limits growth in biofuels is inconsistent with the statutory goals that Congress enshrined in the law.

    Do you believe that Congress intended the RFS to promote long-term growth in all biofuels fuels, including cellulosic ethanol? If confirmed, will you commit that EPA will issue Renewable Volume Obligations that increase production of renewable fuels across the board?

    The RFS clearly was intended to promote the growth of a wide range of biofuels, including cellulosic ethanol. I cannot commit at this time to take any action for which I might be responsible if confirmed to be AA for OAR. If confirmed, my intention is to faithfully implement all aspects of the CAA, including the RFS.

53. During your nomination hearing you stated that you will seek guidance from EPA ethics officials on whether or not you should recuse yourself from issues for which you have previously been engaged in. However, as a regulator and a public servant, you can and should use your own discretion on recusal to avoid even the appearance of conflict of interest.

    If confirmed, will you commit to recusing yourself on any issue related to biofuels or the renewable fuels standard given your past work on behalf of industry interests? What other steps will you take to guarantee that your financial and political interests do not influence your work on the RFS?

    Comprehensive rules of ethics govern the transition from private practice to government service. These rules address both real conflicts and appearances of impropriety. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

54. Will you submit for the record a full list describing any action you performed in your professional career related to the RFS program and identify the client or clients on whose behalf you were acting for each action?

I was counsel of record on three cases related to the RFS (principal clients are included in parentheses): (1) a challenge to EPA's E15 waiver (API and the Grocery Manufacturers Association); (2) a challenge to EPA's misfueling mitigation rule (API); and (3) a challenge to Minnesota's B10 mandate (API, the Auto Alliance, the American Fuel and Petrochemical Manufacturers). I also was responsible for RFS implementation during my prior tenure at EPA.

55. The Mercury and Air Toxics Rule, or MATS, is an EPA success story about protecting our most vulnerable – our children. After decades of delayed action, EPA implemented the MATS rule to protect our children and our pregnant women from our country's number one source of unregulated mercury and other air toxic pollution: power plants.

    Today, EPA says very few power plants in the country are not meeting the MATS pollution reduction timelines. Dr. Goldman, a world-renowned epidemiologist, pediatrician and Dean of the School of Public Health at George Washington University, testified earlier this year that we are seeing the public health benefits of MATS faster than predicted. Simply put, compliance for industry has been easier than opponents of this rule predicted and children are better protected than doctors expected – a real win-win that would never have occurred had corporate special interests prevailed in killing this critical public health rule.

    Despite these successes, you continue to lead industry lawsuits against the MATS Rule, falsely claiming that EPA has yet to prove it is appropriate and necessary to regulate mercury and air toxic emissions from power plants, a decision made almost two decades ago. You have argued that the price of our children's mental development is worth less than running pollution control technology that is already bought, paid for and running on our power plants.

    How can you assure us you will be impartial – you will choose our children over industry - when it comes to the Mercury and Air Toxics rule? How can you assure the American public that you will do the right thing to protect the children of Illinois and the children of all Americans?

    This question is premised on two factual inaccuracies. First, I do not "lead industry lawsuits against the MATS Rule." I was not counsel of record in the challenges to MATS and am not counsel of record in challenges to EPA's renewed "appropriate and necessary" finding. Second, industry petitioners in the MATS case did not make "false claims" related to the "appropriate and necessary" finding. In fact, the US Supreme Court determined that that finding was unlawful, which supported the petitioners' claims in this regard. Having said that, I have a deep interest in protecting public health and the environment, including children's health.

56. As you know Administrator Pruitt, like Secretary Zinke and former Secretary Price have spent millions of dollars combined flying on private jets across the country. This is a gross waste of taxpayer dollars.

Yes or no, as a taxpayer, do you approve of Administrator Pruitt's travel practices on the public dime, and will you commit to utilizing commercials flights in your position?

I am not familiar with Administrator Pruitt's or Secretary Zinke's travel history, so cannot speak to this aspect of your question. Should I be confirmed, I intend to utilize commercial flights to carry out my official duties.

Senator Ernst:

57. Administrator Pruitt has made engagement with rural America a priority and he has expressed particular concern over how EPA regulations, such as the Waters of the United States (WOTUS) rule, impact these local communities. In cases like WOTUS, the previous EPA did not fully analyze the costs associated with the regulation, particularly for rural communities. At the same time, the benefits of this rule, and others, were often overstated. How will you work to assure transparency when documenting the costs and benefits associated with EPA actions under your office?

    Costs can be considered in setting some, but not all, Clean Air Act rules. But, even when costs cannot be considered, it is important to prepare a comprehensive regulatory impact analysis so that the full costs and benefits of a rule are known. If confirmed, I will work hard to ensure that costs and benefits are accurately assessed and appropriately considered.

58. At multiple times over the course of your career you have represented clients such as API, GMA and others in cases intended to undermine the RFS. The questions you have argued in those cases are relevant to the current RVO rule making for 2018 and 2019, as well as those statutorily required going forward. Additionally, they are relevant to the regulatory decisions related Reid Vapor Pressure waivers, biofuel pathway approval, and topics you will have oversight of, if confirmed. Given this, will you recuse yourself from RFS rulemaking, administering the program or some portions of the program if confirmed, and if you do, who will administer the RFS?

    I was counsel of record in cases challenging EPA's E15 waiver, EPA's misfueling mitigation rule, and Minnesota's B10 mandate. These cases have all been decided and have no direct bearing on RFS implementation going forward. If confirmed, I do not believe it will be necessary or appropriate for me to recuse myself from RFS matters, although I will continue to work with EPA ethics officials to make sure that I fully comply with my obligations, and my intention is to faithfully implement all aspects of the CAA, including the RFS.

59. If you are confirmed, will you commit to have an open door policy for all interest groups, including those representing biofuels, to ensure that their perspectives are taken into consideration by yourself, the Administrator, and the rest of political leadership at EPA?

    If confirmed, I fully intend to have an open door policy on all issues.

60. Do you believe it is fair and appropriate to use only the input of parties regulated by the Clean Air Act when making regulatory decisions?

    No, many parties that are not subject to EPA's rules are affected by the rules and should have the opportunity for input.

Senator Fischer:

61. Mr. Wehrum, during questioning you stated that you did not have an in depth understanding around the Renewable Fuels Standard (RFS). Were you ever counsel for any clients involved in lawsuits around the RFS or ethanol-blended fuels? Can you state what your role was in that case(s) and who you represented?

    I have worked with the RFS in private practice and in my prior tenure at EPA. I was particularly familiar with the first phase RFS rules that implemented the original RFS that was enacted as part of the 2005 energy bill. The first phase rules were put in place while I was at EPA. OAR was primarily responsible for developing them. I am much less familiar with the second phase RFS program, which implemented the RFS amendments enacted as part of the 2007 energy bill. The cases I handled after leaving EPA dealt with very limited aspects of the RFS including challenges to EPA's E15 waiver, EPA's misfueling mitigation rule, and Minnesota's B10 mandate. These cases have all been decided and had essentially nothing to do with the second phase program nor do they have any direct bearing on RFS implementation going forward. Also, there are a number of recent court decisions more pertinent to EPA's most recent RFS-related actions that I am not familiar including recent case law on EPA's RFS waiver authority that I have not analyzed. I also do not know EPA's view of the recent cases and, more broadly, its current view of its waiver authority.

62. As a follow-up, were you serving in the position you are currently nominated to serve in again during the George W. Bush Administration while the RFS1 was implemented?

    As explained in my response to your first question, the RFS1 rules were developed and implemented during my prior tenure at EPA. I was involved in that effort.

63. Do you plan to recuse yourself from any items on the RFS or ethanol-blended fuels that you litigated on while in private practice?

    I was counsel of record in cases challenging EPA's E15 waiver, EPA's misfueling mitigation rule, and Minnesota's B10 mandate. These cases have all been decided and have no direct bearing on RFS implementation going forward. If confirmed, I do not believe it will be necessary or appropriate for me to recuse myself from RFS matters, although I will continue to work with EPA ethics officials to make sure that I fully comply with my obligations, and my intention is to faithfully implement all aspects of the CAA, including the RFS.

Senator Markey:

Mr. Wehrum, because of the Landmark 2007 Supreme Court ruling in Massachusetts v. EPA the EPA made a finding that carbon pollution poses a danger to America, known as the endangerment finding. This ruling made it possible for states like California and Massachusetts to use their Clean Air Act Authority to set higher fuel economy emissions standards for vehicles. State action combined with my 2007 fuel economy law, resulted in an auto industry approved increase of the fuel economy emissions standards to 54.5 miles per gallon by 2025. Those standards will save nearly 2.5 million barrels of oil a day by 2030, are the single largest step any nation has taken to reduce global warming pollution and will save consumers more than $1 trillion. And the auto industry has added 700,000 new jobs since these standards began to take effect.

Administrator Pruitt in his confirmation hearing before this Committee stated that the Endangerment Finding "needs to be enforced and respected." Administrator Pruitt also said earlier this year that "the Clean Air Act focused on mobile sources over the last several years I think has made a substantial difference with respect to GHG and CO2."

64. Mr. Wehrum, yes or no, do you agree with Administrator Pruitt that the endangerment finding needs to be enforced and respected?

    I have not discussed the endangerment finding with Administrator Pruitt, so I do not know his current views on the topic.

65. Mr. Wehrum, yes or no, do you support EPA's continued regulation of greenhouse gases from cars under the Clean Air Act?

    I believe that primary responsibility for regulating fuel economy belongs to the Department of Transportation. I believe that it is important for EPA to harmonize its actions with those of DOT.

Senator Merkley:

66. If you are confirmed as the Assistant Administrator of EPA's Office of Air and Radiation, you will be responsible for implementing the Clean Air Act, which, according to the Supreme Court in *Massachusetts vs EPA,* EPA has the authority to regulate greenhouse gases. Therefore, your understanding of the most basic principles of climate change science will be essential to your role in the regulation of greenhouse gases. In the Intergovernmental Panel on Climate Change's 5th Assessment Report, entitled, "Climate Change 2014 Synthesis Report Summary for Policymakers" (found here: http://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_SPM.pdf) the finding under "SPM1" that is labeled "{1}" (note that the labels {x} immediately follow the findings they refer to), states "Human influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history. Recent climate changes have had widespread impacts on human and natural systems. {1}". Do you agree with that finding?
    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

    I believe that the climate is changing and that manmade emissions are contributing to the change. I believe that amount attributable to manmade emission is not currently known with certainty. The IPCC quote is not inconsistent with these views.

67. In that same report, the finding under "SPM 1.1" labeled "{1.1} states "Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen. {1.1}." Do you agree with that finding?

    a. If you do not agree, please explain why, and provide at least one peer reviewed study supporting your stated position.

    I believe that the climate is changing, as is suggested by the quote.

68. In that same report, the finding under "SPM 1.2" labeled "{1.2, 1.3.1}" states "Anthropogenic greenhouse gas emissions have increased since the pre-industrial era, driven largely by economic and population growth, and are now higher than ever. This has led to atmospheric concentrations of carbon dioxide, methane and nitrous oxide that are unprecedented in at least the last 800,000 years. Their effects, together with those of other anthropogenic drivers, have been detected throughout the climate system and are *extremely likely* to have been the dominant cause of the observed warming since the mid-20th century." Do you agree with this finding?

a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

I believe that the climate is changing and that manmade emissions are contributing to the change. I do not know what is meant by "other anthropogenic drivers." If confirmed and as necessary, I can delve into this question.

69. In that same report, the finding under "SPM 2" labeled "{2}" states "Continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems. Limiting climate change would require substantial and sustained reductions in greenhouse gas emissions which, together with adaptation, can limit climate change risks. {2}". Do you agree with this finding?

    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

    It is my understanding that domestic reductions in greenhouse gas emissions, such as those accomplished by EPA's current regulatory programs, are projected to have little effect on predicted climate change.

70. In that same report, the finding under "SPM 3" labeled "{3.2, 3.3, 3.4}" states "Adaptation and mitigation are complementary strategies for reducing and managing the risks of climate change. Substantial emissions reductions over the next few decades can reduce climate risks in the 21st century and beyond, increase prospects for effective adaptation, reduce the costs and challenges of mitigation in the longer term and contribute to climate-resilient pathways for sustainable development. {3.2, 3.3., 3.4}". Do you agree with this finding?

    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

    It is my understanding that domestic reductions in greenhouse gas emissions, such as those accomplished by EPA's current regulatory programs, are projected to have little effect on predicted climate change.

71. In that same report, the finding under "SPM 3.2" labeled "{3.2, 3.4} states "Without additional mitigation efforts beyond those in place today, and even with adaptation, warming by the end of the 21st century will lead to high to very high risk of severe,

widespread and irreversible impacts globally (high confidence). Mitigation involves some level of co-benefits and of risks due to adverse side effects, but these risks do not involve the same possibility of severe, widespread and irreversible impacts as risks from climate change, increasing the benefits from near-term mitigation efforts. {3.2, 3.4}". Do you agree with this finding?

a. If you do not agree with this finding, please provide at least one peer reviewed study supporting your stated position.

The Trump Administration has announced its intent to reconsider the so-called "social cost of carbon," which is an estimate of the benefit associated with each ton of GHG emissions reduced. That work is directly related to the topic of this question. If confirmed, I likely will be involved in this effort. It is inappropriate for me to prejudge the outcome of this effort.

72. In that same report, the finding under "SPM 4" labeled "{4} states "Many adaptation and mitigation options can help address climate change, but no single option is sufficient by itself. Effective implementation depends on policies and cooperation at all scales and can be enhanced through integrated responses that link adaptation and mitigation with other societal objectives. {4}". Do you agree with this finding?

a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

To the degree manmade GHG emissions are contributing to climate change, I believe that emissions worldwide are contributing.

73. What are the annual emissions of greenhouse gases from power plants in the United States?

a. Are power plants one of the largest sources of greenhouse gas emissions?

I do not know the current level of GHG emissions from domestic power plants. Yes, they collectively are one of the largest domestic sources of manmade GHG emissions.

74. Mr. Wehrum, in your testimony, you said that human's contribution to climate change is "an open question". Please name which of these major scientific organizations have stated that human activity is the major driver of climate change.

The American Association for the Advancement of Science (AAAS)
American Chemical Society

American Geophysical Union;
American Institute of Biological Sciences;
American Meteorological Society;
American Public Health Association;
American Society of Agronomy;
American Society of Ichthyologists and Herpetologists;
American Society of Naturalists;
American Society of Plant Biologists;
American Statistical Association;
Association for the Sciences of Limnology and Oceanography;
Association for Tropical Biology and Conservation;
Association of Ecosystem Research Centers;
BioQUEST Curriculum Consortium;
Botanical Society of America;
Consortium for Ocean Leadership;
Crop Science Society of America;
Ecological Society of America;
Entomological Society of America;
Geological Society of America;
National Association of Marine Laboratories;
Natural Science Collections Alliance;
Organization of Biological Field Stations;
Society for Industrial and Applied Mathematics;
Society for Mathematical Biology;
Society for the Study of Amphibians and Reptiles;
Society of Nematologists;
Society of Systematic Biologists;
Soil Science Society of America;
University Corporation for Atmospheric Research.

My statement was not based on the views of these groups.

75. Mr. Wehrum, in your testimony, you declined to comment on the graphs I presented depicting the natural forces on observed temperature, and of greenhouse gases on observed temperature, saying you would need to see the underlying data. This website provides a clear presentation of the data, https://www.bloomberg.com/graphics/2015-whats-warming-the-world/, as well as an explanation of the methodology for these charts, including links to the models and data. Now that you have the time to review the methodology and data, can you please provide your own interpretation of these data sets?

    a. Do you agree with NASA's finding that human activity is the primary driver of climate change as shown by these data sets?

b. If you do not agree with NASA's finding from these data sets that human activity is the primary driver of climate change, please explain, in detail, your critiques of these data sets, and please cite at least one peer reviewed study that informs your critique.

Given the short schedule provided for responding to these questions, and given the substantial number of complex questions, I have not had time to further investigate your graphs or the data used to prepare the graphs.

76. You responded to my question about ocean acidification with the response that you are familiar with the "allegation of ocean acidification." The definition of allegation, according to Merriam-Webster, is "1. The act of alleging something", where "alleging" means "to assert without proof or before proving", and "2. A positive assertion especially of misconduct", and "3. An assertion unsupported and by implication regarded as unsupportable". Given that NOAA has directly measured changes in the pH of the oceans, showing that ocean water has become more acidic over time, do you believe that "ocean acidification" is an assertion "without proof"?

a. If you believe ocean acidification is an allegation, do you doubt scientists' ability to measure the pH of water?

b. If you do not believe that "ocean acidification" is an assertion "without proof", then will you retract your use of the word "allegation" to describe ocean acidification?

c. Scientists from both NOAA and the EPA have published information and data sets on ocean acidification, found here: https://www.epa.gov/ocean-acidification and here: https://pmel.noaa.gov/co2/story/A+primer+on+pH Can you please describe both NOAA and EPA's conclusion on the causes of ocean acidification?

d. In your testimony, you said you would defer to EPA scientists and career staff on matters of science. Will you defer to EPA career staff on the science of climate change and ocean acidification?

e. Please describe your current understanding of ocean acidification in detail, and provide at least one peer reviewed study supporting your stated position.

Given the short schedule provided for responding to these questions, and given the substantial number of complex questions, I have not had time to

review the sources to which you refer in this question. I have high regard for EPA career staff and executives. If confirmed, I will consider their views and advice very carefully on all matters, including climate change and ocean acidification.

77. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe this reflects fair and balanced input from public health and environmental advocacy organizations?

I am not familiar with Administrator Pruitt's schedule, so I cannot comment on it.

78. Will you commit to a fair and balanced ratio of input from public health and environmental advocacy organizations?

Many parties that are not subject to EPA's rules are affected by the rules and should have the opportunity for input. I fully intend to have an open door policy on all issues.

Senator Sanders:

Climate Change

79. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

    I believe that climate change is real and human activity contributes to climate change.

80. Do you agree with the vast majority of scientists that climate change is real, is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

    I believe that climate change is real and human activity contributes to climate change.

81. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

    Yes, the combustion of fossil fuels results in GHG emissions, which contribute to climate change.

82. If confirmed, what will you do to ensure that OAR addresses climate change?

    If confirmed, I will faithfully implement the Clean Air Act, including authorities related to GHGs and climate change.

Background

83. As a lobbyist with Hunton and Williams, you have represented a host of fossil fuel and chemical companies in lawsuits, some of which are still active, against the EPA. If confirmed, you would be in charge of making sure that these industries install necessary pollution control technologies and conduct waste cleanup.

    As Assistant Administrator for the Office of Air and Radiation, would you have any active conflicts of interests with these companies? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

    Comprehensive rules of ethics govern the transition from private practice to government service. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

84. While serving as Assistant Administrator for the Office of Air and Radiation under President Bush, you attempted to roll back environmental protections under the Clean Air Act. These rollback attempts were eventually defeated in the Supreme Court. If confirmed, will you commit to carrying out the Office of Air and Radiation's obligations under the

law, including as decided by the Supreme Court?

If confirmed, I will faithfully implement the Clean Air Act, including as construed by the US Supreme Court.

85. In your past career, you have brought suit against the EPA for its enforcement of the Clean Air Act. Can you explain why federal courts should be in the position of determining safe levels of pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

    Separation of powers is a core principle embedded in the US Constitution. As applied here, US EPA has been authorized by Congress to implement the national environmental laws. The role of the courts is to determine if EPA has fulfilled its legal obligations.

Science

86. At the EPA, science provides the foundation for Agency policies, actions, and decisions made on behalf of the American people. What should the role of science be in the development of EPA policies, rules, and regulations?

    As you say, science provides the foundation for many agency policies, actions, and decisions. EPA's role is to apply science and other relevant information in implementing the law.

Most Pressing Challenges

87. In your opinion, what are the most pressing air quality challenges that deserve the attention of the EPA? What will you do at the EPA to better address these challenges?

    Full implementation of the CAA § 112 air toxics program is one of the most pressing and difficult challenges facing OAR. If confirmed, this would be a priority for me and my staff.

Environmental Regulations

88. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

    Yes.

89. The EPA has adopted many cost-effective safeguards in the past eight years that would significantly reduce the pollution that contributes to asthma in children. If confirmed, will you commit to addressing threats from air pollution to America's children?

Yes, protecting the public health requires consideration of susceptible subpopulations, such as children.

Environmental Justice

90. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with air quality?

    If confirmed, I commit to working with you to promote public health and equal application of the law for all Americans.

91. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

    If confirmed, I commit to working with you to promote public health and equal application of the law for all Americans, including Native Americans.

92. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack.

    As Assistant Secretary of Air, will you commit to ensuring that vulnerable low-income communities and communities of color are protected from the harmful impacts of air pollution?

    If confirmed, I commit to working with you to promote public health and equal application of the law for all Americans, including low-income communities and communities of color.

Senator Whitehouse:

93. You have been leading the fight against EPA air standards so it's unclear to me how you're capable of serving in this position consistent with the requirements of Executive Order 13770, "Ethics Commitments by Executive Branch Employees," otherwise known as the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. Your ethics agreement states you intend to sign the pledge. We are aware of dozens of separate air cases you've worked on for clients regulated by EPA during your time at Hunton & Williams. Further, your law firm has performed millions of dollars worth of lobbying for Exxon Mobil, Koch Companies, Southern Company, and several other companies regulated by EPA.

    a) To ensure compliance with the pledge, please provide for the record all of Hunton & Williams clients, cases, regulatory matters, and issues/legislation on which its lobbied from the past two years, noting all clients with whom you've worked, cases on which you've worked, regulatory work you've done, and any issues/legislation on which you've lobbied.

    b) Your financial disclosure or 278 form does not require disclosure of pro bono work. For the past two years, please provide a list of all Hunton & Williams pro bono work, including the clients, cases, regulatory matters, and lobbying, noting all pro bono clients with whom you've worked, pro bono cases on which you've worked, pro bono regulatory work you've done, and pro bono lobbying you've preformed.

    I do not have a list of all particular matters involving specific parties in which Hunton & Williams is a party or represents a party. If confirmed, I intend to ascertain Hunton's involvement on a case-by-case basis before becoming involved in any particular matter involving specific parties. With regard to pro bono, for the past two years I have done work on state "freedom of information act" laws for a non-profit charitable organization. Please see attachment 1.

94. Your ethics statement suggests to me that you will be seeking waivers to ethics requirements. You may be allowed to seek a waiver, which I find troubling given your extensive history attacking clean air regulations on behalf of companies regulated by EPA.

    a. Please identify all particular matters which you believe at this time may require you to seek a waiver.

    b. For each of these matters, please state why it would be in the public interest to grant you a waiver.

    c. For any matters that you have not identified in response to this question, will you commit to not seeking a waiver from ethics requirements?

I do not have current plans to seek waivers.

95. Through documents produced from Oklahoma Open Records Act requests, we also know that Hunton & Williams staff worked with industry in key states to get other state Attorneys General on a comment letter Pruitt was leading to EPA opposing the carbon pollution standards for new power plants. Hunton & Williams staff also worked with Pruitt's staff to discuss who to approach about signing on, and coached them on how and when to submit the comments. Which client or clients did Hunton and Williams bill for this work?

    The client(s) has not authorized me to disclose this information.

96. According to a separate set of documents, some of which are marked "confidential", Hunton & Williams arranged a Summit on Federalism and the Future of Fossil Fuels convened by then-Oklahoma Attorney General Pruitt, sponsored by the George Mason School of Law's Law & Economics Center. Which client or clients did Hunton and Williams bill for this work?

    The client(s) has not authorized me to disclose this information.

97. Hunton & Williams, directly contributed to Scott Pruitt's campaign in 2010 and contributed over $200,000 to RAGA and RAGA's predecessor organization, the Republican State Leadership Committee during Scott Pruitt's time as board chair and on the executive committee.

    a. Between November 1, 2011 and February 17, 2017, how much have you or Hunton & Williams contributed to the Rule of Law Defense Fund (RLDF)?

    b. While Scott Pruitt was Attorney General of Oklahoma, what, if any, fundraising events for Scott Pruitt did you attend?

    c. While Attorney General of Oklahoma, did Scott Pruitt ever solicit money from you or Hunton & Williams for his campaign, his Oklahoma Strong or Liberty 2.0 PACs, RAGA, or the RLDF?

    d. If yes, please describe each solicitation and how much you and Hunton & Williams contributed as a result of each solicitation.

    e. Please provide a list of all RAGA or RLDF contributions, calls, meetings, events, or activities of yours or Hunton & Williams since November 1, 2011 and February 17, 2017.

    I have not contributed to or been involved with RLDF, Administrator Pruitt's campaigns or PACs, or to RAGA. Hunton & Williams' political contributions are a matter of public record.

98. Please describe any role you or Hunton & Williams played in the establishment of or financial contributions to America Rising, America Rising Squared, Protecting America Now, and any other organizations that funded efforts to get Scott Pruitt confirmed as EPA Administrator.

I played no role in any of these efforts or organizations. I am not aware that anyone from Hunton was involved.

99. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide's] a primary contributor to the global warming that we see." Based on the scientific findings from experts such as NOAA and statements on EPA's website, including "Carbon dioxide is the primary greenhouse gas that is contributing to recent climate change," Politifact determined that statement to be false. Do you agree with Administrator Pruitt or scientific experts regarding whether carbon dioxide is the primary greenhouse gas that is contributing to climate change?

I believe the degree to which manmade GHG emissions are contributing to climate change has not been conclusively determined.

100. In 2009, as mandated by the Supreme Court and backed by a robust scientific and technical review, the Environmental Protection Agency produced the Endangerment and Cause or Contribute Findings for Greenhouse Gases (GHGs) under Section 202(a) of the Clean Air Act. It found six greenhouse gases - carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride - "taken in combination endanger both the public health and the public welfare of current and future generations."

    a. Do you agree with the EPA's endangerment finding? Why or why not?

    b. Do you commit to not take any steps to narrow the scope or otherwise weaken the endangerment finding?

    I have not read the endangerment finding or the record prepared in support of the finding. Therefore, I currently do not have a view. Otherwise, I cannot prejudge any decision that might be made by EPA if I am confirmed.

101. Four Republican former EPA Administrators – Bill Reilly, Bill Ruckelshaus, Lee Thomas, Governor Christine Todd Whitman – testified before EPW that climate change is real and EPA has clear authority under the Clean Air Act to curb carbon dioxide?

    a. Do you agree that climate change is real?

    b. Do you agree that EPA has authority under the Clean Air Act to reduce carbon dioxide?

I agree that climate change is real and that EPA has limited authority under the CAA to regulate carbon dioxide emissions.

102. Industry frequently talks about compliance costs while ignoring the costs to people harmed by the effects of pollution. In Rhode Island these effects cannot be ignored as we see them through bad air days and other problems. Because Rhode Island ozone air quality issues are largely due to transported emissions from upwind states leading to ozone formation that pollutes the air and lungs of people in downwind states like mine. Over the past two years in Rhode Island, the 8-hour standard ozone standard exceeded 0.07 ppm 10 times in 2015 and 6 times in 2016.

    a. With respect to ozone, do you believe EPA should look at only the costs to industry when undertaking its regulatory impact analysis?

    b. Should the costs to families, such as children sent to emergency rooms due to asthma attacks triggered by smog, be included in the analysis?

    c. If so, should those costs be given a different weight than those claimed by industry?

    Costs can be considered in setting some, but not all, Clean Air Act rules. But, even when costs cannot be considered, it is important to prepare a comprehensive regulatory impact analysis so that the full costs and benefits of a rule are known. If confirmed, I will work hard to ensure that costs and benefits are accurately assessed and appropriately considered.

103. Ozone levels in RI are strongly affected by the transport of pollutants emitted in upwind states into RI. Although RI is currently designated as an unclassifiable/attainment area for the ozone NAAQS, monitored ozone levels in the state still exceed the standard on a number of days in the summer months because of out of state pollution.

    a. What, if any steps, have you taken in your career to help reduce the transport of pollution from upwind states into downwind states like Rhode Island?

    b. If confirmed, what steps will you take to address the transport of pollutants emitted in upwind states that contribute to exceedances of the ozone standard in RI and other downwind states?

    The "Clean Air Interstate Rule" was issued during my prior tenure at EPA. It was designed to address "interstate transport" (including into the State of Rhode Island) under the authority of CAA § 110(a)(2)(D). If confirmed, I intend to faithfully implement the Clean Air Act, including the interstate transport provisions.

104. According to EPA, 49% of coal units lack the most advanced NOx controls (Selective Catalytic Reduction systems or SCR). Several units that have SCR or other NOx emission control technology installed are not optimizing their use. For example, these six coal units have SCR installed but are not using it to optimize NOx reductions. In 2015, these facilities' NOx emissions were significantly higher than 2009 because they are not using the systems they have in place to reduce NOx.

Facilities with Increasing NOx

Facility	NOx Emission Increase	NOx Rate Increase
Harrison Power Station, West Virginia	13,139 tons (277%)	0.22 lb/mmBtu (220%)
Keystone, Pennsylvania	10,594 tons (285%)	0.22 lb/mmBtu (296%)
Pleasants Power Station, West Virginia	8,734 tons (341%)	0.24 lb/mmBtu (284%)
Homer City, Pennsylvania	7,522 tons (72%)	0.20 lb/mmBtu (107%)
Montour, Pennsylvania	5,889 tons (109%)	0.24 lb/mmBtu (207%)
St. Johns River Power, Florida	4,262 tons (60%)	0.23 lb/mmBtu (142%)

a. Why would this be the case?

b. Do you think these facilities should be required to keep on their NOx controls on?

I am not familiar with these particular power plants and do not know why they emit at the levels you report.

105. EPA's independent science advisers, leading medical groups like the American Medical Association, American Academy of Pediatrics, American Thoracic Society, American Lung Association, American Heart Association, and leading public-interest groups such as the NAACP called for a 60 ppb standard instead of the 70 ppb standard EPA finalized last year.

a. What do you believe is a health-protective standard for ozone?

b. Do you agree that one of the goals of the Clean Air Act is to set NAAQS standards to address the public health and welfare risks of NAAQS pollutants?

c. When considering setting NAAQS limits, should cost be considered?

I am not familiar with the current science on the health effects of ozone, so I cannot comment on your question as to the appropriate level of the standard. The US Supreme Court has ruled that cost may not be considered in determining the level of a NAAQS and that a primary standard should be set at the level "requisite" to protect public health with an adequate margin of safety. I respect the court's decision.

106. According to the EPA, it has been estimated that the Clean Air Act has a history of reducing air pollution, while creating jobs. Since 1970 aggregate emissions of common air pollutants dropped 72 percent, while the U.S. gross domestic product grew 219 percent. Total private sector jobs increased by 101 percent over the same period. In 2020, EPA

estimates that the standards will create the equivalent of over 104,000 new jobs including 17,000 new jobs building renewable energy facilities and over 78,000 jobs in improving demand-side energy efficiency.

a. Do you agree that regulations under the Clean Air Act since 1970 have helped grow the economy?

b. If not, can you provide your analysis, materials used, and people you solicited to come to this conclusion?

I am not familiar with the EPA analysis that produced these estimates. I believe that some, but not all, CAA-based regulations produce net benefits to the country.

107. How will you separate your history representing polluters in challenging environmental protections to defending EPA's mission of protecting public health and the environment?

Comprehensive rules of ethics govern the transition from private practice to government service. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

108. Have you heard anything to suggest that EPA may close or consolidate any Regional Offices? What is your opinion of such a proposal?

I do not know whether this is being considered and do not have an opinion.

109. During previous administrations, senior EPA managers' schedules have been available to the public and Administrator Pruitt recently started releasing his. If confirmed, do you agree to make your schedule available as well?

If confirmed, I will make my calendar available on a timely basis.

110. I found it extremely troubling that when asked about ocean acidification during your confirmation hearing, that you, a chemical engineer, said you were "aware of the allegation." The definition of "allegation" is "a claim or assertion… typically one made without proof." According to the following experts, ocean acidification is real and occurring:

National Academies of Sciences, Engineering and Medicine 2013 Review of the Federal Ocean Acidification Research and Monitoring Plan:
"The world's ocean has already experienced a 30% rise in acidity since the industrial revolution, with acidity expected to rise 100 to 150% over preindustrial levels by the end of this century. Potential consequences to marine life and also to economic activities that depend on a healthy marine ecosystem are difficult to assess and predict, but potentially devastating."

EPA 2016 Report on Climate Change Indicators in the U.S.:
"As the concentration of carbon dioxide in the atmosphere increases, the ocean absorbs more of it. Over the past 250 years, oceans have absorbed about 28% of the carbon dioxide produced by human activities that burn fossil fuels. Rising levels of carbon dioxide dissolved in the ocean negatively affect some marine life, because carbon dioxide reacts with sea water to produce carbonic acid. The increase in acidity changes the balance of minerals in the water and makes it more difficult for corals and plankton to produce the mineral calcium carbonate, which is the primary component of their hard skeletons and shells. Resulting declines in coral and plankton populations can change marine ecosystems and ultimately affect fish populations and the people who depend on them. Signs of damage are already starting to appear in certain areas.

Measurements made over the last few decades have demonstrated that ocean carbon dioxide levels have risen in response to increased carbon dioxide in the atmosphere, leading to an increase in acidity."

NOAA Ocean Acidification Program:
"Ocean acidification is occurring because our ocean is absorbing carbon dioxide from the atmosphere, leading to lower pH and greater acidity. This is causing a fundamental change in the chemistry of the ocean.
Since the industrial revolution, the atmospheric concentration of carbon dioxide has increased from 280 to over 400 parts per million due to the burning of fossil fuels such as coal, gas, and oil, along with land use change. Ocean acidification refers to a change in ocean chemistry in response to the uptake of increasing carbon dioxide (CO_2) in the atmosphere. The world's surface ocean is tightly linked with the atmosphere and absorbs huge amounts of carbon dioxide each year. This exchange, in part, helps to regulate the planet's atmospheric CO_2 concentrations, but comes at a cost for the oceans and life within it; from the smallest, single celled algae to the largest whales. Were it not for ocean uptake of CO_2, atmospheric CO_2 levels would be increasing at an even greater rate than they are now."
NOAA Pacific Marine Environmental Laboratory Carbon Program:

"Since the beginning of the Industrial Revolution, the pH of surface ocean waters has fallen by 0.1 pH units. Since the pH scale, like the Richter scale, is logarithmic, this change represents approximately a 30% increase in acidity. Future predictions indicate that the oceans will continue to absorb carbon dioxide and become even more acidic. Estimates of future carbon dioxide levels, based on business as usual (BAU) emission scenarios, indicate that by the end of this century the surface waters of the ocean could be nearly 150% more acidic, resulting in a pH that the oceans haven't experienced for more than 20 million years."

Do you accept the findings of these experts that:

a. The human-caused increase in atmospheric carbon pollution is directly related to decreases in ocean pH (ocean acidification)?

b. Oceans are currently acidifying at a rate unprecedented in tens of millions of years?

c. Ocean acidification is damaging coral reefs worldwide, important habitats for recreation, tourism, and commercial fishing?

d. Ocean acidification is harmful to marine ecosystems, negatively affecting fish populations and the communities who depend on them?

e. If you do not agree with any of these statements, please identify the evidence, studies, or analyses you are relying upon to justify your position.

Given the short schedule provided for responding to these questions, and given the substantial number of complex questions, I have not had time to review the sources to which you refer in this question.

111. Since 2009, the states participating in the Regional Greenhouse Gas Initiative (RGGI) have seen carbon pollution fall by 18% while their economies grew by 9.2%. Emissions in the other 41 states fell by 4% while their economies grew by 8.8%.

a. Do you agree that RGGI has developed a successful model for growing our states' economies and cutting carbon pollution at the same time?

b. Do you believe funding levels for EPA grant programs that fund state level initiatives to reduce their emissions should remain level, be increased, or be decreased?

The very low allowance prices under RGGI and the similar performance in other states suggest that RGGI is not a driving factor in these statistics. If confirmed, I will manage OAR's programs within the authorities and budget provided by Congress, including STAG grants.

112. EPA operates multiple networks to monitor compliance with the Clean Air Act's National Ambient Air Quality Standards and to track hazardous air pollutants regulated under the act. These networks include, among others, the State and Local Air Quality Monitoring Network, the National Air Monitoring Network (which targets areas of high population density with a variety of air pollution sources), Special Purpose Monitoring Stations (used for short-term studies and other purposes), Photochemical Assessment Monitoring Stations (used to measure pollutants that contribute to ground-level ozone, a harmful air pollutant), and the National Air Toxics Trends Stations.

a. What is your vision for air monitoring?

b. Do you believe funding at EPA for these important monitoring networks should remain level, be increased, or decreased?

c. Under your leadership, will you push for greater inclusion of technology-based tools for compliance monitoring and implementation, including electronic reporting and additional air monitors?

Actual air monitoring data is far preferable to modeling or other forms of estimation. The question of compliance monitoring is primarily the responsibility of the Office of Enforcement and Compliance Assurance, with which I will work closely, if confirmed. With regard to budget, if confirmed, I will manage OAR's programs within the authorities and budget provided by Congress.

113. Section 105 grants provide significant funding to states for implementing the Clean Air Act requirements. EPA is proposing a new formula for how the 105 grants are distributed to each of the regional offices (and subsequently to the states). Region 1, where Rhode Island receives its funding from, will receive a smaller percentage of the total 105 funds under this revised formula. EPA is proposing an implementation approach that would limit regional losses to no more than 2.5% from each region's prior year amount. Region 1 will lose 2.5% for, at least, each of the next five fiscal years and possibly ten years, under this proposed approach. Will you commit to not implementing the new formula until and unless there is sufficient overall funding such that no Region will see reduced funding from the prior year's amount?

If confirmed, I will manage OAR's programs within the authorities and budget provided by Congress, including STAG grants.

114. The Clean Air Act regulates air emissions from stationary and mobile sources, protecting public health and ensuring Americans have safe air to breathe. Concentrated animal feeding operations (CAFOs) may emit air pollutants in high enough quantities to subject them to CAA and other statutory requirements.

a. Do you believe CAFOs pollute the air?

b. Do you believe it is important for EPA, state and local agencies, and the public to know what air quality and health risks are posed by animal feeding operations?

c. Will you commit to ensuring that the law is enforced with regards to CAFOs.

CAFOs emit a number of CAA-regulated air pollutants. CAFOs also are different than most other stationary sources regulated under the CAA. These differences must be carefully considered in crafting any CAA-based regulatory requirements.

115. On September 19, 2017, the EPA Office of Inspector General (OIG) released a report on EPA's attempts to develop reliable emission estimation methods (EEMs) to determine

whether animal feeding operation are subject to or comply with Clean Air Act permit requirements or emission reporting requirements under CERCLA or EPCRA (Report No. 17-P-0396). On June 23, 2017, the Office of Air and Radiation agreed with OIG's recommendations and OIG has accepted its planned corrective actions. If confirmed, do you commit to ensuring EPA fulfills its commitment to implement the actions laid out in OAR's June 23, 2017 letter to OIG?

I am not familiar with the OIG report or OAR's response. If confirmed, I will take time to familiarize myself with these materials and this issue.

116. OIG's September 19, 2017 report (Report No. 17-P-0396) on animal feeding operations cited a lack of EPA agricultural air expertise and committed resources as a factor in delays in developing emission estimating methodologies.

    a. Given President Trump's proposed cuts to EPA's budget, how do you envision implementing the actions agreed to by OAR in Report No. 17-P-0396?

    b. What is your vision for protecting public health by ensuring animal feeding operations are meeting CAA and other statutory requirements?

    I am not familiar with the OIG report, so cannot comment on its findings. In my experience, OAR career staff and executives have ample experience and expertise with agricultural issues, including those arising at CAFOs.

117. Until recently, Carl Icahn served as a special advisor to the President on overhauling regulations. Carl Icahn is also a majority owner of CVR Energy which is an oil refiner that has a compliance obligation under the RFS to blend its oils with renewable fuels. Icahn's company has repeatedly benefited when he has proposed changes to the RFS that would benefit CVR and through speculation in the Renewable Identification Numbers (RINs) market. For example, in February of 2017 Mr. Icahn reportedly presented the White House with draft Executive Order language that would reform the RFS to benefit CVR energy. The same day, CVR's stock value increased by 3.5%, representing a multi-million dollar windfall to Icahn.

    a. Please describe any interactions you've had with Carl Icahn, CVR Energy, Valero, or other entities about the RFS in the past two years.

    b. Do you think it is appropriate for an Administration official like Mr. Icahn to propose making changes to EPA regulations that clearly benefit a company he owns?

    c. If you are confirmed as AA of OAR, and Carl Icahn or CVR Energy approaches you about a matter related to the RFS, do you think would be appropriate to talk with him?

d. Will you commit to not talking with Carl Icahn about the RFS?

I have had no interactions with Carl Icahn, CVR Energy, or Valero on the RFS in the past two years. I do not recall interactions with other entities on the RFS in the past two years, although I occasionally offer implementation advice to clients on the RFS. If confirmed, I fully intend to have an open door policy on all issues, which might include meetings with both proponents and opponents of the RFS.

118. Since July, EPA has submitted two different proposals that would lower the volumes for biodiesel and renewable diesel. Congress told EPA to increase the volumes of biodiesel and renewable diesel, and both the President and Administrator Pruitt have pledged their support for the RFS. How do you explain EPA's actions?

I am not involved in EPA's decisions about RFS implementation, so I cannot explain their current thinking.

119. In your professional career you have specifically worked against the interests of biofuels and have represented the petroleum sector in multiple law suits. As Assistant Administrator how would the biodiesel and renewable diesel industries get a fair hearing from you?

Comprehensive rules of ethics govern the transition from private practice to government service. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations. Further, I commit to implementing an open door policy in meeting with all relevant stakeholders within OAR and will work to faithfully implement all aspects of the CAA, including the RFS in an impartial manner.

120. In July, the DC Circuit Court in ACE vs. EPA said, EPA can't use general waive authority to regulate supply under the RFS. Yet in the most recent proposal from EPA, EPA is proposing exactly that and is working to use general waive authority to decrease the volumes based on supply. Clearly we have billions of gallons of biodiesel and renewable diesel that qualify for the program and are ready to be produced here in the United States, in Canada and throughout the world. Isn't EPA setting itself up for another lawsuit?

I am not familiar with EPA's recent RFS proposals or on the Agency's view as to how they relate to the recent court decision.

121. The EPA has signaled its planned rejection of the proposal to change the point of obligation under the law. The Agency has yet to issue a decision. If confirmed, will you finalize and issue the Agency's rejection of this proposal, and if so, when? Have you ever expressed a view on proposals to change the point of obligation and if so, what was it?

I expressed a view on this topic when the RFS1 rules were established during my prior tenure at EPA. At that time, I supported the point of obligation that, then and

now, is contained in the rules. I have not expressed a view on the possibility of changing the point of obligation. I cannot prejudge any decision that might be made by EPA if I am confirmed.

122. On September 26, the EPA issued a Notice of Data Availability that proposed to make significant, substantial changes to its proposed 2018 RVO and provided for a 15-day comment period. NODAs are generally used to provide data and supplement information in the record. In this case, the EPA has proposed to make material changes to its original proposal, offering stakeholders only 15 days to comment on something that, if adopted, would negatively impact the U.S. biodiesel industry and set the stage for unjustified reductions in perpetuity. In your experience, is this a typical use of a NODA, and can you give me another example when the EPA has used a NODA in this manner? Do you believe that 15 days is an appropriate comment period for a proposed rule under the RFS? In your opinion, is inventing a new methodology to justify a pre-determined outcome an appropriate process to apply in EPA rulemakings under the RFS?

I do not know why EPA decided to issue a NODA rather than a supplemental proposal. What matters most is whether interested parties have received adequate notice of a possible rule change. I believe the NODA provided such notice. The CAA does not specify a minimum period for public comments. I know that issuing RVOs takes a lot of work and meeting the annual schedule is always a challenge. A short comment period on a set of narrow issues may be what is needed to keep this rule on schedule.

123. Do you believe methane is a greenhouse gas? What is methane's global warming potential, and from what source does that number come?

Yes, methane is a GHG. When it established NSPS limits on methane for the oil and gas industry, EPA estimated the global warming potential of methane to be 25. *See*, 81 Fed. Reg. 35824, 35827 (June 3, 2016).

124. Is it your understanding that EPA will enforce the methane rule on a case-by-case basis? Please explain how EPA's case-by-case approach to compliance with the Methane Rule is consistent with EPA's "No Action Assurance" policy, which dates back to 1984.

I do not know what it means to "enforce the methane rule on a case-by-case basis." I have no official knowledge of EPA potentially issuing a no-action assurance with regard to aspects of the "Quad Oa" methane rule, nor am I aware that any such document has been issued.

125. Which states have been delegated enforcement authority over the Methane Rule? What oversight and/or assistance will EPA provide these states to ensure that regulated entities are complying with the rule?

I do not know which states have been delegated enforcement authority for the

Methane Rule. When such delegation is made, EPA retains authority to interpret and enforce the rule.

126. What types of reports and notifications should EPA require states with delegated enforcement authority to submit to the agency to ensure that the states are enforcing the methane rule?

The rules (such as they are) that govern delegation appear at 40 CFR Part 60 Subpart A.

127. Administrator Pruitt has been criticized for spending a disproportionate amount of his time meeting with industry and virtually no time with public-interest groups. If confirmed, will you commit to meet with and listen to all parties, including environmental and public health groups, in a balanced fashion?

If confirmed, I fully intend to have an open door policy on all issues.

128. If confirmed, do you commit to notifying the Committee of all of the email addresses you plan to use upon confirmation and within seven days of using a new email address, including any aliases or pseudonyms? Do you commit do conducting all business using official email addresses and other means and to refrain from any mediums that are outside the Freedom of Information Act's reach?

I intend to conduct all official business using my published EPA e-mail address. I do not intend to use my personal e-mail address or any pseudonym.

129. Do you believe the U.S. should remain a party to the United Nations Framework Convention on Climate Change?

The UNFCC is a treaty. The US Department of State has primary responsibility for treaties. I defer to State on this issue.

130. Do you believe the U.S. should remain a party to the Paris Agreement?

The Paris Agreement is an international agreement. The US Department of State has primary responsibility for such matters. I defer to State on this issue.

131. If confirmed, do you commit to providing complete and accurate responses to inquiries from EPW members in a timely fashion.

Administrator Pruitt has made responsiveness to Congress an important priority. The 2800 pages of EPA responses provided to Members of the Environment and Public Works Committee on display at the nomination hearing is a testament to this commitment. Accordingly, I will continue to be a part of EPA's transparent and responsive culture.

132. Do you think there should be a standardized social cost of carbon? Is the social cost of carbon greater than zero dollars per metric ton? If so, what is the most accurate social cost of carbon in 2017 and what is the best way to calculate this number?

EPA develops benefits estimates for many CAA-regulated pollutants. The "social cost of carbon" is a benefits estimate and it would be consistent with EPA practice to develop such a value. I do not know enough about the underlying data to suggest an appropriate value. It is worth noting that the global scale, long lag time, and indirect nature of the effects of GHG emissions make it particularly difficult to develop a reliable benefits estimate, as compared to other CAA pollutants, which have more direct and immediate effects.

133. A 2007 legal challenge prompted the courts to direct the government to further quantify the costs and benefits of a ton of carbon pollution in federal government rulemakings. Specifically, the U.S. Court of Appeals for the 9th Circuit agreed that in quantifying the benefit of cutting carbon pollution but admonished that the value is "certainly not zero."[24] The Court asked National Highway Traffic Safety Administration to do a new rule that addressed this issue. This court decision has led the Bush and Obama Administrations to further refine a value for the SCC. Do you agree with the reasoning in this decision?

a. If no, please explain why not and how that would affect how you would approach your responsibilities.

I am not familiar with that decision. As noted above, there are many challenges to developing a reliable benefits estimate for GHGs.

134. In 2009, the Obama administration created an interagency working group (IWG) in an effort to create a governmental value for the social cost of carbon, which based its calculations on peer-reviewed economic models and expert opinions. The models included in their analysis were the Dynamic Integrated Climate-Economy (DICE)[25], Policy Analysis of the Greenhouse Effect (PAGE)[26], Climate Framework for Uncertainty, Negotiation and Distribution (FUND)[27], and World Induced Technical Change Hybrid (WITCH)[28] models. The IWG was comprised of scientists and economists from the Office of Management Budget, the Council for Environmental Quality, the National Economic Council, the EPA, the U.S. Department of Agriculture, Energy, Transportation, and Treasury.

a. Can you discuss whether you think the models used by the IWG are appropriate and credible tools for calculating the social cost of carbon?

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[24] *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508, U.S. Court of Appeals for the 9th Circuit (2007), available at http://caselaw.findlaw.com/us-9th-circuit/1024716.html.
[25] Dynamic Integrated Climate-Economy model (DICE), http://www.econ.yale.edu/~nordhaus/homepage/dicemodels.htm
[26] Policy Analysis of the Greenhouse Effect (PAGE), http://climatecolab.org/resources/-/wiki/Main/PAGE
[27] The Climate Framework for Uncertainty, Negotiations and Distribution (FUND), http://www.fund-model.org/
[28] World Induced Technical Change Hybrid model (WITCH), http://www.witchmodel.org/

b. Can you comment on whether the IWG was comprised of the right governmental stakeholders and actors?

I am not familiar with the models used by the IWG. I believe it is appropriate to be inclusive in establishing a benefits estimate for GHGs.

135. On March 28, 2017, the President issued a Presidential Executive Order on Promoting Energy Independence and Economic Growth, which disbanded the IWG, withdrew the guidance it issued, and reverted to OMB Circular A-4 of September 17, 2003 (Regulatory Analysis). This in effect requires each agency to estimate the value of changes in greenhouse gas emissions resulting from regulations. Do you believe the regulatory process will be more effective and efficient in the absence of unified guidance on how to monetize the value of changes in greenhouse gas emissions?

Any benefits estimate – even if developed as part of an EPA rule – likely will be developed in coordination and conjunction with other departments and agencies.

136. Part of the social cost of carbon calculation assumes a value for discount rates. The IWG after reviewing past OMB guidance recommended using a 3% discount rate[29].

a. Do you have an opinion on what the discount rate value should be when calculating the social cost of carbon?

b. Scientific research has found that it would be more accurate to use a declining discount rate instead of a fixed one. Do you agree that a declining discount rate would be more accurate?

c. Do you have an opinion on what the discount rate value should be used for inter-generational impacts?

I currently do not have an opinion on the proper discount rate.

137. Do you believe that it is appropriate for a cost-benefit analysis to consider the harm caused in other countries from pollution emitted in the United States?

The CAA has provisions that address international pollution transport. For example, CAA § 179B deals with "international border areas." I believe that international pollution transport and effects should be addressed as specified by the Act.

[29] Interagency Working Group on Social Cost of Greenhouse Gases, *Technical Support Document*, pp. 15–16.

Senator Wicker:

138. As you consider policies at the EPA that affect emissions, will you consider the future uses of biomass in the U.S. as part of the power generation mix? Will you consider and institute policies related to emissions that will allow new market opportunities for American biomass and wood pellet resource?

Biomass is an important domestic source of fuel for power generation. It has been and will continue to be considered as EPA formulates policies and emissions control programs for the power sector.

139. For most of its existence, the ENERGY STAR program has been housed at EPA. Since a 2009 MOU between EPA and DOE, EPA has been administering the voluntary ENERGY STAR program on home appliances.

I am concerned about the proposals to move the ENERGY STAR program for home appliances to DOE. There is the potential that this change could result inefficiencies and lead to additional regulatory burdens. In particular, DOE may not update specifications to incorporate evolving technologies as EPA has through the voluntary program in partnership with stakeholders.

Can you share your perspective on this issue?

ENERGY STAR is a unique and successful program. Its ongoing success highly depends on maintaining credible specifications for covered products and services. Responsibility for implementing ENERGY STAR is split between EPA and DOE. Close coordination is vital to effective program implementation. If confirmed, I intend to make such coordination a priority.

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/13/2017 8:20:45 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: have you sent the Qs yet?

Just sent! **Deliberative Process / Ex. 5**

Call if you need anything.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, November 13, 2017 3:11 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: have you sent the Qs yet?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/5/2017 9:10:28 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Re: Congratulations!

Our water nominee told me the same yesterday. I'm seeing a pattern.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 5, 2017, at 5:05 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Buzz kill Christian.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | **Ex. 6** F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, October 05, 2017 5:02 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Bowman, Liz
Subject: Re: Congratulations!

Also congrats Andrew! **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 5, 2017, at 4:56 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Thanks! Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, October 05, 2017 4:50 PM
To: Wheeler, Andrew R.
Cc: Palich, Christian; Bowman, Liz
Subject: Congratulations!

Congratulations on the official nomination.

We look forward to working w you on your confirmation.

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/4/2018 5:16:09 PM
To: andrew wheeler Ex. 6 andrew.wheeler@faegrebd.com
Subject: RE: Committee Letter

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Palich, Christian
Sent: Thursday, January 4, 2018 12:10 PM
To: 'andrew wheeler' Ex. 6 andrew.wheeler@faegrebd.com
Subject: RE: Committee Letter

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: andrew wheeler Ex. 6
Sent: Thursday, January 4, 2018 11:50 AM
To: Palich, Christian <palich.christian@epa.gov>; andrew.wheeler@faegrebd.com
Subject: Committee Letter

Christian, Deliberative Process / Ex. 5

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/28/2017 1:50:07 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Meeting Request

No problem Andrew, we will re send the request.

Have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 27, 2017, at 9:45 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> Can you send the meeting request to them below. Thanks Monday is fine.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Kessler, Rick" <Rick.Kessler@mail.house.gov>
> > **Date:** October 27, 2017 at 7:25:13 PM EDT
> > **To:** "Wheeler, Andrew R." <Andrew.Wheeler@FaegreBD.com>
> > **Subject: RE: Meeting Request**
> >
> > Sorry I missed your call earlier. Was a crazy day.
> > I checked with the PO and they couldn't find a request. Can you resend and copy me?
> > His scheduler is Alexander Gristina (Alexander.Gristina@mail.house.gov).
> >
> > Also, I'm available to talk over the weekend if you want: Ex. 6
> >
> > **Rick Kessler**
> > **Senior Advisor &**
> > **Staff Director for Energy and Environment**
> > **Committee on Energy and Commerce Democratic Staff**
> > **(202) 225-4407**
> >
> > ---
> >
> > **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> > **Sent:** Thursday, October 26, 2017 5:05 PM
> > **To:** Kessler, Rick <Rick.Kessler@mail.house.gov>
> > **Subject:** Meeting Request
> >
> > Rick, I hope things are going well. As I'm sure you heard I've been nominated to be the Deputy Administrator. EPA, at my request, reached out to both Chairman Walden and

your boss's office to see if they would like to meet with me prior to my nomination hearing. To my knowledge your office hasn't responded. Since the request is unorthodox for a nominee to offer a meeting to House members at this stage, I just wanted to make sure that you were aware it had been made. I would of course be happy to meet with him before or after the hearing and/or happy to meet with you. Thanks.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/9/2017 8:58:21 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: EPW Form

Perfect. Deliberative Process / Ex. 5

I'll tell EPW you would like Tuesday or Thursday!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 9, 2017, at 4:56 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, October 09, 2017 4:53 PM
To: Wheeler, Andrew R.
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 9, 2017 4:44 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Friday, October 06, 2017 3:39 PM
To: Wheeler, Andrew R.
Subject: Re: EPW Form

Hi Andrew,

Deliberative Process / Ex. 5

Just wanted to get you an update. Enjoy the weekend.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 6, 2017, at 1:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> **Deliberative Process / Ex. 5**
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Friday, October 06, 2017 1:38 PM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan
Subject: RE: EPW Form

Perfect. **Deliberative Process / Ex. 5**

Thanks Andrew and have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 6, 2017 1:34 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPW Form
Importance: High

Attached is my EPW form. **Deliberative Process / Ex. 5**

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/26/2017 8:35:53 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: is the 8th confirmed now?

Still on the 8th!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 26, 2017, at 4:07 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> It has been scoped and we are still on, correct?
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
>
> ---
>
> **From:** Palich, Christian [mailto:palich.christian@epa.gov]
> **Sent:** Wednesday, October 25, 2017 10:59 AM
> **To:** Wheeler, Andrew R.
> **Cc:** Lyons, Troy
> **Subject:** RE: is the 8th confirmed now?
>
> As of yesterday EPW said 8th is 100% the day.
>
> Christian R. Palich
> *Deputy Associate Administrator*
> *Office of Congressional & Intergovernmental Affairs*
> *U.S Environmental Protection Agency*
> *O: 202.564.4944*
> *C:* Ex. 6
> *E: Palich.Christian@epa.gov*
>
> ---
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Wednesday, October 25, 2017 10:57 AM
> **To:** Palich, Christian <palich.christian@epa.gov>
> **Subject:** is the 8th confirmed now?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/25/2018 1:32:58 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: Schedule Tomorrow

Let's do 230 tomorrow Andrew, give me a ring and I'll come get you checked in!

Have a terrific evening.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Jan 24, 2018, at 5:38 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> I'm free in the morning until a call at 11:00, then free in the afternoon from 2:00-3:30
>
> Sent from my iPhone
>
> On Jan 24, 2018, at 5:24 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>
> > Hi Andrew,
> >
> > Do you have time to stop by the office tomorrow? Happy to work around your schedule.
> >
> > Thanks!
> >
> > Christian R. Palich
> > Deputy Associate Administrator
> > Congressional & Intergovernmental Relations
> > Ex. 6
> >
> > Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/6/2017 12:40:44 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Monday meeting?

It is, they decided to have Andrew and Kathleen do the meeting together. Sorry for the confusion.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 6, 2017, at 7:39 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Christian can you double check with them that it is different from this meeting? That Beth set up. Thanks!
>
> <image1.PNG>
>
> Sent from my iPhone
>
> On Nov 3, 2017, at 8:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
>> I already have one on my calendar for Tuesday for 2:30, but I can do Monday at 2:30. I have a noon meeting with toxics on Monday.
>>
>> Sent from my iPhone
>>
>> On Nov 3, 2017, at 5:37 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>>
>>> Do one of these times work Monday for you Andrew?
>>>
>>> Have a great weekend!
>>>
>>> Christian R. Palich
>>> Deputy Associate Administrator
>>> Congressional & Intergovernmental Relations
>>> Ex. 6
>>>
>>> Sent from my iPhone
>>>
>>> Begin forwarded message:
>>>
>>>> **From:** "Leggett, Matt (EPW)" <Matt_Leggett@epw.senate.gov>

Date: November 3, 2017 at 5:18:51 PM EDT
To: "Viktoria Seale (Ex. 6)" (Ex. 6 >, "Palich, Christian" <palich.christian@epa.gov>
Cc: "Lyons, Troy" <lyons.troy@epa.gov>, " Ex. 6 " < Ex. 6 >, "Trenti, Beth (EPW)" <Beth_Trenti@epw.senate.gov>
Subject: Monday meeting?

Hi Viktoria and Christian,

We were wondering if you all would like to bring in Ms. White and Mr. Wheeler to meet with majority staff and majority subcommittee staff directors on **Monday at 12 noon or 2:30?** This would be one final meeting to go over the hearing, have an informal q&a, and get the subcommittee staff directors focused and involved. Are you and the nominees available to meet at EPW at either of those times?

Best,

Matt

Matt Leggett
Chief Counsel
Ex. 6
--
U.S. Senate Committee on Environment and Public Works
Senator John Barrasso, Chairman

●●●○○ Verizon LTE 7:38 AM

Nov 7 **Event Details**

Meeting with Richard Russell

410 Dirksen Senate Office Building

Tuesday, Nov 7, 2017
from 2:30 PM to 3:30 PM

2 PM

3 PM CANCELED Canceled... Meeting with Richard Russell Meeting with Richard Russ...

4 PM Call: Congressman Darin LaHood (IL-18) Administrator's Office

Calendar ● Calendar

BT Invitation from
Beth Trenti

Accepted

Troy Lyons

No Reply

Christian Palich Kaitlyn Shimmin

Alert None

Accept Maybe Decline

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/4/2017 1:02:01 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Monday meeting?

They decided to do the meeting together instead of separate and I think Kathleen couldn't do Tuesday, sorry for the confusion.

We will send you the updated calendar invite for Monday at 2:30.

Enjoy the weekend!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 3, 2017, at 8:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> I already have one on my calendar for Tuesday for 2:30, but I can do Monday at 2:30. I have a noon meeting with toxics on Monday.
>
> Sent from my iPhone
>
> On Nov 3, 2017, at 5:37 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>
>> Do one of these times work Monday for you Andrew?
>>
>> Have a great weekend!
>>
>> Christian R. Palich
>> Deputy Associate Administrator
>> Congressional & Intergovernmental Relations
>> Ex. 6
>>
>> Sent from my iPhone
>>
>> Begin forwarded message:
>>
>>> **From:** "Leggett, Matt (EPW)" <Matt_Leggett@epw.senate.gov>
>>> **Date:** November 3, 2017 at 5:18:51 PM EDT
>>> **To:** "Viktoria Seale (Ex. 6)" <Ex. 6>, "Palich, Christian" <palich.christian@epa.gov>

Cc: "Lyons, Troy" <lyons.troy@epa.gov>,
"Ex. 6" <Ex. 6>,
"Trenti, Beth (EPW)" <Beth_Trenti@epw.senate.gov>
Subject: Monday meeting?

Hi Viktoria and Christian,

We were wondering if you all would like to bring in Ms. White and Mr. Wheeler to meet with majority staff and majority subcommittee staff directors on **Monday at 12 noon or 2:30?** This would be one final meeting to go over the hearing, have an informal q&a, and get the subcommittee staff directors focused and involved. Are you and the nominees available to meet at EPW at either of those times?

Best,

Matt

Matt Leggett
Chief Counsel
Ex. 6
--
U.S. Senate Committee on Environment and Public Works
Senator John Barrasso, Chairman

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 4/26/2018 4:10:10 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Options on the Washington Water Quality Standards

Just as a heads up, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

On Apr 26, 2018, at 12:03 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Sir,

Deliberative Process / Ex. 5

If you have any questions or comments please just let me know.

Respectfully,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

Deliberative Process / Ex. 5

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/13/2018 2:43:33 AM
To: Ross, David P [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=119cd8b52dd14305a84863124ad6d8a6-Ross, David]
Subject: Re: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Thanks Dave!

Sent from my iPhone

On Apr 12, 2018, at 8:26 PM, Ross, David P <ross.davidp@epa.gov> wrote:

Andrew,

Congratulations! Really looking forward to you joining the team. Enjoy the moment!

Dave

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, April 12, 2018 4:43 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Ford, Hayley <ford.hayley@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>; Cook, Steven <cook.steven@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>; 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>; Leopold, Matt <Leopold.Matt@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lovell, Will (William) <lovell.william@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>; Schwab, Justin <Schwab.Justin@epa.gov>; Seabaugh, Catherine <seabaugh.catherine@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>
Subject: RE: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Thank you team!! Can't wait to get over there!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, April 12, 2018 4:30 PM
To: Ford, Hayley; Abboud, Michael; Baptist, Erik; Beach, Christopher; Beck, Nancy; Bennett, Tate; Block, Molly; Bodine, Susan; Bolen, Brittany; Bolen, Derrick; Bowman, Liz; Brown, Byron; Burke, Marcella; Chancellor, Erin; Cook, Steven; Cory, Preston (Katherine); Daniell, Kelsi; Darwin, Henry; Darwin, Veronica; Dominguez, Alexander; Dravis, Samantha; Falvo, Nicholas; Feeley, Drew (Robert); Ferguson, Lincoln; Forsgren, Lee; Fotouhi, David; Frye, Tony (Robert); Gordon, Stephen; Greaves, Holly; Greenwalt, Sarah; Gunasekara, Mandy; Hanson, Paige (Catherine); Harlow, David; Hewitt, James; Hupp, Millan; Jackson, Ryan; Kelly, Albert; Konkus, John; Kundinger, Kelly; Leopold, Matt; Letendre, Daisy; Lovell, Will (William); McMurray, Forrest; Munoz, Charles; Palich, Christian; Ringel, Aaron; Rodrick, Christian; Ross, David P; Schwab, Justin; Seabaugh, Catherine; Shimmin, Kaitlyn; Traylor, Patrick; Wagner, Kenneth; Wehrum, Bill; White, Elizabeth; Wilcox, Jahan; Woods, Clint; Yamada, Richard (Yujiro)
Subject: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator
Importance: High

By vote of 53-45

Dem Senators voting "YES": Manchin (WV) , Heitkamp (ND) , Donnelly (IN),

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/31/2017 1:47:00 AM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: CCR and ELG Briefs

Thank you

Sent from my iPad

On Oct 30, 2017, at 6:37 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Hi Andrew, here are the word docs from your briefing this morning. I'll track down the items you requested from the water briefing and send them along when they're ready.

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

<CCR Briefing for Wheeler.docx>

<Steam Electric ELG Briefing for Wheeler.docx>

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/5/2017 6:47:30 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Wheeler Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Thursday, October 05, 2017 10:37 AM
To: Wheeler, Andrew R.
Subject: RE: Wheeler Deliberative Process / Ex. 5

Thanks!

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, October 5, 2017 10:27 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Wheeler Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Thursday, October 05, 2017 9:26 AM
To: Wheeler, Andrew R.
Subject: RE: Wheeler Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, October 4, 2017 2:09 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Wheeler Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Wheeler, Andrew R.
Sent: Tuesday, October 03, 2017 8:42 PM
To: Shimmin, Kaitlyn
Cc: Ryan Jackson
Subject: Wheeler Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPad

On Oct 3, 2017, at 4:03 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Thanks again!

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/18/2017 7:54:50 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Nomination Timeline

No problem.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 3:53 PM
To: Wheeler, Andrew R.
Subject: Re: Nomination Timeline

Double checked it's 3:30. Sorry about that!

Sent from my iPhone

On Oct 18, 2017, at 3:50 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> On my calendar for tomorrow I have a 4:00 with Sullivan but in the notes it says it's at 3:30. I can do either, but which is it? Thanks.
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
>
> ---
>
> **From:** Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
> **Sent:** Wednesday, October 18, 2017 3:24 PM
> **To:** Wheeler, Andrew R.
> **Subject:** RE: Nomination Timeline
>
> 2:30 PM on the 26th work for a Walden meeting? He's out of town the 27th.
>
> **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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 16, 2017 4:22 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Nomination Timeline

I'm tied up the morning of the 26th.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Friday, October 13, 2017 5:24 PM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Jackson, Ryan; Bowman, Liz; Palich, Christian; Ringel, Aaron; Frye, Tony (Robert); Rodrick, Christian
Subject: RE: Nomination Timeline

Andrew, Below are your meetings with EPW Members for next week. I will keep continue to keep you updated as I'm sure there will be changes.

Monday, Oct 16
2:45 PM: Meeting with OCIR Staff
Location: 3426 William Jefferson Clinton North

Tuesday, Oct 17
11:00 AM: Meeting with Senator Fischer
Location: 454 Russell

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307

4:30 PM: Meeting with Senator Markey
Location: 255 Dirksen

Wednesday, Oct 18
3:30 PM: Meeting with Senator Capito
Location: Russell 172

Thursday, Oct 19
2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
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1200 Pennsylvania Ave., N.W.
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O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 13, 2017 1:50 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Re: Nomination Timeline

Thank you. Deliberative Process / Ex. 5

Sent from my iPhone

On Oct 13, 2017, at 1:20 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.
>
> **HOUSEKEEPING ITEMS**
>
> Deliberative Process / Ex. 5
>
> **TIMING**

Deliberative Process / Ex. 5

SCHEDULE

Deliberative Process / Ex. 5

POST HEARING TIMING

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/18/2017 7:24:59 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Nomination Timeline

Yes, thanks

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 3:24 PM
To: Wheeler, Andrew R.
Subject: RE: Nomination Timeline

2:30 PM on the 26th work for a Walden meeting? He's out of town the 27th.

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 16, 2017 4:22 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Nomination Timeline

I'm tied up the morning of the 26th.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Friday, October 13, 2017 5:24 PM

To: Wheeler, Andrew R.; Lyons, Troy
Cc: Jackson, Ryan; Bowman, Liz; Palich, Christian; Ringel, Aaron; Frye, Tony (Robert); Rodrick, Christian
Subject: RE: Nomination Timeline

Andrew, Below are your meetings with EPW Members for next week. I will keep continue to keep you updated as I'm sure there will be changes.

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Location: 3426 William Jefferson Clinton North

Tuesday, Oct 17

11:00 AM: Meeting with Senator Fischer
Location: 454 Russell

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307

4:30 PM: Meeting with Senator Markey
Location: 255 Dirksen

Wednesday, Oct 18

3:30 PM: Meeting with Senator Capito
Location: Russell 172

Thursday, Oct 19

2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 13, 2017 1:50 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Re: Nomination Timeline

Thank you. Deliberative Process / Ex. 5

Sent from my iPhone

On Oct 13, 2017, at 1:20 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.

HOUSEKEEPING ITEMS

Deliberative Process / Ex. 5

TIMING

Deliberative Process / Ex. 5

SCHEDULE

Deliberative Process / Ex. 5

POST HEARING TIMING

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/13/2017 10:01:47 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Nomination Timeline

Thanks!

Sent from my iPhone

On Oct 13, 2017, at 5:25 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Andrew, Below are your meetings with EPW Members for next week. I will keep continue to keep you updated as I'm sure there will be changes.

Monday, Oct 16
2:45 PM: Meeting with OCIR Staff
Location: 3426 William Jefferson Clinton North

Tuesday, Oct 17
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Location: 454 Russell

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307

4:30 PM: Meeting with Senator Markey
Location: 255 Dirksen

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3:30 PM: Meeting with Senator Capito
Location: Russell 172

Thursday, Oct 19
2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 13, 2017 1:50 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Re: Nomination Timeline

Thank you. Deliberative Process / Ex. 5

Sent from my iPhone

On Oct 13, 2017, at 1:20 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.
>
> **HOUSEKEEPING ITEMS**
>
> Deliberative Process / Ex. 5
>
> **TIMING**
>
> Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

SCHEDULE

Deliberative Process / Ex. 5

POST HEARING TIMING

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/7/2017 6:10:47 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Deliberative Process / Ex. 5 Questions

Hi Andrew,

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/7/2017 5:47:02 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: November 8th Hearing Line by Line
Attachments: 2017.11.07 - Senate EPW Committee Andrew Wheeler Nomination Hearing Line....docx

Hi Andrew,

Deliberative Process / Ex. 5

Note: We will leave EPA in the van at 9am.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/3/2017 1:17:57 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Murder Board

I'll email you when we get there.

Sent from my iPhone

On Nov 3, 2017, at 9:16 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Sorry about that!! 1152 EAST constitution and 12th
>
> Sent from my iPhone
>
> On Nov 3, 2017, at 9:09 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
> > I don't have it on my calendar. Where is it and what door do we need to come to?
> >
> > Andrew R. Wheeler
> > *Principal*
> > andrew.wheeler@FaegreBD.com Download vCard
> > D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460
> >
> > **Faegre Baker Daniels Consulting**
> > 1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/13/2017 10:25:48 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Meeting with EPA Nominee

I have a Ex. 6

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Monday, November 13, 2017 5:14 PM
To: Wheeler, Andrew R.
Subject: RE: Meeting with EPA Nominee

Hi Andrew, Pallone's office just cancelled tomorrow's meeting due to an "unforeseen conflict". What's your availability post Thanksgiving?

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 30, 2017 11:36 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: Meeting with EPA Nominee

I can't do it Wednesday now, unless it's first thing in the morning.

Sent from my iPhone

On Oct 30, 2017, at 10:23 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Good morning Alexander, Would Congressman Pallone have time Wednesday or Thursday of this week to meet with Mr. Wheeler? If not, can we please look at next week's availability? Thanks!
>
> **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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Shimmin, Kaitlyn
Sent: Monday, October 16, 2017 10:17 AM
To: 'alexander.gristina@mail.house.gov' <alexander.gristina@mail.house.gov>
Subject: Meeting with EPA Nominee

Hi Alexander,

I am reaching out in hopes of setting up a meeting this week with Congressman Pallone and Andrew Wheeler who has been nominated as Deputy Administrator for the EPA. Would he have any time on Wednesday 10/18 or Thursday 10/19?

Thanks,

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/25/2018 9:28:39 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: dates next week

Monday until 4:30
Tuesday afternoon
Wednesday anytime
Thursday 9-11; 2- on
Friday - anytime

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 2/6/2018 6:47:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Andrew Wheeler Nomination Talking Points Document
Attachments: 2017-11-07_LOS to EPW_Wheeler Nomination.pdf; 2018.02.06 - DRAFT - Wheeler Nom Member Talking Points - TFCPTML.docx; 171107_Nomination_Wheeler_EPA_Senate EPW.pdf; 171108 - Portman letter to EPW re Andrew Wheeler.pdf; Rep Bill Johnson - Wheeler LOR.pdf; WheelerNomination_UMWA_8Nov2017.pdf

Hi Andrew,

Attached is our draft for the document on your career to give the Senators after your vote Wednesday, a why you should be immediately confirmed paper. Also, we have attached supporting documents from your hearing we will be using as well.

Please let us know your thoughts/edits on this. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

CORY GARDNER
COLORADO

SUITE SR-354
SENATE RUSSELL OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5941

United States Senate

COMMITTEES:
BUDGET
COMMERCE, SCIENCE, AND TRANSPORTATION
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS

November 7, 2017

The Honorable John Barrasso
Chairman
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I write today in support of Andrew Wheeler to be Deputy Administrator of the U.S. Environmental Protection Agency (EPA). During my time serving as a legislative staffer to former Senator Wayne Allard I came to know Andrew in his position as Staff Director and Chief Counsel to the Senate Committee on Environment and Public Works. In that position, he displayed a strong understanding and respect for the law while also working across the aisle whenever and wherever possible in a professional manner to achieve policy outcomes that benefitted all Americans.

He also took time to develop expertise amongst staffers both on and off the committee, helping build a knowledge base on important policy matters.

I'm confident that Andrew will take that same approach as Deputy Administrator of the EPA, where he will be responsible for overseeing the day-to-day operation and implementation of policies that are designed to both clean up contamination of the environment and return these areas to their communities to be put to a useful purpose, and protect the environment from further contamination. I also believe Andrew will build important state partnerships to advance mutual goals of bettering the environment.

As you consider this nomination, I believe you will come to a similar opinion of Andrew that I have of him and urge you to support his nomination out of committee.

Sincerely,

Cory Gardner
United States Senator

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
SENIOR VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

November 7, 2017

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

The U.S. Chamber of Commerce supports the nomination of Andrew Wheeler to be Deputy Administrator for the U.S. Environmental Protection Agency ("EPA"). We look forward to the Senate Environment and Public Works Committee advancing his nomination to the full Senate for confirmation.

Mr. Wheeler's substantial public service experience makes him an excellent choice for leadership at the EPA. He began his career at the EPA, where he worked on toxic chemical, pollution prevention and right-to-know issues, and he was awarded the EPA Bronze Medal twice for his accomplishments.

Mr. Wheeler also has shown his ability to work with Congress, having previously served your committee as majority staff director, minority staff director, and chief counsel. In these roles, he worked on every major piece of environmental and energy-related legislation before Congress for over a decade.

The Chamber urges the committee to act swiftly on Mr. Wheeler's nomination.

Sincerely,

Neil Bradley

cc: Members of the Committee on Environment and Public Works

ROB PORTMAN
OHIO

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ENERGY AND NATURAL RESOURCES
FINANCE
FOREIGN RELATIONS
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

November 8, 2017

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to recommend Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency (EPA). Andrew was nominated for this position by President Trump on October 5, 2017.

Andrew is a native of my home state of Ohio, and has experience in both the legislative and executive branches on energy and environment policy. He began his career at EPA and subsequently worked for Senator James Inhofe and my predecessor former Senator George Voinovich on the Senate Environment and Public Works Committee. Andrew served as the Majority Staff Director, Minority Staff Director and Chief Counsel of the Senate Environment and Public Works Committee.

Andrew has continued his work on energy and environment policy as a Principal at Faegre Baker Daniels Consulting. Andrew received his MBA from George Mason University School of Management and his JD from Washington University School of Law, and has been a keynote speaker before the American Bar Association.

I trust that this information will be useful to you as you review Andrew's nomination. Please feel free to follow up with me with any additional questions.

Sincerely,

Rob Portman
U.S. Senator

448 Russell Senate Office Building
Washington, DC 20510
Phone: (202) 224-3353

312 Walnut Street
Suite 3435
Cincinnati, OH 45202
Phone: (513) 684-3265

1240 East 9th Street
Suite 3061
Cleveland, OH 44199
Phone: (216) 522-7095

37 West Broad Street
Suite 200
Columbus, OH 43215
Phone: (614) 469-6774

420 Madison Avenue
Suite 1210
Toledo, OH 43604
Phone: (419) 259-3595

www.portman.senate.gov

BILL JOHNSON
6TH DISTRICT, OHIO

COMMITTEE ON ENERGY AND COMMERCE

COMMITTEE ON THE BUDGET

WASHINGTON OFFICE
1710 Longworth House Office Building
Washington, DC 20515

(202) 225-5705

billjohnson.house.gov

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

November 6, 2017

Chairman John Barrasso
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Barrasso,

I write in support of Andrew Wheeler's nomination to become the next Deputy Administrator of the Environmental Protection Agency (EPA).

Mr. Wheeler has served as an EPA staffer, and brings a wealth of experience working in environmental policy from several different perspectives. He earned the EPA Bronze Medal three times, as Staff Director and Chief Counsel for the U.S. Senate Committee on Environment and Public Works (EPW), and as a principal consultant helping businesses with federal regulatory and policy issues.

Since my election in 2010, my team and I have worked with Andrew on several different major policy issues, and I've found him to be knowledgeable, professional, and a tremendous resource on environmental and energy policy.

I am confident Mr. Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained, while also ensuring the EPA becomes a partner in progress in responsible energy exploration and job creation.

Sincerely,

Bill Johnson

Bill Johnson
Member of Congress

MARIETTA OFFICE
246 Front Street
Marietta, OH 45750

(740) 376-0868

SALEM OFFICE
192 East State Street
Salem, OH 44460

(330) 337-6951

CAMBRIDGE OFFICE
116 Southgate Parkway
Cambridge, OH 43725

(740) 432-2366

IRONTON OFFICE
202 Park Avenue
Suite C
Ironton, OH 45638

(740) 534-9431

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

United Mine Workers of America

CECIL E. ROBERTS
INTERNATIONAL PRESIDENT

TELEPHONE
(703) 291-2420
FAX (703) 291-2451

UNITED MINE WORKERS' HEADQUARTERS
18354 QUANTICO GATEWAY DRIVE, SUITE 200
Triangle, VA
22172-1779

November 8, 2017

The Honorable Tom Barrasso
Chair, Senate Committee on Environment and Public Works

The Honorable Tom Carper
Ranking Member, Senate Committee on Environment and Public Works

Dear Chairman Barrasso, Ranking Member Carper and Members of the Committee:

As you consider the nomination of Andrew R. Wheeler for Deputy Administrator of the Environmental Protection Agency, I ask that you take into consideration his hard work on behalf of America's active and retired coal mine workers. For the past five years, Mr. Wheeler has been an ally as the United Mine Workers of America has worked to preserve the health care and pensions that retired miners worked for over their lifetimes.

Andrew worked alongside our UMWA team to successfully pass legislation that has ensured that our miners will have the health care that was promised to them, and that they earned. As you are aware, this effort lasted years, and we faced major setbacks along the way. However, Andrew was a strong partner to us and we are very appreciative of that.

Andrew will bring a wealth of experience, from both the public and private sectors, to EPA. It is our belief that he will be a reasonable voice within the agency, and will recognize the impact on both the workers and mining communities that are directly affected as EPA develops future emissions regulations.

We look forward to working productively with Andrew in this role at EPA. I am available to discuss this further at your convenience.

Sincerely,

Cecil E. Roberts

Cecil E. Roberts

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 2/12/2018 9:47:54 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: FYI on Jones

Thanks!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, February 12, 2018 4:47 PM
To: Wheeler, Andrew R.
Cc: Shimmin, Kaitlyn
Subject: FW: FYI on Jones

FYI

From: Shimmin, Kaitlyn
Sent: Monday, February 12, 2018 4:22 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: FYI on Jones

Been hounding their office today. Scheduler said that they should have an answer for me tomorrow but they are trying to fit it in his schedule.

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 3/19/2018 6:41:24 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: 3.20 Tester Meeting Briefing
Attachments: 3.20 Andrew Tester Meeting Briefing .pdf

Hi Andrew,

Deliberative Process / Ex. 5

If you have any questions please let me know!

Hope all is well and look forward to seeing you tomorrow,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/12/2018 10:04:33 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Thanks and thank you for your help

Sent from my iPhone

On Apr 12, 2018, at 5:19 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Congratulations Andy!! We're all very excited for you!
>
> Sent from my iPhone
>
> On Apr 12, 2018, at 4:43 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
> > Thank you team!! Can't wait to get over there!
> >
> > Andrew R. Wheeler
> > *Principal*
> > andrew.wheeler@FaegreBD.com Download vCard
> > D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460
> >
> > **Faegre Baker Daniels Consulting**
> > 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
> >
> > ---
> >
> > **From:** Lyons, Troy [mailto:lyons.troy@epa.gov]
> > **Sent:** Thursday, April 12, 2018 4:30 PM
> > **To:** Ford, Hayley; Abboud, Michael; Baptist, Erik; Beach, Christopher; Beck, Nancy; Bennett, Tate; Block, Molly; Bodine, Susan; Bolen, Brittany; Bolen, Derrick; Bowman, Liz; Brown, Byron; Burke, Marcella; Chancellor, Erin; Cook, Steven; Cory, Preston (Katherine); Daniell, Kelsi; Darwin, Henry; Darwin, Veronica; Dominguez, Alexander; Dravis, Samantha; Falvo, Nicholas; Feeley, Drew (Robert); Ferguson, Lincoln; Forsgren, Lee; Fotouhi, David; Frye, Tony (Robert); Gordon, Stephen; Greaves, Holly; Greenwalt, Sarah; Gunasekara, Mandy; Hanson, Paige (Catherine); Harlow, David; Hewitt, James; Hupp, Millan; Jackson, Ryan; Kelly, Albert; Konkus, John; Kundinger, Kelly; Leopold, Matt; Letendre, Daisy; Lovell, Will (William); McMurray, Forrest; Munoz, Charles; Palich, Christian; Ringel, Aaron; Rodrick, Christian; Ross, David P; Schwab, Justin; Seabaugh, Catherine; Shimmin, Kaitlyn; Traylor, Patrick; Wagner, Kenneth; Wehrum, Bill; White, Elizabeth; Wilcox, Jahan; Woods, Clint; Yamada, Richard (Yujiro)
> > **Subject:** Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator
> > **Importance:** High
> >
> > By vote of 53-45
> >
> > Dem Senators voting "YES": Manchin (WV) , Heitkamp (ND) , Donnelly (IN),

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/13/2017 8:20:13 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: QFR's
Attachments: ALL QFR's Wheeler 11.08.2017.docx; Wheeler QFR Formal Letter 11.08.17.pdf; 2017.11.09 - Proposed Responses to Anticipated Questions for the Record ....docx

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Senate Committee on Environment and Public Works
Hearing entitled *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."*
November 8, 2017
Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, ***including each sub-part.***

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
    a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?
    b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?
    c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?
    d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.

a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?
b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
   a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to

[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators

attain the national ambient air quality standards for carbon monoxide? Why or why not?

b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

4. Your ethics agreement states that you "for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

   a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

   b. 5 C.F.R 2635.502(a) states that:

      > "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

      Do you agree that you or your firm's representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you intend to seek such waivers to meet with and explain will why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?
b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?

10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9] Do you agree with these statements? Why or why not?

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

12. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[10] Do you agree with this statement? Why or why not?

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[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView
[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean
[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf
[10] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257C88004F0795/%24file/12-1100-1488346.pdf

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[11]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.
    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?
    c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

14. The US Supreme Court has expressly declined to consider whether EPA should have chosen some other mechanism "under section 112" in regulating power plant mercury and all the other HAPs emitted by the industry. What is your position on that precedent?

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

[11] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per kilowatt-hour for electricity than in 2007."[12] This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?
c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?
d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

17. Section 109 of the Clean Air Act is very clear. It requires EPA to review the NAAQS for six common air pollutants including ground-level ozone, particulate matter, sulfur dioxide, nitrogen dioxide every 5 years. The Clean Air Act requires EPA to set these standards that "are requisite to protect the public health," with "an adequate margin of safety," and secondary standard necessary to protect public welfare. Please respond to each sub-part below:
    a. If confirmed, will you continue to hold to the five-year National Ambient Air Quality Standards review time period that the Clean Air Act requires of the EPA?
    b. Do you agree with Justice Scalia's opinion in Whitman v. American Trucking Associations that it is "fairly clear that [the Clean Air Act] does not permit the EPA to consider costs in setting the standards"? If you do not agree, why not?
    c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"[13] is accurate? If not, why not?
    d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015[14], as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?
    e. Do you agree that the November 6, 2017 announcement by the Trump

[12] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf
[13] https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf
[14] https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting

Administration stated that "EPA is not extending the time provided under section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations"?

f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

18. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[15] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[16]

a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[17] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

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[15] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord

[16] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html

[17] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

21. An article[18] about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee:

    a. How to Conduct Congressional Oversight (2017)
    b. Preparing for the New Administration (2017)
    c. The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016)
    d. Preparing for the Change in Administration (2016)
    e. Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012)
    f. The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009)

23. Earlier this year, the fiscal year 2018 budget proposal[19] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up

[18] https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan
[19] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119

Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (ie, not draft, as was inaccurately asserted at the hearing) report[20] that concluded that, quote, "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, "Changes in the characteristics of extreme events are particularly important for human safety."

    a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding, hurricanes and wildfires? If not, please fully document the basis for such rejection.

    b. Do you agree with the report's conclusion that "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?" If not, please fully document the basis for your disagreement.

    c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

28. The CO2 Coalition[21] is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2

[20] https://science2017.globalchange.gov/
[21] http://co2coalition.org/

in the atmosphere[22]. Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe this reflects fair and balanced input from public health and environmental advocacy organizations?

[22] https://youtu.be/5Oapr4fopuI

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: (found here: https://science2017.globalchange.gov/downloads/), scientists from EPA and 12 other agencies find that "Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960." (Figure ES.1)
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

35. In the hearing you said, "I believe that man has an impact on the planet. What's not completely understood is what the impact is." Yet the Fourth National Climate Assessment finds that "human activities are the primary driver of recent global temperature rise" (Figure ES. 2).
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency's science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
    a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?
    b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?
    c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?

37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy's cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.

    a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?

    b. Congress has already appropriated $51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?

43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?

44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Energy Future

45. In your view, what is the role of renewable energy in our energy future?

46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

    a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?

    b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?

    c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

    a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

b. Were you aware of this behavior? If you were aware, what did you to do ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?

52. You criticized the Paris Climate Agreement, calling it a "sweetheart deal" for China that gave the United States' competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.
    a. If both countries remain on their current paths, China will soon replace us as the world's technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?

    b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China's leadership in these fields represents a threat to our economy and national security?

    c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least $131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

56. Do you support EPA Administrator Pruitt's decision to rescind the Clean Power Plan?

57. According to the EPA, the Clean Power Plan will lead to climate and health benefits "worth an estimated $55 billion to $93 billion in 2030, including avoiding 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in children."

    a. Do you agree with the EPA's findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA's estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA's findings, on which data or scientific studies do you base your opinion?

    b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt's decision to rescind the Clean Power Plan?

58. Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States. The EPA conducted a study of the drinking water impacts and released a final report in December 2016. The Agency found "hydraulic fracturing activities can impact drinking water resources under some circumstances."
    a. Do you concur with the conclusions of the EPA's final report on fracking and drinking water?

    b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?

    c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking's possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

59. Data shows that mercury pollution in the North Atlantic and mercury concentrations in our fisheries have fallen dramatically since the United States started requiring stronger emission controls from coal power plants.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

60. Changes in weather patterns, such as heavier precipitation events that increase run-off and flooding, are affecting lakes, rivers, and reservoirs nationwide. Water quality, quantity, and the integrity of our water infrastructure are at risk. Recent studies in the Northeast have found that degraded water quality on lakes can cost lakeside communities millions of dollars in losses from both tourism and taxable income due to reduced property values. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Environmental Justice

61. How do you define "environmental justice"?

62. Do you think environmental justice is a serious issue that the EPA should address?

63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?

64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack.

As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

65. Describe how you will, if confirmed, ensure that EPA's Environmental Justice 2020 plan is fully implemented.

66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA's jurisdiction?

67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Vermont

69. Lake Champlain is one of Vermont's most treasured environmental features. Tourism and property values are tied to the health of the lake—keeping its waters swimmable, fishable and drinkable is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
    a. If confirmed, do you commit to continuing the Agency's support for the clean-up of Lake Champlain through this new TMDL and federal funding?

    b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Senator Sullivan:

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended permitting application reviews and environmental challenges to issued permits. EPA must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

    a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?

    b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?

    c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.
    a. Do you recognized that these issues are fundamental problem for the Alaska Native community?
    b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Senator Whitehouse:

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.
    a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?
    b. You've worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you've worked, cases on which you've worked, and regulatory work you've done?
    c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?

73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grip reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.
    a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?
    b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?
    c. In your opinion, how would Perry's proposal, if approved by FERC, benefit Murray's coal mining assets?

74. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see." Do you agree with his statement?

75. Have you reviewed EPA's endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?

76. Do you agree with each of the following statements included in the U.S. Global Change Research Program's recent Climate Science Special Report?
    a. "Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years." (page 10)

b. "The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally." (page 11)
c. "There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible." (page 11)
d. "The world's oceans are currently absorbing more than a quarter of the CO_2 emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems." (page 28)
e. "The rate of acidification is unparalleled in at least the past 66 million years." (page 28)
f. "This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence." (page 10)
g. "Human activities are now the dominant cause of the observed trends in climate." (page 36)
h. "[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors." (page 37)

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA
SHELLEY MOORE CAPITO, WEST VIRGINIA
JOHN BOOZMAN, ARKANSAS
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MIKE ROUNDS, SOUTH DAKOTA
JONI ERNST, IOWA
DAN SULLIVAN, ALASKA
RICHARD SHELBY, ALABAMA

THOMAS R. CARPER, DELAWARE
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RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

November 13, 2017

Andrew R. Wheeler
Principal, Faegre Baker Daniels LLC
1050 K Street NW Suite 400
Washington, D.C. 20001

Dear Mr. Andrew R. Wheeler:

On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Wednesday, November 8, 2017, at the hearing entitled, *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."* The Committee greatly appreciates your attendance and participation in this hearing.

In order to maximize the opportunity for communication between you and the Committee, follow-up questions have been submitted by the members. To comply with Committee rules, please e-mail a copy of your responses to Elizabeth_Olsen@epw.senate.gov or deliver one hard copy by 12:00p.m. Monday, November 20, 2017. Responses should be delivered to the EPW Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about the requests or the hearing, please feel free to contact Staff Director, Richard Russell in the Majority Office at (202) 224-6176 or Staff Director, Gabrielle Batkin in the Minority Office at (202) 224-8832.

Sincerely,

John Barrasso, M.D.
Chairman

Thomas R. Carper
Ranking Member

PRINTED ON RECYCLED PAPER

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/2/2017 2:31:19 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Association of Air Pollution Control Agencies

Thanks for setting it up.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Thursday, November 02, 2017 10:06 AM
To: Wheeler, Andrew R.
Subject: Association of Air Pollution Control Agencies

You're a rock star! Thanks for doing that I will follow up on getting the letter over to EPW. Here is the contact info for the folks you spoke with in case you'd like it for your rolodex.

Stuart Spencer
President
Arkansas Department of Environmental Quality
(501) 683-0873

Clint Woods
859.244.8040
cwoods@csg.org
Executive Director
Association of Air Pollution Control Agencies
1776 Avenue of the States
Lexington, KY 40511

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/4/2017 8:17:19 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: EPW Questionnaire
Attachments: EPW Cmte Questionnaire 115th Congress.doc

Hi Andrew,

See attached EPW Questionnaire, **Deliberative Process / Ex. 5**

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

ROOM 410 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL
NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement for completion by Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable John Barrasso, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Matt Leggett) as soon as possible.

Name of Nominee:

Position to which nominated:

Date of Nomination:

Business Name:

Business Address:

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

City, State & Zip:

Business E-mail:

Business Phone:

Full Legal Name:

Date of birth:

State of residency:

Education:

Institution	Dates Attended	Degrees Received	Dates of Degrees

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Employment Record

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances. Attach additional pages if necessary.

Position Title	Employer	Address	Dates	Terminated (Y/N)

Honors and Awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognition for outstanding service or achievement. Attach additional pages if necessary.

Date	Honor/Award

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations. Attach additional pages if necessary.

Organization	Office held (if any)	Dates

Qualifications:

State fully your qualifications to serve in the position to which you have been nominated.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
____Yes.

____ No. If not, please explain:

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

_____ Yes. If so, please explain:

_____ No.

3. Has anybody made a commitment to you for a job after you leave government?

_____ Yes. If so, please explain:

_____ No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

_____ Yes.

_____ No.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

_____ Yes. If so, please explain:

_____ No

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

2. Are any assets pledged?

____ Yes. If so, please explain:

____ No

3. Are you currently a party to any legal action?

____ Yes. If so, please explain:

____ No

4. Have you filed a Federal income tax return for each of the last 10 years?
If not, please explain the circumstances.

____ Yes

____ No. If not, please explain:

5. Has the Internal Revenue Service ever audited your Federal tax return?

____ Yes. If so, what resulted from the audit?

____ No

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Membership/Office/Political Party	**Dates**	**Amount (if applicable)**

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

____ Yes

____ No. If not, please explain:

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

___ Yes. If so, please explain:

____ No

AFFIDAVIT

) **ss**, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this day of , 20 .

Notary Public

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 10/4/2017 12:25:06 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Wheeler quote

Nice.

_____
Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Oct 3, 2017, at 8:22 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

From: Clarine Nardi Riddle <CNRiddle@kasowitz.com>
Date: October 3, 2017 at 5:59:35 PM EDT
To: "Wheeler, Andrew R." <Andrew.Wheeler@FaegreBD.com>
Subject: RE: Hope all is well

Deliberative Process / Ex. 5

OK?

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, October 3, 2017 4:03 PM
To: Clarine Nardi Riddle <CNRiddle@kasowitz.com>
Subject: RE: Hope all is well

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Clarine Nardi Riddle [mailto:CNRiddle@kasowitz.com]
Sent: Tuesday, October 03, 2017 4:01 PM
To: Wheeler, Andrew R.
Subject: RE: Hope all is well

Deliberative Process / Ex. 5

Clarine Nardi Riddle
Kasowitz Benson Torres LLP
1399 New York Avenue, NW
Suite 201
Washington, DC 20005
Tel. (202) 760-3402
Fax. (202) 379-9785
CNRiddle@kasowitz.com

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From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, October 3, 2017 3:54 PM
To: Clarine Nardi Riddle <CNRiddle@kasowitz.com>
Subject: Hope all is well

External Email

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/30/2017 10:36:49 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Deliberative Process / Ex. 5 Briefs
Attachments: Deliberative Process / Ex. 5

Hi Andrew, here are Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/30/2017 5:59:23 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: I'm in Lobby of west building

Got it I'll come find you

Sent from my iPhone

> On Oct 30, 2017, at 1:58 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
>
>
> Sent from my iPhone

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/30/2017 3:38:10 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Meeting with EPA Nominee

Got it. Thanks!

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 30, 2017 11:36 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: Meeting with EPA Nominee

I can't do it Wednesday now, unless it's first thing in the morning.

Sent from my iPhone

On Oct 30, 2017, at 10:23 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Good morning Alexander, Would Congressman Pallone have time Wednesday or Thursday of this week to meet with Mr. Wheeler? If not, can we please look at next week's availability? Thanks!
>
> **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: Ex. 6
> Shimmin.Kaitlyn@epa.gov
>
> ---
>
> **From:** Shimmin, Kaitlyn
> **Sent:** Monday, October 16, 2017 10:17 AM
> **To:** 'alexander.gristina@mail.house.gov' <alexander.gristina@mail.house.gov>
> **Subject:** Meeting with EPA Nominee

Hi Alexander,

I am reaching out in hopes of setting up a meeting this week with Congressman Pallone and Andrew Wheeler who has been nominated as Deputy Administrator for the EPA. Would he have any time on Wednesday 10/18 or Thursday 10/19?

Thanks,

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/27/2017 4:06:32 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Aaron Ringel (ringel.aaron@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: FW: Responses for DA nominee
Attachments: WheelerQstoEPA.docx

Hi Andrew,

Here is a follow up document from your Air Briefing. Please let me know if there is anything else they can provide.

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Thundiyil, Karen
Sent: Friday, October 27, 2017 11:59 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>
Subject: RE: Responses for DA nominee

Hi Kaitlyn,

Here are two responses to questions Andrew Wheeler posed in Wednesday's briefing with OAR. Please let me know if you have any questions, or need anything else.

Karen.

Karen Thundiyil
Office of Congressional Affairs
U.S. Environmental Protection Agency
(202) 564.1142

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/26/2017 1:06:06 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Air Meeting

Deliberative Process / Ex. 5

Sent from my iPhone

On Oct 26, 2017, at 8:55 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5 s? Thanks.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/3/2017 8:02:51 PM
To: Andrew.wheeler@faegrebd.com
Subject: List of Contacts for Press Release

Thanks again!

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: Ex. 6
Shimmin.Kaitlyn@epa.gov

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 5/29/2018 10:27:20 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Undeliverable: Meeting in Arizona - June 13, 2018
Attachments: Meeting in Arizona - June 13, 2018

Your message
To: Cabrera.misael@azdeq.gov; parke.bret@azdeq.gov; Tara Ousley; Brightbill, Jonathan (ENRD); Wheeler, Andrew R.; Torres, Tomas; Aguirre, Hector; Nishida, Jane; Stoker, Michael B.; Miller, Amy
CC: Cheatham-Strickland, Latonia
Subject: Meeting in Arizona - June 13, 2018
Sent: 5/29/2018 10:27:19 PM

Your message to Andrew.Wheeler@FaegreBD.com couldn't be delivered.

When Office 365 tried to send your message, the receiving email server outside Office 365 reported an error.

wagner.kenneth	**Office 365**	**Andrew.Wheeler**
Sender		**Action Required**
		Policy violation or system error

How to Fix It

Check the "Reported Error" from the "Error Details" section shown below for more information about the problem. The error might tell you what went wrong and how to fix it. For example, if the error states that the message was blocked due to a potential virus or because the message was too large, try sending the message again without attachments.

If you're not able to fix the problem, it's likely that only the recipient's email admin can fix it. Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin about the problem. Give them the "Reported Error" from the "Error Details" section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.0.350

The error reported by the receiving server wasn't specific enough to determine the exact nature of the problem. These errors often indicate the message violates a security or policy setting configured on the recipient's email servers.

If the sender is unable to fix the problem by modifying their message, then it's likely a problem that only the recipient's email admin can fix. Try the following:

Check the error for information about the problem - The "Reported Error" returned by the external email server can be found in the "Error Details" section below. This error might tell you what went wrong and provide clues for how to fix it. For example, if the error states the message was rejected due a Sender Policy Framework (SPF) issue, then you'll have to work with your domain registrar to correctly configure your domain's SPF records.

Check the error for information about where the problem is happening - For example, look for a domain name like contoso.com. A domain name in the error might suggest who is responsible for the error. It could be the recipient's email server, or it could be a third-party service that your organization or the recipient's organization is using to process or filter email messages.

If you can't fix the problem, contact the responsible party's email admin - Give them the error code and error message from this non-delivery report (NDR) to help them troubleshoot the issue. For security or policy violation issues, it might be sufficient for them to just add your sending IP addresses or domain to their allowed senders list.

It's likely that only the recipient's email admin can fix the problem. Unfortunately, it's unlikely Office 365 Support will be able to help with these kinds of externally reported errors.

Original Message Details

Created Date:	5/29/2018 10:27:19 PM
Sender Address:	wagner.kenneth@epa.gov
Recipient Address:	Andrew.Wheeler@FaegreBD.com
Subject:	Meeting in Arizona - June 13, 2018

Error Details

Reported error:	*550 5.0.350 Remote server returned an error -> 550 #5.1.0 Address rejected.*
DSN generated by:	DM5PR09MB1273.namprd09.prod.outlook.com
Remote server:	mail1.faegrebd.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	5/29/2018 10:27:19 PM	DM5PR09MB2268.namprd09.prod.outlook.com	DM5PR09MB2268.namprd09.prod.outlook.com	mapi

2	5/29/2018 10:27:19 PM	DM5PR09MB2268.namprd09.prod.outlook.com	DM5PR09MB1273.namprd09.prod.outlook.com	Microsoft SMTP Serve cipher=TLS_ECDHE_R

Original Message Headers


```
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-SenderADCheck;
 bh=i31tXmHXqklUZphzpxcN3fWBfqXoxzPCyhSsANKEJFKg=;

b=M6IAbCSX/rQ4N1OBzOb051z4REeN/AhRPPxbOyYVR3gehTTjapzTMBUhpAN7SbLuLNUMkxcRVaNA/dpt1PmWqRp
6VZaDJKmPPDqWoFMYaMEEuP7eYjurMS5CcBoQAh9QbpTV6KzDYrFB3BuIk2PD+LFW6VPjK/fnX1VxdKCmSfY=
Received: from DM5PR09MB2268.namprd09.prod.outlook.com (10.172.190.144) by
 DM5PR09MB1273.namprd09.prod.outlook.com (10.172.34.19) with Microsoft SMTP
 Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384_P256) id
 15.20.797.11; Tue, 29 May 2018 22:27:19 +0000
Received: from DM5PR09MB2268.namprd09.prod.outlook.com
 ([fe80::5d9f:b648:c136:6642]) by DM5PR09MB2268.namprd09.prod.outlook.com
 ([fe80::5d9f:b648:c136:6642%17]) with mapi id 15.20.0797.018; Tue, 29 May
 2018 22:27:19 +0000
From: "Wagner, Kenneth" <wagner.kenneth@epa.gov>
To: "Cabrera.misael@azdeq.gov" <Cabrera.misael@azdeq.gov>,
        "parke.bret@azdeq.gov" <parke.bret@azdeq.gov>, Tara Ousley
        <Ousley.Tara@azdeq.gov>, "Brightbill, Jonathan (ENRD)"
        <Jonathan.Brightbill@usdoj.gov>, "Wheeler, Andrew R."
        <Andrew.Wheeler@FaegreBD.com>, "Torres, Tomas" <Torres.Tomas@epa.gov>,
        "Aguirre, Hector" <Aguirre.Hector@epa.gov>, "Nishida, Jane"
        <Nishida.Jane@epa.gov>, "Stoker, Michael B." <stoker.michael@epa.gov>,
        "Miller, Amy" <Miller.Amy@epa.gov>
CC: "Cheatham-Strickland, Latonia" <Cheatham-Strickland.Latonia@epa.gov>
Subject: Meeting in Arizona - June 13, 2018
Thread-Topic: Meeting in Arizona - June 13, 2018
Thread-Index: AdP3m8aCbKpw0tsQS4ypKNNunIsJcA==
Date: Tue, 29 May 2018 22:27:19 +0000
Message-ID:
<DM5PR09MB2268E10504D991F3830B3D488F6D0@DM5PR09MB2268.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
authentication-results: spf=none (sender IP is )
 smtp.mailfrom=wagner.kenneth@epa.gov;
x-originating-ip: [161.80.29.69]
x-ms-publictraffictype: Email
x-microsoft-exchange-diagnostics:
1;DM5PR09MB1273;7:1rVdYcPq7UwKA/EZF66oJUC2LAqPNKcLlDxF5SST2+UNqLvzPj2ZSymEPD3Fo1Rp1VexhzQ
WzwOJDeaHc5IBLkkILhV4xmUTjf78RZOMszoWMogeKhNP2QL9h3OnF5UsNh/tAVW1F1Zqwnp5y8yLeH7QGuFNrB4C
Y0sd+8mu3tM05kqEnpFVSiVX4/JFLPqXDYUNz88gmZk8K6ls4OuJwhi/1D0nIDO4JeRUowk4c0bg5oxJ+1N1NG7e1
v9WqMPg
```

x-ms-exchange-antispam-srfa-diagnostics: SOS;

x-microsoft-antispam:
UriScan:;BCL:0;PCL:0;RULEID:(7020095)(4652020)(5600026)(4534165)(4627221)(201703031133081)(201702281549075)(2017052603328)(7153060)(7193020);SPVR:DM5PR09MB1273;

x-ms-traffictypediagnostic: DM5PR09MB1273:

x-ld-processed: 88b378b3-6748-4867-acf9-76aacbeca6a7,ExtAddr

x-microsoft-antispam-prvs:
<DM5PR09MB127308F1B91DEB1E4EF2168B8F6D0@DM5PR09MB1273.namprd09.prod.outlook.com>

x-exchange-antispam-report-test:
UriScan:(28532068793085)(21748063052155)(229425074694992);

x-ms-exchange-senderadcheck: 1

x-exchange-antispam-report-cfa-test:
BCL:0;PCL:0;RULEID:(6040522)(2401047)(5005006)(8121501046)(3002001)(3231254)(944501410)(52105095)(93006095)(93001095)(10201501046)(149027)(150027)(6041310)(201703131423095)(201702281528075)(20161123555045)(201703061421075)(201703061406153)(20161123558120)(20161123560045)(20161123562045)(20161123564045)(6072148)(201708071742011)(7699016);SPVR:DM5PR09MB1273;BCL:0;PCL:0;RULEID:;SPVR:DM5PR09MB1273;

x-forefront-prvs: 0687389FB0

x-forefront-antispam-report:
SFV:NSPM;SFS:(10019020)(366004)(346002)(376002)(396003)(39380400002)(39860400002)(189003)(199004)(81156014)(8936002)(2900100001)(6306002)(81166006)(54896002)(68736007)(478600001)(6636002)(486006)(86362001)(5250100002)(8676002)(9686003)(105586002)(74316002)(6436002)(33656002)(14454004)(6116002)(3846002)(55016002)(790700001)(7736002)(3660700001)(476003)(6606001)(25786009)(4326008)(3280700002)(99286004)(106356001)(5660300001)(6506007)(2501003)(53936002)(110136005)(186003)(236005)(316002)(7696005)(102836004)(26005)(97736004)(2906002)(921003)(1121003);DIR:OUT;SFP:1102;SCL:1;SRVR:DM5PR09MB1273;H:DM5PR09MB2268.namprd09.prod.outlook.com;FPR:;SPF:None;LANG:en;PTR:InfoNoRecords;MX:1;A:1;

received-spf: None (protection.outlook.com: epa.gov does not designate
 permitted sender hosts)

x-microsoft-antispam-message-info:
yKEW8yEQ2KIt7xgpf9obMIaXpG/zzXGrU1F05KYQhtid4kJTgyWjQnrjkzEyNDYHB7zdQz5sO9+QvBjaTUrBUKQIQF8RALADV+uqdyieWyAG5G/H9POM8GBgKCGKPPIdyGDIQJYKFM6Xm3/pwpnSjrX2gg94q393aE120BeldpGonh7yfpPFqmDLf/PslmGA

spamdiagnosticoutput: 1:99

spamdiagnosticmetadata: NSPM

Content-Type: multipart/alternative;
        boundary="_000_DM5PR09MB2268E10504D991F3830B3D488F6D0DM5PR09MB2268namp_"

MIME-Version: 1.0

X-MS-Office365-Filtering-Correlation-Id: 93abfcdc-bb0c-44d7-5bed-08d5c5b35717

X-OriginatorOrg: epa.gov

X-MS-Exchange-CrossTenant-Network-Message-Id: 93abfcdc-bb0c-44d7-5bed-08d5c5b35717

X-MS-Exchange-CrossTenant-originalarrivaltime: 29 May 2018 22:27:19.2665
 (UTC)

X-MS-Exchange-CrossTenant-fromentityheader: Hosted

X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7

X-MS-Exchange-Transport-CrossTenantHeadersStamped: DM5PR09MB1273

Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 5/29/2018 10:27:19 PM
To: Cabrera.misael@azdeq.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cbf9ba26e08a46c58363714abf679bbc-Cabrera.mis]; parke.bret@azdeq.gov; Tara Ousley [Ousley.Tara@azdeq.gov]; Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Torres, Tomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b2f42bb7a684e199190092e3a2e7520-TTORRES]; Aguirre, Hector [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=496957db32074f0087b7cb288bffc3ca-HAGUIR02]; Nishida, Jane [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=65e465e683c54e1b825f1bad32dcb099-Nishida, Jane]; Stoker, Michael B. [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dcb64b4e7edf48aabe8ef43996a4652e-Stoker, Mic]; Miller, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=40bb39f199a74c5cb3956d35d6f468df-AMILLE06]
CC: Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]
Subject: Meeting in Arizona - June 13, 2018

All:

This email is in anticipation of our June 13, 2018 meeting between Arizona Department of Environmental Quality (ADEQ), US Department of Justice (DOJ), and US Environmental Protection Agency (EPA) to be held from 12:00pm to 4:00pm in the Phoenix office of the ADEQ. We will plan on eating lunch together (menu to be circulated) to visit as we set the tone for what, we all hope, will be a productive meeting around the issues and potential solutions for the International Outfall Interceptor (IOI). Ex. 7(A)

Ex. 7(A)

1.

2. Ex. 7(A)

3.

4.

5. Please circulate a list of attendees from your respective agency.

Again, we are looking forward to a positive and productive meeting with parties who all have a significant stake in seeing the success of the water treatment for Arizona through the IOI. Please review the forgoing and let us know if there are additional points for agreement and, if agreeable, indicate your concurrence with these points for the meeting.

Let me know if you have any further questions.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
Regional and State Affairs
U.S. EPA
1200 Pennsylvania Avenue NW
Washington, DC 20004
(202)564-1988 office
Ex. 6
wagner.kenneth@epa.gov

Message

From: Tara Ousley [Ousley.Tara@azdeq.gov]
Sent: 6/1/2018 5:06:05 PM
To: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Torres, Tomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b2f42bb7a684e199190092e3a2e7520-TTORRES]; Aguirre, Hector [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=496957db32074f0087b7cb288bffc3ca-HAGUIR02]; Nishida, Jane [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=65e465e683c54e1b825f1bad32dcb099-Nishida, Jane]; Stoker, Michael B. [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dcb64b4e7edf48aabe8ef43996a4652e-Stoker, Mic]; Miller, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=40bb39f199a74c5cb3956d35d6f468df-AMILLE06]; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]
CC: pincognito@azwifa.gov; Cabrera.misael@azdeq.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cbf9ba26e08a46c58363714abf679bbc-Cabrera.mis]; Bret Parke [Parke.Bret@azdeq.gov]; Trevor Baggiore [Baggiore.Trevor@azdeq.gov]; Mary Zanga [Zanga.Mary@azdeq.gov]; stone.amanda@azdeq.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dba970a897894c688d9b9151c98d355d-stone.amanda@azdeq.gov]; Edna A. Mendoza [Mendoza.Edna@azdeq.gov]; Hans J. Huth [Huth.Hans@azdeq.gov]; Raymond D. Morgan [Morgan.Raymond@azdeq.gov]; Hunter Moore [hmoore@az.gov]; 'Jill Metzinger' [jmetzinger@az.gov]; ymendoza@azwifa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6ebf1f5710bf4cc58b1a0b8b40b7d8d7-ymendoza@azwifa.gov]
Subject: RE: Meeting in Arizona - June 13, 2018
Attachments: Hotels in Phoenix.pdf; Parking Directions.jpg; Sacks Menu.pdf; 171122_IOI_NIWTP_Priority_Matrix.pdf

I apologize but I inadvertently left off two documents.

1. Nogales SSO and Pretreatment Priority Matrix (attached and prints best on 11"x17" paper)
2. Arizona-Sonora Environmental Strategic Plan 2017-2021 – link to report http://static.azdeq.gov/pub/obep_strat_plan.pdf

Thank you,

Tara Ousley
Executive Assistant to Director Misael Cabrera, P.E.
Arizona Department of Environmental Quality
Office: (602) 771-4406
Ousley.tara@azdeq.gov

From: Tara Ousley
Sent: Friday, June 01, 2018 9:47 AM
To: Wagner, Kenneth <wagner.kenneth@epa.gov>; Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Torres, Tomas <Torres.Tomas@epa.gov>; Aguirre, Hector <Aguirre.Hector@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Stoker, Michael B. <stoker.michael@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>; Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>
Cc: pincognito@azwifa.gov; Misael Cabrera <Cabrera.Misael@azdeq.gov>; Bret Parke <Parke.Bret@azdeq.gov>; Trevor Baggiore <Baggiore.Trevor@azdeq.gov>; Mary Zanga <Zanga.Mary@azdeq.gov>; Amanda E. Stone <Stone.Amanda@azdeq.gov>; Edna A. Mendoza <Mendoza.Edna@azdeq.gov>; Hans J. Huth <Huth.Hans@azdeq.gov>;

Raymond D. Morgan <Morgan.Raymond@azdeq.gov>; Hunter Moore <hmoore@az.gov>; 'Jill Metzinger' <jmetzinger@az.gov>; Yolanda Mendoza <ymendoza@azwifa.gov>
Subject: RE: Meeting in Arizona - June 13, 2018

Good morning,

Thank you so much for the email confirming our upcoming meeting on Wednesday, June 13, 2018, 12:00 – 4:00 p.m., that includes a working lunch. Below is a list of participants that will be attending the meeting from WIFA and ADEQ, please reply back with your list of attendees, titles, and email addresses for our logistical conference room planning. I have attached a list of hotels near our office and I am happy to work with your assistants to help them with your travel arrangements. Attached is the lunch menu, please reply back to me with your lunch choice by 6/11/18. We are looking forward to the meeting and please feel free to reach out to me for any assistance. Thank you, Tara Ousley

- Trish Incognito, Executive Director, Water Infrastructure Finance Authority of Arizona (WIFA)
- Misael Cabrera, Director, ADEQ
- Bret Parke, Deputy Director of Operations, ADEQ
- Trevor Baggiore, Water Quality Division Director, ADEQ
- Amanda Stone, Chief Policy and Legislative Affairs Officer, ADEQ
- Edna Mendoza, Border Environmental Manager, ADEQ
- Hans Huth, Environmental Associate Hydrogeologist, ADEQ

- **Date:** Wednesday, June 13, 2018
- **Time:** 12:00-4:00 pm (Includes Working Lunch)
- **Topic:** Issues and Potential Solutions for the International Outfall Interceptor (IOI)
- **Location:** ADEQ, 1110 West Washington Street, 6th Floor, Conf. Room #6100B, Phoenix, AZ 85007
- **Parking:** Free visitor parking in the first floor of the parking garage (entrance on north side of Washington Street, west of 10th Avenue). ADEQ building is directly behind the Evans Historical House.
- **Sign-In:** Sign in at the ADEQ receptionist's office on the 1st floor and obtain a visitor's badge. Have receptionist call Tara Ousley at 602-771-4406 to escort you to the conference room.
- Directions to ADEQ >
  Parking at ADEQ >

Thank you,
Tara Ousley
Executive Assistant to Director Misael Cabrera, P.E.
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007
Office: (602) 771-4406
Ousley.tara@azdeq.gov
www.azdeq.gov

From: Wagner, Kenneth [mailto:wagner.kenneth@epa.gov]
Sent: Tuesday, May 29, 2018 3:27 PM
To: Misael Cabrera <Cabrera.Misael@azdeq.gov>; Bret Parke <Parke.Bret@azdeq.gov>; Tara Ousley <Ousley.Tara@azdeq.gov>; Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>; Wheeler, Andrew R.

<Andrew.Wheeler@FaegreBD.com>; Torres, Tomas <Torres.Tomas@epa.gov>; Aguirre, Hector <Aguirre.Hector@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Stoker, Michael B. <stoker.michael@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>
Cc: Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>
Subject: Meeting in Arizona - June 13, 2018

All:

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Ex. 7(A)

1. en
2. Ex. 7(A)
3.
4.

5. Please circulate a list of attendees from your respective agency.

Again, we are looking forward to a positive and productive meeting with parties who all have a significant stake in seeing the success of the water treatment for Arizona through the IOI. Please review the forgoing and let us know if there are additional points for agreement and, if agreeable, indicate your concurrence with these points for the meeting.

Let me know if you have any further questions.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
Regional and State Affairs
U.S. EPA
1200 Pennsylvania Avenue NW
Washington, DC 20004
(202)564-1988 office
(202 Ex. 6
wagner.kenneth@epa.gov

LIST OF HOTELS CLOSE TO ADEQ:

Hotel Palomar CityScape Downtown Phx **(0.8 mi)**
2 East Jefferson Street
Phoenix, AZ 85004
602-253-6633

Hyatt Regency Downtown Phoenix (1.3 miles)
122 North 2nd Street
Phoenix, AZ 85004
602-252-1234

Hotel San Carlos (1.3 miles)
202 N. Central Avenue
Phoenix, AZ 85004
602-253-4121

Westin Hotel (1.5 miles)
333 N. Central Avenue
Phoenix, AZ 85004
602-429-3500
(Freeport MacMoRan tower)

Renaissance Phoenix Hotel (1.3 miles)
50 East Adams Street
Phoenix, AZ 85004
602-333-0000

Sheraton Phoenix Downtown (1.3 miles)
340 North 3rd Street
Phoenix, AZ 85004
602-262-2500

Springhill Suites (1.6 miles)
802 East Van Buren
Phoenix, AZ 85006
602-307-9929

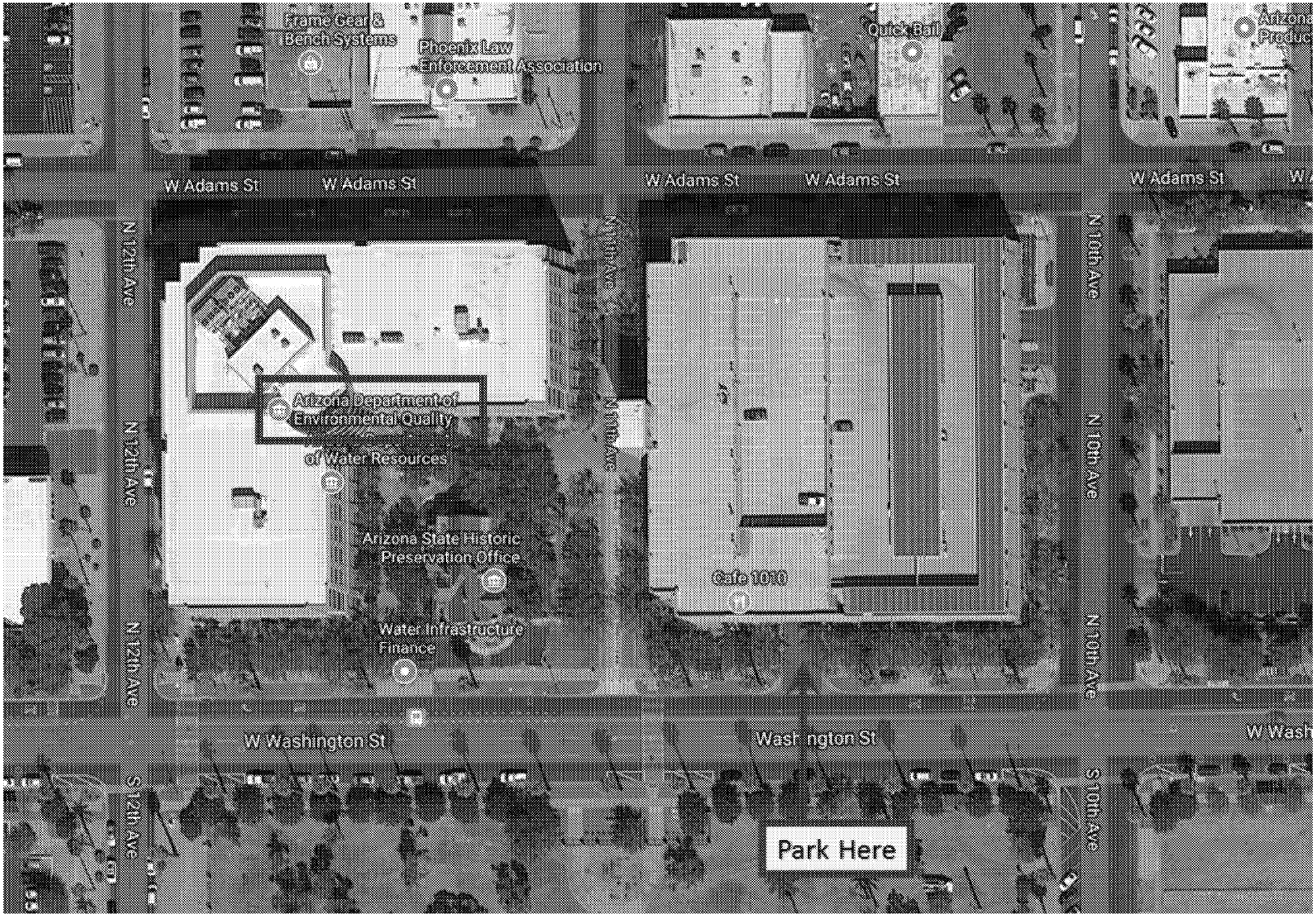
Best Western Central Phoenix Inn (1.8 miles – Central & Deck Park)
1100 North Central Avenue
Phoenix, AZ 85004
602-252-2100

Holiday Inn Express (1.9 miles - near AZ Center)
620 N. 6th Street
Phoenix, AZ 85004
602-452-2020 Toll free 1-877-856-7815

Hilton Suites (3.2 miles - Thomas & Central)
10 E. Thomas Road
Phoenix, AZ 85012
602-222-1111

Extended Stay Deluxe (Wellesley Inn & Suites) (3.6 miles - at Park Central)
217 W. Osborn Rd.
Phoenix, AZ 85013
602-279-9000

Hampton Inn (3.6 miles - at Park Central)
160 W. Catalina Dr.
Phoenix, AZ 85013
602-200-0990


Frame Gear & Bench Systems
Phoenix Law Enforcement Association
Quick Ball
W Adams St
W Adams St
W Adams St
W Adams St
N 12th Ave
N 12th Ave
N 12th Ave
N 11th Ave
N 11th Ave
N 10th Ave
N 10th Ave
N 10th Ave
Arizona Department of Environmental Quality
of Water Resources
Arizona State Historic Preservation Office
Water Infrastructure Finance
Cafe 1010
W Washington St
Wash ngton St
S 12th Ave
S 10th Ave
Park Here

ARCADIA
4247 E. Indian School
Phoenix, AZ 85018
Phone: 602-840-4649
FAX: 602-840-4842
Hours: Mo-Sa, 9am-3pm

PHOENIX
231 W. Thomas Rd.
Phoenix, AZ 85013
Phone: 602-604-9661
FAX: 602-604-9665
Hours: Mo-Sa, 9am-3pm

HARDY
839 W. University
Tempe, AZ 85281
Phone: 480-967-2980
FAX: 480-967-9223
Hours: Mo-Fr, 8am-3pm

ASU
35 East Ninth St.
Tempe, AZ 85281
Phone: 480-966-9266
FAX: 480-966-1171
Hours: Mo-Fr, 8am-3pm

www.sacks.info

Signature Sandwiches:

Sacks Symphony 8.15
Turkey breast, bacon, avocado, tomato, alfalfa sprouts, cream cheese, mayo, on 12 grain bread

Sacks Overture 7.69
Prime beef, sweet onion, tomato, lettuce, red onion, mild horseradish sauce, on an 8 inch baguette

Sacks Impressionist (Veggie) 7.95
Choice of 2 cheeses, lettuce. tomato, cucumber, carrots, avocado, onions, sprouts, cream cheese, mayo, on 12 grain bread

Sacks Improv 7.69
Turkey breast, herb stuffing, cranberry sauce, shredded lettuce, mayo, on an 8 inch baguette

Sacks Dali 6.89
Homemade egg salad, country bacon, leaf lettuce, tomato, cream cheese, mayo, on 12 grain bread

Sacks Jazz 7.89
Country bacon, leaf lettuce, tomato, mayo, avocado, cream cheese, on 12 grain bread

Sacks Mona 9.15
Nova Lox, avocado, lemon cream cheese with capers, sprouts, red onion, on pumpernickel bread

Sacks Art Deco 8.15
Salami, ham, provolone cheese, marinated bell peppers, tomato, onions, pepperoncinis, lettuce, italian dressing, on an 8 inch baguette

Sacks Van Gogh 7.95
Rare roast beef, fresh dill, Havarti cheese, sprouts, Sacks special deli mustard, on pumpernickel bread

Sacks Picasso (Hot!) 8.15
4 savory meatballs, provolone cheese, Mama Cosenza's original Italian sauce, on an 8 inch baguette

Sacks Encore (Hot!) 8.49
Prime steak, provolone, sautéed onions, peppers (jalapeños, sweet bell peppers, or mixed), Feta yogurt dressing & lettuce (or tomato sauce w/ grated parmesan), on an 8 inch baguette

Sacks Rubens (Hot!) 8.49
Pastrami, Swiss cheese, homemade coleslaw, 1000 Island, on marble rye

Sacks Gothic (Hot!) 8.15
Turkey breast, ham, sautéed, mushrooms, Swiss cheese, shredded lettuce, mayo, on an 8 inch baguette

Sacks O'Keefe (Hot!) 8.49
Grilled seasoned chicken breast, sautéed mushrooms, Swiss cheese, avocado, lettuce, tomato, honey mustard dressing, on an 8 inch baguette

---

Main Ingredient:

Turkey	7.09
Roast Beef	7.09
Pastrami	7.69
Ham	6.69
Chicken Salad	7.49
Tuna Salad	7.49
Egg Salad	6.49
BBQ Beef	8.15
PBJ	4.59
Grilled Cheese	5.45
Extra Meat	2.55
1/2 Sandwich	5.34

Custom Create Your Own Sandwich (starting at 4.59):

Breads:
12 Grain, Baguette, Sourdough, White, Marble Rye, Pumpernickel, Tomato Basil, Low Carb Wrap (0.49), Spinach Wrap (0.49), Tomato Basil Wrap (0.49), Lettuce Wrap (0.49), Gluten Free Bun (0.99)

Veggies *(First 4 Veggies are FREE. Any additional are 0.49 each)*
Lettuce, Tomato, Cucumber, Red Onions, Mushrooms, Carrots, Black Olives, Fresh Spinach, Alfalfa Sprouts, Pepperoncinis, Marinated Bell Peppers, Sweet Pickles, Dill Pickles

Cheeses:
Swiss, American, Provolone, Jack, Cheddar, Pepper Jack (0.99 each); Havarti (1.19); Cream Cheese (0.49)

Details:
Mayo, Mustards *(Deli, Honey, Yellow, Dijon)*, Horseradish Sauce

Other:
Bacon (0.99), Avocado (0.99)

Palette of FRESH *Salads*:

Sacks Garden Salad 7.29
Cucumber, broccoli, cauliflower, tomato, red onion, served on bed of lettuce with your choice of side dressing

Sacks Salads 8.74
All the ingredients of Sacks Garden Salad with your choice of topping and dressing served on the side. **Choose main topping:** Grilled shaved steak, grilled sliced chicken breast, grilled sliced Cajun chicken breast, albacore tuna salad w/ almonds, chicken salad w/ almonds, egg salad, Sacks rotelle pasta

Sacks Chef Salad 8.74
American cheese, Swiss cheese, ham, turkey, tomato, served on a bed of lettuce with your choice of side dressing

Sacks Cobb Salad 8.74
Turkey, bacon and cheddar cheese atop Sacks Garden Salad with your choice of side dressing

Sacks Caesar Salad 7.29
Fresh Romaine lettuce, parmesan cheese, croutons and cracked black pepper tossed with Caesar dressing. **Add grilled chicken breast** (1.45) **or grilled Cajun chicken breast** ($1.45)

Choice of Dressing:
Italian, blue cheese, feta yogurt, ranch, balsamic vinaigrette, raspberry vinaigrette, fat free sun dried tomato basil, honey poppy seed, chipotle ranch, 1000 island, red wine vinegar & olive oil (extra dressing 0.99)

Substitute Fresh Spinach for Lettuce 0.49

Pasta Renaissance:

Our original recipe marinara sauce by Mama Cosenza served over angel hair pasta with grated parmesan cheese and homemade garlic bread 7.09

Add 2 Meatballs 8.74

Add Grilled Chicken 8.74

Add Sautéed Veggies
(Mushrooms, Onions, Green Peppers - 0.49 each)

Wanda's Magical Cookie Dough:

Bake a batch at home (2 lbs.) 6.49

Accompaniments:

Side Salads:

Garden Side Salad	3.99
Oriental Noodle	1.74
Potato Salad	1.74
Coleslaw	1.24
Rotelle Pasta	1.74
Chicken Salad	3.59
Albacore Tuna Salad	3.79
Kosher Spear	0.55
Assorted Chips	1.55

Sacks DEAL!*

Choice of Chips & 24 oz. Drink
**In store only. No delivery* 2.99

Sweet Endings:

Cookies:

Chocolate Chip (Sm)	0.55
Chocolate Chip (Lg)	1.20
Sugar	1.20
Oatmeal Pecan Raisin	2.05
Peanut Butter	2.05
Moca Choc. Chip	2.05
Fifty-Seven	2.05

Desert Bars:

Rocky Road	3.09
Raspberry Cream Cheese	3.09
Choc. Chip Coconut	3.09
Caramel Apple	3.09
Lemon	3.09

Beverages:

Fountain Drinks:

Regular	1.94
Large	2.56

(RC Cola, Diet RC Cola, Dr. Pepper, 7up, Squirt, Canada Dry Ginger Ale, Sunkist Orange, Lemonade, Assorted Fresh Brewed Teas, Seattle's Market Spice Tea)

Assorted Bottled and Canned Beverages:
..... 1.55 - 3.39

Other:

Milk	1.94
Coffee	1.55

Pick-up Service:

Call, FAX, or Order Online for an expedited pick-up.

Delivery Service:

Please check online or ask for details at the Sacks location in your area for minimum order required, delivery times and areas, and any applicable delivery charge.

Gourmet Catering:

Party trays and catering are available. Enjoy your next group meeting or party by leaving the art of food design to us.

www.sacks.info

SACKS Art of Sandwiches

ARCADIA
4247 E. Indian School
Phoenix, AZ 85018
Phone: 602-840-4649
FAX: 602-840-4842
Hours: Mo-Sa, 9am-3pm

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ASU
35 East Ninth St.
Tempe, AZ 85281
Phone: 480-966-9266
FAX: 480-966-1171
Hours: Mo-Fr, 8am-3pm

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 6/8/2018 4:30:34 PM
To: Andrew.Wheeler@FaegreBD.com
Subject: Undeliverable: Fwd: Creston Water
Attachments: Fwd: Creston Water

Your message
To: Traylor, Patrick; Andrew.Wheeler@FaegreBD.com
Subject: Fwd: Creston Water
Sent: 6/8/2018 4:30:32 PM

Your message to Andrew.Wheeler@FaegreBD.com couldn't be delivered.

When Office 365 tried to send your message, the receiving email server outside Office 365 reported an error.

wagner.kenneth	**Office 365**	**Andrew.Wheeler**
Sender		**Action Required**
		Policy violation or system error

How to Fix It

Check the "Reported Error" from the "Error Details" section shown below for more information about the problem. The error might tell you what went wrong and how to fix it. For example, if the error states that the message was blocked due to a potential virus or because the message was too large, try sending the message again without attachments.

If you're not able to fix the problem, it's likely that only the recipient's email admin can fix it. Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin about the problem. Give them the "Reported Error" from the "Error Details" section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.0.350

The error reported by the receiving server wasn't specific enough to determine the exact nature of the problem. These errors often indicate the message violates a security or policy setting configured on the recipient's email servers.

If the sender is unable to fix the problem by modifying their message, then it's likely a problem that only the recipient's email admin can fix. Try the following:

Check the error for information about the problem - The "Reported Error" returned by the external email server can be found in the "Error Details" section below. This error might tell you what went wrong and provide clues for how to fix it. For example, if the error states the message was rejected due a Sender Policy Framework (SPF) issue, then you'll have to work with your domain registrar to correctly configure your domain's SPF records.

Check the error for information about where the problem is happening - For example, look for a domain name like contoso.com. A domain name in the error might suggest who is responsible for the error. It could be the recipient's email server, or it could be a third-party service that your organization or the recipient's organization is using to process or filter email messages.

If you can't fix the problem, contact the responsible party's email admin - Give them the error code and error message from this non-delivery report (NDR) to help them troubleshoot the issue. For security or policy violation issues, it might be sufficient for them to just add your sending IP addresses or domain to their allowed senders list.

It's likely that only the recipient's email admin can fix the problem. Unfortunately, it's unlikely Office 365 Support will be able to help with these kinds of externally reported errors.

Original Message Details

Created Date:	6/8/2018 4:30:32 PM
Sender Address:	wagner.kenneth@epa.gov
Recipient Address:	Andrew.Wheeler@FaegreBD.com
Subject:	Fwd: Creston Water

Error Details

Reported error:	*550 5.0.350 Remote server returned an error -> 550 #5.1.0 Address rejected.*
DSN generated by:	DM5PR09MB2044.namprd09.prod.outlook.com
Remote server:	mail1.faegrebd.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	6/8/2018 4:30:32 PM	DM5PR09MB2268.namprd09.prod.outlook.com	DM5PR09MB2268.namprd09.prod.outlook.com	mapi
2	6/8/2018 4:30:33 PM	DM5PR09MB2268.namprd09.prod.outlook.com	DM5PR09MB2044.namprd09.prod.outlook.com	Microsoft SMTP Serve cipher=TLS_ECDHE_R

Original Message Headers

```
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
```

s=selector1-epa-gov;
h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-SenderADCheck;
bh=pr8k0/76JXWqnaT+PpSxlc8valuWY1Pb/TNXAXUVCTI=;

b=OgKjx5DolibhlKDlMoElGF6e6puzcj31u/bt9uA3L6+PdT9NrBcBO2AeyUuRPGjywbrWjNUeeEZUzTokTUo981t
O/q8KuemtTwV6bSgWXSDtyAUrM8nraPJ9mRN5+2tzuoL7Jb+oItb96cJUifDGq748IbiqQ4xVAy4jr65/eq8=

Received: from DM5PR09MB2268.namprd09.prod.outlook.com (10.172.190.144) by
DM5PR09MB2044.namprd09.prod.outlook.com (10.173.129.150) with Microsoft SMTP
Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id
15.20.841.17; Fri, 8 Jun 2018 16:30:33 +0000

Received: from DM5PR09MB2268.namprd09.prod.outlook.com
([fe80::5c12:c00f:44ff:ebe4]) by DM5PR09MB2268.namprd09.prod.outlook.com
([fe80::5c12:c00f:44ff:ebe4%7]) with mapi id 15.20.0841.015; Fri, 8 Jun 2018
16:30:32 +0000

From: "Wagner, Kenneth" <wagner.kenneth@epa.gov>

To: "Traylor, Patrick" <traylor.patrick@epa.gov>,
"Andrew.Wheeler@FaegreBD.com" <Andrew.Wheeler@FaegreBD.com>

Subject: Fwd: Creston Water

Thread-Topic: Creston Water

Thread-Index: AdP/QiOX+NQf98cdSYaBuwyGMBsgAwAAqo8AAABN3zY=

Date: Fri, 8 Jun 2018 16:30:32 +0000

Message-ID: <498B8740-E839-4A0E-B655-40CF0BB5D55A@epa.gov>

References:
<BYAPR09MB2887206D6FA3BEFB52E8124CFA7B0@BYAPR09MB2887.namprd09.prod.outlook.com>,<CAMhCCweJFReKKQ35aLC36xRYm7XyJnDLkG_krEWVSyt_KVYTBQ@mail.gmail.com>

In-Reply-To: <CAMhCCweJFReKKQ35aLC36xRYm7XyJnDLkG_krEWVSyt_KVYTBQ@mail.gmail.com>

Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

authentication-results: spf=none (sender IP is)
smtp.mailfrom=wagner.kenneth@epa.gov;

x-originating-ip: [2600:100e:b045:a4ca:b16a:eb33:7c0:ce83]

x-ms-publictraffictype: Email

x-microsoft-exchange-diagnostics:
1;DM5PR09MB2044;7:PzfL4+eO58Kn63SCn67HixlawUPo8yYVp+vLaASj7JmIM3dI54yzqjlrQJDvAHihqNKw3RF
MN7dIYB5UKjw+EHm3vcAVaqJxnFDgGbciESql7M0opKX0aKg18fcPPSurFolI7R9BwgfmQ4mVnNCA73pVqVX3/WPc
PlcbKdEDWgHbfoPZ+M4xEaYa8AlUrNSzjm2P04YqFv2MIrnrLuIDUs6YdeSPvc/DacR/CayCj3DgdI3n5rIaNOx1x
JI5sm/S

x-ms-exchange-antispam-srfa-diagnostics: SOS;SOR;

x-forefront-antispam-report: SFV:SKI;SCL:-
1;SFV:NSPM;SFS:(10019020)(366004)(39860400002)(346002)(396003)(39380400002)(376002)(19900
4)(189003)(99286004)(97736004)(86362001)(2616005)(76176011)(316002)(110136005)(46003)(102
836004)(59450400001)(6506007)(53546011)(83716003)(446003)(14454004)(11346002)(2501003)(82
746002)(68736007)(345774005)(229853002)(5250100002)(606006)(6436002)(3280700002)(2906002)
(105586002)(6486002)(106356001)(7116003)(53376002)(966005)(53366004)(2473003)(6116002)(65
12007)(2900100001)(33656002)(53936002)(236005)(478600001)(25786009)(486006)(36756003)(630
6002)(81156014)(8936002)(81166006)(8676002)(54896002)(476003)(5660300001)(3660700001)(733
005)(7736002)(493534005);DIR:OUT;SFP:1102;SCL:1;SRVR:DM5PR09MB2044;H:DM5PR09MB2268.namprd
09.prod.outlook.com;FPP:;SPF:None;LANG:en;PTR:InfoNoRecords;A:1;MX:1;

x-microsoft-antispam:
UriScan:;BCL:0;PCL:0;RULEID:(7020095)(4652020)(5600026)(2017052603328)(7153060)(7193020);
SRVR:DM5PR09MB2044;

x-ms-traffictypediagnostic: DM5PR09MB2044:

x-microsoft-antispam-prvs:
<DM5PR09MB20440EC45D3CDDA8C6843F058F7B0@DM5PR09MB2044.namprd09.prod.outlook.com>

x-exchange-antispam-report-test:
UriScan:(165176249663242)(211936372134217)(179696456005106)(229838945174439)(106180626270
275)(229425074694992);

x-ms-exchange-senderadcheck: 1

x-exchange-antispam-report-cfa-test:
BCL:0;PCL:0;RULEID:(6040522)(2401047)(5005006)(8121501046)(10201501046)(3231254)(20170807
01022)(944501410)(52105095)(3002001)(93006095)(93001095)(149027)(150027)(6041310)(2016112
3564045)(20161123558120)(20161123562045)(20161123560045)(201703131423095)(201702281528075
)(20161123555045)(201703061421075)(201703061406153)(6072148)(201708071742011)(7699016);SR
VR:DM5PR09MB2044;BCL:0;PCL:0;RULEID:;SRVR:DM5PR09MB2044;

x-forefront-prvs: 06973FFAD3

received-spf: None (protection.outlook.com: epa.gov does not designate
 permitted sender hosts)

x-microsoft-antispam-message-info:
gExCqoJvaUb0oPPNU2DwHdoBYHlacyM0RisQUZrQJzKD5GvMbHiuxGLVPsE3bzZFtsHEZTJilPdqGqk9ldOnggn/m
blGx/bOwMFGTXz4EB27X7e7dKjpeTS+OgPwBr0tG9nuhezZBEbO6FW18LP0nktBWZmTJzt8n5PvPNLz8Q07akd3/U
kz8g90XKvK0upJ

spamdiagnosticoutput: 1:99

spamdiagnosticmetadata: NSPM

Content-Type: multipart/alternative;
        boundary="_000_498B8740E8394A0EB65540CF0BB5D55Aepagov_"

MIME-Version: 1.0

X-MS-Office365-Filtering-Correlation-Id: 96e8ffd8-65d3-4c55-b450-08d5cd5d27e7

X-OriginatorOrg: epa.gov

X-MS-Exchange-CrossTenant-Network-Message-Id: 96e8ffd8-65d3-4c55-b450-08d5cd5d27e7

X-MS-Exchange-CrossTenant-originalarrivaltime: 08 Jun 2018 16:30:32.7031
 (UTC)

X-MS-Exchange-CrossTenant-fromentityheader: Hosted

X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7

X-MS-Exchange-Transport-CrossTenantHeadersStamped: DM5PR09MB2044

Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 6/8/2018 4:30:32 PM
To: Traylor, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6d06c6b766c4b4b8bfdf6b0fea4b998-Traylor, Pa]; Andrew.Wheeler@FaegreBD.com
Subject: Fwd: Creston Water

Patrick: your help is not noted here, but pass this along to your staff as it was a team effort!

Thanks,

Ken

Begin forwarded message:

> **From:** "Ehm, William" <william.ehm@dnr.iowa.gov>
> **Date:** June 8, 2018 at 10:21:50 AM MDT
> **To:** "Wagner, Kenneth" <wagner.kenneth@epa.gov>
> **Cc:** "Gulliford, Jim" <gulliford.jim@epa.gov>, pruitt.scott@epa.gov
> **Subject: Re: Creston Water**
>
> Ken,
> I have sent you a note in the mail, but multiple thanks never hurt in a situation such as this. Within hours of my call to you, the membranes were cleared and allowed to move into the United States. This prompt action restored potable drinking water to Creston and the surrounding six counties two days sooner than the water works staff had projected. This is a model of our state/federal partnership.
> In addition, I have suggested and I believe that, some of the damaged membranes will be headed to the ORD facility in Cincinnati to assist in determining what went wrong so quickly.
> Again, thank you for your assistance.
> Bill
>
> On Fri, Jun 8, 2018 at 11:03 AM, Gulliford, Jim <gulliford.jim@epa.gov> wrote:
>
> > Ken – I don't know if you saw this – thanks for your initiative to help Bill make this happen.
> >
> > jbg
> >
> > **Officials share good news over boil order - KCCI Ch. 8 Des Moines - 6/5/18** - Thousands of people in southwestern Iowa were without clean drinking water Monday as a boil order entered its fourth day.
> > http://bit.ly/2JFjhFG

Jim Gulliford

Region 7 Administrator

11201 Renner Blvd.

Lenexa, KS 66219

--

Bill Ehm | Division Administrator
Iowa Department of Natural Resources
P 515-725-8300 | F 515-725-8202 | 502 E. 9th St., Des Moines, IA 50319
www.iowadnr.gov

Message

From: Mark [mark@mecseminars.com]
Sent: 2/7/2018 6:40:14 PM
To: sean.alteri@ky.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f999b3b9716c4924b5cbb9c4cdf645d0-sean.alteri@ky.gov]; Baugues, Keith [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user6d5ac5e5]; christopher.beekman@epa.ohio.gov; aberinger@ceecoequipment.com; trent.blake@keramida.com; kbrankamp@marathonpetroleum.com; carolyn.brown@dinsmore.com; cbudzynski@slk-law.com; craig.butler2@epa.ohio.gov; kevin.butt@toyota.com; jcave@stites.com; CLARK METTLER, MARTHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user245f4c8f]; diane.coleman@trane.com; mickey.croxton@plaskolite.com; tcrummy@wm.com; jeff.cummins@ky.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b55c4e939992473ca025d2834396f866-jeff.cummins@ky.gov]; Chris.Daniels@owenscorning.com; cdavis@melinkcorp.com; dewbury.md@pg.com; ndisanti@pcc-group.com; pdubenetzky@corner-enviro.com; bearly@stites.com; chad.edwards@emersiondesign.com; patrik.eskandari@magna.com; christy.fetsch@trane.com; mfosnaugh@trinityconsultants.com; tgerstle@eqm.com; jdgibbs@erm.com; Peter.Goodmann@ky.gov; michael.gray@dinsmore.com; jgregory@trinityconsultants.com; whh@haaklawllc.com; eharper@ehstech.com; scott.hassell@53.com; Zhatahet@dickinsonwright.com; rhawks@QSEMsolutions.com; Jason Heath [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userc6e0cbc3]; ghemker@ehstech.com; nhess@pcc-group.com; shesselbein@marathonpetroleum.com; benjamin.h.1@bwc.state.oh.us; robert.hocks@duke-energy.com; bob.hodanbosi@epa.ohio.gov; Valoria.Hoover@OhioAttorneyGeneral.gov; philip.imber@lge-ku.com; ajennings@trinityconsultants.com; Johnson.Gaye@dol.gov; cory.justice@mubea.com; harry.kallipolitis@epa.ohio.gov; tiffani.kavalec@epa.ohio.gov; Keatley, Aaron (EEC) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user356e3fea]; max.kelln@FaegreBD.com; katie.kistler@AKSteel.com; hknight@bdlaw.com; james_lane@goodyear.com; tim.ling@plaskolite.com; klowery@trinityconsultants.com; olivia.lucas@faegrebd.com; smadden@ehstech.com; hmanning@eqm.com; tanis.marquette@hexion.com; dawn.mays@hamilton-co.org; jason.mennino@dowcorning.com; snewlon@dickinsonwright.com; botten@trinityconsultants.com; moverton@keramida.com; DOwen@dickinsonwright.com; don.owens@owenscorning.com; michael.pahutski@duke-energy.com; elena.pfarr@macys.com; bpigott@idem.in.gov; cathy.price@louisville.edu; cory.riley@meritor.com; drobin@lilly.com; aromig@psrb.com; christar@syaeng.com; gschewe@trinityconsultants.com; terri.sexton@navistar.com; catherine.p.sheehy@ul.com; rshelley@hallenvironmental.net; rob.shoaff@novipax.com; jonah.simons@nucor.com; kesingleton@suncoke.com; rsinha@trihydro.com; tony.sullivan@btlaw.com; Tachtiris, Valerie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user713b5cdc]; bthayer@augustmack.com; jthomas@epri.com; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Brad.Weber@sheakley.com; aweisman@rapca.org; jwellspring@keramida.com
Subject: Speakers' Reminders for the ' Spring'Sustainability & EHS Symposium in Cincinnati on March 27-28
Attachments: EHS Speaker Guidelines.pdf

Sustainability & EHS Symposium Speakers,

Many, many thanks for your willingness to speak next month at the 27th Annual Sustainability & EHS Symposium in Cincinnati on **Tuesday & Wednesday, March 27-28** in Cincinnati at the Duke Energy Center (*except for the closing luncheon at host Hilton Netherlands.*) Attendance looks fantastic!! As speakers, remember **you are already registered** for the entire Symposium complimentary and can attend any session you wish. Attached again are our speakers guidelines. A couple reminders:

1. **Speaker presentations, bios and other written materials** are due on **Friday, March 2** … you can either e-mail me or, if the files are very large, upload to our FTP site noted in our guidelines. Please use the **4:3 ratio in developing PowerPoints** as it literally impossible to

combine with the widescreen format (16:9) default PPTs for a seamless workshop or general session presentation. Please pay particular attention to page 3 when submitting **your updated bio including all of your contact information**. You'd be surprised how many bios we get without basic contact information – *why speak if attendees don't know how to contact you afterwards*?

2. **Any special a/v needs** … such an **audio patch for a video embedded** in the PowerPoint … should be also e-mailed me by Friday, March 2

3. Before the cut of date of **March 5**, if you **need lodging** at the Hilton Netherland Plaza for the evenings of Monday, March 26 and/or Tuesday, March 27, please reserve your hotel rooms at the special $133 rate via this online Symposium link to the hotel:
https://aws.passkey.com/gt/lodging/214004204?gtid=e623416e8378d8218e79f1de05c49cd6

Finally, as I just did a broadcast e-mail to folks who haven't registered yet in our database, in the subject I used the word '**Spring' Sustainability & EHS Symposium** as spring here in Columbus a welcomed thought, on a day when most schools are closed due to winter snow storms. Thanks again for speaking at next month's "Spring" Symposium in Cincinnati!!

Mark W. Uher, President
Manufacturers' Education Council
BlendonView Office Park
5050 Pine Creek Drive, Suite A
Westerville, OH 43081- 4852
Ex. 6 phone
614.392.0415 fax
www.MECseminars.com

Speaker Guidelines -- Manufacturers' Education Council

The Manufacturers' Education Council is dedicated to providing quality conferences and seminars. It is our only business. The quality of our sponsored events – however – depends on speakers who successfully share and communicate their expertise and insights on a given topic. From our experience serving over ***81,000*** attendees over the last 27 years, the highest-rated and most successful speakers follow these few speaker guidelines. Our 4 suggestions for a successful presentation are:

Provide a Well-Organized, Dynamic & Entertaining Presentation

Know your audience … their knowledge level and expectations. **Provide practical and useful information** – how-to guidance, use of case studies and solution-oriented examples are always successful. Use practical terms and terminology. Address current developments, issues and trends and their impact on the audience. When you receive the conference/seminar brochure, review the entire program to **avoid duplicating other speakers'** presentations and to help you focus on your topic. Read your audience and be flexible to their needs

Submit Materials for Handouts/Website by March 2, 2018

Provide us with an organized and concise set of written materials for publication in a manual that reflects the scope, content and format of your presentation. **Send electronically via e-mail your PowerPoint** – we will print it out two slides per page for insertion into the handouts. Refer the audience to your written materials with specific pages – (*our handouts will have page numbers*) – consistently during your presentation. Include supporting materials that the attendees can use as a reference back on the job. Provide us with as much written material as possible … **the more the better**. In addition, we will **convert all presentations into PDFs & post on our website for an entire** year.

Use the Mics, Involve Your Audience & Repeat Questions Asked

Always remember to **use the microphones** even for workshop sessions!!!!! Ask for a "show of hands" on various issues, use audience quizzes, maybe use a small group exercise, ask various individuals questions, and leave time for questions/answers (*we recommend about 15% of your allotted time*). During questions/answers, **repeat the question into the microphone** … always!!!

Pace Your Presentation and WATCH THE CLOCK!

Keep the program on schedule and stay within your allotted time. Practice your presentation to make sure you cover the subject matter, summarize, and allow time for questions within your time allocation. If you are involved in a workshop, coordinate your presentations with the other speakers.

All speakers are our complimentary **guests for the entire conference & we've already registered you**. We suggest that you **arrive at least 45 minutes before** your scheduled presentation so you can get a feel for the conference/attendees, review the list of attendees, and receive any information on the A/V equipment and head table arrangements.

Finally, if there's anything the Council staff can do to enhance your presentation, please let us know by contacting either **Mark Uher** at (Mark@MECseminars.com) or **Jana Lilly** (Jana@MECseminars.com) **Let us help you make a successful presentation!!**

AUDIO / VISUAL GUIDELINES AND REQUEST FORM

You are encouraged to use quality visuals aids to enhance your presentations. PowerPoint presentations are very popular. Please send us your **PowerPoint presentation (electronically**) so we can print it out (*two per page*) and insert in the manual. Attendees will request copies, and if copies are included in the manual, it is much easier for them to listen, take notes and learn.

We will also **advance load your submitted PowerPoint onto seminar laptops** with a remote for you to use. They will be loaded on the laptop's desktop by Panel Name for ease in locating. **All panel presentations will be combined for a seamless Panel PowerPoint presentation. All general session PowerPoint presentations will also be combined for a seamless presentation**.

The screens being utilized for the conference are 4:3 ratio. Please develop your PowerPoint presentations in **4:3 and not 16:9 (widescreen**). Otherwise they will have black bars at the top and bottom of their presentation when it is projected at the conference.

Please submit your **final** PowerPoint presentation by **Friday, March 2, 2018**. Please arrive a few minutes early to familiarize yourself with the data projector and laptop loaded with your PowerPoint presentation.

SPECIAL AUDIO / VISUAL REQUEST FORM

Please Complete and Return By Friday, March 2, 2018

Speaker Name _____

Program Date _____

Please note all submitted PowerPoint presentations will automatically be loaded conference laptops and each conference room will have a dataprojector. ***Please do not make changes in your presentation after it is submitted!!***

The following special audio / visual equipment is needed for my presentation:

____ **Video Embedded/Audio for Video** ____ **Flip Chart** with Markers

____ **Internet** ____ **Other - please specify:** _____

____ **I will not need any audio / visual equipment.**

For PowerPoint presentations & overheads, **screens** will be set up automatically. We will always have a **podium mic**. When an **overhead or data projector is requested, we will always have an additional lavaliere (lapel) microphone and a laser pointer**.

Please Send Your Special A/V Needs & Your Written Materials By Friday, March 2, 2018 to:

Electronically via E-Mail: Mark@MECseminars.com

If the presentation is over 10 MBs, please feel free to upload it to our new FTP site on our website, at the bottom there is a UPLOAD feature.

Biographical Information

Following **name**, **title**, **organization**, **address**, **phone**, **fax** and **e-mail address**, please provide a couple of paragraphs that highlight your **work**, accomplishments and awards, **professional memberships** and **education** as it relates to the subject of your presentation. This information will be used to introduce you to the audience and **it will be reproduced, exactly as you type it, in the conference manual provided to all attendees.** The format for the sketches should be similar to this sample biographical sketch:

Sample

Biographical Information

James F. Loder, Global Director of Energy Management
P.H. Glatfelter Co., 96 S. George St., York, PA 17401
717-225-4711 ext 2887 Fax: 717-225-6834
James.Loder@glatfelter.com

Jim started his energy career with Pacific, Gas and Electric in Merced, California in 1982 as an energy conservation engineer. Jim progressed at PG&E as a planning engineer, PURPA interconnection coordinator and positions in Account Management, Marketing and Sales. Jim joined Allegheny Energy in Greensburg, PA in 1996 working primarily in the Energy Trading and Structured Products groups for AYE's unregulated power generation affiliate, Allegheny Energy Supply. Jim's primary responsibilities at Supply were structured commodity product sales to industrial, commercial and wholesale customers.

Jim joined P.H. Glatfelter in Spring Grove, Pennsylvania in 2008 as the Global Director of Energy Management. Jim's primary responsibilities for Glatfelter's energy intensive paper mills include power generation sales, energy rates and tariff review, regulatory and legislative participation and energy efficiency initiatives. Jim is also responsible for the development and expansion of Glatfelter's renewable energy portfolio.

Jim is a graduate of Penn State with a B.S. In Mechanical Engineering and received an MBA from Holy Names College in Oakland, California.

Please Return Your Biographical Information by Friday, March 2, 2018
E-Mail: mark@mecseminars.com
Manufacturers' Education Council, 5050 Pine Creek Drive, Suite A
Westerville, OH 43081-4852

Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 5/29/2018 10:27:19 PM
To: Misael Cabrera [Cabrera.Misael@azdeq.gov]; parke.bret@azdeq.gov; Tara Ousley [Ousley.Tara@azdeq.gov]; Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Torres, Tomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b2f42bb7a684e199190092e3a2e7520-TTORRES]; Aguirre, Hector [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=496957db32074f0087b7cb288bffc3ca-HAGUIR02]; Nishida, Jane [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=65e465e683c54e1b825f1bad32dcb099-Nishida, Jane]; Stoker, Michael B. [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dcb64b4e7edf48aabe8ef43996a4652e-Stoker, Mic]; Miller, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=40bb39f199a74c5cb3956d35d6f468df-AMILLE06]
CC: Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]
Subject: Meeting in Arizona - June 13, 2018

All:

This email is in anticipation of our June 13, 2018 meeting between Arizona Department of Environmental Quality (ADEQ), US Department of Justice (DOJ), and US Environmental Protection Agency (EPA) to be held from 12:00pm to 4:00pm in the Phoenix office of the ADEQ. We will plan on eating lunch together (menu to be circulated) to visit as we set the tone for what, we all hope, will be a productive meeting around the issues and potential solutions for the International Outfall Interceptor (IOI). Ex. 7(A)

Ex. 7(A)

1.

2. Ex. 7(A)

3.

4.

5. Please circulate a list of attendees from your respective agency.

Again, we are looking forward to a positive and productive meeting with parties who all have a significant stake in seeing the success of the water treatment for Arizona through the IOI. Please review the forgoing and let us know if there are additional points for agreement and, if agreeable, indicate your concurrence with these points for the meeting.

Let me know if you have any further questions.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
Regional and State Affairs
U.S. EPA
1200 Pennsylvania Avenue NW
Washington, DC 20004
(202)564-1988 office
Ex. 6 cell
wagner.kenneth@epa.gov

Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 6/8/2018 4:30:32 PM
To: Traylor, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6d06c6b766c4b4b8bfdf6b0fea4b998-Traylor, Pa]; Andrew.Wheeler@FaegreBD.com
Subject: Fwd: Creston Water

Patrick: your help is not noted here, but pass this along to your staff as it was a team effort!

Thanks,

Ken

Begin forwarded message:

> **From:** "Ehm, William" <william.ehm@dnr.iowa.gov>
> **Date:** June 8, 2018 at 10:21:50 AM MDT
> **To:** "Wagner, Kenneth" <wagner.kenneth@epa.gov>
> **Cc:** "Gulliford, Jim" <gulliford.jim@epa.gov>, pruitt.scott@epa.gov
> **Subject: Re: Creston Water**
>
> Ken,
> I have sent you a note in the mail, but multiple thanks never hurt in a situation such as this. Within hours of my call to you, the membranes were cleared and allowed to move into the United States. This prompt action restored potable drinking water to Creston and the surrounding six counties two days sooner than the water works staff had projected. This is a model of our state/federal partnership.
> In addition, I have suggested and I believe that, some of the damaged membranes will be headed to the ORD facility in Cincinnati to assist in determining what went wrong so quickly.
> Again, thank you for your assistance.
> Bill
>
> On Fri, Jun 8, 2018 at 11:03 AM, Gulliford, Jim <gulliford.jim@epa.gov> wrote:
>
> > Ken – I don't know if you saw this – thanks for your initiative to help Bill make this happen.
> >
> > jbg
> >
> > **Officials share good news over boil order - KCCI Ch. 8 Des Moines - 6/5/18** - Thousands of people in southwestern Iowa were without clean drinking water Monday as a boil order entered its fourth day.
> > http://bit.ly/2JFjhFG

Jim Gulliford

Region 7 Administrator

11201 Renner Blvd.

Lenexa, KS 66219

--

Bill Ehm | Division Administrator
Iowa Department of Natural Resources
P 515-725-8300 | F 515-725-8202 | 502 E. 9th St., Des Moines, IA 50319
www.iowadnr.gov

Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 4/17/2018 7:12:55 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Call-In- Numbers for our participants today

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I am out at the RESTORE Council meeting In Florida next week and return to the office On Thursday the 26th if you could spare some time for a quick meeting.

Thanks,

Ken

Kenneth Wagner
Senior Advisor to the Administrator
Regional & State Affairs
Office of the Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington DC 20001

(202)564-1988 office
(202) **Ex. 6**
wagner.kenneth@epa.gov

On Apr 17, 2018, at 2:04 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> Thank you Ken. I do appreciate the note. Starting next week I will be sitting down with the career managers in each AAship. **Deliberative Process / Ex. 5** If you have any suggestions, I would appreciate it.
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
>
> ---
>
> **From:** Wagner, Kenneth [mailto:wagner.kenneth@epa.gov]
> **Sent:** Tuesday, April 17, 2018 3:02 PM
> **To:** Wheeler, Andrew R.
> **Subject:** Re: Call-In- Numbers for our participants today
>
> Andy:

Deliberative Process / Ex. 5

We are all looking forward to supporting you and the Administrator to implement the President's agenda and priorities.

Thanks for joining today.

Ken

Kenneth Wagner
Senior Advisor to the Administrator
Regional & State Affairs
Office of the Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington DC 20001

(202)564-1988 office
Ex. 6 cell
wagner.kenneth@epa.gov

On Apr 16, 2018, at 4:13 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> Perfect. Thanks.
>
> Sent from my iPhone
>
> On Apr 16, 2018, at 3:26 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:
>
> **Deliberative Process / Ex. 5**
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Monday, April 16, 2018 3:25 PM
> **To:** Wagner, Kenneth <wagner.kenneth@epa.gov>
> **Subject:** Re: Call-In- Numbers for our participants today
>
> **Deliberative Process / Ex. 5**
>
> Sent from my iPhone
>
> On Apr 16, 2018, at 3:10 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:
>
> > Here is the call-in number for tomorrow at 2pm EDT...everyone is excited to hear from you!
> >
> > Let me know if you have questions.
> >
> > Begin forwarded message:

Subject: Call-In- Numbers for our participants today

Start Personal Audio Conference Ex. 6

Ex. 6

Conference Ext: Ex. 6

Participant Code: Ex. 6

Best Regards,

Latonia

Latonia Cheatham Strickland
Special Assistant to the Senior Advisor
for Regional and State Affairs
Office of Congressional &
Intergovernmental Relations
U.S. Environmental Protection Agency
Office Phone: (202) 564-7930
EPA Cellphone: Ex. 6
Cheatham-strickland.latonia@epa.gov

Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 4/16/2018 1:57:02 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Perfect...will send to you in a bit

Kenneth Wagner
Senior Advisor to the Administrator
Regional & State Affairs
Office of the Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington DC 20001

(202)564-1988 office
Ex. 6 cell
wagner.kenneth@epa.gov

On Apr 16, 2018, at 8:49 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> My meeting with Pruitt is scheduled for 10:45. So 2:00 works well. Can you send me a conference call in number? I will probably do it from my law firm.
>
> Sent from my iPhone
>
> On Apr 15, 2018, at 3:20 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:
>
>> Just let me know...I am sure we can make a time work on Tuesday
>
>
>> Kenneth Wagner
>> ***Senior Advisor to the Administrator***
>> ***Regional & State Affairs***
>> Office of the Administrator
>> **US Environmental Protection Agency**
>> 1200 Pennsylvania Ave NW
>> Washington DC 20001
>
>> (202)564-1988 office
>> Ex. 6 cell
>> wagner.kenneth@epa.gov
>
>
>> On Apr 15, 2018, at 1:44 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
>> > Jackson is trying to find time for me Tuesday with the Administrator, that would be the only potential conflict. Hopefully I'll know tomorrow.

Sent from my iPhone

On Apr 15, 2018, at 1:36 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:

> I knew the in-person invite was a long shot, but Tuesday would be great. Could you do 2pm EDT on Tuesday? The Deliberative Process / Ex. 5 was canceled Deliberative Process / Ex. 5 could not make it work and everyone is headed back to their region.
>
> Let me know if 2pm works or if another time is better.
>
> Ken
>
> Kenneth Wagner
> ***Senior Advisor to the Administrator***
> ***Regional & State Affairs***
> Office of the Administrator
> **US Environmental Protection Agency**
> 1200 Pennsylvania Ave NW
> Washington DC 20001
>
> (202)564-1988 office
> Ex. 6 cell
> wagner.kenneth@epa.gov
>
> On Apr 15, 2018, at 11:08 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
>> Thank you. I can't be there in person but would love to arrange a time to talk with the group Tuesday or Wednesday if possible. Deliberative Process / Ex. 5
>
> Deliberative Process / Ex. 5
>
> Sent from my iPhone
>
> On Apr 12, 2018, at 5:21 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:
>
>> Andrew: as an FYI, all the Regional Administrator's are meeting in Chicago Monday, Tuesday & Wednesday and we

would love to have you join either in person or give you some time on the phone by conference call.

This is the second RA forum that we've held and it is just RAs, me, Henry and Kell Kelly with call ins from Dave Ross, Matt and Susan this time.

Anyway, let me know as they would love to meet or just hear from you! Congratulations on the long overdue confirmation.

Ken

Kenneth Wagner
Senior Advisor to the Administrator
Regional & State Affairs
Office of the Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington DC 20001

(202)564-1988 office
Ex. 6 cell
wagner.kenneth@epa.gov

On Apr 12, 2018, at 4:43 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> Thank you team!! Can't wait to

get over there!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com
Download vCard
D: +1 202 312 7424

Ex. 6

+1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, April 12, 2018 4:30 PM
To: Ford, Hayley; Abboud,

Michael
;
Baptist,
Erik;
Beach,
Christo
pher;
Beck,
Nancy;
Bennett
, Tate;
Block,
Molly;
Bodine,
Susan;
Bolen,
Brittany
; Bolen,
Derrick;
Bowma
n, Liz;
Brown,
Byron;
Burke,
Marcell
a;
Chancel
lor,
Erin;
Cook,
Steven;
Cory,
Preston
(Katheri
ne);
Daniell,
Kelsi;
Darwin,
Henry;
Darwin,
Veronic
a;
Doming
uez,
Alexand
er;
Dravis,
Samant
ha;
Falvo,
Nichola
s;
Feeley,
Drew
(Robert
);
Ferguso
n,
Lincoln;

Forsgre
n, Lee;
Fotouhi,
David;
Frye,
Tony
(Robert
);
Gordon,
Stephe
n;
Greaves
, Holly;
Greenw
alt,
Sarah;
Gunase
kara,
Mandy;
Hanson
, Paige
(Catheri
ne);
Harlow,
David;
Hewitt,
James;
Hupp,
Millan;
Jackson
, Ryan;
Kelly,
Albert;
Konkus,
John;
Kunding
er,
Kelly;
Leopold
, Matt;
Letendr
e,
Daisy;
Lovell,
Will
(William
);
McMurr
ay,
Forrest;
Munoz,
Charles;
Palich,
Christia
n;
Ringel,
Aaron;
Rodrick,
Christia

n; Ross, David P; Schwab, Justin; Seabaugh, Catherine; Shimmin, Kaitlyn; Traylor, Patrick; Wagner, Kenneth; Wehrum, Bill; White, Elizabeth; Wilcox, Jahan; Woods, Clint; Yamada, Richard (Yujiro)

Subject: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Importance: High

By vote of 53-45

Dem Senators

voting
“YES”:
Man
chin
(WV) ,
Heitk
amp
(ND) ,
Donn
elly
(IN),

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/13/2018 11:57:23 PM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]
Subject: Re: Congratulations

Thank you, I have to say, it wasn't easy hanging in there. I am however looking forward to getting started.

Sent from my iPad

> On Apr 13, 2018, at 6:21 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>
> I'm thrilled with your confirmation. Thanks for hanging in there.
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> Ex. 6

Message

From: Vance, Eric [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D7FC312A1267466188680444D66FE0E6-EVANCE]
Sent: 4/20/2018 1:28:53 PM
To: Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]
CC: Ryan, Jini [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a7d72970f6346ba96d0f47f939dce86-Ryan, Jini]; Rodgers, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ca4b4160dcad45cd8d9644fbdb872f33-RRodgers]; Woodward, Cheryl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7a0d6a3af92640248638ca24fe87a777-Woodward, Cheryl]
Subject: RE: Portrait files for eval
Attachments: AndrewWheeler5x7.jpg; AndrewWheeler8x10.jpg; AndrewWheeler2x3.jpg

Good morning all,
Andrew, here is your portrait in three sizes. 8x10 is for prints, 5x7 works well for publication and 2x3 should be reserved for web use only. Portrait files will also be available for download at Multimedia's Intranet site, linked below my signature.

Ryan, Andrew Wheeler, Deputy Administrator USEPA is read to post. Thanks!

Kind regards,
e

Eric Vance
Chief Photographer, USEPA
Office of the Administrator
1200 Pennsylvania Ave, NW
Washington, DC 20640
WJC-North, Room 6330K

202.564.2655 office
Ex. 6 mobile

***
Link to Office of Multimedia photo galleries, accessible from within EPA's network.
http://intranet.epa.gov/media/
***

From: Grantham, Nancy
Sent: Thursday, April 19, 2018 3:11 PM
To: Vance, Eric <Vance.Eric@epa.gov>
Cc: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Ryan, Jini <Ryan.Jini@epa.gov>
Subject: RE: Portrait files for eval

Thanks all.

Andrew, we also have your bio and will post both to the web tomorrow once you are sworn in.

I will also have social media for your review regarding your arrival.

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
Ex. 6 (mobile)

From: Vance, Eric
Sent: Thursday, April 19, 2018 3:09 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Ryan, Jini <Ryan.Jini@epa.gov>
Subject: Re: Portrait files for eval

Thanks Andrew,
I'll have a tuned up version early tomorrow.
When we were talking about multiple versions of the Official Portrait I should have mentioned I've made informal portraits of Deputy Administrators for those times when the flag/studio image is too much. After you settle in, if you like, we can make another in your office or another location.

Regards,
E

Eric Vance

Chief Photographer, USEPA
Office of the Administrator

WJC-North, Room 6330K

1200 Pennsylvania Ave, NW
Washington, DC 20640

202.564.2655 office
Ex. 6 mobile

***
Link to Office of Multimedia photo galleries, accessible from within EPA's network.
http://intranet.epa.gov/media/
***

On Apr 19, 2018, at 8:08 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Thx

Sent from my iPhone

On Apr 19, 2018, at 9:06 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

I'm going to go with the one labeled 02 which was the last one in the message. Thanks for all of your help.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +[Ex. 6] F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Vance, Eric [mailto:Vance.Eric@epa.gov]
Sent: Tuesday, April 17, 2018 12:16 PM
To: Wheeler, Andrew R.; Grantham, Nancy
Cc: Ryan, Jini
Subject: Portrait files for eval

Hi Andrew,
Thanks for taking time to swing by. Here are the three images we have left. Just let me know the number of the image you prefer and I'll tune it up for release.

Regards,
e

Eric Vance
Chief Photographer, USEPA
Office of the Administrator
1200 Pennsylvania Ave, NW
Washington, DC 20640
WJC-North, Room 6330K

202.564.2655 office
[Ex. 6] mobile

***
Link to Office of Multimedia photo galleries, accessible from within EPA's network.
http://intranet.epa.gov/media/
***

Message

From: Wooden-Aguilar, Helena [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=991AB84F64BE4B6B9DD10A68C81887B0-HAWODD]
Sent: 4/20/2018 11:02:47 AM
To: Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]; Andrew.Wheeler@FaegreBD.com
Subject: Welcome

Mr. Wheeler-

Welcome back to EPA! We are all very excited to have you in the Administrators Office and on team EPA. I apologize that I will not be in today to welcome you. I am on leave to visit my Mom in PA. If you have any questions or need anything (pens, paper, etc) please do not hesitate to reach out. My cell phone number is well.

Welcome again and have a great day!

Helena

Helena Wooden-Aguilar
Acting Deputy Chief of Staff
Office of the Administrator
U.S. Environmental Protection Agency
202-564-0792 (office)
Ex. 6 (mobile)
wooden-aguilar.helena@epa.gov

Message

From: Zook, David R. [Dave.Zook@FaegreBD.com]
Sent: 4/26/2018 11:19:23 PM
To: Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]
Subject: Re: Please RSVP - EPA Deputy Administrator's Ceremonial Swearing-In

Andrew,

I am so sorry to miss this due to a speaking commitment.

All the best,

Dave Zook
Ex. 6
Dave.Zook@FaegreBD.com

> On Apr 26, 2018, at 12:37 PM, Wheeler, Andrew <wheeler.andrew@epa.gov> wrote:
>
> EPA Guests and Colleagues,
>
> You are invited to join for Andrew Wheeler's ceremonial swearing-in as Deputy Administrator. The swearing-in will take place Friday, May 4, 2018 at 11:00 am in the Green Room. Some light refreshments will follow.
>
> In order to ensure access to the Green Room and an accurate head count, please RSVP by replying to this invitation by COB, Monday, April, 30.
>
> Guests – please arrive 20mins before the ceremony to: 1200 Pennsylvania Avenue Northwest Washington DC 20460 – You will enter the William Jefferson Clinton North(WJC) building. You will check in and go through the security screening, please present your ID to the security officer and they will notify your guide of your arrival and we will escort you to the ceremonial suite.
>
>
> <meeting.ics>

Message

From: Wheeler, Andrew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=17A1669EF5B54FBA8CB457845308787E-WHEELER, AN]
Sent: 4/26/2018 12:16:10 PM
To: Andrews, Joshua L. [Joshua.Andrews@FaegreBD.com]; Burton, Tamika [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=207e0f24fd934d6d8a3e4c400a311638-Burton, Tam]
Subject: RE: Swearing in

Tamika, can you please add Allie to the list, thanks.

From: Andrews, Joshua L. [mailto:Joshua.Andrews@FaegreBD.com]
Sent: Thursday, April 26, 2018 8:15 AM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Subject: Swearing in

Andrew,

Allie would like to attend your swearing in if possible. Her email address is - Ex. 6

Thanks!

Joshua L. Andrews
Senior Director
joshua.andrews@FaegreBD.com Download vCard
D: +1 Ex. 6

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA